SENATE—*Wednesday, July 31, 1991*

(Legislative day of Monday, July 8, 1991)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by the Honorable HERB KOHL, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Almighty God, perfect in truth and justice, the Bible was important to our Founding Fathers. Though it continues to be a bestseller in America, it is the most unread book published—a tragic omission in light of the word of St. Paul:

All scripture is given by inspiration of God, and is profitable for doctrine, for reproof, for correction, for instruction in righteousness: That the man of God may be perfect, throughly furnished unto all good works.—II Timothy 3:16–17.

Forgive us our neglect of this priceless gift. Winston Churchill said, "We rest with assurance upon the impregnable rock of Holy Scripture." Gen. Robert E. Lee said, "The Bible is a book in which in all my perplexities and distresses has never failed to give me light and strength." Historian Arnold I. Toynbee said of the Bible, "It pierces through the intellect and plays directly upon the heart. Daniel Webster said, "I believe the Scriptures of the Old and New Testament to be the will and the Word of God." William Lyon Phelps, the great educator, said, "Everyone who has a thorough knowledge of the Bible may truly be called educated. * * * I believe knowledge of the Bible without a college course is more valuable than a college course without the Bible."

Gracious Father, restore our interest in this unparalleled source of wisdom and knowledge. In His name who is the Light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 31, 1991.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HERB KOHL, a Senator from the State of Wisconsin, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. KOHL thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business not to extend beyond the hour of 9:15 a.m., with Senators permitted to speak therein.

The Senator from Louisiana [Mr. JOHNSTON] is permitted to speak up to 15 minutes; the Senator from Pennsylvania [Mr. WOFFORD] is permitted up to 10 minutes; the Senator from Arizona [Mr. MCCAIN] is permitted to speak up to 10 minutes; and the Senator from Alaska [Mr. MURKOWSKI] is permitted to speak up to 10 minutes.

The Senator from Alaska [Mr. MURKOWSKI].

ECONOMIC BENEFITS OF ANWR DEVELOPMENT

Mr. MURKOWSKI. Mr. President, I wish you a good morning, and my colleagues.

Mr. President, today I rise to speak for the third time in the last 6 days concerning the economic benefits of the opening of ANWR to development.

Mr. President, today, I am going to speak briefly on the economic benefits associated with exploration and hopefully development of Alaska's Arctic National Wildlife Refuge.

Let me address the issue of jobs this morning, Mr. President.

According to the study by the Wharton Economic Forecasting Association, ANWR could create as many as 735,000 jobs nationwide by the year 2005.

Mr. President, I ask unanimous consent that a list accompanying my statement indicating the jobs created by oil and gas exploration and development be printed in the RECORD.

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

Estimated jobs created by ANWR development[1]

State:	*2005*
Alaska[2]	12,795
Alabama	10,392
Arkansas	5,464
Arizona	10,447
California	79,793
Colorado	10,577
Connecticut	10,989
Delaware	2,032
District of Columbia	2,516
Florida	33,878
Georgia	18,374
Hawaii	2,702
Idaho	2,369
Iowa	6,662
Illinois	33,375
Indiana	15,622
Kansas	7,183
Kentucky	12,247
Louisiana	14,846
Massachusetts	20,260
Maryland	13,912
Maine	3,450
Michigan	25,014
Minnesota	13,489
Missouri	14,138
Mississippi	5,918
Montana	2,126
North Carolina	19,389
Nebraska	4,006
New Hampshire	3,898
New Jersey	22,046
New Mexico	4,669
Nevada	4,725
New York	47,624
Ohio	31,842
Oklahoma	11,268
Oregon	6,885
Pennsylvania	34,279
Rhode Island	2,919
South Carolina	9,421
South Dakota	1,771
Tennessee	13,394
Texas	60,168
Utah	4,580
Virginia	19,269
Vermont	1,740
Washington	12,157
Wisconsin	13,814
West Virginia	7,043
Wyoming	2,958
Total	732,223

[1] Estimates are based on peak ANWR production in the year 2005.

[2] Alaska is expected to reach its peak of 38,265 new jobs in the year 2000.

Source: "The Economic Impact of ANWR Development," prepared by The WEFA Group, May 1990.

Mr. MURKOWSKI. Mr. President, I note in Pennsylvania there are 34,000 jobs; New York, 47,000; Michigan, 25,000; Florida, 33,000; California, 79,000; and Wisconsin, 13,814.

Mr. President, I give these figures to indicate the ripple effect associated with the exploration and development of this large domestic oil field. However, we will never know the effect unless we initiate exploration.

The net economic benefit also deserves mention. Bonuses, rent, royalties, taxes and after tax dollars will contribute $79 billion to $119 billion in net national economic benefit. Some estimates have gone as high as $325 billion.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Clearly, we are talking about a megaproject.

Think of how this could fund important programs and stimulate the U.S. economy. If we do not do this, Mr. President, we will simply import more oil into this country and bring it in on foreign vessels. Since 1977, oil development on Alaska's North Slope has contributed more than $300 billion to the U.S. economy.

Mr. President, if we look at boosting the GNP estimates, ANWR development could boost the gross national product of our Nation by $50 billion.

Let us look at the balance of trade for a moment, Mr. President, and recognize that half of our trade imbalance in 1990 was from oil imports. Make no mistake about it, the other half generally is trade primarily with one country, Japan, and to some extent China. As I said, 50 percent of the U.S. trade deficit in 1990 was from oil imports.

The U.S. spent $54.7 billion on imported oil in 1990. What would that do each year if we invested this in the U.S. domestic oil production? What happens to the dollars we spend on imported oil? Where did Saddam Hussein get the money to build Iraq's Armed Forces?

The U.S. imports from OPEC countries in 1990 were roughly $37 billion. That's $37 billion that could be invested in this country if we develop our own domestic oil and gas resources.

In conclusion, Mr. President, I would like to review a few of the myths about ANWR. The footprint in ANWR is an area less than the size of Dulles International Airport, approximately 12,500 acres. There are 19 million acres in ANWR, 8 million acres have been set aside in perpetuity as wilderness. Another 9.5 million have been set aside in a refuge, leaving 1.5 million acres in the "1002" area for oil and gas exploration and development.

What is the proof of that, Mr. President? The proof Mr. President, ANWR can be opened to oil and gas exploration and development using roughly 12,500 acres of the 1.5 million acre coastal plain. The oil industry has developed an oilfield called Endicott. Endicott was brought on line 2 years ago as the 10th largest field in the United States. Today Endicott is the sixth largest field in the United States now producing about 120,000 barrels per day, and the footprint, the acreage utilized is 56 acres.

What of the argument that ANWR is only a 200-day supply, Mr. President? If ANWR were a 200-day supply, it would be the third largest oilfield ever found in the United States. If it were a 600-day supply, it would surpass Prudhoe Bay, which is the largest domestic oilfield.

What about the caribou, Mr. President? The experience we have had in Prudhoe Bay where prior to the development of the pipeline, there were approximately 3,000 caribou. Today they are in excess of 18,000. We do not have a caribou problem.

What about the tourists? Consider for a moment there are less than 200 tourists that visit ANWR each year. It takes a $5,000 bill, Mr. President, to visit ANWR. That is the cost. Even less number visit the coastal plain. Most rafters pull out at the coastal plain boundary. How does that compare with the millions of people in America who would benefit both directly and indirectly from reducing our excessive dependence on imported oil?

Mr. President, opening ANWR would reduce the Nation's dependence on imported oil, create hundreds of thousands of jobs throughout our Nation, and create economic growth in the process.

CONSTRUCTION TRADE WITH JAPAN

Mr. MURKOWSKI. Mr. President, I would like to note that frequently before this body I have discussed the issue of trade practices in the construction market with Japan.

Later today I will be joining Secretary Mosbacher and the Japanese Ambassador to the United States in the signing of a new construction agreement that will further open the Japanese market to United States competition.

This agreement, known as the major projects arrangement, will expand the list of large construction projects in Japan specifically singled out for foreign participation. From 1988 through today, the MPA covered 17 projects; today that number will be doubled to 34. In addition, the MPA signed today will contain a side-letter which addresses six additional projects that can be added to the list over the next several years.

STEP IN RIGHT DIRECTION

Mr. President, this agreement represents a step in the right direction in our trade dispute with Japan over the construction market. I welcome the signing of the new MPA. The Department of Commerce and the USTR have negotiated diligently since May 1990 to achieve this agreement, and I would like at this time to acknowledge. Under Secretary J. Michael Farren of Commerce and Deputy USTR Linn Williams for their time and commitment in reaching this resolve. Unfortunately Ambassador Williams has left the USTR just 5 days ago. With his resignation we lose an unsurpassed negotiator in the area of international trade.

STILL A LONG WAY TO GO

Mr. President, I have remarked on the accomplishments agreement to be signed today, but I also want to make clear that this case is not closed. It remains a fact that our trade officials must continue to go to the negotiating table with the Japanese in order to produce a list of construction projects on which we can be guaranteed a right to compete. The Japanese face no such list when entering the American construction market. I will continue to push for the complete opening of all the Japanese markets and the quick removal of all trade barriers to United States competition.

United States construction, design, architectural and engineering firms have earned the reputation worldwide that puts them at the very top in markets around the world. There is no doubt that these companies can compete and win against foreign competitors if they are competing on a level playing field. And this is verifiable; United States construction firms are doing business throughout Asia and the world.

It is only in Japan where we need a specific list of projects identified for foreign competition. The Japanese say these projects provide a special training ground for American firms to learn how to conduct business in Japan. Mr. President, if a firm can build the same airport facility in the United States, Singapore, and Germany, the firm can build it in Japan without a special training ground.

What we need in Japan is free and open markets, unhindered by barriers and subject to the same rules of competition that Japan finds around the globe. You can rest assured that I will not be satisfied for long with any agreement that falls short of this goal.

SANCTIONS PLAYED AN IMPORTANT ROLE

Mr. President, last year I was joined by Senator D'AMATO in offering trade sanctions if the Japanese refused to open their construction market. Congress passed this legislation and last April the USTR was obligated to impose the sanctions. I should mention that at the time some members of the construction industry asked me not to follow through with the sanctions, that the mere threat of sanctions would be sufficient. They claimed that United States sanctions would be used against them in Japan and they would lose what little market penetration they already had.

That was not the case, Mr. President.

Last April, before the sanctions came into effect, the Japanese negotiators of the MPA had not budged 1 inch on any of our concerns. But the moment the sanctions were announced, the ball began to roll. The exact same scenario was played out in 1988 when I first introduced legislation on this issue. The result of those sanctions was the original MPA, which we are improving today. I remain fully convinced that had our negotiators been unable to carry through with their threats, we would not have achieved the amount of

progress we are seeing today but they did and we congratulate them.

CONCLUSION

Mr. President, I would like to conclude by restating my optimism over the MPA that Secretary Mosbacher is signing today. It is an important step in the right direction to correct unfair practices which damage our competitiveness abroad. But I stress that it is only an improvement—not a final solution. We must maintain the pressure necessary to achieve a fully open market, such as we offer our competitors in the United States. I feel nothing less will do.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 1595 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

DESIGNATING AUGUST 1, 1991, AS HELSINKI HUMAN RIGHTS DAY

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 264, a joint resolution to designate August 1, 1991, as Helsinki Human Rights Day just received from the House.

The ACTING PRESIDENT pro tempore. The joint resolution will be stated by title.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 264) designating August 1, 1991, as "Helsinki Human Rights Day."

The ACTING PRESIDENT pro tempore. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. The joint resolution is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 264) was ordered to a third reading, was read the third time, and passed.

The preamble was agreed to.

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

The motion to lay on the table was agreed to.

Mr. JOHNSTON addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

NATIONAL ENERGY SECURITY ACT—CAFE STANDARDS

Mr. JOHNSTON. Almost 2 months ago the Senate Committee on Energy and Natural Resources reported the National Energy Security Act of 1991, the most comprehensive, the most balanced, the most effective energy bill ever reported by any Energy Committee of Congress in the history of the Congress. It passed by 17 to 3.

Over the last 2 weeks, my colleagues and I talked about various parts of that bill, about energy efficiency, about alternative fuels, about renewable energy, about natural gas, coal, nuclear power, and Public Utility Holding Company Act reform.

Today, I will discuss the issue of corporate average fuel economy, or CAFE. Our national energy policy must include steps to reduce oil use in the transportation sector. After all, transportation accounts for 63 percent of all oil use. CAFE standards are an important means of increasing the efficiency of cars and light trucks, and thus reducing oil use.

The trends in automobile efficiency over the past several years have not been encouraging. The average CAFE level for new cars peaked in 1988 at 28.8 miles per gallon, and declined to 28.1 miles per gallon in 1990. The miles per gallon of light trucks has also declined.

There is widespread sentiment in Congress, Mr. President, and among the public that the law governing the miles per gallon efficiency of our automobiles should be strengthened.

The current CAFE standard requires that automakers attain a fleet average of 27.5 miles per gallon. There is substantial potential for increasing automobile efficiency, but Congress must be careful not to compromise safety or American jobs when it amends CAFE law, and that is the challenge to maximize miles per gallon while protecting the economy and American jobs.

As introduced and passed by the committee, S. 1220 requires the Department of Transportation to conduct a rulemaking and issue new CAFE standards for automobiles and light trucks for model years 1996 and 2001. The new standards must meet the following criteria set forth in the bill: That all applicable safety and emission standards be met; that 1990 fleet-size mix and performance be preserved; and that the maximum practical achievable technology be utilized.

During consideration of the bill, many Senators expressed dissatisfaction with this approach. They argued that Congress should set the numerical miles per gallon standards directly rather than leave this task to the Department of Transportation and its rulemaking. Therefore, I directed the staff of the committee to undertake a technical analysis of feasible fuel economy levels using the criteria set forth in the bill and to produce recommendations for specific mileage standards.

The staff based its analysis on the hearing record and on extensive consultations with the Office of Technology Assessment and its contractor—Mr. K.G. Duleep—arguably the Nation's foremost expert in this area and indeed the only one that I am aware of that has a computer program that can tell you how much miles per gallon difference it will make to have, for example, a 30-percent penetration in the 2-stroke engine by the year 2006.

Let me describe briefly the steps in this technical analysis.

In the first step, we adopted the criteria set forth in the CAFE title of S. 1220: Safety and emission standards must be met; and 1990 size and performance held constant; and maximum use of practical and achievable technologies. When I say "practical and achievable," I mean that consumers will accept the technology. The phrase "practical and achievable" also has a time dimension—automakers must have adequate lead time to install fuel-saving technologies in their fleets. This cannot be done overnight.

I read earlier this week, Mr. President, where Chrysler is coming out with a new model in which they have invested a billion dollars and that car has yet to sell the first automobile, but it takes that much lead time and that much lead investment. So the time factor is very vital in considering CAFE standards.

In our hearings, we learned from OTA and others that the full product cycle for U.S. automakers is 13 years: 5 years for development of a fully redesigned model, and then typically an 8-year life for that model, once it goes into production. So you invest a billion dollars over a period of 5 years, and then you have an 8-year life for the model in which you recoup or harvest your investment of some billion dollars. If we force automakers to throw away their development plans or cut short the life of various models, we could inflict billions of dollars of losses—on top of what the industry is currently experiencing. I think that in the last 6 months they have lost some $4.1 billion. This is why lead time is so critical.

The second step of the technical analysis was to develop three scenarios on how fast fuel-saving technologies could show increased market penetrations. The scenarios were for 1996, 2001, and 2006. We wanted to go far enough out in the future to allow for a full redesign of the fleet.

The 1996 scenario had some modest increases in market penetration. OTA and others testified that the automakers' product plans are pretty much

locked in because of the 5-year lead time for product development. We respected this fact. In other words, 1996 is today in terms of plans of the automakers as to how they are going to redesign their cars. It simply takes that long in terms of lead time to design and order and contract for all the various parts that go into a model.

The 2001 scenario shows substantial increases in market penetration of the fuel-saving technologies. As the committee learned in its hearings, 100 percent market penetration of all fuel-saving technologies by the year 2001 is not a realistic goal. It would require automakers to shorten the life of some models and incur huge cost increases which would be passed on to consumers if they could get the consumers to buy the products.

Furthermore, by sharply accelerating the time in which new technologies are introduced, perfected, and deployed, automakers and their customers would be taking the risk that the technology might not perform as intended and that durability might suffer.

The Wankel engine or rotary engine is an excellent example of this. It was offered as the hope of the future, the great new engine. However, Mazda deployed it a little too fast. It did not work and they had huge losses as a result.

The 2006 scenario assumes nearly full penetration of fuel-saving technolgies. The 15-year lead time from now until 2006 gives automakers the necessary lead time to redesign every product without the cost increases that would come with cutting short the life of many models. Costly and risky accelerations of product redesign would be unnecessary under this scenario.

The third step of the technical analysis was to run our criteria and scenarios through Mr. Duleep's computer model. Mr. Duleep's model projects future CAFE levels, given a set of input assumptions. The resulting projections for CAFE levels for the automobile fleet were: 30.2 miles per gallon in 1996; 34.0 miles per gallon in 2001; and 37.0 miles per gallon in 2006.

These CAFE standards are the ones Congress should write into law. They will produce the highest levels of fuel economy that we can practically achieve over the next 15 years. The Congressional Budget Office estimates that these standards would save over 1 million barrels of oil per day when fully phased in.

These standards are also consistent with the real world constraints of consumer acceptability and lead time for auto manufacturing. They will stretch Detroit to the technological limit of fuel economy, consistent with the preservation of American jobs, maintaining American market share, and the profitable survival of the American automobile companies.

I offered a CAFE amendment during the committee markup that incorporated these numbers, but the amendment was not adopted. Some on the committee viewed my proposed standards as too stringent. Others argued that much tougher standards should be written into law. On July 16, Senator CONRAD and I introduced the CAFE amendment that I offered in committee as an amendment to S. 1220. I intend to pursue this issue vigorously when S. 1220 comes to the floor of the Senate.

These standards represent a careful balancing of the need for increased fuel economy and the need to maintain a strong and viable American automobile manufacturing industry. They also represent a reasonable middle ground between the rulemaking approach currently in S. 1220 and the unrealistically high CAFE standards proposed in S. 279—also known as the Bryan bill.

I realize that many of my colleagues voted for the Bryan bill last fall. However, I know that many of those same Senators have doubts about the wisdom of the Bryan bill. Let me highlight the most critical difference between my proposal and the Bryan bill: My proposal is achievable. The Bryan bill is not achieveable.

My proposal gives automakers adequate lead time to redesign their fleets and install the best fuel-saving technology. The Bryan bill does not.

OTA testified that, because of the lead time problem, a modest improvement in CAFE to about 30 miles per gallon is possible by 1996. My proposal recognizes that fact. In contrast, the Bryan bill sets an arbitrary target of 34 miles per gallon in 1996. How would auto companies meet this target if it became law? They would simply have to cut production of their medium, large, and family-size cars, phase out investment, and terminate investment already made.

The Bryan bill sets an equally arbitrary CAFE target of 40 miles per gallon for the year 2001. According to OTA, the only way that automakers could come even close to this target is if they throw away their development plans and cut short the life of various models. They would have to engage in a costly and risky redesign of every one of their cars. As I noted earlier, this would inflict billions of dollars of losses. Even then, automakers would fall 2 to 3 miles per gallon short of the Bryan bill standards. Once again, they would simply have to cut production of their medium, large, and family-size cars.

The Bryan bill is simply unachievable: It requires too much, too fast. New CAFE standards should not force automakers to write off billions of dollars in investment in their current models, particularly at a time when U.S. auto companies have lost over $6 billion in the last three quarters. Nor should CAFE standards put the jobs of thousands of people at risk. Finally, new CAFE standards should not deprive American consumers of choice in the marketplace.

The Johnston-Conrad amendment strikes the right balance on this difficult issue. I urge my colleagues to support it.

NUCLEAR LICENSING PROVISIONS OF S. 1220

Mr. JOHNSTON. Mr. President, over the past 2 weeks I have given a number of speeches on various parts of S. 1220, the National Energy Security Act of 1991, which the Committee on Energy and Natural Resources reported nearly 2 months ago. My purpose in most of these speeches has been to draw attention to some of the less well known provisions of S. 1220, such as the titles on energy efficiency, and alternative and renewable fuels.

My purpose this morning is to correct some of the misconceptions about one of the titles of S. 1220 that has received considerable attention—title IX, which reforms the process by which we license nuclear powerplants in this country. Opponents of S. 1220 have said that these provisions will bar the public from raising safety concerns and will allow unsafe nuclear powerplants to operate. That simply is not true.

For the most part, title IX codifies reforms the Nuclear Regulatory Commission adopted by rule 2 years ago. The new rule calls for the NRC to resolve all safety issues before construction begins. That may seem like common sense, but it was a major departure from past practice.

For 35 years, the NRC used a two-step process. First, nuclear powerplants were granted a construction permit before major safety issues were resolved. Then, after they were built, they were granted an operating license. While the two-step process gave the public two opportunities for a hearing, the first came before the design was completed and before important safety information was available; the second came after the plant was built and design changes were difficult and expensive to make.

Under the two-step process, any utility that tried to build a nuclear powerplant faced grave uncertainties. The utility had to invest billions of dollars building the plant without knowing whether it would ever be allowed to operate it. After the plant was built and financing costs were compounding, the plant may have stood idle for months or years while the NRC resolved important safety questions. Postconstruction hearings—measured from when notice of the hearing was given until an initial licensing decision was made—took anywhere from 3 months to over 10 years for plants completed during the 1980's. The average was over 4 years. It is no wonder then that utility executives began saying that no one in their right mind would order another nuclear powerplant under such a system.

More to the point, though, it did not serve the public well. That is not just this Senator's opinion. That has been the opinion of many thoughtful observers. Two of the most outstanding former Members of this body, Senator Hubert Humphrey and Senator Henry Jackson, both warned of the danger of building nuclear powerplants before resolving safety issues when Congress adopted the two-step licensing process in 1954. Justice William O. Douglas also argued that safety issues should not be put off until construction is finished when the Supreme Court upheld the two-step process over his objections.

Following the Three Mile Island accident, the special commission appointed by President Carter to investigate the accident recommended combining the two steps and resolving issues before construction begins. Another independent review group appointed by the NRC was even more blunt. It said that "insofar as the licensing process is supposed to provide a publicly accessible forum for the resolution of all safety issues relevant to the construction and operation of a nuclear plant, it is a sham," because one "review is conducted too early to be useful, and the other is too late to be fully effective."

Just last week, the new Chairman of the NRC, Ivan Selin, told a House subcommittee that "any intelligent and interested citizen has got to be suspicious about a regulatory program that doesn't answer serious objections until it is almost too late to do anything practical about them."

So 2 years ago, after years of consideration and public debate, the NRC adopted a new licensing rule that seeks both to correct the deficiencies in the old two-step licensing system and, at the same time, to ensure that the public health and safety is protected and that the public has adequate opportunities to raise safety concerns.

The new rule permits the NRC to certify standardized plant designs and approve sites for nuclear powerplants, following public hearings, but before the utility applies for a license to build a plant. These provisions have not been controversial and are not affected by S. 1220.

The third key feature of the new rule is the combined license, which authorizes both construction and operation. The authority to operate under a combined license is conditioned on the satisfactory performance of all of the inspections, tests, and analyses specified in the combined license and on the completed plant meeting certain acceptance criteria. These inspections, tests, analyses, and acceptance criteria are designed to measure if the plant has been built properly and, thus, can be operated safely. The content of the inspections, tests, analyses, and acceptance criteria are subject to litigation in public hearings before the combined license is issued.

The NRC's safety oversight does not end with the issuance of the combined license. The NRC must closely monitor construction in accordance with the inspection, tests, analyses, and acceptance criteria established in the combined license.

The new rule also provides substantial opportunities for public participation in the licensing process. The rule provides an opportunity for informal hearings before the NRC certifies standardized plant designs. It calls for mandatory, formal hearings before the NRC issues site permits. Perhaps most important, it calls for mandatory, formal hearings before the NRC issues combined construction and operating licenses.

Even that is not the end of the matter. The public has another opportunity for a hearing on the question of whether the plant meets its acceptance criteria before the plant begins operating. In addition, if someone believes, on the basis of new information that has come to light since the combined license was issued, that the acceptance criteria are inadequate or that the combined license should not have been granted in the first place, he or she can ask the NRC to modify, suspend, or revoke the license.

To be sure, the new rule no longer provides a second opportunity to litigate all manner of issues before the plant begins to operate. That is what opponents of the rule object to. A second hearing made sense under the old two-step process because the information needed to resolve many safety issues was not available until the plant was built. That cannot happen under the new rule. The whole idea is to resolve all safety issues before construction begins. If they cannot be, the combined license will not be issued and the plant will not be built.

The new rule is a reasonable and responsible attempt to meet the mutually consistent goals of safety, public participation, and licensing certainty. The NRC adopted this new rule after a lengthy and highly visible public rulemaking process. No serious objection to it was raised on the floor of the Senate. No bills were introduced to overturn or block it.

The NRC's legal authority to adopt the rule has, however, been called into question. An antinuclear group challenged the rule in court. Last November, a three-judge panel of the U.S. Court of Appeals for the District of Columbia Circuit upheld most of the rule but struck down two key provisions.

First, it said that under current law, before a nuclear powerplant can begin operating, the NRC has to offer a hearing on issues that may arise during construction.

Second, it said that the NRC cannot determine that the plant was safe to operate just because it complies with all the acceptance criteria in the combined license designed to determined whether the plant is safe. Rather, the court read existing law as requiring a separate finding on whether the plant complies with the Atomic Energy Act and the NRC's rules, not just with a license issued in accordance with the act and the rules.

The NRC believes that the three-judge panel's decision "reintroduces the specter of delay and uncertainty" the new rule was designed to avoid. The NRC asked the full U.S. Court of Appeals for the District of Columbia Circuit to rehear the case. The court agreed, vacated the three-judge panel's ruling, reinstated the new rule as the NRC adopted it, and scheduled the matter for a rehearing in November.

Title IX of S. 1220 makes it clear that the NRC has the authority to implement the reforms it adopted in its 1989 rule. The committee thinks that current law already provides the NRC sufficient authority. But, since the litigation has raised doubts, S. 1220 is intended to make the NRC's authority abundantly clear.

In addition, title IX goes beyond the NRC's rule in three respects. First, it permits the NRC to allow a plant to begin operating even though someone has requested a hearing if the NRC decides that the hearing petitioner is unlikely to succeed on the merits and if there is reasonable assurance that the public health and safety will be protected. Second, title IX provides that informal hearing procedures should be used in postconstruction hearings on questions of compliance with the combined license unless the NRC determines that formal procedures are needed to resolve substantial disputes of fact.

Third, title IX allows the NRC to treat amendments to combined licenses the same way it treats amendments to operating licenses under current law. In other words, the NRC will be able to amend a combined license and allow the plant to operate under the amended license prior to holding a hearing on the amendment if the amendment does not raise significant safety issues.

That is the sum and substance of title IX. Does it prevent the NRC from determining whether the plant is safe or not before it goes into operation, as some have claimed? Plainly not. Title IX expressly requires the combined license to set forth what standards the plant must meet for the NRC to find that it is safe. It expressly requires the NRC to see that those standards are met before the plant goes into operation. In addition, the NRC retains under title IX all of its existing power to modify, suspend, or revoke any license if necessary to protect the public health and safety.

Does title IX eliminate public participation? Plainly not. First, title IX does not affect the requirement in cur-

rent law that the NRC hold a hearing before issuing a combined license and allowing construction to begin. Indeed, the opportunity for public participation will be more meaningful because the hearing on a combined license will be based on complete and final design information rather than on the incomplete, preliminary design information that sufficed under past NRC practice.

Second, it expressly provides an opportunity, subject to reasonable conditions, for a hearing on questions of whether the plant complies with all of its license requirements.

Third, while title IX does not provide an automatic right to a hearing on new issues that may arise after the plant is built, it does provide a process by which these issues can be raised and will be considered by the NRC. This process is essentially the same as the one the NRC has long used to consider new issues raised with respect to any of the 111 operating plants.

Does title IX preclude judicial review? Plainly not. Title IX does not affect the Administrative Procedure Act, the Hobbs Act, or section 189b. of the Atomic Energy Act, which together provide for judicial review in the courts of appeals of any NRC final decision in a licensing proceeding.

A lot of confusion has arisen over this issue as a result of several court decisions that said that NRC decisions denying citizen petitions in enforcement actions are committed to the NRC's discretion and, thus, are not subject to judicial review. The NRC has clearly stated, however, both in court and before Congress, that NRC decisions denying citizen petitions in licensing actions under its new licensing rule and title IX are reviewable.

Does S. 1200 mean more nuclear powerplants will be built? I do not know, Mr. President. That decision will be made by the utilities, their State regulators, and the financial markets, not by this bill. What S. 1200 does do is to make sure that any new nuclear powerplants that are built will be licensed under a more sensible system than existed in the past. It requires that safety issues will be considered and decided in a timely manner, before, not after, the die is cast. It continues to allow the public to raise safety concerns, while discouraging misuse of the licensing system to delay and obstruct safe plants from operating.

S. 1220 enhances safety. It does so by requiring that all safety issues be resolved before the plant is built.

S. 1220 enhances public participation. It does so by providing a formal hearing on all contested issues at a time when all safety information is available but before construction begins.

Mr. President, the reforms codified in S. 1220 are sound and sensible. I invite Members to examine them and join me in supporting these worthwhile measures.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. MITCHELL. Mr. President, I ask unanimous consent that morning businesses be extended for 5 minutes so as to permit the distinguished Senator from Hawaii to address the Senate.

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

The Chair recognizes the Senator from Hawaii.

Mr. AKAKA. Mr. President, I thank the leader for allowing me this time.

THE NATIONAL ENERGY SECURITY ACT

Mr. AKAKA. Mr. President, I rise today to voice my support for the electric vehicle legislation contained in title IV of S. 1220, the National Energy Security Act of 1991. The electric vehicle provisions in title IV of the committee bill build on the legislation introduced earlier this year by my colleague Senator ROCKEFELLER. During markup on the Energy Security Act, I was pleased to join with Senator WALLOP, the ranking member of our Energy Committee, in offering a package of electric vehicle amendments that appear in title IV of the bill.

The bill reported to the floor authorizes the Secretary of Energy to enter into cooperative agreements for research and development on electric vehicles. The Secretary is also authorized to conduct up to 10 field demonstrations of electric and electric hybrid vehicles. The criteria set out in S. 1220 assures that only manufacturers capable of advancing to large scale commercial production can participate in the program.

In addition, title IV provides authority to enter into five cooperative agreements to develop the infrastructure necessary to support the commercialization of electric and electric hybrid vehicles. Finally, it amends the acquisition requirements for Federal fleets to include electric and electric hybrid vehicles.

I commend Senator JOHNSTON and my colleagues on the committee for recognizing the important role electric vehicles can play in our Nation's energy mix. These vehicles offer the potential for significant energy security benefits by utilizing sources of energy that are in abundant supply rather than relying on dwindling and often expensive sources of imported oil. The potential for oil savings is dramatic. If we succeed in replacing only 1 percent of this country's conventionally fueled vehicles with comparable electric vehicles, we could achieve a savings of 60,000 barrels of oil per day.

In addition to their energy security benefits, electric vehicles are one of the most effective means of reducing transportation-related atmospheric pollution. Ninety-six cities and urban areas in the United States have air pollution levels that exceed national standards for ozone. A significant amount of the precursors of ozone come from gasoline-powered vehicles. When compared to gasoline vehicles, electric vehicles can reduce pollutants by as much as 97 percent.

Although consumer demand for electric vehicles is still in the early stages, there are clear signs that the market for these vehicles may increase significantly in the years ahead. Several recent events have raised the prospects for increased demand for electric vehicles. The driving force behind these amendments has been the requirements of the Clean Air Act and State of California mandates for no emission vehicles. Last year California became the first State to mandate the production and sale of so-called zero-emission vehicles, by requiring 2 percent—or almost 40,000—of the new vehicles sold in the State to meet the mandate. Currently only electric vehicles satisfy these requirements. In addition, 12 other States met recently to consider a program modeled after California's stringent regulations. We need to carry out an electric vehicle demonstration in the mid-1990's before vehicle manufacturers are required by California, and perhaps other States, to manufacture zero emission vehicles.

Provisons within the National Energy Security Act would serve to further expand the market for electric vehicles by establishing demonstration programs in cities and States throughout the country. Although it is likely that fleets will be the initial market for these vehicles, I believe the changing regulatory environment will foster demand at the individual consumer level as well.

The future of electric vehicles may hinge on Congress' ability to see beyond some of the initial battery and pricing problems to the far-reaching environmental and energy security benefits their use will bring about. I believe that the electric vehicle legislation contained in S. 1220 will assist manufacturers and consumers alike in developing a high quality, reliable product that can, and I believe will, achieve widespread commercial success. Moreover, I believe the development and commercialization of an electric vehicle industry and infrastructure to be one of the key components of a comprehensive national energy strategy. With this in mind, I urge my Senate colleagues to join me in supporting the electric vehicle provisions of the National Energy Security Act of 1991.

I would like to move to another topic in S. 1220, CAFE standards.

While I applaud the goals and objectives of Senator BRYAN's CAFE bill, I have serious reservations about its feasibility. The Energy Committee received many hours of testimony and reams of data on the subject of CAFE.

This information underscored how difficult, if not impossible, it will be to meet the Bryan CAFE targets in the short run without risking higher traffic fatalities. For me it comes down to the simple proposition that I would rather save a meaningful amount of oil under the Johnston CAFE amendment rather than save a greater amount of oil but potentially risk more lives on the highway under the proposal offered by my colleague, Senator BRYANT.

I commend Chairman JOHNSTON for his willingness to propose a workable CAFE proposal, which I support. The Johnston amendment would increase the CAFE standard to 30.2 miles per gallon by 1996, 34 miles per gallon by 2001, and 37 miles per gallon by 2006. These goals are attainable without forcing auto manufacturers to radically alter the size, performance, or safety of their automobiles. I would strongly recommend that my colleagues take a serious look at these CAFE numbers.

As Chairman JOHNSTON knows, I did not support all of the provisions of S. 1220 during markup before the Energy and Natural Resources Committee. I think it's safe to say that of the 20 members of the Senate Energy Committee, each of us can identify something in this bill that we would like to see changed. There are provisions that I opposed during markup and will oppose again if they are raised on the floor. But the Senate Energy Committee brought a bill forward to the Senate floor because we believe we must enact comprehensive energy legislation during the 102d Congress. It is imperative that we adopt an energy strategy, and I hope the Senate can turn to consideration of the National Energy Security Act when we return from the August break.

I yield back the balance of my time.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

The Chair recognizes the majority leader.

EMERGENCY UNEMPLOYMENT COMPENSATION ACT

Mr. MITCHELL. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report S. 1554.

The legislative clerk read as follows:

A bill (S. 1554) to provide emergency unemployment compensation, and for other purposes.

Mr. MITCHELL. Mr. President, on Monday, the Senate voted by a margin of 96 to 1 to invoke cloture on a motion to proceed to the pending legislation, much needed reform of the unemployment insurance system.

I had hoped that we could proceed to the bill at that time, but I was advised by the distinguished Republican leader that our Republican colleagues would insist upon using all of the time permissible under the rules. That means that the bill is eligible for consideration today.

Under a previous order, a cloture motion on the bill has been deemed filed, since we were further advised that the same requirement as to the use of time would apply to the bill as did to the motion to proceed.

It had been my hope that we could proceed to the bill now, but in light of the position taken by our Republican colleagues, that will not be possible. I anticipate discussing this matter further in some detail with the distinguished Republican leader in approximately an hour, just prior to the first vote this morning. That vote is now scheduled for 10:30 a.m.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993

Mr. MITCHELL. Accordingly, Mr. President, since we cannot proceed to the unemployment insurance bill, or were we to do so we would be in a position of not being able to transact any business on it for some substantial period, and so as to make the maximum and most efficient use of the Senate's time, I now exercise the authority granted to me under a previous order and, following consultation with the distinguished Republican leader, I ask that the Chair lay before the Senate for its consideration S. 1507, the Department of Defense authorization bill.

The PRESIDING OFFICER (Mr. KERREY). The clerk will report.

The legislative clerk read as follows:

A bill (S. 1507) to authorize appropriations for fiscal years 1992 and 1993 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 years for the Armed Forces, and for other purposes.

The Senate proceeded to consider the bill.

Mr. NUNN. Mr. President, I am pleased to bring before the Senate S. 1507, the National Defense Authorization Act for fiscal years 1992 and 1993. This bill provides the authorization act for fiscal years 1992 and 1993. This bill provides the authorization required in law for almost all of the major functions under the jurisdiction of the Committee on Armed Services, including programs and activities of the Department of Defense, the Department of Energy nuclear weapons programs, and civil defense.

This authorization bill continues the process of reducing and restructuring our military forces in light of the changes in the threats to our national security and the changes in our military strategy. The bill also begins to implement some of the important lessons learned from the experiences of Operations Desert Shield and Desert Storm.

At the outset of this debate, I want to thank my friend, the ranking minority member of the committee, Senator WARNER, for all of his help and cooperation on this bill and in every other aspect of our committee's work. Senator WARNER'S expertise on national security issues and his thorough, cooperative approach to the committee's work is one of the principal reasons for the bipartisan spirit in which the committee conducts its business.

BUDGET IMPACT OF THE COMMITTEE BILL

For the third time, the Defense authorization bill reported by the committee authorizes national defense programs for 2 fiscal years. For fiscal year 1992, the bill authorizes funding of $290.7 billion in budget authority. This figure is $100 million below the level contained in the budget summit agreement, the President's budget request, and the fiscal year 1992 budget resolution.

These additional savings below the savings that are mandated by the budget resolution result from recommendations made by the Intelligence Committee. Of course, we are making very considerable savings as mandated by the budget resolution in the defense bill itself. But the additional savings of $100 million were recommended by the Intelligence Committee. For fiscal year 1993, the bill authorizes $254 billion, approximately 87 percent of the programs and funding requested for fiscal 1993.

Mr. President, I want to take a moment to put this year's defense budget in context, at least the fiscal side of it. Fiscal year 1992 will be the seventh year of real decline in the defense budget.

Many people do not realize that. It does not get a lot of attention. People still look at the Defense budget as if it has never changed. That is not true. This is the seventh year in a row we have decreased the defense budget in real terms.

Under the current future year defense plan, the fiscal year 1996 defense budget will be 34 percent below fiscal year 1985 in real terms. In fiscal year 1996, the defense budget will be approximately 3.6 percent of GNP, the lowest level since the 1940's.

In 1985 the Congress required the Secretary of Defense to submit a biennial defense budget every other year. The amended budget request for fiscal years 1992 and 1993 is the third biennial budget submitted by the Defense Department. The Department of Defense and the Armed Services Committee have taken biennial budgeting seriously. In my opinion, the requirement to submit biennial budgets has improved the planning process within DOD. The

budget summit agreement enacted last fall contained firm numbers for fiscal years 1992 and 1993 for both the Defense budget and the overall budget, which makes this the best opportunity yet for a 2-year approach. I hope the other committees of jurisdiction will work with us this year to make further progress on a 2-year budget for the Department of Defense.

If we can ever begin, really, authorizing and appropriating large percentages of the Defense budget for 2 years, rather than 1 year at a time, we will save enormous amounts of money in efficiency and effectiveness of Government expenditures.

This bill, as I mentioned, provides about 87 percent of the second year. I hope the appropriations bill will be able to move very strongly in this direction.

A NEW MILITARY STRATEGY

Last year, the Defense authorization bill reported by the Armed Services Committee and adopted by the Congress was based on a thorough reassessment of the threats to our security and the changes in our military needed to meet these changing threats. The events of the past year have confirmed the soundness of the military strategy outlined by the committee last year. In testimony before the committee this year, Secretary Cheney and General Powell presented a revised military strategy that is consistent with the committee's recommendations.

This year the committee followed a series of guidelines for drawing up this bill that closely follow the military strategy and guidelines developed by our committee last year. I ask unanimous consent that these markup guidelines be printed in the RECORD at this point in my remarks.

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

GUIDELINES FOR THE SENATE ARMED SERVICES COMMITTEE'S MARKUP OF THE FISCAL YEAR 1992/93 DEFENSE AUTHORIZATION BILL

Reflect "lessons learned" from Operation Desert Shield and Desert Storm.

Emphasize five-year approach:

Stress long-term;

Identify follow-on assumptions and budget implications for recommended changes; and

Authorize as much of FY1993 program as possible.

Frame adjustments in terms of broad strategic goals and objectives, such as:

Maintain nuclear deterrence with forces lower in level and more stable in structure than those currently proposed at START;

Emphasize lighter, more lethal, more mobile forces;

Maintain technological superiority; and

Preserve the defense industrial base.

Minimize the impact of the transition to lower force levels on military members and their families.

Enhance utilization and effectiveness of the National Guard and Reserve components.

Improve management of defense programs:

Fly before buy;

Product improvements; and

Streamline headquarters and consolidate organizations.

Avoid micromanagement of defense programs.

Reduce amount of statutory language.

Mr. NUNN. Mr. President, I want to take a few moments to summarize the major themes and recommendations contained in the bill before the Senate today.

LESSONS LEARNED FROM THE PERSIAN GULF CONFLICT

The committee made a major effort to incorporate the key lessons learned from the recent conflict in the Persian Gulf. Many of these lessons are still preliminary and require more time and study before they can be considered conclusive. The committee had not received the interim DOD report on the conduct of the Persian Gulf conflict at the time of its markup. The committee did conduct an extensive series of hearings with commanders and units that actively fought in the gulf, and we focused our attention on those lessons on which there is already wide agreement.

One of these lessons is that the Navy is woefully short of mine countermeasures. The committee bill includes a major initiative to improve mine countermeasures capability, including:

Adding two coastal minehunters to the shipbuilding account;

Retaining the Navy Reserve helicopter mine countermeasures squadrons in the force structure;

Increasing research and development funds by $139 million to explore ways of countering mine threats; and

Shifting the lead for mine countermeasures research from the Navy to the Marine Corps.

Another conclusion that the committee reached from the Persian Gulf experience is that modernization of the Marine Corps has lagged behind that of the other services. The committee concluded that the Marine Corps needs improved capability in the area of night fighting capability, firepower, and tactical intelligence. The committee bill recommends funding for a major modernization package for the Marine Corps, including: 60 M-1A1 tanks which will be made available from the Army inventory; remanufacturing of the AV-8B Harrier aircraft to include night fighting capability; 9 multiple launch rocket systems; $70 million for night vision devices; $550 million for new maritime prepositioning ship [MPS] equipment; and transferring overall responsibility for maritime prepositioning from the Navy to the Marine Corps.

Senator WARNER played a key role in developing this Marine Corps modernization initiative in the committee.

The committee believes that the Air Force can greatly improve its firepower by buying more aircraft like those that performed so well in the Persian Gulf. Earlier this year the committee received testimony on the unusual effectiveness of the F-117 stealth aircraft in its first true operational test. While constituting only 2 percent of the combat fleet in Desert Storm, the F-117's dropped 40 percent of the precision munitions. General Loh, the commander of the Air Force Tactical Air Command, testified that the F-117 was 8 times more combat effective than the F-16. General Loh pointed out the F-117's stealth characteristics allowed it to operate effectively without a large fleet of supporting aircraft such as jammers and escort fighters.

The fiscal year 1992 budget request included an Air Force plan to continue F-16 production for 2 more years and then to shut down the line. The F-16 is an excellent aircraft, but the Air Force already has over 1,600 of them and used only 250 in Desert Storm. By contrast, there are only 54 F-117's, and virtually the entire operational fleet was used in Desert Storm. The committee decided that it made more sense to terminate the F-16 program 2 years earlier than planned, and to use the money to buy additional F-117 aircraft which the Air Force considers 8 times more effective.

Operation Desert Shield/Desert Storm revealed shortcomings in intelligence support to unified commanders and their combat forces, especially for damage assessment and targeting of mobile tactical systems like the SCUD missiles. The committee believes that these shortcomings are due primarily to management problems and deficiencies in intelligence processing, analysis, and dissemination. To remedy these problems, the committee recommends a significant package of tactical intelligence funding and policy initiatives, including:

Enhancing the authority of the Director of DIA to manage intelligence activities in the Department of Defense by giving him greater control over funding for these activities;

Ensuring that the Secretary of Defense, Chairman of the Joint Chiefs of Staff, and CINC's exercise regularly with national level intelligence systems and personnel;

Authorizing $68 million above the budget request to improve the tactical reconnaissance capability of the Air Force RF-16 and the Navy F/A-18 and to add a reconnaissance capability for the F-117 Stealth fighter; and

Authorizing $130 million above the budget request for data links and terminals to improve transmission of intelligence from reconnaissance platforms to operating units.

Finally, the committee is deeply concerned by the casualties caused by friendly fire during Operation Desert Shield/Desert Storm. In any future conflict in the Third World or elsewhere, the capability to distinguish between the enemy and our own troops will be critical to avoiding these unfortunate incidents. The committee added $10 million to initiate a combat identification system and directs the imme-

diate use of a DARPA-developed identification system in Army contingency forces.

MAINTAINING NUCLEAR DETERRENCE AT LOWER LEVELS AND WITH GREATER STABILITY

A second theme that guided the committee's budget review was the need to develop plans to maintain deterrence and increase stability while reducing the level of strategic forces. The committee paid particular attention to the testimony from United States intelligence agencies that the modernization of Soviet strategic forces continues unabated despite Soviet economic problems; that the only reductions to Soviet strategic forces appear to be those that would be required under START; and that the strategic capabilities the Soviets will possess in their START-constrained forces, once their modernization is completed, will maintain the overall strategic nuclear warfighting capability that the Soviet Union possesses today.

The committee also took note of the lessons from Operation Desert Storm regarding the political significance of defenses against ballistic missiles and the important use of strategic systems in conventional war.

The committee spent a great deal of time discussing the SDI Program, and concluded that the time has come to move forward vigorously with defenses against ballistic missiles. In the committee's judgment, we need an intense effort to develop and deploy improved antitactical ballistic missile [ATBM] defenses for U.S. forward-deployed and expeditionary forces and to develop theater defenses in cooperation with our friends and allies. The committee also agreed that changes in the threat and progress in the development of strategic missile defenses now warrants the development of a different architecture and the deployment for the first time since the early 1970's of a treaty-compliant ABM defense for the continental United States.

The new SDI architecture recommended by the committee would be designed to provide highly effective defenses for the United States against limited ballistic missile strikes, including accidental or unauthorized launches or deliberate Third World attacks. The committee's goal is to deploy an ABM system with one or more ABM sites and improved space-based sensors to defend against limited ballistic missile strikes but do so in a negotiated framework that will maintain strategic stability with the Soviet Union. The committee has dropped the administration's Brilliant Pebbles space-based rockets from the deployment plan, though research will continue on the program to explore whether it has promise as a follow-on technology. In other words, Brilliant Pebbles will be placed with the other follow-on technologies and kept in the research and development stage. Instead of space-weapons, we emphasize ground-based interceptors, beginning with the deployment by 1996 of 100 ABM interceptors in the U.S. heartland that are fully permitted under the 1972 ABM Treaty. Of course, deployment of this ABM system would only occur if its costs do not prove excessive and its operational effectiveness can be demonstrated.

Mr. President, Congress will have to make this judgment every year, just like any other weapons system. People are complaining about a plan, here, to go forward with a system where we do not have a fully, totally developed technology.

Mr. President, that is what we do on every weapons system. There is an initial operating goal on every weapons system we build. We do not even start down the road of a weapons system until we have some idea about the initial operating capability, or IOC. That does not mean you always are going to meet that IOC; things change. Sometimes systems do not work. Sometimes technology does not work. Sometimes you have to pause and redo some things in high technology areas. Sometimes you have to delay. Sometimes you have to adjust programs because of costs, and we recognize all of that applies in this area just as it does in every other weapons system. But we do have a new goal here, and we think that is very important. The committee also spent a great deal of time this year reviewing the status of the B-2 program, and its contribution to nuclear deterrence and conventional war. The recently completed START Treaty is expressly structured to emphasize penetrating bombers, so that continued production of B-2's is vital.

The value of stealth technology was clearly displayed by the F-117 aircraft during the Persian Gulf conflict. The committee believes that the B-2 will have an even more important role in future wars, since it combines global reach independent of foreign bases, the payload of the B-52, and better stealth characteristics than the F-117. For all these reasons, the committee fully funded the request for 4 B-2 aircraft in fiscal year 1992.

Last year, Congress and the administration agreed to cancel the deployment of the rail garrison MX system. This year, the administration proposed to procure one set of prototype MX rail cars, complete the R&D on the system, and then mothball the program so that, should the strategic relationship with the Soviet Union deteriorate, the MX rail garrison system could be resurrected. As a result, operational MX missiles will remain in silos indefinitely. The committee therefore took measures to prevent the test firing of MX missiles in such a way as to unalterably capture the MX as a mobile system under START. The committee also authorized production of another 12 MX missiles for the operational test program, both to preserve the option of keeping the MX test in the inventory beyond the year 2003 and to avoid a shutdown of the only U.S. ICBM production line before the administration makes a decision on production of the small ICBM.

The committee authorized the full budget request for other key strategic programs, including the small ICBM, the advanced cruise missile, and the SRAM-II and SRAM-T missile programs.

The committee increased funding for the Trident II missile in order to bring the planned production up to 72 missiles per year for both fiscal years 1992 and 1993. For budgetary reasons, the Navy proposed to complete the planned buy of Trident II missiles at a rate of only 48 missiles per year, well below the optimum rate of 72 per year. By accelerating the production of Trident II missiles, the committee expects to reduce the remaining cost significantly and conclude the production program some 5 years earlier than planned.

EMPHASIZING A REINFORCEMENT STRATEGY

Mr. President, the committee continued to support a reinforcement strategy which reduces the number of forward-deployed forces and emphasizes a reinforcement capability for lighter, more lethal forces, including the use of Reserves to augment the remaining forward-deployed forces.

Last year, the committee indicated that the United States should start planning on a residual force in Europe on the order of 75,000 to 100,000 military personnel within 5 years and took the first step toward this goal by lowering the European troop strength [ETS] ceiling by 50,000. This year, the committee recommends that the United States take the next step by reducing the ETS ceiling to 235,700—a level that will require the withdrawal during fiscal year 1992 of approximately 60,000 United States troops currently stationed in Europe.

Although the military Services have begun to field forces that depend less on heavy combat equipment geared exclusively toward the Soviet/Warsaw Pact threat, much more remains to be done. The committee proposed several specific adjustments to develop lighter, more lethal forces:

The committee added $128.5 million to the budget request to improve the capability of special operations forces, including additional radios, ammunition, and training.

The committee increased the budget request by $95.3 million for multiple launch rocket systems and by $2.5 million to develop a new lighter weight 155m howitzer for the Marine Corps fire support.

The Soldier/Marine Enhancement Program initiated by the committee in fiscal year 1990 has produced products that improved the effectiveness of the

individual soldier and marine in the Persian Gulf. The committee added $30 million to the budget request to continue this effort to deliver better equipment to the troops.

To improve the Navy's capability to support forces deployed ashore, the committee added $31 million to the budget request to investigate alternative shore fire support capabilities.

Mobility forces demonstrated the key role they play in a reinforcement strategy by their outstanding support of the deployment to the Persian Gulf. The committee continued the research, development, and production of the C-17 airlift aircraft, recommending a production rate of four aircraft in fiscal year 1992 but holding this system to the fly before buy concept due to technical and cost problems.

The committee authorized the budget request of $245 million for procurement of an amphibious cargo ship and $265.9 million for building 12 air cushion landing craft. The committee also directed the Secretary of Defense to submit a report on the goal for Navy shipping to support Marine Corps amphibious landings, and approved $25 million above the budget request for sealift ship design efforts.

The maritime prepositioning ships [MPS] delivered the heavy equipment for Marine forces in the Persian Gulf very effectively and quickly. In fiscal year 1992, the committee transferred management responsibility for all MPS programs from the Navy to the Marine Corps to place management and funding for this program with the military service which it supports. Funds totaling $550 million were added for prepositioning equipment to modernize the MPS equipment used in the Persian Gulf or to outfit any new MPS squadrons built with strategic sealift funds, depending on the results of the Defense Department's mobility requirements study.

UTILIZING THE RESERVES MORE

Mr. President, last year the committee included greater utilization of Reserve forces as a cornerstone of its new strategy. Operation Desert Shield/Desert Storm demonstrated the strength and vitality of the total force concept. Despite its uneven implementation over the past 18 years, the total force concept has given us an integrated military establishment that relies on the citizen-soldier as well as the full-time military professional.

I continue to believe that a strong reserve component is an indispensable element of our military establishment. This year the committee continued our past efforts to strengthen the National Guard and Reserve components during this period of substantial realignment in our forces.

The committee adopted personnel strengths for the National Guard and Reserve components that are substantially higher than those requested by the Department of Defense. Rather than the 16 percent reduction over 2 years proposed by the Department of Defense, the committee's recommendation reduces selected Reserve strength by 6 percent, holding the Active Reserve "tooth to tail" ratio roughly constant over fiscal years 1992 and 1993. The committee took this action because it could find no analytical justification for the disproportionate reductions proposed by the Department of Defense. In addition, the committee takes strong exception to the tendency in DOD to increase reliance on active forces by themselves and to rely less on Reserve component forces and capabilities.

We believe this is the high-cost way to go in terms of what the Department of Defense is proposing. We believe the direction we are going in will save substantial money over a period of time. If we are, indeed, relying too much on Guard and Reserve forces, then it is up to the Department of Defense to give us an analytical product that is an honest product. They have yet to do that even though we have been urging that course now for about 4 years under the leadership of Senator GLENN and Senator MCCAIN, the chairman and ranking member of the Manpower Subcommittee.

The committee also adopted a legislative provision that would prohibit the Navy from deactivating its Navy Reserve helicopter minesweeper squadrons. The Navy Reserve has been very successful in supporting minesweeping operations. Minesweeping was a key deficiency in the Persian Gulf conflict, and the committee found no basis to support the Navy's recommendation to deactivate those squadrons.

In an effort to strengthen the Reserve components' combat capability, the committee increased the funding for equipment for the Reserve and National Guard components by $618 million. These funds are in addition to the $1.5 billion in Reserve equipment that was requested by the administration.

MAINTAINING TECHNOLOGICAL SUPERIORITY

Mr. President, the committee bill includes a variety of provisions intended to continue America's defense technological superiority: $170 million was authorized above the budget request to support Defense Department participation in dual-use, critical technology partnerships with the private sector, who must provide at least one-half of the cost of such efforts; $50 million was authorized above the budget request for a new program to promote the military and commercial application of critical technologies developed through the use of industry-led critical technological application centers; $15 million was authorized above the budget request for the Pilot Mentor Protege Program to encourage defense contractors to subcontract with small disadvantaged businesses.

The committee's recommendations also include several provisions intended to strengthen America's defense manufacturing base.

Senator BINGAMAN has taken the lead in this respect.

A total of $250 million was authorized for defense manufacturing technology [MANTECH] programs, an increase of $153 million over the amended budget request. Of this amount, $50 million is specifically directed to support industry-Government advanced manufacturing technology partnerships.

Defense manufacturing extension programs intended to help small- and medium-sized manufacturing firms are also established with an authorization above the budget request of $50 million in fiscal year 1992 and $65 million in fiscal year 1993.

The committee continued its strong support of science, mathematics, and engineering education.

The sum of $10 million was authorized above the budget request to support the development of innovative approaches to improving science and mathematics education in primary and secondary schools. The committee is concerned over the anticipated shortage of young Americans adequately prepared to enroll in, and successfully complete, college-level science and engineering programs. And, of course, this is very important to our technology in the military.

Legislation which I introduced with Senators BYRD, WARNER, HATFIELD, and others was included in the committee bill that would establish a new $25 million DOD grant program to support manufacturing engineering education in American universities and colleges.

It is absolutely amazing how few manufacturing engineering degrees are even awarded in this country at our engineering schools. One of the reasons we have such a growing competitive disadvantage, in many measurements, with our Japanese friends and colleagues is because we do not emphasize manufacturing capability and engineering. They do. I think that is not only important to our defense in the future, but also extremely important to our overall competitiveness in the commercial sector.

To expand our defense research capability, $15 million was authorized above the budget request to enhance the participation of historically black colleges and universities and minority institutions in defense science and technology programs.

The committee continues to be deeply interested in environmental protection and cleanup, and recommended $100 million above the budget request for the Strategic Environmental Research and Development Program. The bill also authorizes an additional $200 million for the Department of Energy's new production reactor and funding for environmental restoration and waste

management programs and the nuclear weapons safety program.

PROTECTING THE INDUSTRIAL BASE

The committee is particularly concerned over the health of the industrial base. During hearings on the subject, it became clear that the Defense Department has not addressed the scope and seriousness of this problem. Neither is there a clear sense of responsibility in the Department of Defense for protecting the industrial base. This is a tough issue. It is a difficult issue. There is no easy solution.

To the extent possible, the committee took specific action on certain weapon systems to preserve unique skills and capabilities in the industrial base. These actions include increased funding for a service life examination program for AH-64 helicopters; additional Patriot air defense missiles in fiscal year 1992; additional M2 Bradley fighting vehicles and multiple launch rocket systems in fiscal year 1993; and a modification program to upgrade older model M1 tanks. In these and other programs, there is virtually no commercial counterpart to skills and activities in the defense industrial sector, and those skills would be lost if the production of current weapons is completely terminated. The committee urged the Defense Department to undertake a careful case-by-case assessment of the industrial base and the areas that need preservation.

FLY BEFORE BUY

The committee again applied the principle of fly before buy in reviewing major acquisition programs. Implementing this concept will allow the Defense Department adequate time to get it right the first time before becoming deeply committed to new weapon systems. The amended budget request adopted this principle for many major weapon systems, but the committee decided that this approach was needed in several additional key areas:

In authorizing funds for four B-2 aircraft in fiscal year 1992 and long-lead funding for seven aircraft in fiscal year 1993, the committee also recommended a provision that would prohibit obligating funds until the B-2 demonstrates various capabilities by passing specific testing milestones.

For the V-22 tilt-rotor aircraft, the committee authorized $365 million to continue the research and development program to produce a replacement for the Marine Corps medium lift helicopter. The committee did not authorize any funds for procurement in order to allow additional time to evaluate the cause of the recent accident in operational testing and identify any necessary corrections. The committe also included a provision that would ensure an adequate independent assessment of operational testing progress.

Because of continued delays in flight testing and production of the C-17 aircraft, the committee reduced the amended budget request from 6 to 4 aircraft in fiscal year 1992. The committee reserved judgment on how many aircraft should be authorized in fiscal year 1993, but included sufficient authorization to support production of up to eight aircraft in 1993.

MINIMIZING THE EFFECTS OF THE DEFENSE TRANSITION ON MILITARY PERSONNEL AND THEIR FAMILIES

Mr. President, one of the committee's highest priorities has been to sustain and, where possible, enhance the well-being and combat effectiveness of military presonnel as the military services build down over the next 4 years. With this concern in mind, the committee authorized active duty military personnel and strengths for fiscal years 1992 and 1993 that keep the military services on a gradual glide path to acheive the fiscal year 1995 targets established by the committee last year. At the same time, the committee adopted a provision that would prevent the involuntary separation of career personnel who are ineligible to retire, because the Department of Defense has neither implemented the safety net of transition benefits provided by the committee last year, nor provided a plan for vesting military personnel in the retirement system for the committee to consider.

I noticed in the morning paper that the Secretary of Defense is now proposing some of these proposals, but they have been late in coming as far as our consideration.

I do believe it is important for us to understand that as we draw down this military force, unlike any other drawdown we have had in the last 40 years, this one is a voluntary force. The people who are in this force wanted to be in this force. Most of the people in this force wanted to make a career out of it. This is not a draftee force, as we had in World War II and Korea and other times in our history, where people wanted to get out.

These people want to stay in, and that is one of the reasons we have to proceed so cautiously, not only to be fair to them but also to avoid destroying the morale of the military personnel who remain in our military service.

To improve the quality of life of military personnel and their families, the committee bill includes a January 1, 1992, military pay raise of 4.2 percent; authority to reimburse military families for adoption expenses; permanent increases in imminent danger pay, family separation allowance, and death gratuity pay; and authority to provide military personnel who are activated or deployed in future contingencies the same set of benefits provided to Persian Gulf war personnel. The committee also authorized several enhancements to medical benefits, including an improved dental insurance plan for dependents and hospice care under the Civilian Health and Medical Program of the Uniformed Services [CHAMPUS].

IMPROVING DEFENSE MANAGEMENT

The committee approved a series of provisions, some of which were requested by the Department of Defense, to strengthen the overall management of defense programs. These management initiatives include:

Designation of the Vice Chairman of the Joint Chiefs of Staff as a full member of the Joint Chiefs of Staff;

Authorization of the new defense business operations fund requested by the Defense Department to put management of defense industrial activities on more of a business-like cost accounting system;

Creation of the new position of Deputy Under Secretary of Defense for Policy in order to better link strategy and resources;

Authorization of joint duty credit for officers whose duties in the Persian Gulf provided significant experience in joint matters or involved frequent interaction with personnel of other services or allied forces; and

Increased flexibility for the Defense Department to implement acquisition work force reforms by authorizing the waiver or modification of rigid statutory requirements and deadlines.

The committee also adopted changes to the 1990 Base Closure and Realignment Act that make it clear that it was the intent of Congress that the civil works activities of the Army Corps of Engineers are not under the jurisdiction of the Base Closure Commission; increase the time available for future Commission's deliberations; and strengthen the requirement for independence within the commission staff, the necessity of accurate data from DOD, and an unfettered flow of testimony from DOD employees.

WOMEN IN THE MILITARY

Mr. President, one of the first amendments that we are likely to debate will be the question of women in combat.

A great deal of public attention has been focused on the role of military women in the Persian Gulf conflict and on recent proposals to open combat positions in the military services to women. The Defense Department's recent interim report to Congress on the "Conduct of the Persian Gulf Conflict" clearly documents the outstanding performance of women soldiers in Operation Desert Shield/Desert Storm. The report notes:

> Women served in almost all of the hundreds of occupations open to them with their male counterparts, enduring all of the same hardships under the same harsh conditions. * * *
>
> Initial reports and observations indicate that the deployment of women was highly successful and that women performed admirably and without significant restrictions or special considerations.

The committee has spent a great deal of time on this issue in recent months.

The Manpower and Personnel Subcommittee held an excellent hearing on this subject and heard testimony from DOD civilian officials; the uniformed service chiefs; men and women officers and NCO's from operational units; and from public witnesses.

The committee concluded that the proposals to permit women to be assigned to combat positions raise some very basic, critical questions about the future shape and structure of our Armed Forces. These questions cannot be answered simply by opening selected combat positions to women or by giving the Secretary of Defense discretionary authority to make the decision. The Nation as a whole must make such decisions openly, deliberately, and after a full examination of all of the available facts and legal questions.

The committee bill includes a provision that would establish a 15-member commission to be appointed by the President to study the assignment of women in the military. The commission would be required to complete its work by November 15, 1992, and the President would be required to transmit the commission's report with his recommendations to the Congress by December 15, 1992.

We will hear further on this subject from both sides later today.

FISCAL YEAR 1992 DESERT SHIELD/DESERT STORM SUPPLEMENTAL

Finally, Mr. President, the committee bill extends the authority to use foreign contributions in the Defense cooperation account into fiscal year 1992 to pay the incremental costs of the Persian Gulf conflict. This is in recognition of the fact that the higher personnel levels required by the war will have some carryover effect into fiscal year 1992. In addition, not all of the equipment maintenance needed to repair wear and tear caused by the Persian Gulf deployment can be scheduled and performed during fiscal year 1991.

The committee did not receive this request from the Defense Department until very recently. As a result, we may need to refine some of the recommendations in this area in conference with the House as further information becomes available.

CONCLUSION

Mr. President, it is very important that we complete action on this bill before the August recess. The Appropriations Committee is anxious to get to work on the Defense appropriations bill. The House has already passed this authorization bill, and I hope we will be able to reach a conference agreement to guide the appropriations process in September.

Before closing, I want to thank all the members of the committee for their hard work. I want to thank all the members of the staff, Arnold Punaro, and Pat Tucker, and others on both sides of the aisle for their very diligent and effective efforts.

I also want to thank the chairmen of each of our subcommittees, and the ranking member of each of our subcommittees, who do a great deal of this work.

The committee disagreed on some of the individual provisions in this bill, but the bill as a whole was unanimously supported by every member of the committee. I think this is an indication of the strong sense of bipartisanship and cooperation with which our committee approaches our work.

Mr. President, this National Defense Authorization Act for Fiscal Years 1992 and 1993 represents the culmination of a great deal of hard work by the members and staff of our committee. Greg Scott and Charles Armstrong of the Legislative Counsel's Office also made an indispensable contribution in preparing this bill.

This is a good bill. I know we will have a good, healthy debate on some of the provisions of this bill. The bill continues the process of reducing and restructuring our military, responding to a changing world threat, and doing so in an orderly process.

I urge our colleagues to support the bill. We will be discussing individual amendments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I wish to begin my remarks by extending my profound appreciation and respect for the chairman of our committee, the senior Senator from Georgia [Mr. NUNN]. We have worked together now as a team for some 13 years and no Member of the Senate, I believe, has a working partner that in any way exceeds the cooperation and the trust that this fine Senator contributes to the work of our committee and, indeed, to this Senator, the ranking member.

Each year it appears we will have a struggle. We have now a very strong President, President Bush, preceded by President Reagan. Both of these Presidents closely identified with strengthening our national defenses. Senator NUNN has accepted the challenge each year of examining those budgets and trying in a very fair way to strike a balance. But that balance has always emerged with Senator NUNN putting the security interests of our Nation ahead of all other interests that might impact on those pieces of legislation.

We are also fortunate, the two of us, to have a hardworking committee, conscientious Senators on both sides, working to forge a consensus, bipartisan, that will lead to the strengthening of our overall national defense.

As Senator NUNN and I said, we repose a great deal of authority in our chairmen and ranking members of the subcommittees, and this year again they have come forward and put this bill together under our supervision. I believe it is one of the best we have ever presented to the Senate.

The members of this committee, and in particular Senator NUNN and myself, are blessed with having very fine staffs led by Mr. Tucker on the minority side and Mr. Punaro on the majority side. They work not only for the committee but for the Senate as a whole.

Mr. President, I yield the floor in hopes that the Chair would allow the distinguished Senator from South Carolina to take such portions of my time as he deems appropriate to present his statement, since he has other commitments at this time.

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

Mr. THURMOND. I have two other committees going on at this time, and I deeply appreciate the able ranking member allowing me to speak at this time.

Mr. President, as we begin the debate on the National Defense Authorization Act for fiscal year 1992, I would like to recognize the leadership of Chairman NUNN, the senior Senator from Georgia, and the ranking Republican on the Armed Services Committee, Senator WARNER. It was their persistence, guidance, and ability to forge a compromise that was instrumental in formulating the bill before us—a bill which meets the stringent budget goals established by last fall's budget compromise; but more importantly a bill that meets our Nation's defense needs for the coming years.

The process that brought us to this point was not an easy one, but it was thorough. The committee held more than 48 hearings during the past 6 months. These hearings provided the members of the Armed Services Committee with the information that was essential to the formulation of this bill.

Mr. President, Operation Desert Shield and Operation Desert Storm vividly demonstrated that our Nation's military forces must be prepared to fight wherever and whenever an aggressor strikes. The forces and equipment that performed so magnificently in the deserts of the Middle East were forged in the era of the cold war. They were built up over a 10-year period to defeat an aggressor on the plains of Europe. Although the threat in Europe has significantly diminished, others are continuing to surface. The potential of significant conflict which was once focused on Europe now exists throughout the world. Nations that we once considered to be insignificant in military terms have gained the weapons to challenge this Nation and its allies both on the ground, in the air, and most significantly, in space.

The decisions this body will make regarding the Defense authorization bill will determine the status of our Nation's defense well into the next century.

Mr. President, during its deliberations, the Armed Services Committee

considered not only the political and military realities, but also the Nation's fiscal crisis. The $291 billion in budget authority for fiscal year 1992 represents a 12-percent decline from fiscal year 1990 and a 24-percent decline from 1985, the height of the Reagan buildup. The fiscal year 1992 Defense budget is the lowest since 1975 in terms of gross national product. In terms of total Federal outlays this budget is only 19.6 percent, the lowest since 1940. These budget realities forced the committee to carefully weigh every program to ensure this Nation receives the most "bang for the buck."

Mr. President, the bill reported by the Armed Services Committee provides the forces necessary to meet this Nation's defense needs for the immediate future. I am concerned however, that the force structure cuts we must make to meet the fiscal year 1995 budget projections will leave us at a point where we could not meet the challenge of another Saddam Hussein. I want to go on record, Mr. President, that we must not allow that to happen.

Mr. President, Operation Desert Storm pointed out several shortfalls in our military preparedness that we have corrected in this bill. The committee approved a significant package of mine warfare initiatives to correct our shortfall in mine clearing capacity. This package includes funding for additional mine hunters and $139 million for research and development in this program for fiscal years 1992 and 1993. Legislation was adopted to make national intelligence systems more responsive to the needs of the military forces—a major concern of General Schwarzkopf when he testified before the committee. In response to the tragic losses from friendly fire, the committee added $10 million to initiate a combat identification system to avoid friendly fire casualties and directed the immediate use of an identification system in the Army contingency forces.

Despite some shortfalls, the operation in the Persian Gulf verified the capability of our sophisticated weapons systems and demonstrated that the Stealth technology works. Our F-117, a primitive Stealth aircraft, performed flawlessly. Its performance solidified the committee's support for the B-2 program, which is funded at the President's request of $3.2 billion. This amount includes sufficient funding to procure four aircraft.

I will not dwell on this issue since I am confident that we will have the opportunity to debate this issue at length during the deliberations on the bill. However, I do want to highlight excerpts from a speech that President Bush made to the American Defense Preparedness Association on July 9, 1991:

The B-2 Stealth Bomber is vital to our defense in the next century and necessary to ensure that the United States has the ability in the future to employ air power effectively over long distances in well defended areas around the globe. B-2 bombers purchased today will be the backbone of our bomber force for decades to come.

Mr. President, this bill maintains the Nation's nuclear deterrence and provides for continued modernization of our ballistic missile force, albeit at a level lower than many on my side of the aisle feel is necessary. The bill supports the President's request of $548.8 million for research and development on the small ICBM. It fully funds the research and development request for the short-range attack missile-tactical [SRAM-T] and it authorizes $245 million to complete the research and development of the MX/Rail Garrison Program. The committee, with bipartisan support, added $651.6 million for the procurement of 12 MX missiles to ensure that the Nation can continue to test the reliability of its deployed MX missiles. Without these additional missiles the reliability of existing missiles could not have been verified beyond the year 2003.

In another step to enhance our strategic modernization, the committee increased the budget request by $229 million in fiscal year 1992 and by $187 million in fiscal year 1993 to raise the procurement rate for the Trident II missiles. This increase will complete procurement of the missile years earlier than scheduled and will save an estimated $2 to $3 million per missile in the future.

Perhaps the most striking memories of the Persian Gulf conflict are of the television pictures of Scud attacks on Israel and the installations in Saudi Arabia. Never in our history has the terror of attacks on civilian populations been brought home so vividly to the American people as it was during those anxious moments. Fortunately, our Patriot missiles were able to provide limited defenses against these attacks.

Mr. President, we must not allow our Nation to be subjected to such a terrorist missile threat. The legislation now before us established for the first time a goal to deploy an anti-ballistic-missile system capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles. It does this within the framework of the SDI Program which this Congress has supported for the past 8 years, despite the fact that it never defined a goal other than to conduct research into a missile defense system.

The decision to set this goal and fund the SDI Program at a record level of $4.6 billion for fiscal year 1992, was not taken lightly. The committee debated the issue extensively. The outcome of the debate, which was the most thoughtful I have seen in my 32 years on the Armed Services Committee, was a bipartisan compromise in the great tradition of the U.S. Senate. I strongly urge my colleagues to support this position. This is a historic first step to ensure that our constituents will not be subjected to the same terror as the Israeli people.

Mr. President, we all know that our victory over the forces of Saddam Hussein could not have been won without the sacrifices of our magnificent men and women who wear the uniform of this great country. This legislation recognizes their contributions by making permanent the personnel benefits approved in the Desert Storm supplemental. It also approves a 4.2-percent pay raise; prohibits the involuntary separation of certain career personnel who are not retirement eligible; and, provides additional medical benefits such as hospice care and expanded dependent dental insurance.

The committee also recognized the contribution of the Reserve components during Operation Desert Storm and the important role they have in the Nation's defense. In that context, the committee minimized the cuts in this vital component of the total force.

Mr. President, I recommend this bill to the Senate and ask my colleagues to support it. It is a compromise bill that will not please everyone, but it is a bill that will provide the best defense to this Nation in these trying fiscal times.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I wish to compliment our distinguished colleague from South Carolina. He, indeed, is the "long pole in the tent" on our committee. He has a corporate knowledge of military affairs, gained not only through service in this distinguished body, but also through long service in uniform of the Armed Forces of the United States. It is indeed a profound privilege for me and, I am sure, for all others to serve with him on the Committee on Armed Services of the U.S. Senate.

Mr. NUNN. I would like to join my colleague from Virginia, Mr. President, in commending the Senator from South Carolina for his superb service on the committee. He is one of our most attentive members. He is one of our most diligent members. He is dedicated to the national security of this country. He is dedicated to the men and women in uniform. He has done a great job in partnership with Senator EXON as leaders of the Strategic Subcommittee, one of our most important subcommittees. I thank him for his, as usual, great contributions to the committee's deliberations and to this bill.

Mr. THURMOND. Mr. President, I wish to express my deep appreciation to the able ranking member, Senator WARNER, and the able chairman, Senator NUNN, for those kind remarks.

Mr. WARNER. Mr. President, I thank the Senator from South Carolina, who, 47 years ago this week, was crossing the beaches of Normandy fighting for freedom in Europe.

Mr. President, I join my distinguished chairman and good friend, the Senator from Georgia, in urging strong support of S. 1507, the national defense authorization bill for fiscal years 1992 and 1993, which is before the Senate today.

The world awakened this morning to see the President of the United States and the President of the Soviet Union engaging in efforts to bring about greater peace and stability, not only between the United States and the Soviet Union, but throughout the world.

I cannot think of a more fitting backdrop for the Senate deliberations of this important piece of legislation than the historic events that are transpiring at this very moment in the Soviet Union, led by these two distinguished Presidents.

Earlier today, about 8:30 eastern standard time, the ceremony began, by which the two Presidents signed the START Treaty, a treaty that had been in the process of negotiation for some 9 years. The purpose of that treaty is simply to make the world safer. It begins with the lessening of tensions between the Soviet Union and the United States. It begins with both the Soviet Union and the United States acknowledging to the whole world the awesome potential of their two arsenals of strategic weaponry, and the willingness of these two nations to bring, for the first time, substantial reductions in those arsenals.

The purpose of START is to make the world safer. The purpose of this bill, Mr. President, is also to make the world safer. We ask the support of our colleagues, and we ask the support of the citizens of the United States for this piece of legislation. This bill will strengthen America's defenses. It will make our Nation safer, and by doing that, make the world safer.

So I see a direct parallel between the events in the Soviet Union—most particularly the signing of the START agreement—and what we are endeavoring to do here today and tomorrow in the U.S. Senate by way of authorizing, for another 2 fiscal years, the essential defenses for our Nation.

Mr. President, the committee voted unanimously to report this bill to the Senate, and that, again, is another indication of the diligent efforts of our committee to strike a bipartisan bill to bring to the floor of the Senate. In years past, it has not been possible. But, this year, through the able leadership of the Senator from Georgia, and indeed all members of our committee, we have a unanimous agreement on each and every part of this bill as it relates to our defenses. Some of us may have what we call in the political vernacular a different twist as to how certain provisions of this bill impact our Nation's defense. But the single most important factor is that every member of the committee voted for this bill.

Last year, Congress put in place a budget amendment which, among other things, provided needed stability in the defense budget by setting a ceiling on defense spending through fiscal year 1993. This fact allowed the committee to focus its attention on the priorities within the defense budget, rather than requiring a lengthy debate on the total budget, as has been the case in past years. The bill authorizes approximately $290.7 billion in defense budget authority for fiscal year 1992, and is in compliance with the budget agreement in both budget authority and budget outlays.

Since defense caps were not set out in the budget summit after fiscal year 1993, we will face a very difficult debate in Congress on the defense funding level for fiscal year 1994 and years thereafter. Since 1985, defense spending has declined almost 25 percent in real terms. Under the President's budget proposal, the defense budget would remain essentially flat through fiscal year 1966, at an average of 3 percent real decline each year. With popular domestic programs competing for a share of the total discretionary spending permitted under the agreement, we must guard against defense budgets being determined based on deficit levels, rather than on an assessment of the new and continuing threats to our national security.

The threat posture to this Nation, the threat posture to our friends and allies, must always be the principal basis on which we make the determinations each year for the spending levels for our security and the collective security of others.

While we have seen remarkable changes in our relations with the Soviet Union and the former Warsaw Pact nations of Eastern Europe over the past several years, we also witnessed the invasion of Kuwait, which occurred almost exactly 1 year ago, while we were here in this same Senate Chamber debating the defense authorization bill for [the current] fiscal year. The victory of the United States-led coalition forces—and I underline coalition forces—in the Persian Gulf against Iraq would not have been possible had it not been for the foresight of several Presidents, and this Congress, in providing for the investment in our Armed Forces, particularly during the decade of the 1980's.

Moreover, while I welcome and applaud the historic changes in the Soviet Union, the important promises made to the world by the Soviet leaders have not yet been translated—I emphasize: not yet been translated—into concrete and irreversible changes in their military-industrial complex. That remains the single most difficult challenge of President Gorbachev and indeed the several Presidents of the Soviet republics, as they begin to grapple with their economic problems, to bring under control the awesome strength and momentum of the Soviet military-industrial complex.

As Gen. Colin Powell, Chairman of the Joint Chiefs of Staff, recently testified to the Senate Armed Services Committee:

> The Soviet Union remains the one country in the world with the means to destroy the United States in a single devastating attack.

That attack could take place in a matter of an hour or more.

Because of the continuing instability in the Middle East and the unpredictability of world events in general, it is essential that we maintain our military capabilities, which served us so well over the past year, in order to ensure that our Nation is prepared, when necessary, to defend our interests and the interests of our friends and allies around the world. Indeed, I would like to further emphasize here the instability, which is primarily political at this time, but nevertheless the ethnic unrest and the political instability between the central government of the Soviet Union and its several republics.

Mr. President, during the early 1980's, there was a general bipartisan understanding that the United States strategic nuclear triad suffered from numerous deficiencies in comparison to the Soviet forces. Specifically, the Soviet strategic force was extensively modernized during the 1970's, despite a series of arms control agreements, most notably beginning in 1972.

This modernization program increased significantly the lethality of the Soviet strategic forces. Vulnerabilities in our own U.S. forces included, among other things, the ICBM force, bombers, and command and control.

These concerns led to an initiative to modernize U.S. strategic forces to reestablish the credibility of our deterrent.

Yet, since 1985, funding for the U.S. strategic modernization program has been in a state of decline. The fiscal year 1992 budget submitted to Congress would reduce the funding for many programs that were designed to redress the vulnerabilities in the U.S. deterrent force. Reductions proposed in the budget request include:

No procurement funding for the mobile rail garrison MX and termination of the program after completion of R&D.

Second, R&D only for the small ICBM with no commitment to procurement.

Third, termination of the MX production line 5 years earlier than expected.

Fourth, termination of the Trident Program after the 18th submarine.

Fifth, reduction of the production level of the Trident D-5 missile from 52 to 28.

Sixth, deferral of the D-5 Backfit Program for the eight Trident submarines until fiscal year 1997.

Seventh, reduction of the SLCM buy from 400 to 236.

Eighth, reduction of B-2 procurement from 132 operational aircraft to a level of 75 now proposed by the administration.

And, last, reduction of advanced cruise missile procurement by nearly one-third.

Clearly, we have readjusted our strategic program in the light of what we hope is a diminishing threat, but also it has been severely impacted by the fiscal realities facing this Nation.

At the same time, Mr. President, the Soviet Union, despite enormous economic problems which really are beyond the comprehension of those of us in this country, continue to modernize its strategic forces at a level and rate that exceeds our modernization program here in the United States.

The committee heard extensive testimony from the intelligence community earlier this year in which they stated that Soviet strategic modernization continues apace, albeit under the framework of the new START Treaty just signed on this historic day.

The Soviets are continuing deployment of SS-18 Mods 5 and 6 heavy ICBM's and the SS-25 road mobile ICBM's, and are developing follow-on missiles for the SS-25 and SS-24 ICBM's. In total, they are developing five to six new ballistic missiles, of which three are more lethal sea-launched ballistic missiles. While the Typhoon SSBN has ended production, existing Typhoon SSBN's are being modified to accept a new missile, and the production of the Delta-IV submarines continues. Soviet submarines that will probably remain under the START agreement appear to be undergoing backfit programs for new, more lethal missiles. The only Soviet strategic program that has been noticeably slowed down is that of the Blackjack bomber force, which is experiencing what appear to be almost insurmountable technical problems.

In short, the intelligence community judges that:

> Although a START agreement would reduce the overall number of Soviet strategic weapons from about 11,000 to some 7,000, this smaller force will become more balanced, reliable and survivable and will possess more accurate weapons. For example, by the late 1990's about 80 percent of Soviet strategic forces will be mobile, presenting an extremely difficult targeting problem for the United States. These modernized forces will enable the Soviets to maintain a formidable strategic nuclear warfighting posture. START will have only a minor impact on Soviet capabilities to hold key North American and Eurasian targets at risk.

Mr. President, that is indeed a very sobering assessment. It is an assessment that must not be lost in the light of the historic events of this day, the signing of the START Treaty which this Senator views as a very important step forward, not only in arms control but in the relationships between our two nations to bring about a greater degree of peace and stability.

This continuing trend in Soviet strategic force modernization and the decline in funding for the United States strategic force modernization cause me great concern, especially when viewed in light of the growing political instability associated with ethnic and national instability in the Soviet Union. CIA Director, William Webster, advised our committee on May 31, 1991, that:

> What I think we're seeing now is some concern on the part of the [Soviet] central government. * * * [They are] looking at what they need to do to be sure that the missiles do not fall into unfriendly hands, that they are moved if necessary, that the systems that they have in place to prevent someone from engaging in unauthorized fire are intact and protected. * * * This is one [issue] we will have to pay a lot of attention to as the [Soviet] central government loses its control. * * *

According to former Soviet Minister Eduard Shevardnadze, whom we here in the United States hold in a great deal of respect, in a recent National Public Radio address he said the following:

> It's impossible to preserve the Soviet Union peacefully at the moment. I'm afraid of violence if power should be applied in this respect. Our country just cannot collapse peacefully and disintegrate peacefully. This will be connected with a civil war and application of nuclear weapons. And only God knows where these missiles fly—to Kiev, Riga, or Washington, DC.

Another very sobering assessment.

Our committee, therefore, included recommendations for the strategic programs in recognition of these concerns. First, and perhaps most importantly, the committee adopted by a vote of 16 to 4 a proposal known as the Missile Defense Act of 1991, which calls for deployment of an antiballistic missile system, with first site deployment by 1996 and negotiation of amendments to the 1972 ABM Treaty to permit deployment of a system to protect American citizens in all 50 States, our forward-deployed and expeditionary forces overseas, and our friends and allies from ballistic missile attacks.

Mr. President, I will discuss this proposal at great length later during the course of the Senate deliberation on this bill.

But at this juncture I wish to acknowledge the great support and indeed the courageous foresight and wisdom provided this Senator who initiated this particular amendment by my distinguished colleagues and friends, Mr. COHEN of Maine, and Mr. LUGAR of Indiana. We prepared what was known as a white paper which at the time appeared to be in conflict with objectives that had long been adhered to by the administration. So it took a period of time to convince people that our objectives were not antagonistic to the goals of the administration, not antagonistic to the ABM Treaty, but, indeed, were directed at seeking once and for all a strong bipartisan base of strength in the Senate and hopefully also in the House of Representatives on which to build the future of our strategic defense program.

The chairman, Mr. NUNN, the Senator from Georgia, this morning described his perspective on this amendment which largely coincides with my own views. Following the origination of this body of thought by the three Senators I mentioned previously, I approached the distinguished chairman. In due course, we were able to forge together a bridge between the various positions in our own committee. At first we achieved only 9 votes, but again after careful thought and incorporation in the amendment, ideas from both pools of thought on this subject, we were able to forge one of the strongest, if not the strongest, vote on missile defense in our committee, a vote of 16 to 4.

Mr. President, during the course of this committee's deliberations, the committee witnessed perhaps the most intense and the most respectful period of debate that I can recall in my 13 years of privileged service on that committee. As each Senator spoke, no matter what his position might have been, others listened very, very carefully. This debate went on for hours. It went on for days. A number of well-informed individuals, not only in this body but, indeed, from outside the committee who are familiar with the subject, contributed to this debate through the Senators. After a great deal of careful thought and deliberation, by a vote of 16 to 4, we approved this provision.

The committee also examined the proposed cuts to the United States strategic modernization program in light of the lessons of the Persian Gulf war, the continuing Soviet strategic modernization program, and the ethnic and nationality unrest in the Soviet Union and the associated political stress between central government and the several republics. Based on these considerations, the committee added funds to continue the MX production line, in order to ensure that we have sufficient missiles for test purposes beyond the year 2003 as well as to maintain our leverage for negotiations on the projected START II talks. The committee endorsed the full request of President Bush for the B-2 bomber program, authorizing procurement of four aircraft in fiscal year 1992, although procurement is restricted until certain testing is completed. And finally, the committee increased funding for the Trident D-5 missile in order to maintain an efficient production rate.

I wholeheartedly support the recommendations of the committee to continue our strategic modernization program and thus ensure the deterrent

value of our forces, while also recognizing the increasing importance of defenses.

INCREASES IN BASIC TECHNOLOGY EFFORTS

In the current budget environment, we are becoming more dependent on successful research and development efforts by the defense industry and by our laboratories and universities. The high priority of technology base programs is reflected in the committee recommendation to add $83 million to the request for such programs.

While I fully support enhancing our national defense research and technology base, I am concerned about efforts within the committee and elsewhere in Congress to use defense dollars to fund efforts which are interesting and perhaps worthwhile, but which have virtually no relationship to our national defense. For example, this year, the committee again earmarked defense funds for programs in universities focused on Japanese language, culture and practices; for a number of additional, undefined new Government-industry consortia; for grants to primary and secondary schools; and for a number of other programs with little or no utility to our national security. This bill includes over $500 million in unrequested funding for these efforts in fiscal year 1992 alone. We have no valid estimate of the future costs of continuing these programs.

Several questions arise from my review of these programs: Do these programs serve to enhance our national security or provide any benefit to the Department of Defense? Could other Government agencies more efficiently and cost-effectively perform such activities? Should some of these efforts be funded by private interests and not by the Federal Government at all? With the constraints on the Federal budget, every expenditure of defense funds must be judged in relation to its benefit to national security. I believe that many of these programs fail to meet that test.

SHIPBUILDING

The committee approved funding for construction of all the ships requested in the budget and added funds for 1 coastal minehunter. The request included 1 Seawolf [SSN-21] submarine, 5 Arleigh Burke [DDG-51] guided missile destroyers, 1 LSD-41 amphibious assault ship, 1 AOE combat support ship, 2 oceanography ships, and 12 air cushion landing craft [LCAC's], in addition to the coastal minehunters.

The House-passed Defense authorization bill included restrictive language on the Seawolf submarine program; the committee recommended no such language. This will be a matter for the conferees on this bill to work out.

I remain concerned that the only two battleships in our Navy are scheduled to be retired during fiscal year 1992, resulting in a loss of ship-to-shore fire support for Marine Corps assault echelons. The committee provided funding, however, for early demonstration of alternatives for naval fire support of amphibious operations.

MODERNIZATION OF THE MARINE CORPS

During our deliberations, I proposed and the committee adopted a major initiative to enhance modernization of the Marine Corps. This initiative is based on several trips I made to the Persian Gulf region and testimony by the Marine Corps after the war. While the Marines have always taken pride in getting along with less, sometimes we have to help them a bit with more resources.

The modernization enhancements recommended in the bill include research and development as well as procurement efforts focused on the following areas: Armor, artillery, night-fighting capabilities, intelligence, mine detection and clearing, and air defense. As a result of the increased funding in the bill, the Marine Corps will be receiving, over the next several years, Abrams tanks, multiple launch rocket systems, the latest generation of night vision equipment and sophisticated intelligence access devices. In addition, they will be involved in research using the most modern technology to detect and clear mines, a major problem encountered in the gulf war.

GUARD AND RESERVE PERSONNEL LEVELS

The committee recommended a reduction in Guard and Reserve endstrengths of approximately 33,000 in each of fiscal years 1992 and 1993. This cut is only about one-third of the reduction proposed by the administration and represents an additional cost to the Department in fiscal year 1992 alone of approximately $400 million.

As we reduce the size of our Armed Forces in the coming years in light of changes in the world situation and budget constraints, we must make difficult choices in order to maximize our Nation's military capability. Last year, Congress mandated reductions in the Active Duty Force which would require the elimination of 500,000 billets by 1995. At the same time, we put in place several provisions which were designed to alleviate the hardship on those military personnel who might be separated involuntarily from military service.

I have always been a strong supporter of the men and women who serve in the National Guard and Reserve, and I applaud their very important contribution to the success of the coalition forces in the Persian Gulf war. But we must begin now to streamline our Guard and Reserve Forces as the Active Duty Force levels are being reduced.

WOMEN IN COMBAT

The committee recommended provisions requiring the President to appoint a commission to conduct a comprehensive study and to make recommendations on the assignment of women in the Armed Forces of the United States. The results of the study are to be submitted to the Congress not later than December 15, 1992.

The committee debated this issue at great length, and our recommendation reflects our concern that the complexity of the issue requires further study before Congress acts to repeal or modify existing statutes restricting the assignment of women to certain combat roles. The Commission would be required to study and report on a number of very specific issues—professional, practical, physical, and political—to determine the possible impact on our military capability and readiness of allowing women to become fully integrated into all military assignments, including combat roles.

I fully support the recommendation of the committee on this issue and read to you from the committee report the primary reason for our action:

> As a matter of basic principle, the committee believes that equal opportunity has no gender. At the same time, the committee believes that combat effectiveness must always be the paramount consideration in determining assignment policies. It is in this context that the committee believes that the existing restrictions must be rigorously examined to determine whether or not they should be retained, modified, or repealed.

OPERATION DESERT STORM SUPPLEMENTAL FUNDING

The committee included in this bill additional supplemental funding for fiscal year 1991 for the incremental costs of the Persian Gulf war. DOD now estimates the total cost of Operation Desert Shield and Operation Desert Storm at approximately $61 billion. The committee provided additional transfer authority plus $4.4 billion in new authorizations for these costs. The committee included in its recommendation the amounts requested by the administration, except for $291 million for pre-positioning of stocks and equipment in the Persian Gulf region. This item was deferred without prejudice until the committee receives further information on the administration's long-term policy for pre-positioning in this region.

Mr. President, this bill represents a balanced approach to the difficult choices involved in funding our national defense priorities within the constraints of the budget agreement. It contains initiatives, such as the Missile Defense Act of 1991, which will greatly enhance the safety and security of our Nation. I urge my colleagues to vote for this bill.

Mr. President, I note the hour of 10:30 having arrived and that the Senate is not ready to turn to other matters.

Mr. COATS. Mr. President, I rise today to discuss S. 1507, the Defense authorization bill for fiscal years 1992 and 1993. In general, I believe the bill reported by the Senate Armed Services Committee adequately provides for our

national security. Although the committee bill contains a number of provisions that I disagree with, overall I believe it is balanced and well conceived. Before I comment directly on the Defense authorization bill, let me begin with some general observation on the dilemmas we face in attempting to fashion a national security policy for a changing world.

Mr. President, as we watch the cold war wind down and as we reduce the size of our military forces, it is important to keep in mind that the world remains volatile and unpredictable. In many ways our national security requirements have become more complex, and this trend is likely to continue as the world becomes more interdependent and technologically advanced. For political, economic, and military reasons, U.S. national security must be defined on a global basis more than ever. Hence our ability to respond to international and regional crises remains as important as ever.

Since regional conflict may directly affect global stability, the United States must maintain and improve its ability to project military power in a prompt and sustainable manner. Operation Desert Shield/Desert Storm illustrated this requirement in dramatic terms.

Conventional power projection, however important, is not by itself adequate to guarantee U.S. national security. We must also maintain the integrity of our strategic deterrent forces. Although changes in the Soviet Union have been promising, a great deal of uncertainty remains and a number of troubling trends continue. The Soviets continue to modernize and improve their strategic nuclear forces at an undiminished rate. In testimony before the Armed Services Committee earlier this year, General Soyster, head of the Defense Intelligence Agency, stated that even after the START Treaty is implemented, the Soviets will "maintain their overall strategic nuclear warfighting posture." According to General Soyster, "START will have only a minor impact of Soviet capabilities to hold key North American and Eurasian targets at risk." Secretary Cheney and General Powell also reminded the Armed Services Committee during their testimony that the Soviet Union will remain the only country capable of destroying the United States within minutes.

Thus we continue to face the difficult and costly task of maintaining and modernizing our military forces in a number of important areas. National security, as always, requires our continued attention and vigilance. For this reason, I hope the Congress has now overcome the euphoria that surrounded the debate over the so-called peace dividend. It is important to remember that less than 1 year after we began celebrating the end of the cold war and the coming of the peace dividend we deployed half a million American men and women half way around the globe to fight the fourth largest army in the world; and that this deployment was all that stood in the way of Saddam Hussein's plans to dominate a region that is crucial to our national security and economic prosperity.

Mr. President, although I believe that the need to maintain a strong U.S. military remains undiminished, I also understand that the dollars available for defense are becoming increasingly scarce. I do think we can safely reduce defense spending and the overall size of our military. However, we must manage this reduction with care. Secretary Cheney has made many tough decisions, canceled a number of significant programs and set the defense budget on a course that, within 5 years, will bring defense spending to its lowest level since World War II.

To be honest, Mr. President, I am not entirely comfortable with this sharp reduction in the overall level of defense spending, although I understand that it is codified in last year's budget agreement. I am concerned that we will not be able to sustain modernization efforts needed to keep our forces properly equipped, that we may be forced to reduce our readiness and sustainability, and that our projected level of manpower will be too low to respond to a major threat in the future. Based on these concerns, I asked Secretary Cheney and General Powell during the Armed Services Committee's February budget hearing if we could conduct a military operation like Operation Desert Storm 5 years from now. Their responses were so qualified that I had to interpret them as something other than "yes." In response to my question, General Powell stated:

> We would have great difficulty executing Desert Shield/Desert Storm the way we have if it was 1995 or 1996.

Mr. President, this is not to say that we should maintain our current force posture or not continue to reduce defense spending. Changes in Europe, in particular, will allow us to scale back commitments and reduce forces. Nevertheless, we must remember that the global challenge remains significant and in many ways has become more demanding.

As we begin to assemble a new strategy and force posture for the years ahead, we must also be cautious in deriving lessons from Operation Desert Shield/Desert Storm. There can be no doubt that our victory in the gulf war was overwhelming, and that this triumph demonstrated the soundness of our past investment in advanced military technology. We must not forget, however, that in achieving this victory we were assisted by many favorable factors. In particular, we cannot always count on having 6 months to mobilize our forces and construct an elaborate infrastructure to support military operations. As we reduce and modify the structure of our military, we must be cautious not to assume that such a favorable situation will be present in a future contingency.

Mr. President, with these general comments in mind, let me now turn to more specific comments on the Defense authorization bill.

As I said at the outset, I believe that this is a very good bill overall. I am particularly pleased by the committee's willingness to continue to support our strategic deterrent forces and reach a consensus on strategic defenses. While I continue to support the President's GPALS program, I believe that the compromise reached in committee on SDI is sound and will allow us to finally begin to translate years of research and development into actual defenses for the American people.

The committee bill also strikes a proper balance in the area of conventional forces. In particular, I am pleased that the committee was able to strongly support programs to maintain the defense industrial base without jeopardizing development of future programs. For example, the committee funded a retrofit program to modernize older M1 tanks. This program gives the Army more new tanks while helping to preserve the tank industrial base. At the same time the committee also fully funded the follow-on armored systems modernization program, which will depend on the same industrial base at the turn of the century. This balance between existing systems and future systems is delicate, however, since the funding needed for one may ultimately compete with funding for the other. We must be mindful of this dilemma as we make decisions about continuing production of existing systems while simultaneously preparing follow-on systems.

Mr. President, as the ranking minority member on the defense industry and technology subcommittee, I feel compelled to express my concern that the subcommittee added almost $500 million in new authorizations not requested by the administration in the area of critical technologies and manufacturing technology. While I do not necessarily disagree with the goal of these programs, I have reservations about spending such large sums of scarce defense dollars on programs that remain ill-defined and in many cases have only a peripheral relationship to national defense.

Mr. President, earlier in my statement I discussed the need to maintain a highly ready force that can be deployed without excessive time for mobilization. I am concerned that, by not reducing reserve component endstrength commensurate with active endstrength reductions, as requested by the administration, the committee bill may be setting up a situation

where we will have to rely excessively on mobilization in the future. I am a strong supporter of the National Guard and Reserve component forces. I believe they performed in an exemplary manner during Operation Desert Storm. However, with the Defense budget declining, we must seriously consider the impact on readiness if we maintain current or near-current Reserve levels while substantially reducing our Active Forces.

Mr. President, despite these concerns I believe that the committee bill deserves the support of the Senate. This bill represents a careful balance between competing priorities and interests. I hope my colleagues would refrain from offering amendments that will cause the administration to veto this compromise. In particular, I strongly discourage any attempt to upset the compromise on SDI, reduce the funding level for the B-2 bomber and add abortion-related amendments, all of which would cause this bill to be vetoed.

In closing, Mr. President, I would like to commend the chairman of the Armed Services Committee, the distinguished Senator from Georgia, and the ranking minority member, the distinguished Senator from Virginia, for producing a solid and balanced Defense bill.

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

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

EMERGENCY UNEMPLOYMENT COMPENSATION ACT

Mr. MITCHELL. Mr. President, earlier this morning, pursuant to a previous order, the unemployment insurance bill, S. 1554, was before the Senate.

I indicated at that time, in brief remarks, that it had been by hope that we could have proceeded to that bill on Monday, but exercising his rights under the rules, the distinguished Republican leader required that the time of 30 hours be consumed, and the bill then came up by operation of prior order this morning.

I expressed my hope that we could go on the bill this morning, but again exercising his right, the distinguished Republican leader has indicated he would not permit that to occur so that, under the rules, the earliest we could get to this bill would be on a cloture vote on Friday.

I had previously expressed to the Republican leader by hope that we could proceed to the bill as early as possible and that I was prepared, notwithstanding the requirements of cloture, to permit amendments to be offered by our Republican colleagues so long as they were relevant to the bill and were not otherwise germane under cloture, and that there be a period for debate on the bill for such time as we could agree was fair and reasonable under the circumstances.

I want to make clear that it is my desire that we process to the bill as soon as possible and that we do so in a manner that permits a full discussion of the issues and permits the offering of amendments even though, were we to adhere strictly to the rules, such amendments would not have been permitted.

The Republican leader and I have discussed the matter further this morning. We hope to have further discussions during the day in an effort to resolve this in a manner that will permit us to proceed on this legislation and also complete action on the pending bill prior to the forthcoming work period.

As I indicated at that time, I did not want to get into this detailed discussion until such time as the Republican leader were present on the floor. He is here now and I now yield to him for any comments he may wish to make on this matter.

Mr. DOLE. Mr. President, if the majority leader will yield, I would just say that I think we all understand the sensitivity of this issue. There are people in the United States who are out of work and who need help and may be looking to Congress for action on this legislation.

The other side is that we are looking at a piece of legislation here that, in effect, would violate the budget agreement by about $6 billion and could have the impact of just unraveling the entire budget agreement. If we say yes to this, how can we say no on to the next request?

But, notwithstanding that, and the many other reasons that some would give for not moving on the legislation, I could tell the majority leader that we have been meeting. We met again yesterday afternoon with the Office of Management and Budget Director, Mr. Darman, and the Secretary of Labor and we will meet again this afternoon. It is my understanding that sometime this morning, I believe, on the House side they will go to the Rules Committee. I guess what we are trying to determine is what might the final package be, and what would we be able to do prior to any vote in the Senate.

The majority leader has indicated we could work out some arrangement where we could offer a substitute or a number of amendments that are relevant, I guess, to the issue.

So I say to the majority leader, I am not in a position now to say anything definitive, I would indicate to him that we do not have any desire either to stick around all weekend and part of next week just to make a point. I will be visiting with the majority leader later this afternoon if that is satisfactory.

Mr. MITCHELL. Mr. President, indeed, it is.

Mr. President, I do not wish to debate the issue here. I understand the distinguished Republican leader has stated clearly his position on the relationship of this matter to the budget agreement.

I merely want to state for the record that it is our position this does not violate the budget agreement but in fact was contemplated by and consistent with the agreement. That is something obviously we will discuss in some detail at the time of debate on the matter.

I thank my colleague for his comments and look forward to those discussions. I hope that we can proceed in a manner that all consider, and is, in fact, fair and responsible to complete action on the measure and still meet our objective with respect to completing action this week.

Mr. DOLE. If the majority leader will yield further, it would be our hope—and I believe the record reflects total cooperation on both sides as far as moving legislation—to complement the DOD authorization and maybe even take up the Interior appropriation bill. I understand there may be some resolution problem on this side. That would not, as I understand it, take very long. That would meet the goal set by the majority leader, with the exception of one bill, Labor-HHS, which I understand would take a considerable amount of time.

So we have not lost sight of the fact if we had a lull of a couple of hours it would be possible to take up the Interior appropriations bill.

Mr. MITCHELL. I thank my colleague for that most constructive suggestion, and we will look forward to discussing the matter further today.

Mr. President, I thank my colleagues. I now yield the floor.

COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, FISCAL YEAR 1992

The PRESIDING OFFICER. Under the previous order, the Senate will return to the consideration of H.R. 2608, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2608) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Gramm amendment No. 944, to provide for the transfer of certain funds from the

Legal Services Corporation to the Federal Bureau of Investigation.

(2) Seymour amendment No. 946, to provide additional funds for the border patrol program.

AMENDMENT NO. 944

Mr. HOLLINGS. Mr. President, I ask unanimous consent that letters from the Legal Services Corporation, the UAW, and the American Bar Association be printed in the RECORD.

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

LEGAL SERVICES CORPORATION,
Washington, DC, July 23, 1991.

Hon. ERNEST F. HOLLINGS,
Senate Appropriations Subcommittee on Commerce, Justice, State and the Judiciary, Washington, DC.

DEAR SENATOR HOLLINGS: As the Commerce, Justice, State, the Judiciary and Related Agencies bill for Fiscal Year 1992 moves to the Senate floor, I would like to reiterate the testimony I presented to you on behalf of the Legal Services Corporation (LSC) at the Appropriations Subcommittee hearing on March 5, 1991.

At that hearing, the Corporation requested $355 million in FY '92 funding. I was pleased to note that the Appropriations bill reported from the Subcommittee, and later the full Committee, allocates $350 million for the LSC, an increase of approximately 7.0% over FY '91. I hope this figure will remain undiminished during the bill's pending consideration in the Senate.

The funding level currently in the bill would allow us to maintain and modestly expand the federal effort to meet the legal needs of America's poor, including LSC's Basic and Supplemental Field Programs, the Native American Programs, the Migrant Programs, Law School Clinics, as well as the National and State Support Center Programs. While I recognize that these are times of fiscal restraint, it is clear that even with these important programs and the enterprise of many dedicated men and women, the civil legal needs of the nation's poor are not being fully met.

Thank you for continuing your support of a vital federal role in the delivery of legal services to the poor—and helping us make a difference in the lives of many thousands of Americans.

Sincerely,

DAVID H. MARTIN,
President.

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW
Washington, DC, July 24, 1991.

DEAR SENATOR: When the Commerce, Justice and State appropriations bill is taken up by the Senate, we understand that an amendment may be offered to cut funding for the Legal Services Corporation. The UAW strongly opposes this amendment; we urge you to vote against the amendment if it is offered to the appropriations bill.

The Commerce, Justice and State appropriations bill would provide $350 million for the Legal Services Corporation. The UAW believes this is a modest amount for a program which provides the only access to legal services for millions of poor individuals. In our judgment, this is a small price to pay to assure that our system of justice is available to all individuals, regardless of their ability to pay.

The UAW has supported the Legal Services Corporation since its inception because we believe it is essential to provide the poor with access to legal services. The UAW also represents workers employed in local legal services programs in many parts of the country. We believe the legal services programs are doing an excellent job of providing the poor with quality legal representation. Accordingly, the UAW urges you to oppose any effort to reduce the $350 million in funding for the Legal Services Corporation which is contained in the Commerce, Justice and State appropriations legislation. Your consideration of our views on this important issue will be appreciated. Thank you.

Sincerely,

ALAN REUTHER,
Legislative Director.

AMERICAN BAR ASSOCIATION,
GOVERNMENT AFFAIRS OFFICE,
Washington, DC, July 18, 1991.

Hon. ERNEST F. HOLLINGS,
Chairman, Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies, Committee on Appropriations; U.S. Senate; Washington, DC.

Hon. WARREN RUDMAN,
Ranking Minority Member, Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies; Committee on Appropriations; U.S. Senate, Washington, DC.

DEAR SENATORS HOLLINGS AND RUDMAN: We commend you for the leadership you have shown in recommending an appropriation for the Legal Services Corporation (LSC) of $350 million for FY92 as part of H.R. 2608. We urge your colleagues to resist any efforts on the Senate floor to reduce the appropriation for this important program.

The LSC has been performing a vital service in making legal advice and counsel available to our poorest citizens. We are justifiably proud in this country of a justice system in which all litigants, regardless of wealth or social status, have the opportunity to protect their rights and have grievances redressed. But that opportunity is a false hope to the poor if they do not have access to the meaningful assistance of counsel which the LSC's local grantees provide.

The program remains, however, woefully underfunded. In FY81, the program was funded at $321 million and was serving about 20% of the legal needs of the poor. An appropriation of well over $500 million would be required simply to bring the federal funding level back up to the FY81 level adjusted for inflation. A far higher level, obviously, would be required to begin making a dent in the enormous volume of unmet legal needs of the poor.

This week, a strong bipartisan majority of the House Judiciary Committee approved a balanced, responsible reauthorization bill for the LSC. The vote reflects the fact that this program is operating effectively and efficiently and that it has broad and deep support throughout the country. The Senate should affirm its own support for this program by supporting the modest increase in funding contained in H.R. 2608.

Sincerely,

ROBERT D. EVANS.

Mr. BIDEN. Mr. President, I rise in opposition to the amendment to eliminate $48 million from the Legal Services Corporation appropriation, transferring that amount to the FBI. This amendment would be a serious setback to our country's efforts to provide quality legal services for the poor.

The funding contained in this appropriations bill are needed to permit the Legal Services Corporation to continue its work in, among other things, fostering income maintenance and health care, enforcing the fair employment and housing laws, protecting the elderly from consumer fraud, and assisting single mothers in their efforts to collect delinquent child support payments.

Funding for the Legal Services has not grown by enough to keep pace with steadily increasing costs of operation. Because the funding for this important tool in providing access to the justice system to indigent Americans has grown by only 2 percent in the past decade, the modest increase recommended by the committee is appropriate. Therefore, I urge my colleagues to reject this amendment, which would deal a blow to a program of tremendous importance to our Nation's less fortunate.

VOTE ON AMENDMENT NO. 944

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Texas [Mr. GRAMM] amendment No. 944.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

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

The result was announced—yeas 73, nays 26, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—73

Adams	Durenberger	McCain
Akaka	Exon	Metzenbaum
Baucus	Ford	Mikulski
Bentsen	Fowler	Mitchell
Biden	Glenn	Moynihan
Bingaman	Gore	Nunn
Boren	Gorton	Packwood
Bradley	Graham	Pell
Breaux	Harkin	Reid
Bryan	Hatfield	Riegle
Bumpers	Heflin	Robb
Burdick	Hollings	Rockefeller
Byrd	Inouye	Rudman
Chafee	Jeffords	Sanford
Cochran	Johnston	Sarbanes
Cohen	Kassebaum	Sasser
Conrad	Kennedy	Shelby
Cranston	Kerrey	Simon
D'Amato	Kerry	Specter
Danforth	Kohl	Stevens
Daschle	Lautenberg	Wellstone
DeConcini	Leahy	Wirth
Dixon	Levin	Wofford
Dodd	Lieberman	
Domenici	Lugar	

NAYS—26

Bond	Hatch	Roth
Brown	Helms	Seymour
Burns	Kasten	Simpson
Coats	Lott	Smith
Craig	Mack	Symms
Dole	McConnell	Thurmond
Garn	Murkowski	Wallop
Gramm	Nickles	Warner
Grassley	Pressler	

NOT VOTING—1

Pryor

So the motion to lay on the table the amendment (No. 944) was agreed to.

Mr. HOLLINGS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 946

The PRESIDING OFFICER. Under the previous order, the following votes will be 10-minute votes. The question is on agreeing to the motion to table the Seymour amendment, No. 946. The yeas and nays are ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

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

The result was announced—yeas 56, nays 43, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—56

Adams	Glenn	Mitchell
Akaka	Gore	Moynihan
Baucus	Graham	Nunn
Bentsen	Harkin	Packwood
Biden	Hatfield	Pell
Bradley	Heflin	Reid
Breaux	Hollings	Riegle
Bryan	Inouye	Robb
Bumpers	Johnston	Rockefeller
Burdick	Kennedy	Rudman
Byrd	Kerrey	Sanford
Cohen	Kerry	Sarbanes
Conrad	Kohl	Sasser
Daschle	Lautenberg	Shelby
Dixon	Leahy	Simon
Dodd	Levin	Wellstone
Exon	Lieberman	Wirth
Ford	Metzenbaum	Wofford
Fowler	Mikulski	

NAYS—43

Bingaman	Durenberger	Murkowski
Bond	Garn	Nickles
Boren	Gorton	Pressler
Brown	Gramm	Roth
Burns	Grassley	Seymour
Chafee	Hatch	Simpson
Coats	Helms	Smith
Cochran	Jeffords	Specter
Craig	Kassebaum	Stevens
Cranston	Kasten	Symms
D'Amato	Lott	Thurmond
Danforth	Lugar	Wallop
DeConcini	Mack	Warner
Dole	McCain	
Domenici	McConnell	

NOT VOTING—1

Pryor

So the motion to table the amendment (No. 946) was agreed to.

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

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

The motion to lay on the table was agreed to.

PASSPORT POLICY

Mr. LAUTENBERG. Mr. President, I rise in support of the Commerce, Justice, State appropriations bill for fiscal year 1992. The bill includes a provision I authored that is aimed at reversing Arab League countries' outdated passport policies which isolate and stigmatize our friend Israel and prohibiting the State Department from acquiescing in these policies.

The provision resulted from an experience I had trying to obtain a visa for a leadership sanctioned trip to Saudi Arabia and Kuwait earlier this year. Saudi Arabia would not issue to me a visa because my passport had an Israeli entrance stamp. The Kuwaitis have a similar passport policy. So do a majority of the Arab League countries.

The State Department acquiesced to the Saudis by issuing to me a new diplomatic passport and rendering my old diplomatic passport usable only for travel to Israel. That the Saudis wouldn't take an American passport from a United States Senator because of an Israeli entrance stamp is an outrage. So is the fact that the United States State Department acquiesces in the Arab boycott of Israel and stigmatizes our friend and ally Israel by issuing "Israel only" passports.

The provision in this bill would prohibit the State Department from spending funds for "Israel only" passports. It would also, 90 days after enactment, prohibit the State Department from spending funds on duplicate passports for diplomats traveling in the Middle East.

It is in line with a bill I introduced, and which was included in the version of the State Department authorization bill that the Senate approved yesterday. Representatives BERMAN and SNOWE have introduced an identical bill in the House of Representatives. And a hearing was held on June 13.

The provision in that legislation would require Secretary Baker to instruct our Middle Eastern diplomatic corps to immediately commence negotiations with Arab countries toward a reversal of their passport policy. If, within 90 days of enactment, negotiations have not resulted in a commitment from each Arab country to reverse this policy, the State Department would be prohibited from issuing duplicate passports to officials of the U.S. Government traveling in the Middle East. A similar 90-day period for negotiation is provided in the bill before us today.

For nondiplomatic United States travelers, the bill before us would prohibit so-called Israel only passports. So, for example, if the Saudis or any Arab League country want to persist in this policy, United States travelers would be issued "Saudi only" or "Arab League only" passports, and Saudi Arabia would suffer the stigma and isolation United States passport policies currently impose on Israel.

It would not restrict travel of nondiplomatic citizens as the State Department has said it would. The State Department could still issue duplicate passports for United States nondiplomatic citizens who want to travel to Israel and Arab League countries. But it could no longer stigmatize Israel by issuing an "Israel only" passport. The State Department would be forced to place the stigma where it belongs—on the Arab countries—and not on Israel.

The provision would force the Arab League countries, which the United States defended in the recent war, to accept passports from United States officials even if they have visited Israel.

The provision in this bill would move the Arab League countries in the right direction, and would prevent the State Department from acquiescing in their policy which discriminates against Israel. Americans were welcomed to Saudi Arabia when they were in uniform, ready to defend the sovereignty of those nations and the security of the entire Persian Gulf. But today Saudi Arabia and a majority of the Arab League countries refuse to admit Americans who have committed the offense of having visited Israel.

To accept this Arab behavior is to give tacit approval to the Arab League's policy of isolating Israel and refusing to accept her right to exist. American law and policy reject the Arab League boycott. Our companies are prohibited from complying with the boycott. We should expect no less from our diplomats and officials. They too should not be permitted to comply with the boycott of Israel.

The Arab practice of denying entry to United States citizens with Israeli stamps in their passports is an insult to every American and every American soldier who fought in Desert Storm. The administration can act on its own to reverse this archaic and misguided Arab policy. It should. But if it doesn't, we must enact this legislation and put an end to this outrageous practice.

LAW ENFORCEMENT AND COMMERCE PROGRAMS

Mr. President, I would like to comment on provisions in this bill of particular interest to me. First, I want to highlight the spending on law enforcement programs.

Mr. President, it is absolutely vital that Congress increase its commitment to fighting crime. Over the past several years, as drugs have permeated our society, violent crime has exploded. Since 1960, total violent crime has increased more than 12 times faster than the U.S. population.

In 1990, Mr. President, over 23,000 Americans were murdered, the highest total ever. Rapes, robberies, and assaults also were at all-time highs. As these figures make clear, Mr. President, crime is out of control, and we must fight back. One of the best ways to do so is to support the men and women on the front lines, our Nation's police officers.

Unfortunately, as the crime problem has increased dramatically, the number of police officers has not kept pace.

In 1950, the Nation had more than three police officers to respond to every one violent crime committed. In 1990, the Nation had fewer than one police officer for every three violent crimes.

Mr. President, I believe strongly that we need to increase Federal aid to State and local law enforcement. Earlier this year, I was one of only two Democratic Senators who supported an amendment to substantially increase such aid. And I have also been in touch with Senator HOLLINGS, the chairman of the appropriations subcommittee with responsibility for the Justice Department, to urge that aid to State and local law enforcement be increased substantially.

I am pleased that this bill does include an increase in aid to State and Local law enforcement through the State and local Drug Grant Program. Although the amount of the increase, $6 million, is not as great as I had hoped, it is a step in the right direction.

I also believe we need the increases of the scope provided in the bill for Federal law enforcement efforts. There is a 17-percent increase for the Federal Bureau of Investigations, and a $46.3 million increase for the Drug Enforcement Administration. The bill also includes funding for an additional 9,140 Federal prison inmates. In addition, the legislation provides a $15 million increase for the initiative to investigate and prosecute savings and loan fraud.

Mr. President, on another matter, I want to highlight a provision that was included in the committee report at my request that strongly encourages the Economic Development Administration to support a study into the feasibility of a conference center and international trade center in Newark, NJ. The Newark area now lacks adequate facilities for conventions and conferences, and there is considerable interest in the city in the development of such facilities. There is also real interest in an international trade center that could be connected to such facilities.

A convention center and a related international trade center could make a real difference for Newark and its residents. I hope the EDA will support the city's efforts to get such an initiative underway, and I am pleased that the Appropriations Committee has also expressed its strong support for a feasibility study of this initiative.

Finally, Mr. President, I want to point out that at my request this bill also includes $100,000 in SBA funds for the EXCEL Program in New Jersey. This management training and technical assistance program is for women who are starting a business or who wish to grow in their current businesses.

Women business owners now own more than one-third of the businesses in the United States, the fastest growing segment of the economy. However, traditionally they have not held the management positions, developed the business support networks or had the access to capital which would permit their businesses to prosper at the same rate as those started by men.

The New Jersey EXCEL Program will focus on training, technical assistance, access to capital, and information on Government procurement. These are all areas which will benefit small business, but especially small businesses owned by women.

Mr. President, small business is the engine which drives our economy. With more and more women starting businesses, I believe that we must support training and assistance to the women-owned businesses which provide jobs and help to strengthen our economy.

I thank the subcommittee chairman, Senator HOLLINGS, and the ranking minority member, Senator RUDMAN, for their cooperation on these matters.

Mr. HOLLINGS. Mr. President, I would like to clarify the intent of amendment No. 930 to H.R. 2608, the fiscal year 1992 Commerce, Justice, and State appropriations bill. This amendment transferred $8.7 million to address high priority Commerce and Justice Department priorities. My full statement was inadvertently not included in yesterday's RECORD.

This amendment realigns $8,700,000 within the accounts in the bill. The amendment addresses several issues that have come to the committee's attention subsequent to the reporting of the bill and which Senator RUDMAN and I believe should be corrected.

First, the amendment corrects a funding error in the title I of the bill related to the Immigration and Naturalization Service. The INS appropriation base used by the committee was overstated based on fee collections.

Second, the amendment provides an additional $1,500,000 to the general administration account of the Department of Justice to fund 10 additional immigration judges, as authorized by section 512 of the Immigration Act of 1990.

Third, the amendment provides $6,200,000 to the National Oceanic and Atmospheric Administration [NOAA] to address to programs that were not increased in the House allowance and the Senate reported bill; $4,275,000 is provided for the initial operational costs of the network of wind profiling radars in the States of Colorado, New Mexico, Arkansas, Texas, Oklahoma, Kansas, Nebraska, Illinois, Iowa, Louisiana, Minnesota, Missouri, Wisconsin, and Wyoming. The budget intentionally underfunded the profiler budget by assuming the application of prior year funds that are not available.

Fourth, $1,425,000 is provided for the NOAA Program for Regional Observing and Forecasting Service [PROFS] in Boulder, CO. The budget reduced PROFS to $1,870,000 and proposed phasing out this activity. The House accepted this position and, frankly, we were prepared to go along. But, after a review of delays in the AWIPS Program, and further analysis of the PROFS activities, we recommend that the laboratory be maintained at $3,295,000.

Fifth, $500,000 is provided for the NOAA Space Environment Laboratory [SEL] in Boulder, CO. This laboratory provides weather forecasts for the space environment, such as prediction and warning of solar activity. In 1991, solar and geomagnetic activity will be at near-record levels. The recomended increase will allow the SEL to bring on nine new positions and to enhance collection and forecasts of solar disturbances.

Sixth, $500,000 is provided for the Technology Administration, for administration initiatives.

Seventh, $500,000 is provided for new appropriations for the Commission on Legal Immigration Reform. This Commission was created in the Immigration Act of 1990, but funding was not included in the budget request. This Commission will review the early implementation of the new immigration act and recommend to Congress statutory and other changes that might be required.

Eighth, bill language is included to clarify that the Eisenhower Exchange Program can use interest earned from its trust fund.

Finally, bill language is included to facilitate the delivery of NOAA programs by allowing the agency to enter into cooperative agreements with nonprofit organizations. During this period of budget retrenchment, this amendment should help develop innovative ways of funding projects with private sector resources and, thus, leveraging NOAA appropriations.

The PRESIDING OFFICER. Under the previous order the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. Under the previous order, the bill having been read the third time, the question is, Shall the bill pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

The PRESIDING OFFICER. Are ther any other Senators in the Chamber who desire to vote?

The result was announced—yeas 86, nays 13, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—86

Adams	Garn	Metzenbaum
Akaka	Glenn	Mikulski
Baucus	Gore	Mitchell
Bentsen	Gorton	Murkowski
Biden	Graham	Nickles
Bingaman	Gramm	Nunn
Bond	Grassley	Packwood
Boren	Harkin	Pell
Bradley	Hatch	Pressler
Breaux	Hatfield	Reid
Bryan	Heflin	Riegle
Bumpers	Hollings	Robb
Burdick	Inouye	Rockefeller
Byrd	Jeffords	Rudman
Chafee	Johnston	Sanford
Coats	Kassebaum	Sarbanes
Cochran	Kasten	Sasser
Cohen	Kennedy	Seymour
Cranston	Kerrey	Shelby
D'Amato	Kerry	Simon
Danforth	Kohl	Simpson
DeConcini	Lautenberg	Specter
Dodd	Leahy	Stevens
Dole	Levin	Thurmond
Domenici	Lieberman	Warner
Durenberger	Lugar	Wellstone
Exon	Mack	Wirth
Ford	McCain	Wofford
Fowler	McConnell	

NAYS—13

Brown	Dixon	Smith
Burns	Helms	Symms
Conrad	Lott	Wallop
Craig	Moynihan	
Daschle	Roth	

NOT VOTING—1

Pryor

So, the bill (H.R. 2608), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

Mr. HOLLINGS. Mr. President, I move that the Senate insist on its amendments to H.R. 2608 and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. HOLLINGS, Mr. INOUYE, Mr. BUMPERS, Mr. LAUTENBERG, Mr. SASSER, Mr. ADAMS, Mr. BYRD, Mr. RUDMAN, Mr. STEVENS, Mr. HATFIELD, Mr. KASTEN, and Mr. GRAMM conferees on the part of the Senate.

Mr. BYRD. Mr. President, the distinguished subcommittee chairman, Senator HOLLINGS, and the ranking minority member, Senator RUDMAN, are to be commended for their painstaking and diligent efforts—as is always the case—in shepherding this very important appropriations measure through the committee and the Senate in an expeditious and efficient manner. They make the difficult seem easy; under very tight budgetary constraints, they have provided very important increases in funding for law enforcement and Federal correctional activities, as well as for longstanding congressional priorities such as the EDA, small business, and juvenile justice and delinquency prevention programs.

Senators HOLLINGS and RUDMAN are very knowledgeable in all areas of the bill and have performed an outstanding service to the Senate once again this year.

I also compliment the staff of the subcommittee for their hard work, dedication, and loyalty. They certainly define the term professional, and I recognize them at this time: Scott Gudes, Dorothy Seder, Elizabeth Blevins, John Shank, and Mary Tenenbaum.

Mr. HOLLINGS. Mr. President, once again I thank my distinguished colleague, Senator RUDMAN, and his staff. I thank Scott Gudes and Dorothy Seder. They have done an outstanding job, and we appreciate it very much.

Mr. RUDMAN. Mr. President, let me say, very briefly, that I thank the chairman, Scott Gudes and his staff, and John Shank and our staff, for the expeditious handling of the bill. I thank the Chair.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993

The Senate continued with the consideration of the bill.

Mr. NUNN. Mr. President, I want our colleagues to understand what we are going to try to do on the Defense bill, and this depends on the Members being willing to introduce amendments. It is my hope that we will have, shortly, an amendment that would be laid down by Senator ROTH and Senator KENNEDY, which would deal with women in combat. It is my expectation that we will be on that subject for at least 1 hour, perhaps 2 hours. There is no time agreement at this point, but I will be seeking a time agreement with the authors of the amendment at an appropriate time.

It would then be my hope that somewhere in the neighborhood of 2 o'clock this afternoon—depending, of course, on when we complete the Kennedy-Roth amendment—we would then move to the SDI amendments. There will be a series of amendments on the strategic defense initiative. My understanding is that there are four, maybe more. Those are very important amendments. It is my hope that we can get a time agreement on each amendment, and that we can complete all amendments on SDI tonight.

I think that will take a period of 6 or 7 hours. It will be a lot of debate. That would be my hope.

It would be my hope further that we could deal with the B-2 amendment tomorrow morning. I think we may get started on it tonight depending on when we finish the SDI amendments.

The only hope we have of completing this bill by sometime Friday or Friday night, or perhaps earlier if everyone cooperates, is to deal with the major amendments to begin with, and then deal with the other amendments after that.

These are all three major amendments. We also have an abortion amendment that will be offered by Senator WIRTH, the same amendment we dealt with last year, that relates to people in the military being able to reimburse the Government or be able to have access to medical facilities when they are in countries where the access is denied. That is another amendment people feel strongly about on both sides.

I hope again, with the Senator from Maine, Senator MITCHELL, Senator DOLE, Senator WARNER, and Senator WIRTH, to discuss how we will deal with that amendment. It will be offered.

Those are all very important amendments. Senators feel keenly about them.

It would be my hope that we could, as nearly as possible, move toward those amendments in that order because that is, as I see it, the only way we are going to be able to finish this bill in the timeframe that I know everyone would like to finish it. It is also my intent to finish this bill before we go home.

I talked to Senator MITCHELL about that and I made it clear that I would rather not start the bill then get in the middle of it and not complete it. It is up to the majority leader and, of course, the minority.

But certainly as manager of this bill it is my intent to finish this bill Thursday, Friday, Saturday, or Saturday night, or next week. I am perfectly willing to take what time we need to finish the bill and give everyone the time they desire on this amendment.

There is the outline I see. I know Senator GLENN is here. Senator MCCAIN is here to manage the matter of women in combat. It would be my hope that Senators ROTH and KENNEDY could lay down that amendment shortly and we could begin on that.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Virginia [Mr. WARNER].

Mr. WARNER. Mr. President, I join the distinguished chairman of the committee with that schedule. I think it is highly achievable, providing we move right along.

As I see my distinguished colleague here from Arizona [Mr. MCCAIN] who will manage this particular portion of the bill, at this moment, I yield the floor.

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

Mr. BRADLEY. I thank the Chair.

(The remarks of Mr. BRADLEY pertaining to the introduction of S. 1599 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WOFFORD. Mr. President, I ask unanimous consent to proceed for 4 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, the Senator is recognized as if in morning business for up to 4 minutes. The Senator from Pennsylvania is recognized.

Mr. WOFFORD. I thank the Chair.

(The remarks of Mr. WOFFORD pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WARNER. Mr. President, very shortly the chairman and I will address the Senate. It is our hope that we can proceed with the issue of women in combat. At this time, the chairman is consulting with those who earlier indicated a willingness to come forward and lay down the first amendment, but I believe there has been a change of plans. Momentarily our chairman will be here to advise the Senate on the change of plans.

I, myself, early on in this issue, recognized the importance of it. I first wrote the Secretary of Defense asking that he be forthcoming—he being the principal member of the administration responsible for implementing whatever guidance the Congress gives—and subsequent thereto, at my specific request, joined in by Senator GLENN, Senator MCCAIN, and others, we had a very lengthy hearing in the Senate Armed Services Committee on this critical issue.

I personally favor the United States of America moving out and establishing not only for ourselves but for the rest of the world a course of action with regard to the participation of women in the military forces. I think that the Persian Gulf taught us another valuable lesson in the contributions that they can make.

I am hopeful that the Senate as a whole will see the wisdom in the position taken by the committee, namely to establish a commission, which commission will be charged—now, not just another commission, Mr. President; I mean one designated by the President of the United States—which is the commission that should have the greatest power of any—designated by the President and charged by the President specifically to make a series of findings and those findings to be made known not only to the executive branch but to the Congress so that we can move ahead on this issue, hopefully giving women greater responsibility.

The amendment that was originally to be considered at this time had certain provisions which I felt did not address the issue. The amendment was primarily confined to a very narrow segment of the women in the military. According to my calculations, about one-half of 1 percent of the over 227,000 women in the military, one-half of 1 percent at the present time occupy roles in aviation. and if we were to accept such an amendment, the perception that would emanate from this Chamber would be that we have struck a blow to try and help women take a greater role of responsibility in the military. But that would be, in my judgment, an unfair perception, when it treats only one-half of 1 percent—one-half of 1 percent.

Primarily it would benefit those female officers who have through their own skills and hard work moved up through the ranks of aviation to where they are now top pilots and leaving basically the enlisted ranks without any recognition by the Congress and ability to move forward in their career patterns.

So, Mr. President, I am hopeful that this debate, which will be lively and complete and thorough, will get underway momentarily.

At this point in time, I yield the floor.

Mr. KENNEDY. Mr. President, I understand that a unanimous-consent agreement is being prepared. Perhaps prior to that time we could begin to recognize the Senator from Delaware for his statement and, at least in terms of those that are here, we could follow the time limits until the unanimous-consent agreement is prepared.

Mr. NUNN. Mr. President, I agree with the Senator from Massachusetts. If I could suggest this: Rather than laying down the amendment, I think if we could begin the debate and Senator ROTH and Senator KENNEDY could describe the amendment and Senator GLENN could describe the substitute, then we will have the unanimous-consent request prepared. I think we would be better served if no one lays down an amendment on this subject until we propound the unanimous-consent request.

Mr. WARNER. Mr. President, might I suggest that as Mr. GLENN lays down the substitute that he be joined by Senator MCCAIN, who has worked on this substitute.

Mr. NUNN. The Glenn-McCain substitute?

Mr. WARNER. That is correct.

The PRESIDING OFFICER. Who seeks recognition? The Chair recognizes the Senator from Delaware [Mr. ROTH].

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

Mr. KENNEDY. Mr. President, if I could have the attention of the Senator, we were going to withhold submission of the amendment until we got the unanimous consent. I think we are going to have the unanimous-consent request just momentarily.

I thought we would begin the debate, and then as soon as we got the unanimous consent, we would take more formal action.

The PRESIDING OFFICER. Does the Senator from Delaware withdraw the amendment?

Mr. ROTH. I withdraw the amendment.

The PRESIDING OFFICER. The Senator has that privilege.

Mr. ROTH. Mr. President, the amendment which Senator KENNEDY and I will propose later is not about gender, but about excellence. It is not about women pilots flying combat missions, but about the best pilots flying combat missions.

The readiness and preparedness of our military defense is a serious matter. When our Nation's future is at stake—and the future of free nations is at stake—we want the most skilled and seasoned men and women on the job.

Make no mistake—military excellence must be our first priority. Our Secretary of Defense must have the greatest flexibility and maneuverability to marshall the forces at his command. We want the best and brightest pilots in the air, not on the ground. We want the best person in the cockpit of a Stealth fighter or a B-1 bomber—not the second best.

Mr. President, America is with us on this issue. A Newsweek poll released just this week shows that 63 percent of Americans favor allowing women to fly combat aircraft. The American people know that what is good for our military defense is also good for the country. And what is good for the country is excellence, readiness, preparedness, strength, and flexibility.

Forty years ago Congress imposed a rule which now prevents women from serving as combat pilots. This congressional restriction is as old and outdated in today's military as a World War II propeller plane.

Flexibility is impeded and excellence is shortchanged because of this artificial barrier. Our Secretary of Defense needs to have the flexibility to make intelligent decisions about who should fly these fighter aircraft.

Leaving an antiquated barrier in place—when it impairs the maximum effectiveness of our armed services—makes no sense at all. Adm. William Lawrence, the president of the Association of Naval Aviators and a past Chief of Naval Personnel, summed up the problem succinctly when he wrote the following:

> The principle problem which must be solved is that the 1948 law which governs the role of women in the military has become totally outmoded and inappropriate as the roles and numbers of women have been expanded over the past 40 years.

Congress should wake up and lift the ban—and let the Pentagon do its job.

The amendment before us today would remove this outdated law. Our legislation gives the Secretary of Defense maximum flexibility to fill the job with the best-qualified person.

The Department of Defense has underscored its desire to assume this authority and has supported the intent of our legislation. I quote Pentagon spokesman Pete Williams, who said:

> * * * the Department welcomes this legislation, because it gives the Department of

Defense the authority to decide where the line should be drawn, rather than having Congress set the limits on the role of women in combat.

Individual ability and individual skill—not gender—must determine who flies these high performance planes. And with today's technology, the only true distinctions are skill, performance, speed, reflexes, nerves, guts, and brains. These are the qualities we want when the critical moment arises.

Today's aircraft is a great equalizer, as our women pilots have said. Technology has enabled women to compete on a level playing field. These changes can no longer be ignored. Our military needs pilots who have, in the words of writer Tom Wolfe, the "right stuff"—and many of our women pilots do indeed have the right stuff.

Our goal is very simple, Mr. President: to lift artificial barriers where they are no longer needed. We do not dictate to the Pentagon what it should do once this barrier is removed. We do not instruct the Pentagon to hire women as combat pilots. We leave these decisions in the hands of the professionals, not the politicians.

All we are saying is that Congress should not stubbornly keep in place an old rule that has outlived its purpose. Admiral Lawrence, who supports our legislation, has emphasized the importance of taking this approach. I quote him as follows:

* * * the laws and policies governing the roles of women in the military are not only irrelevant, they have become absurd. It will be difficult to modify them because wording would probably be developed which is not better than we have now. So the only logical course is to delete sections 6015 and 8459 of Title X as your bill proposes.

In removing the ban, we give women the opportunity to compete for these positions as DOD sees fit—nothing more and nothing less. And, we give the military the opportunity to make the best use of its talent.

The Senate Armed Services Committee—instead of adopting my proposal—has called for a study commission. We do not need a commission to study the issue. A commission will not tell us anything we do not already know about the performance of women pilots in battle.

Women have proven themselves—the documentation is clear and well-documented. The best arguments are performance, experience, and aptitude—and women military pilots have come through with flying colors on all three counts.

For anyone who thinks we need more studies, more evidence, I say, look at the record. Women have been pulling G's in high performance aircraft for over 15 years now. Women aviators train our male combat pilots. They test the newest generation aircraft. They fly the space shuttle. Women pilots test FA-18's and C-27's, they fly transport planes and refueling planes, they fly AWACS and helicopters. In fact, women have flown just about every plane that the Pentagon has built in the past three decades. There is no question about their performance, or their experience, in this regard.

But women have proven themselves, not only in the instructor's seat and in the test pilot's seat, but in battle conditions and in the line of fire. Their aptitude and ability may have been proven here at home—but their courage and mettle were proven in the skies over Saudi Arabia, Kuwait, and Iraq.

Our women pilots showed cool thinking and competence as Army helicopter pilots, Air Force AWACS pilots, and Navy surveillance pilots in Operation Desert Storm. They flew behind enemy lines and transported troops into enemy territory. Some of them flew ahead of the ground assault into Iraq. We owe our victory, in part, to the superb performance of these women pilots.

The bottom line is clear, Mr. President. Women are already involved in just about every aspect of high performance flight. They have proven themselves steadily and consistently over the years, and they have served with great distinction as part of Operation Desert Storm. Frankly, the verdict is in.

Our women military pilots are an exciting new generation of aviators. They are smart, articulate, and professional. They are commanders of squadrons and test pilots of advanced fighter aircraft. They are trainers at our best air combat schools.

They are the kind of dedicated pilots who eanred their pilot's license before they got their driver's license. Many of these young women entered the military with the express purpose of flying fighter aircraft—of being the top guns of their profession. Their male counterparts have attested to their ability and competence.

For example, Capt. Thomas J. Bernsen of the Patuxent Naval Air Station was recently quoted in the Washington Post as saying, "These are exceptional ladies * * * they blew out on top of the guys to wind up coming here. * * * I'd put them up against any man, anywhere."

I have had the opportunity to talk with many of these women, and let me tell you, they are an inspiration. You might expect them to talk about equality or career advancement, but that has not been the case. These women talk about serving America to the best of their ability. They talk about what our military defense should look like—why readiness and flexibility are so important now and in the future.

Many of these women are distinguished war veterans. They know the risks they have already taken the risks they will take in the future.

Mr. NUNN. Mr. President, will the Senator yield for 1 minute for a unanimous-consent request relating to this matter?

Mr. ROTH. I will be happy to yield.

Mr. NUNN. Mr. President, I believe this unanimous-consent request has been cleared all the way around with Senators ROTH, GLENN, KENNEDY, WARNER, MCCAIN, and myself. We have checked with the majority leader on form. I propound the following unanimous-consent request.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, I ask unanimous consent that there be 3 hours for debate to be controlled by the sponsors of the amendments. There will be one amendment offered by Senators ROTH and KENNEDY and one amendment offered by Senators GLENN and MCCAIN; that no second-degree amendments to either amendment be in order; that both amendments be pending concurrently; that, after the yielding back of time, the Senate vote on or in relation to the Glenn-McCain amendment; that upon the disposition of the Glenn-McCain amendment, the Senate, without any intervening action, vote on or in relation to the Roth-Kennedy amendment.

The PRESIDING OFFICER (Mr. LEAHY). Is there objection to the unanimous-consent request propounded by the Senator from Georgia?

The Senator from Delaware.

Mr. ROTH. Mr. President, I want to make sure that both the Roth-Kennedy and Glenn-McCain amendments are in the first degree.

Mr. NUNN. The Senator is correct.

Mr. President, I further ask unanimous consent that no motions to recommit be in order prior to the disposition of these amendments.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request propounded by the Senator from Georgia? The Chair hears none. Without objection, it is so ordered.

Mr. NUNN. I thank the Senator from Delaware and the Senator from Massachusetts.

The PRESIDING OFFICER. If the Senator will withhold just a moment. The Chair advises Senators that in order to execute the agreement, it will be necessary to send the amendments to the desk at this point.

AMENDMENT NO. 948

(Purpose: To authorize the Secretaries of the military departments to prescribe the conditions under which female members of the armed forces may be assigned to duty in aircraft that are engaged in combat missions)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself, Mr. KENNEDY, Mr. MCCONNELL, Mr. BINGAMAN, and Mr. LEAHY, proposes an amendment numbered 948.

Mr. ROTH. 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:

On page 112, between lines 17 and 18, insert the following new section:

SEC. 530. AUTHORIZATION FOR THE ASSIGNMENT OF FEMALE MEMBERS OF THE ARMED FORCES TO DUTY IN COMBAT AIRCRAFT.

(a) ARMY.—(1) Chapter 343 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3549. Duties: female members; combat duty

"The Secretary of the Army may prescribe the conditions under which female members of the Army may be assigned to duty in aircraft that are engaged in combat missions.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 3548 the following new item:

"3549. Duties: female members; combat duty.".

(b) NAVY AND MARINE CORPS.—Section 6015 of title 10, United States Code, is amended in the third sentence—

(1) by inserting "(a)" before the first sentence;

(2) by striking out "or in aircraft";

(3) by inserting "(other than as aviation officers as part of an air wing or other air element assigned to such a vessel)" after "combat missions";

(4) by inserting "other" after "temporary duty on"; and

(5) by adding at the end the following new subsection:

"(b) The Secretary of the Navy may prescribe the conditions under which female members of the Navy and Marine Corps may be assigned to duty in aircraft that are engaged in combat missions.".

(c) AIR FORCE.—(1) Section 8549 of title 10, United States Code, is amended to read as follows:

"§ 8549. Duties: female members; combat duty

"The Secretary of the Air Force may prescribe the conditions under which female members of the Air Force may be assigned to duty in aircraft that are engaged in combat missions.".

(2) The item relating to section 8549 in table of sections at the beginning of chapter 843 of such title is amended to read as follows:

"8549. Duties: female members; combat duty.".

(d) RULE OF CONSTRUCTION.—This section shall be construed only as an expression of an intent of Congress to permit the assignment of female personnel of the Armed Forces of the United States to duty in aircraft that are engaged in combat missions.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 1991.

In section 2(b), amend the table of contents by inserting after the item relating to section 529 the following new item:

Sec. 530. Authorization for the assignment of female members of the Armed Forces to duty in combat aircraft.

AMENDMENT NO. 949

(Purpose: To authorize the Secretary of Defense to waive restrictions on the assignment of women in the Armed Forces in order to enhance the effectiveness of the Commission on the Assignment of Women in the Armed Forces)

Mr. GLENN. Mr. President, on behalf of myself, Senators MCCAIN, NUNN, and WARNER, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. GLENN], for himself, Mr. MCCAIN, Mr. NUNN, and Mr. WARNER, proposes an amendment numbered 949.

Mr. GLENN. 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:

On page 112, between lines 17 and 18, insert the following new section:

SEC. 530. AUTHORITY TO WAIVE COMBAT EXCLUSION LAWS.

(a) COMPREHENSIVE RESEARCH AND ANALYSIS REQUIRED.—The Commission on the Assignment of Women in the Armed Forces, established under section 521, shall conduct comprehensive research and analyses regarding the potential for women in the Armed Forces to serve in combat positions.

(b) INFORMATION NEEDS TO BE DEFINED.—The Commission, as a priority matter, shall determine the types of information necessary for its research and analysis that can best be obtained through the assignment of women to combat positions on a test basis.

(c) NOTIFICATION OF SECRETARY OF DEFENSE REGARDING INFORMATION NEEDS.—The Commission shall promptly advise the Secretary of Defense of its needs for information determined pursuant to subsection (b). The Commission may request that the Secretary of Defense require the assignment of women to combat positions on a test basis in order to develop that information.

(d) WAIVER AUTHORITY.—The Secretary of Defense, in consultation with the Commission, may conduct test assignments of women to combat positions and may waive sections 6015 and 8549 of title 10, United States Code, and any other restriction that applies under Department of Defense regulations or policies to the assignment of women to combat positions in order to conduct such test assignments.

Mr. WARNER. Mr. President, might I address this procedural UC request in the following manner. It has been hoped that Senators ROTH and KENNEDY would come forward with their amendment. The amendment just offered by Senator GLENN on behalf of himself, Mr. MCCAIN, Mr. NUNN, and myself would be in the nature of a substitute. But for various reasons, that is not being done at this time.

I wish to indicate that as these two debates are debated in this one time agreement, it is very clear to this Senator, and I believe to my three colleagues on the second amendment, that we intend to oppose clearly the amendment by the Senator from Delaware and the Senator from Massachusetts. I see some conflict between the two amendments should the Senate adopt both amendments.

During the course of the debate, I urge my colleagues to listen carefully because I think there is a clear distinction between the two amendments, and this Senator intends not only to debate against the amendment offered by the distinguished Senators from Massachusetts and Delaware, but also to vote against it. I will so urge my colleagues at the appropriate time.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I will only say to my distinguished friend and colleague from Virginia, we are hopeful that he and his colleagues will change their minds as the debate continues this afternoon. We, of course, are very hopeful that a majority of the Senate, like in the House of Representatives, will support our amendment.

Mr. President, as I was saying before the unanimous-consent request was agreed upon, excellence in our military forces means many things. It means dedication during long hours and it means quiet pride in accomplishments that go unnoticed. It means getting the best training you can because you might save someone's life, or the lives of an entire aircrew. It means knowing the ins and outs of the newest technology—how to use it, how not to abuse it.

There is a certain spirit of resolve, of alertness, of intelligence, and of patriotism that I associate with excellence in our armed services. And I can tell you that the women pilots who I have spoken with exemplify that spirit.

Whether they can meet the performance standards will be up to their superiors. But they certainly should have the opportunity to compete—if that is their choice—and to give us their best.

The amendment we bring here today does not perform major surgery on the composition of our armed services. Instead, I liken it to pinpoint laser surgery—this amendment is very precise. We simply remove the congressionally imposed restriction which prevents women from flying combat aircraft—and give the Defense Department the authority to determine how best to use women aviators.

Legal experts agree that lifting the restriction will not mean a dramatic change for women's roles in the military. Like the surgical strike weapons used in Operation Desert Storm, our amendment has a specific intent and a specific mission—it is designed to hit the target.

We have looked at an area where women have proven themselves beyond a doubt, and where technology has equalized opportunity. We have looked at an area where the Pentagon has ex-

pressed a need which has merit and value. And we have found that action is appropriate and called for. This amendment is not only the right action, but the right action at the right time.

America agrees with us, Mr. President. The people have expressed their conviction that women combat pilots would be an asset to our military defense. They have shown a sophisticated understanding of the substantive difference between women as combat aviators and women in other combat roles. The public's perceptions have caught up with the changes that have occurred, and the people see women pilots as ready and capable professionals—a true asset to our military.

As always, Vice Admiral Lawrence has stated the problem eloquently. He has written:

> Women feel they have considerably more to contribute in the military than they are currently permitted to do. * * * They are willing to allow changes to be made that are based on proven performance and need. They just don't want ridiculous artificial barriers to be placed in their path.

Mr. President, it is time to remove the barrier.

Yes, for fairness, but more important, for military readiness and effectiveness.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield such time as I may use.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I commend my friend and colleague, the Senator from Delaware [Mr. ROTH] for the leadership he has provided on this issue and I am delighted to have the chance to join with him, Senator MCCONNELL, Senator LEAHY, and Senator BINGAMAN in support of our amendment to repeal the statutes that bar women from serving in combat aircraft. These exclusionary statutes are relics of the 1940's that Congress should have repealed long ago.

The Armed Forces claim that they are an equal opportunity employer, and they are, partly. They have made great strides in opening up all branches of the service to racial minorities.

But the same cannot be said with regard to sex discrimination, because archaic statutes still in the books deny equal opportunity to women.

Barriers based on sex discrimination are coming down in every part of our society. The Armed Forces should be no exception. Women should be allowed to play a full role in our national defense, free of any arbitrary and discriminatory restrictions. The only fair and proper test of a women's role is not gender but ability to do the job.

The 1948 law that limited the role of women in the regular armed services contained three parts: First, it limited the total number of women in the armed services. Second, it put a ceiling at the lieutenant colonel level, commander in the Navy, on the highest rank women could achieve. Third, it barred women from serving aboard combat aircraft in the Air Force and Navy, as well as combat ships in the Navy.

The Army does not have to contend with a statutory exclusion. The Army prohibitions on woman in combat are contained entirely in service regulations, which are adapted to changing times without the enactment of legislation. The Marine Corps addresses the issue of women in ground combat in the same way as the Army—through regulation.

Ironically, the most complex questions about the exclusion of women from combat related to the Army, not the Air Force or the Navy. Yet it is the Air Force and the Navy that have to contend with statutory exclusions that make worthwhile and essential reforms impossible.

During the late 1960's, Congress repealed the first two restrictions contained in the 1948 law. The time has come to remove the last of these statutory prohibitions on the role of women in the military. It has become an embarrassing anachronism. The changing nature of modern warfare means that old distinctions are obsolete.

The dangers now extend well behind the front lines. As we saw in the Persian Gulf war, military personnel well behind the lines can be killed or wounded. At the same time, the infusion of advanced electronic and computer technology into modern weapons has changed many phases of warfare from a test of physical strength to a test of technical skill.

In the gulf war, the technological abilities of our personnel were as important to our victory as their physical strength and courage. There is virtually universal consensus that the women who served in Operation Desert Storm did an outstanding job, including jobs that were, for all practical purposes, combat jobs. They faced hostile fire; they flew into enemy territory; they suffered death, injury, and were captured as prisoners of war; they lived in conditions of extreme hardship, and they performed tasks requiring physical strength and stamina.

In short, to quote Secretary of Defense Dick Cheney, women members of our Armed Forces "were every bit as professional as their male colleagues." This performance comes as no surprise. Women have been proving themselves in the military for many years. The real surprise is that the outstanding performance of women in the military and the changing nature of modern warfare has not led the Congress to repeal the statutory restrictions on women in combat roles before now.

These laws are bad for women, because they deny them an equal opportunity for service and advancement in the military. Over the past two decades, the Pentagon has informally narrowed the scope of the combat exclusion laws. But as the Department's manpower chief testified before the Senate Armed Services Committee last month, DOD has reached the point where further expansion of the opportunities for women in the military is difficult unless we lift the combat exclusions. And the combat exclusion laws are bad for men because they place an inequitable portion of the burdens of military duty on male service members. Combat positions in all services often call for military personnel to be away from their families for extended periods, to risk death and injury, and to live under hardship conditions. Because women are barred from these positions, the men must take up the slack and bear a disproportionate share of these hardships.

The combat exclusion laws are bad for our nation's security because they deny the military the opportunity to put the best personnel by virtue of training and skills in the most important positions. Today, if the best person for a combat position is a woman, she will not get the job.

The amendment that Senators ROTH, MCCONNELL, BINGAMAN, LEAHY, and I are offering is a sensible first step toward changing the combat exclusion laws. It repeals only the laws barring women from serving in combat aircraft in the Navy and the Air Force. It does nothing more. Our amendment does not require the Air Force and Navy to open a single combat position to women fliers. It only gives the Secretaries of the Air Force and the Navy the same authority that the Secretary of the Army has had since 1948 to assign women to all combat positions.

Our amendment does not direct the military to lower its standards. Each service determines the qualifications necessary for performance of each assignment. Repeal of the statutory exclusions for air combat will not require that women be placed in jobs for which they are not qualified. It will not require that any standards be lowered to increase numbers of women. The fact is, women already meet the very demanding standards to fly high performance combat aircraft. They test combat aircraft. They train combat pilots.

It is ludicrous for Congress to bar them from flying in combat in the planes they have tested and with the officers they have trained.

Our amendment does not open ground combat positions to women. Women in the Army and the Marine Corps are not barred from ground combat by law but by Pentagon regulations. These regulations will remain unchanged by repeal of the combat exclusion laws for pilots.

Finally, our amendment does not make women eligible for a military

draft. There is no draft now, and there is none in sight. Congress retains full control over the terms of any future draft law.

The amendment does not change the Pentagon policies barring women from ground combat, and it is preposterous to suggest that the change proposed by this amendment would cause the Supreme Court to reverse its past decision upholding draft registration only for men.

The issue is not whether women should be in combat. They already are. Thousands of women served ably and courageously in the Persian Gulf war. The real issue is whether women are entitled to serve in all military positions for which they are qualified.

The issue is not whether women should be shot at. They already are—five women died from enemy fire during the gulf war. The real issue is whether women can shoot back.

The issue is not whether women should fly high-performance aircraft. They already do. Women serve as instructors for combat pilots. The real issue is whether we select our combat pilots based on ability or on gender.

It is an embarrassment to Congress and an injustice to every woman in the Armed Forces that we retain these foolish restrictions on the statute books, and I urge the Senate to repeal them.

Mr. WARNER. Mr. President, I wonder if I might ask the Senator from Massachusetts just a question or two about his amendment, if that brief question period would not interfere with the distinguished Senator from Ohio.

Mr. KENNEDY. I would be glad to respond to questions. We have an informal understanding that Senator ROTH and I were going to make our presentation, Senators GLENN and MCCAIN would make theirs, and then we would enter into the debate.

Mr. WARNER. So long as the Senator from Massachusetts assures me I will have the opportunity to direct a question to him at the appropriate time.

Mr. KENNEDY. I look forward to that. I plan to be here during the course of the debate and look forward to responding.

Mr. WARNER. Perhaps we could have an informal understanding at the conclusion of the remarks by Mr. GLENN and MCCAIN, and I could then propound several questions to my colleagues from Massachusetts and Delaware.

Mr. GLENN. Mr. President, I intended to offer a second-degree amendment to the Roth-Kennedy amendment. However, at the request of Senator ROTH and Senator KENNEDY we have agreed under the UC we are operating under now to introduce separate amendments to accommodate that request, and we are glad to take this approach as Senator WARNER indicated earlier on this matter that the sponsors of our amendment, Senators MCCAIN, WARNER, NUNN, and myself oppose the Roth-Kennedy amendment. We will vote against it. We urge our colleagues to vote against it. On the other hand, we obviously urge our colleagues to vote for our amendment for all the reasons I am about to propound.

Mr. President, the arguments in favor of our amendment we believe greatly strengthen the committee's provision establishing a commission to study and report on the assignment of women in our military services. Our amendment basically would authorize a Presidential commission, along with that the Secretary of Defense, to temporarily waive combat exclusion laws, all of them—combat exclusion laws and policies whatever they may be so that women may be assigned during this period to combat roles in the air, at sea, on the ground, on a test basis.

This would allow the commission to evaluate the performance of women in these roles and make appropriate recommendations to us on the basis of some real analysis. This will be a very broad look at the whole thing, not just the narrow focus on pilots, and women in the military. It would take a look at the pilots, women in the military, take a look at all the other functions, all the MOS's in the military, evaluate the performance of women in these roles, and then make appropriate recommendations to us on the basis of that kind of an analysis. It would be very broad but it would be temporary until the commission finishes up its deliberations and reports back to us, and one very important part is it does not prejudge any direction.

It says that basically the Department of Defense is charged with the military security of this Nation of ours and they can run these tests and analyses, see where we can open up the areas without disturbing combat efficiency into the future, and what roles women could perform and peform in an excellent fashion just as my distinguished colleague from Delaware says he favors doing.

I favor the same thing. But I want to do it on a more studied basis, and with some data other than just us standing up on the floor and saying what people can do.

So, Mr. President, our amendment is a much broader and much more positive step than the amendment offered by my colleague from Delaware, and supported by the Senator from Massachusetts, which would only open combat aircraft to women. That affects less than one-half of 1 percent of the 227,000 women in our military services.

Our amendment on the other hand would let all of our women in uniform participate on a test basis in all combat roles for which they wish to compete. It is very broad. Our amendment would say to all military women that we are looking for positive ways to improve their opportunities while at the same time being conscious of the effects such as the potential of subjecting women to involuntary assignments to ground combat assault roles on the same basis as men—I repeat, involuntary assignments or requiring women to register for the draft and to be drafted on the same basis as men, in the future as necessary.

Mr. President, I believe we all acknowledge, I certainly do, the outstanding contributions made to our national defense by women serving in our Armed Forces. Despite laws and DOD policies that restrict their assignments from certain combat skills and positions, and today women in the military serve in many extremely demanding roles—combat support, combat service support, which has already been noted here, which put them in the positions of actual combat during the Persian Gulf, and some lost their lives—some of these roles expose women to the risk of death in combat. Most recently women have performed under those conditions in the Persian Gulf conflict.

So our interest in expanding the role of women in our military services is understandable and it is laudable. However assigning women to combat skills and positions does raise some very basic questions about the future shape and structure of the Armed Forces that cannot be answered by merely saying we just open all our selected combat skills and positions to women or by shoveling such decisions to the Secretary of Defense.

I believe Congress should accept this responsibility in this regard, should make such decisions openly, deliberately but after a full examination of all the available facts. We must neither continue the current combat restriction laws and policies for invalid reasons nor repeal such laws or policies without full understanding of the meaning of such action.

Mr. President, we had a hearing on this issue on June 18 of this year. At that hearing defense witnesses indicated that the administration would not make any substantive changes to its policies on the utilization of women even if the current assignment restrictions in law are repelled. Other witnesses testified on the other hand that women should be provided the same opportunities as men to serve in any skill or position in the Armed Forces and the women should share the same responsibilities for national defense as men with all that implies.

These responsibilities would include being subject to draft registration, being subject to involuntary assignment after being drafted into combat during military service, and being subject to conscription during periods when conscription may be authorized by law. On the other hand, other witnesses testified that women should not

be placed in any combat role whatsoever, none at all.

Mr. President, it was evident from the very wide range of strongly held views heard by the committee at that hearing, and the many crucial questions that were left unanswered, that substantially more study is required before we can act conclusively on the overall future role of women in the Armed Forces. And that includes all women in the Armed Forces, not just pilots. For example, we do not know at this point what the implications would be of opening some or all combat positions to women with regard to questions such as—let me just run through some of the things that came to mind or that we asked questions about during that hearing.

For instance, if we decided to open any combat assignments to women, should assignments of women to these positions be voluntary? Or should women be compelled to serve in combat assignments regardless of their personal desires in the same manner that men can be assigned involuntarily to combat positions? Should women be required to register, be subject to the draft on the same basis as men if women are to have the same opportunity as men to compete for all skills and positions in the military? If current combat exclusion laws are repealed but the military services retain the discretion to prescribe combat assignment restrictions for women what affect will this have on the constitutionality of the male only registration and service requirements of the Military Selective Service Act?

What are the physical requirements for each combat skill or position, including the full implications of gender norming? Those are practices where women are given lesser tests or tests that are less physically demanding, and allowed to assume positions for which their male counterparts would have to have a higher physical capability.

What are the full implications of gender norming where there are physical requirements and men and women are treated alike? What is the impact of pregnancy and child care on assignment policies for military personnel? What is the practical effect of opening combat skills and positions to women on unit morale and cohesion?

If current combat exclusion laws and policies are repealed, would the present policy under which only males may be involuntarily assigned to combat skills and positions be sustainable?

What would be the impact of required changes in quarters, weapons, training, and the resultant costs of changes?

What would be the practical rate at which any required changes can be made in an era of severely constrained defense budgets?

Mr. President, the other aspect the Commission would help us with is on what the American people think about all of this.

A recent Newsweek poll, as an example, indicates to me that there is considerable uncertainty in the American public about just how far we should go in opening combat jobs for women, and which jobs should be opened up.

The general conclusion of the poll was that, although the majority of Americans think women should be placed in combat positions if they so desire, they should be placed in those positions only if they want to.

And here are the questions and answers to that poll:

One: Do you think women in the Armed Forces should get combat assignment?

That was the question in the Newsweek poll.

Fifty-three percent of those polled said, "only if the women want them." Twenty-six percent said that such assignments should be made on the same basis as for men. Eighteen percent said women should never be assigned to combat jobs.

So if you go by that poll, we have about one-fourth of those polled who think women should bear the same responsibility as men in combat.

Second question: If women were allowed to get combat assignments, are you very or somewhat concerned about the following:

Eighty-nine percent say they were concerned about mothers leaving small children at home. Seventy-six percent said they were concerned about putting a pregnant woman's fetus at risk. Sixty-four percent said they were concerned about women becoming pregnant and having to be replaced from their combat unit. Fifty-three percent said they were concerned about women being able to perform at the same level as men. Thirty-eight percent said they were concerned that men will fight less well because women are present.

These responses should not be taken as a basis for action here on the Senate floor, but I think these responses do indicate more than a small amount of concern in the American public about assigning women in combat roles, and that is what we propose for the Commission to take into consideration.

The third question that they had on the Newsweek poll was: If a draft became necessary, should young women be required to participate?

Fifty percent said yes. Forty-seven percent said "no."

At the same time, should mothers on active duty be able to refuse assignments?

Fifty-four percent said yes. Forty percent said no.

Finally, the question: Would allowing women to serve in combat roles be an advantage or burden to the military?

Twenty percent said it would be a burden in combat support roles, and women already serve in those roles now. Some 70 percent of the military occupation specialty are open to women right now.

Thirty percent said it would be a burden in jet fighter pilot roles, where women do not currently serve in these roles.

Thirty-three percent said it would be a burden on Navy warships. Women do not currently serve on these ships.

Fifty-one percent said it would be a burden for women to serve in the infantry. Women do not currently serve in the infantry.

What do we conclude from the polls?

The results of the poll tell me that the American public is concerned about the roles of women in our military. I think they instinctively believe, as I do, that women can do more jobs in the military than women are currently allowed to do. At the same time, I think they are as concerned as we are, as we approach this issue, that we ensure the bottom line of what a military is supposed to be for, and that is to deter war—hopefully, by having such a strong force, that war never comes—as if war comes, to fight and win at the least cost in American lives. That is the bottom line—combat capability. Or if we do not have that same capability, we stand to lose more American lives in combat.

As my distinguished colleague from Delaware states, he wants to see that that combat efficiency capability is evenhanded, because there are many women who perhaps can do that job in the military better than the men they replace. That may be the case. That is something that our commission would look into to try to determine a definitive answer to that.

Mr. President, in order to get conclusive answers to the questions I have posed, and to address the public concerns captured so well in the poll that I have just described, the committee approved a provision that would require the President to appoint a commission to study and report, then, on the assignment of women in military.

The formation of this committee responds to our interest in providing more opportunities for women in the military, and our amendment reinforces this interest. We look at the whole spectrum of jobs clear across the military. We do not limit it just to the narrow focus of pilots in the military. We say that the commission should look at every job in the military and see if it can be opened up. If they determine that, then we would move in that direction.

Under our provision, the military services can, for the very first time, place women in all combat roles on a test basis to help an independent commission develop recommendations for us based on empirical analysis.

I believe that is a very positive first step toward making the kinds of changes that responsibly address our

desire for providing more opportunities for women in our military service. It is a much more broad approach than the amendment proposed by the distinguished Senator from Delaware.

Mr. President, as spelled out in the committee report, the commission would consist of 15 members, Presidential commission, who have distinguished themselves in the public sector, the private sector, who have had significant experience in matters, such as scholarly inquiry into social; cultural matters affecting the workplace: constitutional and other law; the effects of medical and physiological factors on job performance; military personnel management, and service in the Armed Forces in land, air, and sea combat environments.

The commission would be required to submit its report to the President by November 15, 1992, and the President would be required to submit his comments and recommendations on the report to the Congress by December 15, 1992.

The commission would be required to make specific recommendations with regard to whether existing law and policies governing the assignment of women in the military should be retained, modified, or repealed; what roles women should have in the military, including what, if any, roles women should have in combat; what transition process is appropriate, if women are to be given the opportunity to be assigned to combat positions in the military; and whether special conditions and different standards should apply to women that apply to men performing similar roles in the military.

(Mr. LEVIN assumed the chair.)

Mr. GLENN. Mr. President, I think this is a very responsible approach for us to take on this very complicated, sensitive issue, and our amendment reaffirms this approach. Moreover, our amendment strengthens the committee's approach by authorizing the Secretary of Defense, at the request of the commission or in coordination with the commission, to temporarily waive combat exclusion laws and policies—I repeat that, to temporarily waive combat exclusion laws and policies across the board—so that the military services can conduct controlled tests on the assignment of women in air, sea, and land combat roles.

Mr. President, I say to the sponsors of the underlying amendment—Senator ROTH and Senator KENNEDY—that I respect their interest in expanding opportunities for women in our military services. I think we are all interested in moving in the same direction. I submit, though, that the approach that the committee has taken and the change we made to it in broadening this out as far as the test period goes I think is much broader and it does not prejudge the results of the commission. Our approach would offer all women in the military, and not only women officer aviators who comprise less than one-half of 1 percent of women in the military, an opportunity to demonstrate their performance in all combat roles. After these have been assessed by the commission, the commission can make its recommendations accordingly across the board and we can act on the basis of factual analyses to determine the future role of all women in our military services.

Mr. President, let me address some of the questions about assignment of women in the military.

This is the first question: What is wrong with the Roth-Kennedy amendment that would allow military women to fly combat aircraft when they have proven themselves in other aircraft?

I feel that the Roth-Kennedy amendment gets the cart before the horse. We really do not have the empirical analyses right now that indicates how women perform in combat aircraft. For example, no women have completed the Navy's Top Gun or the Air Force Red Flag air combat evaluations. Our amendment would open that up. We would not prohibit that. We would say that can be done. Let the women participate in these and other sea and ground training evaluations.

The Roth-Kennedy amendment would set up two classes of women in the military, as we see it. For example, a woman officer who is an aviator would be allowed to be assigned to an operational aircraft carrier. On the other hand, a woman petty officer just as interested in her career advancement as anyone else, but a woman officer who works on the very aircraft that the women officer flies would be prohibited from being assigned to the same aircraft carrier. So the status is changed only for a tiny fraction of women officers who constitute less than one-half of 1 percent of all women in the military.

I think a very broader approach of all women in all assignments in the military having that assessed makes more sense.

The Roth-Kennedy amendment would change the focus of the Commission that the committee proposes to make a broad policy review focus on the assignment of all women in the military to a much narrower focus on the implementation of the assignment only of women officer aviators to combat aircraft.

Our amendment strengthens the Commission by giving it the authority and tools to gather information and develop empirical analyses that we could use as the basis for making judgments then on the assignment policy for all women in the military and not just a small percentage of women.

The second question: Why should we not repeal the combat exclusion laws and leave the policies governing the assignment of women in the military up to DOD?

I think we have a responsibility in Congress to take a broader view than just to saying it to the Pentagon. We have a responsibility for manning our Armed Forces in peace and war. We make those decisions in the Congress. Congress has exercised this responsibility in the past and in determining that women should not be assigned in direct combat assault roles.

Now we may want to change that. But we do not know the implications of such action without looking at this very carefully and with regard to questions such as:

If we decide to open any combat assignments to women, should assignments of women to these positions be voluntary or should women be compelled to serve in combat assignments, regardless of their personal desires, in the same manner that men can be assigned involuntarily to combat positions?

Should women be required to register and be subject to the draft on the same basis as men if women have the same opportunity as men to compete for all skills and positions in the military?

If current combat exclusion laws are repealed, but the military services retain the discretion to prescribe combat assignment restrictions for women, what effect will this have on the constitutionality of the male-only registration and service requirements of the Military Selective Service Act?

And once again, what are the physical requirements for each combat skill or position, including the full implications of gender norming that I discussed earlier?

What is the impact of pregnancy and child care on assignment policies for military personnel?

What is the practical effect of opening combat skills and positions to women on unit morale and cohesion?

If current combat exclusion laws and policies are repealed, would the present policy under which only males may be involuntarily assigned to combat skills and positions be sustainable?

One little thought, I take it by some people, what would be the impact of required changes in quarters, weapons, training, and the resultant costs of such changes?

What would be the practical rate at which any required changes can be made in an era of severely constrained defense budgets?

Another question: Why should we not repeal the combat exclusion laws and let the Commission do its work at the same time?

Repeal of the combat exclusion laws at the same time we are forming a Commission to make recommendation on whether such laws should be retained, modified, or repealed, we feel gets the cart before the horse. We should not prejudge the outcome of the Commission's work.

We are looking not just for a short-term panacea; we are looking for the

long-term solution and policies for women in the military across the board, not just the narrow focus of pilots.

There is no national security need to rush to judgment on this issue. We should have the full benefit of well-developed facts and analyses before we act to modify or repeal the existing combat exclusion laws.

Mr. President, we are not trying to delay this. We are just trying to make these changes—which will be very major changes in our military—on the best studied basis that we can make those decisions.

Another question: Why does the committee oppose equal opportunity for women in the military?

I respond by saying the committee does not oppose equal opportunity for women in the military.

By its action, the committee has set out on a course to objectively determine how equal opportunity for all women in the military should be improved, for all women, all officers, all enlisted, everyone in the military, not just the narrow focus of pilots.

Repealing the combat exclusion laws has symbolic appeal, but the reality is that DOD would not make any substantive changes to its policies, as DOD witnesses have testified.

A well documented study could lead to the opening up of more opportunities for women, because we would be in a better position to advocate affirmative changes with regard to the roles of women in the military.

And just one more question: Why should we have another study on the assignment of women when this matter has been studied to death, as we have been told?

The facts are that there are no substantive, comprehensive studies on the assignment of women in the military that are current. There are no evaluations on the assignment of women in combat assault roles, because there are no women assigned to such roles. For example, although women fly a variety of aircraft, including high performance jet aircraft, I think we would be on firmer grounds for making changes if they had gone through some of the Navy Top Gun exercises or Red Flag, Air Force, combat evaluations.

The commission the committee proposes would allow such evaluations to be conducted in a training environment. The Congress can then decide this issue on the basis of facts and analyses rather than instinct.

Mr. President, I am sure there could be many more questions asked. Those are a few that have already come up.

So, Mr. President, I want to conclude my remarks by saying that I certainly respect, as much as anyone in this body, as much as anyone in this country, and appreciate the contributions of the 227,000 women in our military services toward the national defense. I say to them that we are taking a very positive responsible step here toward the further evolution of the expanded opportunities for those 227,000 women, not just one-half of 1 percent that are pilots. I pledge that I will work aggressively on their behalf on the basis of the results of the commission's work. At the same time, I want to say that I think the final result of any action we take on this very important matter must be consistent also with ensuring the combat efficiency of our military forces to deter war, and to fight and win at the least cost in American lives if deterrence fails.

Mr. President, I urge my colleagues to vote in favor of the amendment that has been put forward by myself and Senator MCCAIN, and supported by Senator NUNN and Senator WARNER.

I yield the floor.

I will be glad to answer any questions.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my friend and colleague from Ohio for his insightful and informative analysis of an issue which has often been driven by emotions rather than national security requirements.

Mr. President, as my friend from Ohio clearly stated, no one questions the excellence of the performance of women in the military today. That excellence was amply proven in the Persian Gulf conflict, and is not the focus, nor should be the focus, of this debate.

The real focus of this debate is how we should address the future role of women in combat. It is how we should take the national security aspects of this issue into full consideration, because the purpose of the military is first to defend this Nation's vital security interests throughout the globe, and only second to ensure equality.

I do not mean these purposes are mutually exclusive. We can achieve both purposes, Mr. President, but only if we address this issue in a measured, mature, and analytical fashion. Other nations have had experiences that we should look at, including the nation of Israel, and many have reached a different conclusion than the proponents of this amendment.

We all recognize the clear and compelling need to ensure equality in our society. At the same time, we must also listen to our military leadership. They expressed their views in a hearing which was conducted by Senator GLENN in the Manpower and Personnel Subcommittee of the Armed Services Committee on June 18. I would like to read a few quotes that our senior military officers provided during that hearing.

Gen. Carl Vuono, the highest ranking officer in the U.S. Army said:

> * * * Should you change (the law) and open up all those positions to women soldiers, then they would be involuntarily assigned to those positions * * * it would seem to me then that you would open up the registration for the draft.

Admiral Kelso, the highest ranking officer in the Navy, said:

> * * * I think you'll * * * find the Navy's enlisted community as well as its officer community in the female ranks divided on this issue. We have a fitness standard and the standard is different for males and females.

The Assistant Secretary of Defense for Manpower and Personnel said:

> * * * Some can perceive as an inequity to some women officers, that under the current House language * * * women officers who are aviators (would be) assigned to aircraft carriers as part of the air wing but not, for example, as part of the air wing staff (or) the ship's company. And frankly, this strikes me—and I know it strikes many—as a real inconsistency.

Former Marine Commandant Robert Barrow, one of our great national American heroes, said:

> Please, Congress of the United States, you keep this responsibility; you draw the line, don't pass it to DOD * * * you put it into law, they put it in policy. Policy can change at whim. * * * They change the policy to fit the pressure. * * *.

Gen. Alfred Gray, the Commandant of the Marine Corps said:

> I see no need to change the law or the exclusion policy at this time * * * your Commandant would be against that.

General McPeak, Chief of Staff of the Air Force, said:

> I find great comfort in the law. I would like it to stay on the books personally.

Adm. Frank Kelso also said:

> As I said, it's my personal view that the law should remain as it stands.

And again, General Vuono, said:

> I do not believe you should change the law. You should keep it the way it is.

Mr. President, I am not saying these individuals are correct, nor am I saying they are incorrect. But their statements, and the other results of that hearing, clearly show that we do not have a national consensus on this issue.

Yes, there have been several studies and several analyses of the role of women in combat. I would suggest to the Chair and Members of this body, however, that there has not been a true in-depth study of the role of women in combat that has been done in many, many years. And that must be done, not only to provide information, but in order to provide us with a national consensus, which we need in order to take what is a significant, indeed landmark, step.

This is why I support the substitute proposed by Senator GLENN, Senator NUNN, Senator WARNER, and myself which calls for the Department of Defense to test the capability of women while a Presidential commission is making its determination and reaching its conclusions. This is why I support a course of action that will ensure the Congress and the people of the United

States will be fully capable of making a determination as to how, and in what fashion, we should change national policy.

Mr. President, with the best of intentions, the amendment of Senator KENNEDY and Senator ROTH would rush ahead without proper study and a national consensus, and is fraught with inequities. Let me just point out one major example: Aircraft carriers. I do not see how the Kennedy-Roth amendment can reconcile a situation in which women can be part of an air wing which is stationed aboard an aircraft carrier while it is deployed, but not allow women to be part of the same ship's company.

As we know, on aircraft carriers, pilots serve as pilots in the air wing, and pilots also serve as ship's company officers. They perform many of the duties that require their special aviation capabilities, catapult-arresting officers, et cetera.

But if the Kennedy-Roth amendment were adopted, then we would have legislation that says yes, you can be part of the air wing on the ship, but woman officers cannot serve in helping to command the ship. This has a major impact on career patterns, since we expect aviators to serve both in the air wing and also as part of the ship's company.

Ironically, the Kenndy-Roth amendment would harm women aviators in their ability to succeed and move up the ladder of promotion, which all men and women both should be allowed to take advantage of.

Mr. President, I also cannot understand why Senator KENNEDY and Senator ROTH want to have only pilots eligible to engage in combat and not enlisted people? I am afraid that the practical reason may be our hearings, when enlisted Marine and Army women testified before our committee, they stated unequivocally that the overwhelming majority of enlisted women in the Army and the Marine Corps do not wish to be in combat.

Since we are in an All Volunteer Force, Mr. President, those attitudes could have a significant impact on our ability to recruit and retain qualified women in the service. This again is something that has to be analyzed, and can be analyzed. It is something that will be analyzed if the amendment of Senator GLENN, Senator NUNN, Senator WARNER, and I is adopted.

Let me point out another aspect of the Kennedy-Roth amendment, and that is its implications for registration for the draft. When we went to the All Volunteer Force, which was a decision made by the American people and reflected by Congress in law, we also, as a standby measure, required all eligible men in this country, to register for the draft when turning age 18.

That particular law was then challenged in court by those who felt it was not fair for men to be forced to register for the draft and women not to be.

That case found its way all the way to the Supreme Court. I urge my colleagues to examine the resulting decision. That decision clearly stated that the reason the Supreme Court of the United States upheld the law that required males to register at age 18, and did not require females, was because of the combat exclusionary laws that had already been put on the books.

Mr. President, allow me to read a couple of quotes from this Supreme Court decision:

> The existence of the combat restrictions clearly indicates that basis for Congress' decision to exempt women from registration. The purpose of registration was to prepare for a draft of combat troops. Since women are excluded from combat, Congress concluded that they would not be needed in the event of a draft, and therefore decided not to register them.

Another part of the decision, which was the case of Rostker versus Goldberg, stated:

> Congress' decision to authorize the registration of only men, therefore, does not violate the Due Process Clause. The exemption of women from registration is not only sufficiently but is also closely related to Congress' purpose in authorizing registration.
>
> The fact that Congress and the executive have decided that women should not serve in combat fully justifies Congress in not authorizing their registration, since the purpose of registration is to develop a pool of potential combat troops.

Mr. President, there may be some question in the minds of the proponents of the Kennedy-Roth amendment as to what the Supreme Court meant, but to me there is no doubt. The Court expressed its views in black and white.

If the amendment of Senator KENNEDY and Senator ROTH is approved, then I feel we may well have to register women for the draft when they turn age 18. That may possibly prove to be an appropriate thing to do, but I do not think we should take a measure of such significance without examining it very carefully. I wonder how the American people would feel about that impact of the Kennedy-Roth amendment if it were adopted. I do not think they would like it. At least, I think, they would feel their representatives should directly vote on such an issue and that they should have some input into the entire process.

In contrast, if we adopt the amendment of Senator GLENN, I believe it would do several useful things. It would ensure a long overdue examination of the growing role of women in the Armed Forces, particularly in the wake of the largest wartime mobilization of military women in history. It would recognize that we are proud of the role women played in the Persian Gulf war. At the same time, it would recognize that certain aspects of that role raised significant concerns throughout the United States of America, as well as this one concerning women who have young children, couples who are both called to active duty. What about their children? Should one be excluded, the other not be excluded? There are questions concerning that mobilization that we are still wrestling with, and attempting to find answers to, and which have caused certain amendments and laws to be originated in the other body.

Let me repeat, the gulf war was the largest wartime deployment of American women in military uniform in our history, and we are all proud of the result. But it also brought to light some questions that need to be resolved, answered. It showed we need to analyze what might happen during future conflicts before the Kennedy-Roth amendment is agreed to. It showed we need more input from the American people.

I, for one, would like to go back to the towns and cities of my State and ask the people how they feel about it before I agree to an amendment which has the wide, sweeping implications of the Kennedy-Roth amendment. Further, we must again recognize that this is a national defense issue. It is not a women's rights issue. I think this issue has to be fully examined in the way I was talking about.

Before I conclude, Mr. President, let me talk about Israel. I do not think there is a nation that is more admired for its valiant struggle for independence and freedom than the State of Israel, at least by this Member. Israel has had to utilize all of its national resources to the maximum time after time. Ever since its birth as a nation, Israel has been required to have its entire population ready to go on wartime footing at a moment's notice.

Yet, the record of Israel in dealing with women in combat is often misunderstood. The popular conception is that Israeli women fight alongside men as equals. The truth is that, although Israel drafts both men and women for military service, Israel has excluded women from combat units since 1950. I think it is important to point out that while female soldiers fought alongside their male colleagues in Israel's war of liberation in 1948, this created many problems, and Israeli women were never again sent into battle.

Edward Luttwak describes the true state of affairs when he says women are integrated into the Isareli military at many levels and conduct most of the training. Women also serve in the Mossad, Israel's counterterrorist force. "But women are excluded," he notes, "from infantry and combat experience based on pragmatic experience of over 40 years." I might also note they are also barred from flying combat aircraft, or serving on ships in combat. It would be well for us, during our deliberations, to consider what the experi-

ence of another nation has been over 40 years of combat.

Let me stress that we are talking about an issue of the most serious consequence. We are talking about something which can have profound and sudden implications for our society. I hope and pray we are not required to go back into Iraq. I hope and pray that the end of the cold war signifies an era of unprecedented peace, unknown in this century. Unfortunately, my experience tells me something different. While we have won the cold war, there are new risks to peace which we have not encountered before. Unfortunately, these risks to peace could entail, in my view, the same kind of mobilization that we experienced when we had to react rapidly to Saddam Hussein's invasion of Kuwait. I believe that if we are to adequately maximize the enormous contribution that women can make in the military, we must carefully analyze this issue, and ensure we have a clear national consensus on what role they should play in combat before we have to fight again.

This does not mean delay or dodging the issue. Let me point out that the amendment of Senator GLENN clearly states that the commission can immediately authorize the Secretary of Defense to the performance of women in a wide range of combat roles. It will allow us to fill the reservoir of information we need to make a comprehensive judgment while this Presidential commission is conducting its deliberations. I have heard my colleague from Delaware say why wait? There is no reason to wait, and the amendment we propose does not ask us to do this.

I suggest to my colleague from Delaware however, there is every reason—every compelling reason—to make sure we have all the necessary facts at hand.

This Nation has existed for over 215 years. At no time in the history of our Nation have women been in combat roles. I suggest to my colleague, and to Senator KENNEDY, if we are going to make a radical change that a year or so of careful deliberation by some of the best minds of this country assembled is the way we should approach this issue, and that we should carry out all the necessary tests under the supervision and the judgment of the Secretary of Defense.

Let me make another point. Too often the Congress of the United States micromanages the affairs of the military while it fails to listen to them. We should pay close attention to the uniformed military leaders who are going to be required to implement this policy before we take a draconian measure of the kind contemplated in the Roth-Kennedy amendment. We should at least take into consideration the fact they have raised a long series of flags of caution. The majority of our military leaders are not saying "no" to women in combat roles. What they are saying is give us the time to study this issue, and work out the full implications of any major change. They are saying the gulf conflict was over just a few months ago. Give us time to evaluate it. Give us time to make our recommendations. If we conduct the kind of tests that Senator GLENN, Senator WARNER, Senator NUNN, and I are proposing in conjunction with a Presidential commission which I am sure will be composed of some of the finest minds in this country—we will be able to make the kind of judgment which will give the American people what they want. We will find the best way to both defend this Nation's national security interests, and provide equality for women in all ranks and military specialties.

In conclusion, let me reiterate that I am proud of the equality women have in our military. I wish they had it in other parts of our society. The fact is, however, that if we adopt the Kennedy-Roth amendment we may sail into unknown waters that are fraught with danger.

In contrast, our amendment gives the Secretary of Defense the right and authority to carry out the proper tests by placing women in combat roles, while a Presidential commission carefully evaluates all aspects of the role of women in combat, taking into consideration all the points that I raised earlier, and many others.

Mr. President, let me say what we are doing today is very profound and very significant. For 215 years, this Nation has pursued a certain policy. If we adopt the Kennedy-Roth amendment, we will rush toward quite another. I say to my colleagues, let us make change but let us make change after contemplation and not after haste. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield such time as I may require.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I first want to compliment my distinguished colleague, the Senator from Arizona. He speaks to this issue with a great background and experience, having himself served with distinction in the military, as did the chairman of the subcommittee, Mr. GLENN.

I wish to propound to the proponents of the Roth-Kennedy amendment certain specific questions on issues that were raised both by Senator GLENN and Senator MCCAIN. I think they should be given the chance to reply.

The Roth-Kennedy amendment states as follows: "The Secretary of the Army may prescribe the conditions under which female members of the Army may be assigned to duty in aircraft that are engaged in combat missions." That is in one section.

When we go to a second section which is parallel, and it addresses the "Secretary of the Air Force may prescribe," they are independent sections.

The problem that I can foresee is having once been a secretary of a military department myself, the discretion is reposed in a service Secretary. One may decide to do it; the other may not. Where does that leave this critical issue? That would be my first question.

The second is, Why did the authors of the amendment give just a discretionary authority to these Secretaries? Why did they not put in the word that the Secretary or the Army "shall" prescribe, because I think those following this debate are of the impression that you are moving this a step forward where, in reality, you are doing little more than reposing in two service secretaries the discretion, whereas the Glenn amendment, of which I am a cosponsor, in section D makes it clear that the Secretary of Defense shall have this authority, thereby obviating one Secretary agreeing to try and another Secretary declining.

I ask the question of my distinguished colleagues. First, Why the selection of "may" rather than "shall" if you are going to move this process forward, and why create a situation where one Secretary may exercise the discretion and the other decline?

Mr. KENNEDY. Mr. President, I will answer that in the following way. This amendment eliminates the statutory prohibition that currently exists in the laws that prohibits the Secretaries to be able to permit women in aircraft in the Navy and the Army and the Air Force. That is effectively what this amendment does.

What we also permit is the discretion, which exists with regard to the Army and also exists with regard to the service Secretaries in terms of the Secretaries making the determination as to the suitability of the various combat requirements. That makes it completely consistent with regard to this aspect, the combat air, to what has been done with regard to the Army.

I have been fascinated in listening to the Senator from Virginia, as well as the Senator from Arizona, crying crocodile tears that we have not gone far enough; that we did not eliminate both statutes. Here we find the good, the enemy of the excellence, we are being complained about. All right, we are going to permit the pilots on the aircraft carriers but we do not permit other Navy personnel on them, and therefore how wrong this amendment is.

I think, as the Senator from Delaware has pointed out very well, this has been a step-by-step process. I will, on my own time, review the accumulation of the various material that justifies this action. I, myself, feel it is completely justified for the repeal of the statute with regard to women on

combat ships as well. As the Senator knows very well, we are not requiring any of the military forces to place women in any of the particular roles. We are leaving that up to the discretion of the forces.

Senator ROTH and I are convinced, quite frankly, that women are completely qualified and have the ability and, in many instances, perhaps if it was just based on ability, may very well have been selected in positions of combat air that men have been. What we are basically saying is in the area of combat air, the determination is going to be done on the ability, not gender, and if you have trouble with that, you have trouble with this amendment.

Mr. WARNER. Mr. President, henceforth, may the replies be charged to the other side. I repeat the question.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. I yield such time as I may require to propound the question.

The PRESIDING OFFICER. The Senator from Arizona controls the time.

Mr. WARNER. Mr. President, where in this amendment is the protection against one Secretary exercising the authority and the other Secretary doing nothing? That is the question. Were that to happen, I think it would be a misrepresentation to the women of the Armed Forces of the United States. Bear in mind that this amendment goes to, in my calculation, one-half of 1 percent of the 227,000 women in the military.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes and then, I indicate to the Senator, if he wants to ask a question, I will respond to it. But otherwise, I am going to use up my time the way I would like to use it. With regard to this question, I will yield to myself.

The Senator can get very exercised by the fact we are effectively repealing one of the very important statutes. I appreciated the fact that the Senator from Virginia supported the repeal of both the statutes when we had the markup in the Armed Services Committee. I appreciate that, and I commend him for it. I would like to ask him, if we went for the repeal of both, would the Senator support it this afternoon? Would the Senator answer that question?

Mr. WARNER. Mr. President, I will answer that question. You have to get my vote and study it in the context of the record. But I do not see where this amendment does anything more than repose a discretion into officeholders—the Secretary of the Navy and the Secretary of the Army. It does not move this process forward one step. That is my basic concern with this amendment.

We are dealing with one of the most important moments in the history of the Armed Forces of the United States. I say we should do it carefully and precisely because if we make a mistake, such as set forth in the amendment by the Senator from Massachusetts, we can retard the whole process and bring it back again to a standstill.

I said in my first remarks this morning, America should take the lead amongst all nations of the world in terms of their Armed Forces allowing women to take on greater and greater responsibilities. But let us do it in a careful, methodical way so as not to make mistakes.

I hope the Senators from Delaware and Massachusetts will respond to the question about the draft and respond to the question about the general Army. These are important issues that must be addressed over a period of time by a commission so as not to make a mistake and retard the momentum foward I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, let me ask a question. The Senator was a Secretary of the Navy. Is the Senator going to urge if this is successful, that they permit them in the Navy for combat air?

Mr. WARNER. Mr. President, I will respond briefly. It is hard for me to go back to that period some 20 years ago.

Mr. KENNEDY. Mr. President, I am asking the question today, based upon the record that has been made by the pilots in Desert Storm. Would the Senator today urge the Secretary of the Navy to permit them?

Mr. WARNER. Mr. President, I would urge the Secretary of the Navy to abide by discretion exercised by a commission after they go through a series of findings of fact. If I was Secretary, I would urge the Secretary of Defense, under the Glenn amendment, to allow the Secretary to go in and make very selective experiments, to try and develop a body of evidence for the commission.

The answer to the question is, yes, were I privileged to hold that office, I would consult with the Secretary of Defense and make certain that all military Secretaries acted in unison as they addressed this question and to do so selectively to develop a body of evidence, that would lead to a proper resolution of the important issues raised by this subject.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I yield myself 6 minutes, Mr. President.

First of all, I want to respond to the arguments of the Senator from Arizona with regard to national security. The Senator from Delaware and I are as interested and committed to national security as the Senator from Arizona. What we want to do is make sure we are going to have the best person in the important position that involves our national security that we can and for which they are qualified. In that way we enhance our national security and increase our ability to protect the interests of the United States and our allies.

Mr. President, first of all, points have been raised here, where is the cumulative data, where are the studies. The fact is that women have been flying in high performance since 1975, for some 16 years. The performance is all out there. When I hear from our colleagues that we have to study this some more, the fact is the data has been accumulated, it is there, and it does support the position we have taken.

I listened with interest to Senator MCCAIN talk about the position of the various Secretaries of Defense with reference to people in combat. Secretary Cheney was asked:

Question: Secretary Cheney, the Defense Advisory Committee on Women in the Service has recommended that the combat exclusion for women be eliminated. And recently, the House Armed Services Committee has recommended that women be allowed to fly Navy and Air Force combat aircraft.

Could you tell us your reactions to these recommendations?

Answer: We welcome all legislation that gives the Secretary of Defense greater flexibility to manage the Department.

No rejection, no comment that we do not believe that they are prepared to fill that job. That is the Secretary of Defense.

Question: I am sure you are aware that the Army and Marine Corps have expressed opposition to removal of the combat exclusion for women. Indeed, General Gray, Commandant of the Marine Corps, has been vehement in his opposition. Would you favor two services, the Navy and Air Force, allowing women to go into combat and two prohibiting them?

Answer: I would expect the Department of Defense to issue policy guidance that would insure consistency, but not necessarily identical practices, among the services.

Here he has two opportunities to reject this, two opportunities to reject this, and what he is indicating, certainly anyone can conclude, is that it is going to be the judgment that we want to repeal the archaic laws, and that the Secretary of Defense is prepared to move forward.

Now we have Pete Williams on May 23, just after the House acted, asked the question:

You mentioned, I think in passing, the Secretary's views in the provision in that bill on women in combat or lifting the restrictions for flying combat air missions. That provision is receiving fairly good reception over on the Senate side so far, so it looks like it is likely to go through. Could you more formally state what the Department's position is on that provision?

Answer. Sure. The Secretary has been quite outspoken on this issue in the last month or so in some of his public appearances. He said one of the lessons we have learned from Operation Desert Storm is the extent to which the Nation accepted the significant role of women in combat. Until this operation, there had always been a concern that once women got involved in combat and

you had casualties, and women taken prisoners of war, that that would be too traumatic for the country to stand. But this time there were women casualties—2 women were killed in accidents during Operation Desert Shield; 11 women were killed during Operation Desert Storm—5 killed in action and 6 killed in nonhostile incidents; and there were 2 women taken prisoners of war.

Women performed exceptionally well in the operation. The Secretary has said they were thoroughly professional, that they were a significant part of the force, and he has said he wouldn't be at all surprised if the role for women would be expanded in the future, given the experience of the Persian Gulf war.

So I say, Mr. President, that the idea that those in top military positions in the United States reject this concept just does not hold water.

Now, Mr. President, I heard comments made by my friend from Arizona with regards to what is happening with some of our other allies overseas. In January 1990, the British opened seagoing positions on combat ships of the British Royal Navy. Women in Canada and Denmark are trained as fighter pilots.

Ironically, the United States Air Force has trained Danish women fighter pilots but will not train United States women pilots to fly fighter aircraft. Five NATO nations have no combat exclusion laws: Canada, Denmark, Luxembourg, Norway, Portugal. In addition, Greece, Netherlands, and Turkey have no statutory restrictions, although they do have selected policies.

All our allies are effectively ahead of us. A wonderful thing we find is that we train Danish fighter pilots, and we cannot train our own. Mr. President, the reports and the analyses of their performance really have been done.

Just briefly, Mr. President, I hear that old chestnut brought out about the draft and we do not have a draft at the present time. What you are talking about in terms of the combat arms and flying combat planes is they are all volunteers, number one.

Talk about getting adverse assignments. All of these individuals are volunteers. We do not have a draft. You really have to get pretty desperate in opposition to this amendment to say, oh, well, look what is going to happen in terms of the draft. We do not have it today.

I have not heard, until we started talking about this amendment, how we are going to go back to the draft. We just do not have it. It is a phony argument. It is a red herring argument.

Besides that, Mr. President, on the issues of the makeup of the military forces, the Supreme Court decision gives enormous flexibility to the Congress. The Supreme Court in the Rostker versus Goldberg decision held that "it would be blinking at reality to say that our precedents requiring deference to Congress in military affairs are implicated by the present case."

Basically, the Supreme Court has said in various decisions that they are prepared to abide effectively by what the Congress does in these matters. And so to try to suggest that if we are going to accept this particular amendment just around the corner is going to be drafting women and sending them all over the world and putting them into foxholes may be good rhetoric but it is not really related to the issue that is before us.

Finally, Mr. President, I was certainly moved by the argument that says we have gone for 215 years and we do not have any women in the combat arms. True, as a technical point, but tell that to the members of those 13 families that had daughters who were killed under combat conditions in the Persian Gulf. We lost more people in Dhahran as a result of Scud missils than we did in the gulf.

The PRESIDING OFFICER. The Senator's 6 minutes has expired.

Mr. KENNEDY. The fact is in modern warfare those who are in combat zones as a result of chemical warfare, as a result of terrorism, Scud missiles all effectively come under combat arms, and this is something that we should recognize.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

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

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. McCAIN. First of all, let me try to educate my colleague from Massachusetts. There seem to be some glaring gaps in his knowledge of what the laws of this country are.

We do have draft laws on the books. I might say to my friend from Massachusetts that although it might be many years since he was 18, a young man who turns 18 in this country still has to register for the draft. We do have standby draft laws. While the Senator from Massachusetts may have believed for many years that we do not need a strong national defense, and may not believe we will ever again be invovled in a war, many of us feel differently. There are many of us who believe there has to be a standby draft, and that no action of this kind can ignore the laws on the books today. So I say to my friend who believes there is no draft, there are draft laws on the books and every 18-year-old male has to register at age 18.

Second, I would like to answer the question he asked of Senator WARNER. He asked if he were still the Secretary of the Navy, he would allow women to serve in air wings.

My answer is that he cannot do this alone. This is discrimination. As I pointed out before, there is no rationale for putting a woman pilot on an aircraft carrier and not allowing a woman pilot to serve on the ship's crew.

Mr. KENNEDY. Will the Senator yield to me?

Mr. McCAIN. I will not yield to my colleague from Massachusetts because he will not answer the question from the Senator from Virginia. When he answers the question that the Senator from Virginia posed to him, I will be glad to answer the questions that he might have for me.

As far as the civilian leadership of our military is concerned, I say to the Senator from Massachusetts, that we have both civilian leadership in the form of the Secretary of Defense and the Secretaries of the services, and military leadership. We must listen to both.

The Secretary of Defense has stated unequivocally that he supports the committee position. The Senator from Ohio, and myself—between the two of us—have 45 years combined military experience. We totally agree with the Secretary of Defense that the committee has taken the right steps. We agree with him when he says that women perform admirably in the military, with superb skills. No one in any way questions that performance. But, we also agree that we need to carefully and systematically evaluate how to go forward.

We also believe we must listen to our Nation's military leadership. I might say that the quotes from this leadership that I gave earlier were part of their testimony before the Manpower and Personnel Subcommittee of which the Senator from Massachusetts is a member. He was there at the same hearing. He heard their words. Why should he question their feelings? The record shows that Admiral Kelso said that he fought the Navy's female enlisted community, as well as its officer community, on this divided issue.

General Vuono, the Chief of Staff of the Army, gave similar warnings. He said that if we open combat positions to women soldiers, they would be involuntarily assigned to those positions. He worried about opening up the registration for the draft.

Alfred Gray, Commandant of the Marine Corps, said that he saw no need to change the law of the exclusion policy at this time. The points that these military leaders are trying to make are the points that we are trying to make to the Senator from Massachusetts and the Senator from Delaware. Further, we are seeking national consensus. We are seeking the kind of authoritative review and tests that would provide us with the kind of information we need to build such a consensus throughout this country.

Mr. President, I have other responses, but I yield back the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I yield myself 5 minutes.

Mr. President, as I listened to the statements made by those in opposition to the Roth-Kennedy amendment, I find it very difficult to even recognize what we propose to do. One speaker called it a draconian measure—and nothing could be further from the truth.

The Roth-Kennedy amendment is a very simple, very narrow amendment. What it does is eliminates the legal obstacle to women serving as combat pilots—nothing more, nothing less. Frankly, it requires no action of any kind on the part of any of the services. But what it does do, and what is important, is that it gives the flexibility, the discretion to do what is best to ensure the best pilots are in the air.

I was interested in hearing the distinguished Senator from Arizona talk about the Secretary of Defense supporting the committee amendment. That is correct. But I think it is also important to understand that the Secretary of Defense specifically said to me he has no objection to the Roth-Kennedy amendment. He has no objection to the Roth-Kennedy amendment and well he might not.

I will point out a few other statements by the distinguished Secretary of Defense on this matter. He points out in the Wall Street Journal, quoted as saying:

> The issue of what is combat and what is not combat has become blurred as the range of missiles and aircraft equipment become greater.
>
> We found several situations where women not only found themselves in combat situations but to the point we had the loss of women both as prisoners of war and as casualty of hostile fire. Women have demonstrated again that they can perform any role that they are called to make. Women in the military feel they are inhibited from moving up the career ladder, particularly in the air arm.

So why did Senator KENNEDY and myself offer this amendment? As I say, it is a very simple but a very important amendment. I would just like you to recall what Vice Adm. William P. Lawrence of the Navy who was for many years in charge of personnel for the Navy had to say about these legal obstacles. This is in the Washington Post, last Sunday, July 28. In that article Admiral Lawrence says:

> The principal problem that must be solved is that the 1948 law governing the role of women in the military has become totally outmoded and inappropriate as the roles and numbers of women have been expanded over the last 40 years. The law must be modified or abolished if for no other reason than its provisions are being regularly broken.

As a matter of fact, he goes on to say:

> In the Air Force, they get around this so-called limitation by talking about direct combat.

If you are not involved in direct combat, you can assign women to tasks that take you into what I guess is indirect combat, whatever that may be.

But in any event, what we are doing really is, as far as pilots are concerned, is what already exists in the Army. There is no legal obstacle in respect to the Department of Army as to the assignment of women to combat. That could be done right now, today, if the Department of Army determined to do so.

So what we are trying to do here with our amendment is to eliminate this legal obstacle which prevents the professional military, the Secretary of the Department, from taking the kind of action that is in the best interests of national security.

A number of questions have been raised by those who have spoken in opposition to the Roth-Kennedy amendment. I find it hard to understand most of the questions. One of the reasons they argue for this commission is they say we do not have the answer to all these questions.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. ROTH. I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. They raise the questions of physical and mental capabilities of women versus men, and the questions of stress. They raise questions of morale, of bonding, pregnancy, prisoners of war.

Again, let me point out what our amendment does. All we are doing is deleting the legal obstacle of using women as combat pilots. We are not requiring that they do it or that they do not. The services, whether it is the Army, Navy, or Air Force, are each free, or the Department of Defense, to make whatever studies are necessary to answer the kinds of questions they are raising.

So ours is not a draconian measure. It just removes a barrier as to what may be in the best interests of military security.

I would just like to point out some of these questions that have been raised.

One is, why now? Let us wait for a commission. Well, as I said already, Secretary Cheney, himself, has assured me that he does not oppose this legislation. So what he is saying, in effect, is that he sees no reason to postpone action on it.

What about women in ground combat? Some have raised that specter, that fear, that the Kennedy and Roth amendment will lead women down the slippery slope into the trenches of ground combat. That is an unfounded fear, and it is an unnecessary fear. Our amendment is surgical, precise, circumscribed, and only germane to the role of women combat aviators; nothing more, nothing less. We are not establishing a dangerous precedent here.

Legal experts agree that lifting the combat aircraft restriction will not mean a dramatic change in the woman's role in the military.

They raise a question about unit cohesion and bonding. Just let me point out that something like 35,000 women served in the Persian Gulf, and military leader after military leader including Mr. Cheney, have said women pilots are successful members of aircraft crews. As one woman pilot said, "The old so-called male bonding of former days was replaced with unit bonding in the gulf." We have the testimony of male pilots who have verified the team spirit of their women colleagues. So, once again, we see stacking horses being raised just to be knocked down.

What about gender norming, lower standards for women pilots? Some say allowing women to fly as combat pilots will result in a double standard and will place less capable women in critical positions. If anyone reads the testimony of the Chiefs of Staff before the Armed Services Subcommittee a few short days ago, it will become very clear by what the Chief of Staff, for example, of the Air Force said:

> There would be no lowering of the standard. What we are really doing is permitting the military to do what is in the best interests of the national defense.

Just let me add a word or two on the question of a draft. The argument has been raised that adoption of this amendment will result in women being required to register for the draft and women being subject to the draft, if the draft were ever to be reinstated.

As Senator KENNEDY said, this simply is not true. Congress, by statute, has decreed that women are exempt from registration for the draft, and this amendment barely changes the law at all. Women are exempt from registration now, and they will continue to be, if this amendment becomes law.

I want to also refer to the Supreme Court decision in Rostker versus Goldberg. The question has been raised that if combat restrictions on women are lifted, does that mean women would have to be drafted? The answer is no. The Rostker decision does not mandate that women must be drafted on an equal basis as men for a military service in which men and women are not similarly situated.

The Supreme Court has long granted deference to Congress in military matters. If statutory combat restrictions governing assignments are lifted and the legislation makes clear, or history makes clear, the intention to leave the issue of ground combat assignments to the military, the Department of Defense could continue to close ground combat assignments to women.

It is important to keep in mind that the Rostker decision did not turn on the fact that women were barred from combat by statute. In fact, there is as I said a few minutes go, no statute bar-

ring women from ground combat; as long as women are exempted from ground combat by military policy, regardless of whether that authority exists in statute, regulation, or other forms of policy, Congress may exclude women from draft of ground combat troops.

Finally, the question of requiring women to serve in combat. Let me just point out that regarding the case of women and aircraft, this is not a question of assignment; it is a question of volunteering, of competing. You have more people than slots. And what the women aviators would like would be an opportunity to compete to become a combat pilot.

A woman is not trained to fly combat aircraft and, if she does not compete to be trained, she cannot fly combat aircraft as a part of an operational unit. There is ample room in our armed services for women aviators who wish to fly combat planes and for those who do not.

So let me say, in closing, that all these problems seen with the Roth-Kennedy amendment are not there in fact. As I have already indicated, it simply removes an obstacle and gives the military an opportunity to do what is best.

As I have said, I do not see the commission, as proposed in the second amendment, as being necessary, insofar as the Roth-Kennedy amendment is concerned, because any questions that are raised in utilizing women pilots can be answered by studies made by these services. So from my standpoint, there is nothing wrong in accepting both amendments.

We think there is no substitute for eliminating the Roth-Kennedy amendment, because we are eliminating a legal obstacle that the hearings and others have shown to be no longer necessary, and are an impediment in providing the best military security for this Nation.

On the other hand, if it is a will of the Congress to create a commission to address some of these other problems being raised today, I see no objection to that. So I urge my friends and colleagues to certainly support the Roth-Kennedy amendment, because there is no way a woman can serve as a combat pilot in the Navy or in the Air Corps without our removing the restriction; whereas, in fact, there is no such limitation in respect to the Army. So just as a matter of consistency through the services, it is important that we remove the barrier.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I yield myself such time as I may use.

I ask unanimous consent that the total article on this subject out of Newsweek magazine, August 5 issue, he printed in the RECORD.

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

[From Newsweek, Aug. 5, 1991]

THE RIGHT TO FIGHT—THE TABOO ON WOMEN IN COMBAT MAY FINALLY CRUMBLE AS CONGRESS DEBATES A BILL TO ALLOW WOMEN TO FLY WARPLANES

To many feminists, the armed forces have been a model for change. A woman has been selected head cadet at West Point. During the Persian Gulf War, women commanders led troops through minefields in the desert. On base, day-care center are standard issue. But despite these advances, women are still locked out of the heart of the military: combat. Many military women complain that combat is the missing step on their career ladders. "Instead of a glass ceiling, they have a lead ceiling," says Carolyn Becraft, a military consultant for the Women's Research and Education Institute, a Washington, D.C., think tank. But many other female soldiers and sailors say they don't want the right to kill. According to a Newsweek Poll, Americans are almost equally split on the issue. While 52 percent of those surveyed said women should be assigned to ground-combat units, 44 percent said no. And only 26 percent thought women should be assigned to combat on the same terms as men.

This week Congress will take up the debate when the Senate considers an amendment to this year's defense authorization bill allowing women to fly fighter planes. The proposal easily passed the House in May. Supporters say they've heard very few "Hell, no's"—a measure of progress for such a controversial topic. Still, Lawrence Korb, a defense analyst, thinks the Senate will recommend that a commission study the issue, a course that all sides agree is a delaying tactic. "There's never been a group studied more than women in the military, and they do very well," says Rep. Patricia Schroeder (Democrat of Colorado), who cosponsored the House plan. "But everyone still says they don't want them there. How do you deal with that?"

There are hawks and doves on both sides of this issue, but conservative Republicans are the most outspoken opponents of women in combat. "The thought of a woman parachuting out over downtown Baghdad or Hanoi strikes horror into my heart," sayd California Rep. Robert Dornan. He predicts that coming cuts in the size of the U.S. military will doom any expansion of women's roles. "The chance of reaching out for any kind of affirmative action is nil to zero," he says." And that goes for homosexuals and lesbians too." But even without the cutbacks, Dornan says, "If I had 200 fighter pilots and an Amelia Earhart came along . . . I would still pick the man."

Within the military itself, recent State hearings showed an attitude gap between officers and enlisted men. Higher-ranked men said they thought women could comfortably fill in as pilots, submarine captains or on helicopter crews—tasks that require brains, skill and a killer temperament. Men on that grunt level were the most resistant. They said the vast majority of women aren't strong enough for fighting on the front lines. There's also a generation gap. "The people making these decisions are elderly males who don't understand young people," says Korb. "They didn't play soccer with women and go to school with them. They don't understand there's not a sexual overtone in every encounter."

Wild tales: The current proposal wouldn't put women in ground combat. Even some of those who support lifting the ban on fighter-pilot jobs say they would be reluctant to take that final move right now. Conservative Democrat Beverly Byron, who cosponsored the House proposal with Schroeder, would stop at combat flying while Schroeder thinks all barriers should go. In the Senate, Strom Thurmond of South Carolina agrees that women can be fighter pilots, but he, too, draws the line at ground combat. There's also some doubt among military women themselves about ground fighting. "There aren't too many women who want to go into the infantry," says Korb. Many men in the infantry say women would ruin male bonding among the troops, the emotional tie they say is crucial to effective fighting. To Becraft, that sounds similar to the argument used against full integration of blacks after World War II: that whites wouldn't feel "comfortable." There goes the neighborhood," she quips.

Since the passage of the House bill, there's been a fierce whispering campaign on Capitol Hill, with wild tales of women's misdeeds in the gulf—everything from rumors of women soldiers turning tricks to stories about the high number of pregnancies (36) aboard a single Navy ship. When asked about the floating maternity wing, Schroeder retorted: Unless there was a star shining over that ship, I'd say it takes two * * * What kind of military discipline do we have that we blame only the women?"

When the smoke clears, Congress will probably choose a middle road that reflects the opinion of a majority of voters. In a Newsweek Poll, 63 percent of respondents thought that it would be an advantage to have women pilot jet fighters; 61 percent said women would be an asset on bomber crews. And lifting the ban on flying fighter planes won't dramatically alter women's roles. They already fly support planes on combat missions, and already are in danger of being shot down. In the Persian Gulf, two women were taken prisoner and 11 were killed, five in action.

If the ban on flying in combat is lifted, women may look at Capt. Troy Devine for a role model. Captain Devine, a 1985 graduate of the Air Force Academy, is at the controls of one of the high-flying TR-1 spy planes that belong to the Ninth Strategic Reconnaissance Wing at Beale Air Force Base in California. In order to earn that privilege, she agreed not to become pregnant for at least a year and to submit to pregnancy tests every two weeks. In costs more than a half-million dollars to train a spy-plane pilot and the Air Force wants to protect its investment. There's also the risk of damage to a fetus from solar radiation at the plane's high altitude. But Captain Devine doesn't think of herself as a pioneer. Like thousands of other military women, she's just doing her job.

[From Newsweek, Aug. 5, 1991]

WAR AND THE SECOND SEX

(By Col. David H. Hackworth)

The fight was inevitable. The gulf war and the 1989 Panama invasion put servicewomen in the middle of the shooting and the bleeding in a way no previous American war did. More than 35,000 women served in the gulf—and discovered that modern warfare with its wide-ranging maneuver tactics and its long-range weaponry has blurred the old boundaries between "front" and "rear." Women worked in supply units, flew support aircraft, crewed Patriot and Hawk missile units and served aboard Navy tenders. These were not jobs with high combat probability. But

11 women were killed and two taken prisoner. Maj. Marie T. Rossi died when her chopper crashed while on a support mission. Army Specialist Melissa Rathbun-Nealy fell into enemy hands after accidentally driving into Iraqi positions in the desert. Three women died when an Iraqi Scud missile struck their billet near the end of the war. And so the argument: women already share the risks, let them fight equally alongside men. Let women be warriors, too.

The 1948 Combat Exclusion Act precludes women from combat roles in the U.S. Navy, Air Force and Marines. Army policy has the same restriction. Women are not allowed to fly combat aircraft in war zones and are banned from fighting ships. Combat infantry and armor units are closed to them. Now lawmakers led by Reps. Patricia Schroeder and Beverly Byron, joined by Sens. Edward Kennedy and William Roth, want to overturn the rule—with a Senate vote scheduled this week. And while many female officers support the move, other women say thanks, but no thanks—particularly in the enlisted ranks. "Tell Pat Schroeder to get out of my boots," snaps Maj. Kathleen Shields of the 70th Division, a 17-year Army reservist. "She's never been in the service and doesn't know what she's talking about." "I'm not getting in her boots and I don't intend to," says Schroeder. "I'm ensuring her equality and removing barriers to her opportunity."

Few topics I have dealt with as a veteran of Korea and Vietnam, and as a correspondent in the gulf war stir such emotions. Two sets of values are on a collision course. Equality and opportunity are noble ideals, but they have little to do with the battlefield, where the issues are living and dying. The question is: what if it turns out that equality and opportunity hurt combat readiness? The issue is not female bravery; the gulf war proved that patriotism and heroism are not gender-dependent. It isn't professionalism. The women troops I met during and after the war are smart, dedicated and technically competent. They are also better educated than their male counterparts. I myself have no problem with women in combat flying attack aircraft, though many combat-experienced pilots offer strong arguments against it. I do know from eight years of ground combat that few women could endure its savagery for long. The issue was summed up in Senate testimony by Gen. Robert Barrow of the Marine Corps. It is not "about women's rights, equal opportunity, career assignments for enhancement purposes for selection to higher rank. It is about, most assuredly . . . combat effectiveness, combat readiness; and so we're talking about national security."

For this article I interviewed hundreds of service people of both sexes, some individually, many in groups. I went to five major U.S. bases. Women made up 20 percent of some units. I met a few I wouldn't want to arm-wrestle with, and a number I would have been proud to have at my side in a fire fight. Not many would actually choose to join the outfits that do the killing. "Only a small minority want combat units," says paratrooper M/Sgt. Penny Sweeney of Fort Bragg, N.C. "Women don't grow up playing with GI Joe dolls." But they hated the discrimination in the law: they wanted the right to combat. They compared it with the abortion issue: a woman's choice. Their anger reminded me of the controlled rage I saw in the 1950s among black soldiers who were kept down. Military women are also in the grip of a Catch-22. They need combat experience to get the top jobs, but the system won't give it to them. Navy Lt. Brenda Holdener, a helicopter pilot at Norfolk Air Station, was candid about this before a recent hearing of the Senate Armed Services Committee: "I am very selfish . . . I would like to see [the law] changed just because that would afford me more opportunities."

In fact, many combat opportunities could be opened to women. There are few tasks in the Navy that most women couldn't do. The SEALs require exceptional strength and stamina even by masculine standards, and submariners live in a claustrophobic world best suited to single-sex existence. In the Air Force, females are already well represented in 97 percent of the job assignments. USAF Col. Douglas Kennett at the Pentagon says that his service "couldn't go to war without women and we couldn't win without them." High-speed fighter aircraft do place demands on the physical strength of pilots: withstanding the force of 9 Gs is no easy feat. But except for these jobs, the Navy and Air Force are high-tech services engaging mostly in standoff battles. Combatants never really see each other. Women can plot coordinates and push buttons as fast as men.

But war will also continue to be about seizing ground, or defending it. In the gulf war, a badly led Iraqi Army allowed itself to be defeated by technology. Ground forces played a secondary role. This was a unique war, not a model. The next one may be less hospitable to high-tech weapons. Ground war is not dead. The line doggies will still engage the enemy eyeball to eyeball, belly to belly. And in that setting, women are disadvantaged. Brawn will count for more than computer smarts for a while yet. A 110-pound woman with the heart of a lion can't pack out a wounded 200-pound comrade. Army studies show that only 18 percent of women recruits could lift between 50 and 100 pounds. A grunt's rifle, ammunition and gear average 110. Tank and artillery rounds weigh between 50 and 100 pounds. "The issue is not strength," wrote Army Sgt. Donna Patzer of Tripler Army Medical Center, Hawaii, "but whether women are capable of performing the task which they are expected to perform."

The biggest complaint I heard from both women and men was there is one physical standard for men and another for women. Each service has a different standard for men and women, called gender norming. To get the Army's maximum fitness rating, for example, a 22-year-old male must be able to run two miles in 12 minutes and 36 seconds; a female gets an extra three minutes to win the same rating. To pass the Marines' combat-conditioning test, men must climb 20 feet of rope in 30 seconds; women can take 50 seconds. "We are told to evaluate woman on a different scale than man," says a male Air Force captain. "A woman who is adequate is rated as outstanding, or who is unacceptable is rated as acceptable * * *. We lie to the public, we lie to the Air Force, and most of all we lie to each other." Schroeder agrees: "When the military imposes double standards, they think they're doing women a favor, but women don't want it."

"I can do it": The temptation is to say that women should be admitted to any combat role if they have the skills and the strength. Former New York mayor Edward Koch used to say he didn't care what sex his firefighters were so long as the they could carry a 206-pound mayor out of a burning room. Lt. Margaret Dunn, an Air Defense Artillery leader in the gulf, got as close to combat as a woman could. She says that "not just any female can handle the physical and mental stress of a combat unit." But she feels herself fully capable. In 10 years of rising from the ranks, she has seen a change in male mind-set as women prove themselves, and a "woman must prove herself more than a man." Dunn is ramrod-lean and rucks 12 miles with a heavy pack. She maxes any fitness test on the male scale. "I don't see why I can't go [into combat]," she says. "I can do it."

But skill and strength are not the only issues. The top officers who opposes the Schroeder legislation were united on one point: the military has seen enough experimentation for the moment. The services are downsizing on a scale unseen since the end of World War II. They are restructuring units and redefining missions. They are intensively studying the lessons of the gulf war. It is strongly believed by the top brass that now isn't the time to put women into combat without first sorting out what is known and unknown about the issue, especially, the intangibles such as effects on morale and unit cohesion. An Israeli colonel, asked by a visiting U.S. Army major, Martin Stanton, about the wisdom of using women in combat, said, "You can perhaps afford such experiments. We have to take war seriously."

The Army has changed since I wore a soldier's suit. It is now a big family where the married outnumber the single and the day-care center has replaced the day room. Dual-service parents are common. Back in 1971, women soldiers were Wacs and fewer than 20,000 dedicated women mainly took care of sick people and paperwork. The end of the draft in 1973 opened the services up to women; there weren't enough male soldiers who were up to handling the complex jobs. Today the Army is the most sexually integrated of the services. Women do everything but kill enemy soldiers. Yet if attacked they know how to fight in a defensive role. I asked a woman captain if she felt like she had invaded the sacred turf of man. She replied, "It's not sacred anymore."

'Male bonding': Men's attitudes are changing, but slowly. During the gulf war many line commanders refused female medics—until they learned it was "take woman medics or go without." Thousands of years of genetic imprinting and social programming are at work. "I was raised to protect the female," says Specialist Peter Cardin of the elite XVIII Airborne Corps. "I couldn't handle being in a tank or infantry squad with a woman. It would blow unit esprit and destroy male bonding." Male bonding is an abstract thing, yet it is the glue that holds fighting units together and allows them to do the impossible. Once, after a night battle in Korea, every member of my Raider unit, including myself, lay dead or wounded. Not one survivor left his position—even though some were blind or had limbs shot off—so great was their dedication to their comrades. Spirit and will are the most essential elements of warfare. Without them you lose. At the end, we lacked them in Vietnam and we lost.

Ask the Israelis. They are the only ones with extensive experience of women in direct combat roles. The Israeli Army put women on the front lines in 1948. The experiment ended disastrously after only three weeks. It wasn't that the women couldn't fight. It was that they got blown apart. Female casualties demoralized the men and gutted unit cohesion. The men placed themselves at higher risks in order to protect women, and in some cases failed in their combat mission. Today, Israeli women are drafted, but not for direct combat jobs. Granted, things have changed

since 1948. But no Pentagon order can abolish these fundamental attitudes. "The politicians are rushing the cadence," says Capt. Gloria Nickerson of the Special Warfare Center at Fort Bragg. "Nothing is going to change until society stops raising little girls to be popular and wear pink dresses and raising little boys to take care of little girls."

No holes: It's down at the bottom where the first sergeant and chief petty officer sit where the problems come home. The NCOs are the backbone of the military; they train, discipline and lead units into battle. It is here where ideas and policies are put into practice. Unlike the officers, NCOs don't shift units frequently. When the buck comes to a screeching halt, it's on their watch. It is here where readiness means moving prepared teams quickly with all their gear to do the job. Military teams—just like an urban police SWAT team—cannot have holes in them; every member is interdependent on the other. A rifle squad needs every member, as does a tank, aircraft, fighting ship and support and service unit. The military is serious business and with the drawdown and return to Fortress America, readiness is even more critical.

During Desert Shield all four services fielded units with crucial jobs unfilled. Some of these jobs had been assigned to single parents, others to a parent with a spouse also in the service. In all, there were more than 128,000 dual-service parents and single parents on active duty during the war. Many of these were slated for shipment to the gulf but had to stay home when a family-support plan fell apart. Parents would show up at the orderly room with children in tow. Many parents reached the gulf but then had to return home to sort out family problems. Others suffered psychologically for leaving their children. All this stress can't help but impair a combat soldier's effectiveness. In a Newsweek Poll, 89 percent of the respondents were concerned by the idea of mothers with young children being sent to war.

Pregnancy is a perennial problem now. Between 10 and 15 percent of the servicewomen wear maternity uniforms during a normal year. It's hard to get precise numbers, as the Pentagon treats this information with almost as much senstivity as it devotes to the location of nuclear weapons. But there is no question that pregnancy soared during the war. Three Pentagon sources report that as of mid-February of 1991, more than 1,200 pregnant women had been evacuated from the gulf—the equivalent of two infantry battalions. "Ninteen ninety-two will be a baby-boomer year," predicts one doctor at Andrews Air Force Base in Maryland. A Navy report says: "Pregnancy is viewed as epidemic." One ship alone, the destroyer tender Acadia, became known as the "Love Boat" after 36 female crew members conceived. An Army support company commander at Fort Bragg told me that out of 100 soldiers he had 13 pregnant women stay behind, which left a big hole in his unit. "Fortunately," he says, "the enemy gave us six months to fill those holes, or we would have been in a world of hurts."

Simple rule: Most senior commanders sent the pregnant women home. On the other hand, I have talked to women soldiers who got pregnant while in the gulf and who told no one and stuck it out because "they didn't want to let their team down." Other women soldiers had their babies and six weeks later rejoined their desert units. They, too, didn't want to let their units down. Too many woman soldiers say bitterly that their units "kept exacting statistics on pregnancy, but not on men's sport's injuries," which, according to Col. Robert Poole, the physician who headed the triage center at Andrews AFB, was the biggest casualty producer in the gulf. Schroeder says pregnancy in the service was "just not a problem," but the view at the bottom is that it was. Back in the days of the WACs, the senior women officers who ran that outfit had a simple rule: if you're pregnant you're out. Combat would intensify the problem. As Korean War machine-gunner Robert Haas puts it, "If a pregnant women catches a slug in the gut, what's the statistics: one dead soldier or two?"

The gulf experience revealed other problems:

Fraternization. Put young men and women together for long stretches in the moonlike desert and they'll do what's natural. The military issued more than a million condoms.

Sexual harassment. Many women soldiers reported nightmare times. "There were hard stares and harder hits," explained a woman signaler. "Some guys hadn't seen a woman for five months and they acted like animals . . . They assumed we were [already] doing it."

There were even reports of rape and female prostitution that required court-martial. (However, owing to the absence of drugs and alcohol, the incidence of crime was much lower in the gulf than in the peacetime military or any other war.)

Few of the women who served in combat-support units recommended the experience. Conditions get primitive when you near the cutting edge. Everyone complained about the sand, the grime and the heat, but women found the lack of privacy particularly hard. Bathing and body functions were difficult in front of men. Sleeping arrangements were uncomfortable. Men could at least slip away into the open desert in search of privacy. Most women stayed close in, fearing attacks from Iraqi soldiers.

In the end, the message I got from both male and female gulf veterans was: don't rush to judgment on women in combat. Congress should not repeal the exclusion law "until each soldier is home, off leave and able to give her side of the story," says Capt. Gloria Nickerson. Lt. Sandra Nieland, a paratrooper based at Fort Bragg who spent six months in the desert, seconds Nickerson: "The smart way is to research all the problems before Congress acts."

Shoot to kill: It may be that an evaluation of the military's gulf experience will suggest a number of combat roles for women. Any fix will be expensive. It costs $6 million to train an F-16 fighter pilot, for example. If a woman pilot becomes pregnant she doesn't fly. If war comes along, a unit is missing a pilot, and, after the baby, that pilot must requalify. Renovating ship quarters is costly. So is child care and down time to deal with family problems.

There is one last question that can't be answered by further study. The bottom line of war is about killing, and it's unknowable how women will react to this. I spoke to an Army helicopter pilot, Capt. Wendy Mullins at Fort Bragg. Mullins wants to fly the Apache, an awesome tank stalker. Says her instructor pilot, Chief Warrant Officer Ralph Clemons, a veteran of two wars: "She's more than qualified and should be given a shot." When I asked her if she personally could kill, Mullins said: "I accept responsibility that I might shed blood or I may shed the blood of others." The Army has changed. In the old days, the reply would have been, "I'd paint 'em red in a heartbeat." Yet from the look in her warrior eyes and what her male flying mates told me, I have no doubt she'd shoot to kill and win. "There is more trauma hunting deer than tanks," said Mullins. That's true. With standoff weapons, you don't see the tank, only a blip on the scope. Yet later, there's the stress syndrome. Only shrinks and time can tell how the women will cope with the killing that will always be part of the obscenity we call war.

(The author retired from the U.S. Army in 1971. His military memoir "About Face" was published in 1989.)

[From Newsweek, Aug. 5, 1991]

"WOMEN HAVE WHAT IT TAKES"

Carol Barkalow, 32, born in Clifton Park, N.Y., is a 1980 graduate of West Point. She has commanded an air-defense platoon in Germany and a truck company at Fort Lee, Va., and is author of "In the Men's House," a book about her life in the military. Last week Barkalow spoke with Newsweek's Ginny Carroll at Fort Leavenworth, Kans.:

I realized I wanted a military career when I was 16, the summer between my junior and senior years of high school. I had been very active in athletics. I enjoyed the discipline, the comradeship, the physicalness of sports, helping other teammates. I also wanted to serve my country. For me, the answer was the Army. My guidance counselor told me that West Point was starting to accept women. I was in the first class.

As plebes, we were required to greet the upperclassmen "Good morning, sir." Too often we'd hear back, "Mornin', bitch." I was naive, I guess. I thought my classmates wanted the same thing I wanted. I thought they would just accept me for that. By the time we graduated, the men's attitudes had begun to mellow somewhat. The women's attitudes had changed, too. If we weren't feminists when we went in, we were when we came out. I went back for my 10-year reunion in October 1990. There was a big difference. My male classmates had changed tremendously. They recognized us as peers. I realized they had been going through their own growth a decade ago, the hell of being a cadet. The reunion was the best time I ever had at West Point.

But some of those old attitudes still linger when the question of women in combat arises. It's a generational issue for the most part. Most of the senior leadership had little opportunity to work with women as peers. Many see us as a mother, a wife, a daughter—especially a daughter. They always say they wouldn't want to see their daughters in combat. What I ask them in return is, would you really want to see your son in combat? And isn't it the daughter's choice? One lesson our society learned in the Persian Gulf is that it is no more tragic to lose a mother, a sister, a daughter than it is to lose a father, a brother or a son—and no less so.

I volunteered to go to the gulf. I was attached to the 24th Infantry Division, the unit that spearheaded the end-around attack. Our support outfit was in just as much danger as the combat element. The Iraqi weapons had just as much capability of hitting us as the men in front. The difference was that we didn't have the capability to defend ourselves like the combat troops.

One question that is always raised is whether women have what it takes to kill an enemy face to face—whether we can handle that particular brand of stress. After my book came out last year, a Vietnam vet named Bill Hanake came to see me. He had a leg and a foot blown off in Vietnam. I think Bill's experience is an eloquent answer

to the naysayers who think women don't have what it takes for combat. Both times his unit was overrun in 'Nam, he said, it was the Viet Cong women who were the more disciplined, the tougher, who were the most willing to make sure their enemy wasn't going to come back at 'em.

Then there's the argument that men will be overprotective of women. When men are overprotective of men, we give them awards for valor. In May, our country awarded an Air Force pilot its second highest medal for leading a nine-hour rescue mission for a fallen flier. That wasn't looked upon as overprotective. Would it have been so if the downed flier had been a woman?

Some believe females would interfere with male bonding. In Saudi, I saw a new type of relationship forming between men and women, one that has traditionally been described among men. It was a nurturing relationship based upon respect, based on sharing the same hardships. The big worry before Vietnam was that blacks couldn't bond with whites. When the bullets started flying, that went away pretty fast. The same type of relationships developed in the gulf between men and women soldiers.

Do I believe women should be allowed to serve in the infantry? Yes, if qualified. The training and physical-strength standards should be uniform. We have standards that we must keep. Our military readiness should never suffer. But I saw a number of physically strong men very scared in Saudi Arabia. It's not just a matter of physical strength. It's mental and emotional strength as well. I think God knew what he was doing when he allowed women to bear the children and gave us the ability to handle that mental and emotional stress.

Pregnancy? The military doesn't have a good handle on the question. When the military looks at pregnancy, it sees it as nonavailability. We had more injuries and nonavailability among men than women in Saudi. Too often, the women are the only ones held responsible for pregnancy, not the men who helped get them that way.

No normal person wants to go into combat. Soldiers are the last people who want to. But we've volunteered. We understand our commitment. Everybody raises a hand, male and female, and swears to support the same Constitution. Women are competent, capable and committed. We are an integral part of the best-trained military force in the world. The service should have the flexibility to assign the best-qualified person to the job, regardless of gender. That's the bottom line.

Mr. GLENN. Mr. President, there are things in the article here I agree with and things I do not agree with, but I think it is an excellent exposition of both sides of the issue. It clearly highlights the complexities of the issue.

Mr. President, much has been made out of this pilot issue, which is a subject of one of the amendments we will vote on. I would like to add that we questioned the military on how many people actually qualified through the training of the Navy's Top Gun school and the Air Force Red Flag. Nothing is magic about that. I am sure women can qualify. However, as of today, none have gone through. Many people who have not been in the flying business for a lengthy period of time—as some of us have had the opportunity to do in times past—know if you are a pilot, you are a pilot. It does not make a difference whether you are using a Piper Cub, an SR-71, F-15, or any aircraft.

That is no more true than saying because I drove an automobile down here today, I am qualified to go to Indianapolis and race next week or drive an 18-wheeler down the interstate.

There are different levels of qualification here. For a fully qualified fighter pilot or attack pilot, training costs are about $6 million to put that pilot through a training program. There are big variations here, I would like point out.

Another thing I would like to do is to draw the contrast between the two propositions we have before us here. With the proposal that we have put forward on behalf of the committee, we take the role of women in the military, the whole military across the board, not just one-half of 1 percent of the people who are pilots in the military, and we try to take an approach that will open up career opportunities, career opportunity possibilities, for all women.

I want to stress that. We provide everything the other bill provides.

Senator ROTH has proposed that we provide the capability of the service, doing all of that and more, to all other women in the military. I think that is a giant leap forward in trying to make certain that we get the information from the commission so that we can evaluate women in combat roles.

Let me go into some specifics. The Roth amendment authorizes the Secretaries of the military departments to establish conditions under which women may be assigned to combat aircraft.

On the other hand, what we do with our approach, we say the Secretary of Defense should coordinate this, and he can waive all combat exclusion laws and policies to permit assignment of women in the military to all combat positions. This is everything. This is not just pilots; this is air, sea, land, and ground. It allows a true test of whether we are going to interfere with battle capability.

This is not like going down to a bank in the morning and opening up and being a teller at the window, and saying, "We ought to have equal opportunity in the bank." This is living and dying on the battlefield. It is seeing friends get killed and taking lives. It is shooting; it is taking enemy lives. So it goes far beyond just equal opportunity.

Do I want to see equal opportunity in the military? I certainly do, and this allows a test of this, not just in the narrow confines of pilots, but across the board. I want to see every position that can be opened up in the military opened up.

We made progress on this over the past years. About 70 percent of the MOS' in the military—that, as I understand it, is the current count—which are open to women. But there are areas denied. If we open up those areas, that is what this commission will decide.

One bill will say that the Secretaries of the military departments can establish conditions under which women may be assigned to combat aircraft, only, no other test, no other look at exclusions or policies that would examine whether combat positions, air, sea, ground, and weapons provide for a true test of women serving in all these positions. That opens up just as many assignments as possible and far more than the other amendment does.

The Roth amendment does not change the current law prohibiting assignment of women to combat ships, except for women pilots serving on combat ships.

If we are going to say women pilots can go aboard ships, why do we not also say women lieutenant commanders can have command spots aboard ship, also? We should treat all women in the military equally. The Roth amendment does not require DOD to change current policies which prohibit assignment of women to combat positions in other areas, and it does not permit a test of assignment of women in combat positions except for pilots.

So those Senators who are interested in a broad review and change of our military policy, which will allow the greatest number of women to serve in all positions in the military, I think, have to support the amendment that we have proposed on behalf of the committee.

Further, the committee does not limit assignment of women to combat positions, just as pilots, as I said, which is only 0.4 percent of military women. And most importantly, we do not prejudge the outcome of the deliberations of this commission on assignment of women in the Armed Forces, which has been established by the committee bill. They are free to look into every single position in the military and come back to us with their recommendations.

So during this time period, the commission and the Defense Department can do exactly what the Senator from Delaware and the Senator from Massachusetts proposed. That is fine. They can do that completely under what we proposed. So we permit the military to do exactly what is being proposed, plus so much more.

It seems to me that this fact should not be lost when Senators come to vote. This bill provides the greatest opportunities for women in the military, and does so on a rational basis.

Mr. President, how much time do the proponents of the committee amendment have?

The PRESIDING OFFICER. The proponents have 23 minutes and 15 seconds. The Senator from Ohio controls 44 minutes and 29 seconds.

Mr. GLENN. Mr. President, I am aware of only Senator NUNN who wish-

es to speak briefly on this. If there are other Senators who wish to speak on behalf of the committee amendment—Senator THURMOND.

Mr. THURMOND. I wish to have 5 minutes against the committee.

Mr. GLENN. Against the committee amendment?

Mr. THURMOND. Against the Roth amendment.

Mr. GLENN. I yield 5 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 5 minutes.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment offered by my colleagues Senator ROTH and Senator KENNEDY. However, I do so with some trepidation since I believe our women in the military are capable of flying combat missions. They are demonstrating daily their ability to fly even the most sophisticated combat aircraft. We have women who conduct test flights of the F-18 before the aircraft are turned over to the Navy or Marine Corps. We have women pilots who train their male counterparts in how to fight in combat. We also know that women can stand the stress of being in combat, as they so bravely demonstrated both in Panama and the Persian Gulf.

Mr. President, I am against this amendment because I believe we have not fully discussed the implications of this amendment in regard to our society and our military. These concerns are reflected in the Armed Services Committee's position to establish a Presidential commission to study this matter. To quote from the committee's report accompanying S. 1507:

> The Nation must make such decisions—lifting the combat exclusion rules—openly, deliberately, and after a full examination of all the available facts. It must neither continue the current combat restriction laws and policies for invalid reasons, nor repeal such laws or policies without a full understanding of the effect and meaning of such action.

Over the past several months my office has received correspondence and telephone calls on both sides of this issue. The calls have been evenly split, which in my judgment reflects the Nation's deep division on this matter.

The Armed Services Committee in its wisdom has recommended a Presidential commission to study this complex matter. This commission's function is to study and report on the following issues:

First, the implications on combat readiness and effectiveness of opening some or all combat skills and positions to women;

Second, the degree of public support for opening some or all combat skills and positions to women;

Third, the legal and constitutional implications of opening some or all combat skills and positions to women; and

Fourth, the requirements and costs of modifying weapons systems to accommodate women for habitability and physical reasons if some or all combat skills and positions are opened to women.

Mr. President, only at the point in which we have the answers to these questions should this Congress make a decision on the role of women in combat—whether it be in the air, at sea, or on the ground.

There are some who will say that my colleagues' amendment does not do away with the commission, it only allows women to perform the role for which they volunteer and are trained. We all know that this is a ploy. Once the decision is made to permit women to fly in combat it will be impossible to reverse.

Mr. President, the commission will provide its report to the President and Congress in December 1992. At that time the Congress can make its decision regarding this complicated issue which has far-reaching social and military implications. At that time, we will be able to base our decision on facts and not on emotions.

I urge my colleagues to vote against the Kennedy-Roth amendment.

Mr. President, I yield the floor.

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

Mr. GLENN. I yield such time as the Senator from Arizona may require.

Mr. MCCAIN. Mr. President I would like to make a few comments. One of them is I just spoke on the phone to Secretary Cheney. Secretary Cheney made it clear that he supports the committee position. I would also like to point out a letter from the Deputy Secretary of Defense and ask unanimous consent that it be printed in the RECORD. In the letter he states: "The Department of Defense supports establishment of a commission to study the role of women in combat."

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

THE DEPUTY SECRETARY OF DEFENSE,
Washington, DC, July 26, 1991.

Hon. GEORGE MITCHELL,
Majority Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: As the Senate considers the National Defense Authorization Act for Fiscal Years 1992 and 1993 (S. 1507), I would like to convey the Administration's views on the bill. In general, the Committee-reported bill is a significant improvement over the bill passed by the House of Representatives (H.R. 2100), especially with respect to such crucial programs as the B-2 Stealth bomber and the Strategic Defense Initiative.

Among the greatest shortcomings of S. 1507 are its excessive dedication of personnel and other scarce resources to the Reserve components of the armed forces and its restrictions on the separation of excess personnel from the armed forces. As we reduce the size of the armed forces in the coming years in light of changes in the world situation and constraints on the defense budget, we must use scarce resources to maximize the Nation's military capability. Diverting resources from higher priority uses into excess funding for the Reserve components, and restricting the Department's ability to separate military personnel, are inconsistent with that important objective. This issue is, as you know from the President's letters to the Congressional leadership on this year's defense bills, vital to the Nation's defense needs. We will weigh heavily the final congressional action on this issue in advising the President on whether to approve the defense authorization bill that is eventually presented to him.

The bill also diverts funds from higher-priority programs to provide unneeded funding for other programs, such as conventional ammunition, M1 tank upgrade, and industrial technology and other programs not related to the Department's mission. In addition, the bill establishes counterproductive and in some aspects constitutionally questionable restrictions on protection of information in special access programs. The bill also establishes ill-advised and inefficient structures for control of Defense intelligence organizations and assets, which will harm the Nation's intelligence capabilities. On management issues, the Department supports the provisions for a Deputy Under Secretary of Defense for Policy and a Defense Business Operations Fund, and supports addition of provisions to make clear that the General Counsels of the Military Departments are the chief legal officers of their departments accountable for legal advise and services in those departments. The Department of Defense supports establishment of a commission to study the role of women in combat.

This letter outlines many, but not all of our concerns with the Committee bill. We urge the Senate to support the Administration's budget submission in the consideration of the defense authorization bill, and in particular with respect to the B-2 Stealth bomber, the Strategic Defense Initiative, and the size and personnel management of the armed forces.

Sincerely,

DONALD J. ATWOOD,
Acting Secretary of Defense.

Mr. MCCAIN. Mr. President, I think it is very important for us to recognize, as my friend from Ohio said, that the Glenn amendment will help us build a very badly needed consensus. Senator GLENN referred to an article that was in Newsweek magazine. I think it is important to highlight the results of a poll that Newsweek took throughout this country. They highlight the fact that we do not have a consensus on this issue and we need it—a consensus we can only get through adoption of the Glenn amendment.

Question: "Should women qualifying for combat roles be held to the same standard of physical stamina and endurance as men? Yes, 57 percent; no, 39 percent."

Question: "If women were allowed to get combat assignments, are you very or somewhat concerned about the following: mothers leaving small children at home, 89 percent; women becoming pregnant and putting fetus at risk, 76 percent; women becoming pregnant and having to be replaced, 64 percent; women unable to perform at the same level as men, 53 percent."

A very important aspect of this poll, Mr. President: "If a draft becomes necessary, should women be required to participate? Yes, 50 percent; no 47 percent."

Mr. President, before we enact a Kennedy-Roth amendment of such far-reaching consequences, we should recognize that the American people do not yet agree on this issue, and we need to build a consensus on it. Again, that is what the Glenn amendment does.

Let me also put to rest an argument that seems to have arisen during this debate and which is patently false: That the Glenn amendment is somehow a delay.

Mr. President, the Glenn amendment is nondiscriminatory in nature because it allows the Secretary of Defense to test across the spectrum in the military. It does not confine action only to just combat pilots. It allows the Secretary to run suitable tests in every part of the military and see what the results are while the Presidential commission is sitting. That, Mr. President, is not a delay. In fact, it would allow more women to take part in far more combat roles than the Kennedy-Roth amendment does. There is no delay here.

And I think it is of the utmost importance, Mr. President, that we understand that if we can get a consensus on this issue, then we can move forward and give the women in this country what they are seeking—equal opportunity in the military in every role for which they qualify with the full support of the American people.

The American people are now divided. These polls show that the American people think that we ought to give this decision the kind of study and testing that is necessary, the kind of testing that the Glenn amendment allows the Secretary of Defense to engage in.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DIXON. Mr. President, I ask unanimous consent that I may have 30 seconds on behalf of the joint leadership for a request as though in morning business.

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

RALPH H. METCALFE FEDERAL BUILDING

Mr. DIXON. Mr. President, on behalf of the joint leadership, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 198, H.R. 1779, an act to name a Federal building in Chicago, IL, for the late Congressman Ralph Metcalfe; that the bill be deemed read a third time, passed, and the motion to reconsider be laid upon the table.

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

So the bill (H.R. 1779) was deemed read a third time and passed.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1992 AND 1993

The Senate continued with the consideration of the bill.

Mr. GLENN. Mr. President, I yield 5 minutes to the committee chairman.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President I rise in support of the Glenn-McCain-Nunn-Warner amendment.

The Glenn amendment strengthens the ability of the commission on assignment of women in the Armed Forces to conduct a comprehensive study and to make recommendations on the assignment of women in the Armed Forces.

The amendment authorizes the waiver of all the combat exclusion laws and policies during the period the commission operates.

It authorizes the Secretary of Defense to respond to a request from the commission to conduct multiple tests of women serving in a wide variety of combat roles.

It permits women to be assigned to fighter and other aircraft engaged in combat missions, so that the Armed Forces can conduct training tests involving women aircrew members.

It also permits women to be assigned to duty in combat skills at sea or on the ground so that the Armed Forces can conduct training tests involving women in combat units.

This amendment would give the Secretary of Defense what he needs in order to assist the commission in collecting the facts that we need to make judgments on the role of women in the military without prejudging the outcome.

Under this amendment, all women in the Navy, officer and enlisted, could have the opportunity to be assigned to combat vessels, such as aircraft carriers, cruisers, frigates, destroyers, minesweepers, submarines, and amphibious assault ships on a test basis to assist the commission in evaluating their performance, and in making recommendations on their continued assignment to these vessels.

The same thing would apply in the Army and other military services.

Mr. President, there are many questions that have to be answered. I know people would like to approach this subject as if it is simple and easy, but there are profound legal questions as well as substantive questions about the effectiveness of the military itself.

If we decide to open any combat assignments to women, we have the question of whether the assignments of these positions should be voluntary or whether women should be compelled to serve in combat assignments regardless of their personal desires once they join the military. That is the manner in which the men now have to respond, because the men can be assigned involuntarily to combat positions once they join the military.

Have we thought about whether we want to apply that to women? I have not heard anybody offer an answer to that. I have not heard anyone offer an answer to that in any kind of analysis that I think reflects any kind of study.

Another question: Should women be required to register and be subject to the draft on the same basis as men if women have the same opportunity as men to compete for all the skills and positions in the military?

Somebody has to think through that one, and I do not see that that one has been thought through.

Another question: If current combat exclusion laws are repealed but the military services retain the discretion to prescribe combat assignment restrictions for women, what effect will this have on the constitutionality of the male-only registration and service requirements of the Military Selective Act?

Another question: What are the physical requirements for each combat skill or position, including the full implications of gender norming?

What is the impact of pregnancy and child care on assignment policies for military personnel?

Have we thought through that one? How do you go about doing that if you are the commander of the unit or if you are running a military service? How do you calibrate that into your number of people assigned in various positions?

What is the practical effect of opening combat skills and positions to women on unit morale and cohesion? These are very important questions that involve the life and death of not only the women involved, but also every military personnel involved.

Another question: If current combat exclusion laws and policies are repealed, would the present policy under which only males may be involuntarily assigned to combat skills and positions be sustainable? In other words, if women are going to be given the choice once they get in the service whether they want to go into combat or not, can you then compel the men to go into combat even though they choose not to once they join the service? That is a pretty important constitutional question. I think we at least should think through it before we make any permanent kind of change in the law.

What would be the impact of required changes in quarters, including shipboard accommodations, weapons, training, and the resulting cost of such changes? Even if we decide to move in this direction, someone has to think carefully about the cost and the changes required. And what would be

the practical rate at which any required changes can be made as we reduce the defense budget?

All of these are very important questions the commission needs to think about.

Mr. President, I think the commission approach is the preferable approach. I also believe, though, the strengthening of that approach and realistic testing of that approach—giving the Secretary of Defense, under the Glenn amendment, the right to make test cases not just of women flying airplanes but in other combat slots also—makes a lot of sense. It also makes a lot of sense not to prejudge the outcome of this until we have had some very serious examination.

The major difference between the committee approach and the Roth-Kennedy approach is that under the committee approach, including the Glenn amendment which I hope we will agree to on the floor, we will not preempt the work of the commission. We do not arbitrarily create different categories of women in the military.

The Roth-Kennedy provision affects less than one-half of 1 percent of the women in the military and ignores the remaining 99.6 percent. One-half percent is affected under that proposal and the others are ignored. It ignores service at sea. It basically says if you fly aircraft as a woman, you can fly on the carrier, but in any other assignment you still are barred by law.

The approach we are advocating here today recognizes all women in the military are currently restricted from assignment to direct combat assault roles. And the appropriate way to determine what changes in law or policy are appropriate would be to allow the waiver of all of these restrictions during the time the commission is conducting its study.

This approach is fair to all the women in the military and does not single out a very tiny segment of officers for special treatment. Most improtant, we will have the results of the commission deliberation and have the results of these tests, before we make our final judgment about what the law should be.

Mr. President, I thank the Senators from Arizona and Ohio for their leadership and urge the support of the Glenn amendment. I urge the defeat of the Roth-Kennedy amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I believe the Senator from Delaware wanted to make a few closing remarks. I would make just a few closing remarks, and I am prepared to yield back the remainder of our time. I was interested in what was the disposition of the Glenn amendment? We do not want to get into yi lding back—how much time remains for the Glenn amendment?

The PRESIDING OFFICER. Six mintues.

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

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I share the view of the Senator from Delaware that those who support the Roth-Kennedy amendment will support the Glenn-McCain amendment. First of all I do want to acknowledge in the course of the debate, the extraordinary combat service of the Senator from Ohio and the Senator from Arizona. As two air men I think they have some very special, obvious interest in this issue.

We are attempting to open the kinds of opportunities for women which they have been able to achieve over the course of their own very distinguished service in the military.

I want to urge those who are going to support our amendment to support the amendment of Senators GLENN and MCCAIN. That can be an extremely important and useful commission, in trying to find ways to enhance the opportunities for women in the military service. It can, I think, make an important and powerful contribution. On the other hand, if the commission does not view this issue with an enlightened viewpoint, I fear it can or may very well be coming back with recommendations that may support a more Neanderthal and archaic kind of proposition.

So I hope and give the benefit of the doubt to those who believe it will act in a constructive and enhancing way and think we ought to move in support of it.

But you can support that and still support the Roth proposal for this very basic reason. What we are attempting to do is eliminate gender as a classification and commit this Nation to ability as the criterion for classification. That is really it. The statute which is in existence at the present time, 48 years old, is archaic and Neanderthal and we should be free from it.

I must say we should not just pass the buck over to the Defense Department. We in this institution should be prepared to bite the bullet, so to speak. I do not find it difficult to bite in this circumstance. But we, as legislators and policymakers, ought to be able to make a judgment and a decision about what we believe. In that respect, I believe we should not have a Neanderthal, archaic statute, applicable to the Navy and applicable to the Air Force, which is not applicable to the Army, and without which the Army was able to make the progress as it has over the past years.

So I urge my colleagues to vote aye for both amendments.

Mr. LEAHY. Mr. President, women are an important part of our All Volunteer Armed Forces—despite laws and Department of Defense policies that restrict their assignments. The recent victory against Saddam Hussein could not have been possible without women who served courageously in the Persian Gulf. Women were assigned to important leadership positions and many dangerous roles that included risk of death in combat.

Our recent success had many highlights but showed glaring deficiencies in our policy toward women in the military. The professional performance of our women demands a reexamination of the restrictions on their activities in the Armed Forces.

Expanding the role of women in the military is worthy of consideration but requires careful deliberation. I was disappointed when Department of Defense officials testified in June that the administration would make no changes to its current policies toward women in the military if given greater authority to do so. There is a greater role for women in the military. Too many well qualified female personnel are prohibited from advancing their military careers due to antiquated restrictions.

Senator GLENN, chairman of the Manpower Subcommittee, and Chairman NUNN have made important recommendations in the Defense Authorization Act for Fiscal Years 1992 and 1993. The committee bill establishes a 15-member commission to examine current policies in the Armed Forces toward women personnel. Guidelines are provided to the commission to prepare a report to the President.

Mr. President, I support the Glenn-Nunn commission and hope its members will carefully review our policies toward women. But there are current laws that can be repealed today before the recommendations of any commission.

The Air Force and the Navy are prohibited by law from permitting women to fly in any combat role. The statute is a slap in the face of female pilots. The Secretaries of the Air Force and Navy are not even permitted the discretion to expand the role of women aviators. Unlike the discretion provided to the Secretary of the Army, Federal law prohibits the Air Force and the Navy from considering any expansion of responsibilities to women.

I am not suggesting that Congress mandate new policies on women today. But the Secretaries of all the Armed Forces should be able to determine whether to broaden the roles of women under their command.

The restrictions on women in the military is a very serious matter. Equal opportunity has no gender. That is why I support the Kennedy-Roth amendment to remove the Federal statute prohibiting women from flying combat missions and giving the Secretaries additional discretion. I also look forward to the recommendations of the commission and hope the administration will take another look at the policies currently restricting women who serve in our Armed Forces.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. I yield 5 minutes to the distinguished Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mrs. KASSEBAUM. Mr. President, I have some questions I would like to ask because I personally am a bit confused by some of the debate that I have heard. I am not sure I will take 5 minutes.

It was my understanding that all we were doing was just repealing the statute that barred women from combat in the Air Force and Navy.

Mr. ROTH. I would say to the distinguished Senator, she is absolutely correct. Under the Roth-Kennedy amendment all we are doing is deleting that part of the code which prohibits women from being assigned to combat duty in the Air Force and Navy.

Mrs. KASSEBAUM. Mr. President, then I would ask, this is not saying women will be automatically in combat?

Mr. ROTH. That is absolutely correct.

Mrs. KASSEBAUM. This is merely saying, is this correct, then, that it will be up to the armed services to make that decision?

Mr. ROTH. Absolutely. Each of the services will have the freedom, the flexibility to do whatever they think is best.

Mrs. KASSEBAUM. Mr. President, it seems to me the Army has been able to do that for some period of time. It seems to me to make sense simply to say that this should be a decision that would be made by the armed services. I always believed that is where that decision should die.

Women have been in combat areas in many of our wars. Women pilots flew troops into combat areas in World War II. How we define combat area today is something else I think is a decision that has to be made by those in authority to determine how women can best serve. But I, frankly, think it should be left to those who are in the best position to know, and that is the armed services themselves.

I realize, Mr. President, there has been a substitute that would authorize a commission and would waive this prohibition, if I am correct, until this commission completes its work. But it seems to me, Mr. President, that only leaves further confusion and uncertainty. While I guess there are times we certainly could be accused of micromanaging by the Department of Defense, it seems to me this is one area where clearly we are, again, trying to micromanage. I will just say, Mr. President, it seems to me to make sense.

Mr. McCAIN. Will the Senator yield?

Mrs. KASSEBAUM. In just a moment.

It seems to me to make sense to repeal the statutory ban and let the armed services make the decisions themselves. I will be happy to yield.

Mr. McCAIN. Mr. President, in response to the Senator's question, the Glenn amendment waives the combat exclusion. It allows the Secretary of Defense to waive the prohibition against women serving in combat roles, and allows the Secretary of Defense to experiment while the commission is sitting and place women in various combat roles.

If the Roth-Kennedy amendment were adopted, then women would only be allowed to be pilots. This is a very limited role with many problems. They could serve in fighter squadrons on board aircraft carriers, but would not be able to serve on the aircraft carrier itself. In my view, this is clearly discriminatory. Whereas the Glenn amendment allows the Secretary of Defense on a test basis to put women in whatever combat roles he deems to be tested.

Mrs. KASSEBAUM. I ask the Senator from Arizona, however, with the Kennedy-Roth amendment, would it merely just take you back to what you are saying, it would mean the Secretary of the Air Force or Secretary of the Navy would make that decision? This does not automatically say indeed they could be serving in that capacity.

Mr. McCAIN. In response, the Senator understands the ramifications as far as draft registration is concerned. I am sure she appreciates the fact that as soon as the prohibition on women serving in combat is lifted, there will be enormous legal and political forces brought to bear on the Secretary of Defense to force him to rush forward before we get a national consensus on these issues.

The Senator also pointed out that she did not wish to micromanage the military services. All of the uniform heads of services are in opposition to this amendment. Yet, they are the ones who will be required to carry out this change in policy if it is dictated by the Congress. I not only do not want to micromanage, I do not want to go against the chiefs of the Armed Forces, the uniformed men and women who we must ask to implement the actions we are legislating.

Mrs. KASSEBAUM. Let me ask the Senator from Arizona. What has happened in the Army? The Army has no prohibition directed by us. It is their own prohibition. So how do we answer it has been a problem?

Mr. McCAIN. The Army based its policy on the legal prohibition that exists for the Navy and Air Force. No one as I know of, however, has so far advocated the role of ground combat for women—including the women who testified before the Armed Services Committee. If the Senator is suggesting somehow we should now put women in ground combat roles without any further study or contemplation, I can only say I think such a thing would be objectionable at best.

Mrs. KASSEBAUM. Mr. President, the Senator from Kansas is simply saying that I do not want to be in a position of deciding myself whether women should or should not be in combat. I have a great deal of confidence in the chiefs being able to stand on their own two feet and make that decision on their own because I think they clearly will be able to understand how women can serve best.

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

Mrs. KASSEBAUM. Yes.

Mr. NUNN. Mr. President, I am not sure people following this debate really understand the incompleteness of the law on the books right now. As I understand the law right now, it bars the women in the Air Force from serving, basically, in combat aircraft, but the law also bars women from serving on any combatant vessel.

So the Roth-Kennedy amendment, if I can say to my friend from Kansas, would eliminate the part of a law that applies to the Navy that bars women pilots from flying on aircraft but would leave in effect the law barring all other women from serving on combat vessels. In effect, what we will be creating if we agree to the Roth-Kennedy amendment, and the House bill does the same thing, is two groups of women, 1 percent of women, maybe 2 percent, somewhere in there, would be allowed to fly on ships, but a supply officer in the Navy would not be able to serve on that same ship. Enlisted personnel in the Navy would not be able to serve on that ship. We are going to be creating a group of women who are pilots who are put in an elevated status and all the other women are going to not be permitted.

The Glenn amendment basically says we open up all these spaces so we can really figure out what makes sense and what does not make sense but do it not on a permanent basis but on a temporary basis. I did not know whether the Senator understood that this does not give the Secretary the discretion she describes. This gives the Secretary of the Navy only the discretion to let women fly on the ships but not any other way.

Mr. KENNEDY. Will the Senator yield?

Mrs. KASSEBAUM. I am glad to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. Pesident, does the Senator from Kansas understand, even the Chairman of the Armed Services Committee would not support the kind of amendment that would not have permitted both, women to be on the combat ships as well as to fly the combat planes? So in the course of this debate, as one who offered that amendment in the Armed Services Committee and had it rejected, now we hear

where we are having a discriminatory situation because we are just dealing with the Air Force and eliminating the prohibition of it. So we are going to be caught effectively in a catch-22.

I thought that the presentation that the Senator from Kansas made was absolutely on point, both in understanding the purpose of the amendment and the rationale.

Mrs. KASSEBAUM. With that, I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. ROTH. Mr. President, I yield such time as is necessary to the distinguished minority whip.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I thank the Senator from Delaware, and I was particularly impressed with the remarks of my friend from Kansas. I think Senator KASSEBAUM stated it very clearly. This has been good, and both proposals have merit. I specifically rise to speak in favor of the Kennedy-Roth proposal. I represent a State which is known as the "Equality State." I am not going to give one of those Chamber pitches, but we were the first Government in the Western World to give women the right to vote. That was in 1869. A long time ago.

I have been in the infantry. I served for 2 years. I was very honored to do that. I did not think so when I was there, but it was a great growing-up experience. I firmly believe that women should be given the opportunity to serve in certain areas depending upon their capabilities and demonstrated skills. I think that decision should be up to the Secretary of Defense. It is his charge, his mission, to decide who should go where and in what capacity.

I happen to have been in command of an 81-millimeter mortar platoon. This is not intended in any way to be a sexist statement—but, I do not really think there are many women who can haul a base plate of a 81-millimeter mortar unless they are making them out of a different substance than when I served.

What I am saying is, we must give women in the armed services every opportunity. That is what I am trying to do, and that is what most of us are trying to do, commensurate with their physical abilities and the mission of the outfit in which they serve.

These other issues like quartering can be worked out in a sensible way. But the real issue is whether women should have every possible avenue open to them that is there. I believe so, and it should be done in a way which does not injure the mission of the United States in the protection of our country, as defined by the Secretary of Defense. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr NUNN. Mr. President, if I could get 1 minute from the managers.

Mr. GLENN. I yield 1 minute.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr NUNN. Mr. President, I cannot think of a better way to get this bill started than to have a half-hour yielded back on the first time agreement. So I suggest, unless someone has a compelling thought that is as yet undisclosed, we go ahead and vote on these two amendments and then we will be able to move to SDI and accelerate the timeframe. People tonight will be grateful for this half-hour because we are going to be here pretty late.

Mr. GLENN. Mr. President, I yield myself such time as I might require. It will be brief because we only have 6 minutes left. I understand the other side is ready to make a closing statement on this and yield back time.

The distinguished Senator from Wyoming makes a good point, as a matter of fact, on our side of this particular issue. He talks about some of the difficulties involved in making positions in the military gender neutral, in effect. What we would say with our committee position is let us look at all these things, let us not look at the one-half of 1 percent that are our military pilots and say whether we should open those up or not or send them to Red Flag, Top Gun, all the other training which they have not had, and determine what their roles are or not. I do not have any doubt that a lot of women can quality every bit as well as the men there and do a superb job. If that proves to be the case, then fine, I will be the first to fall in line and say let us do that, let us provide that kind of opportunity for women.

But we have some major differences in our proposals here.

One, the Kennedy-Roth amendment authorizes the Secretaries of the military departments, not the Secretary of Defense, but the military departments, to establish conditions under which women may be assigned to combat aircraft—just that, nothing more, combat aircraft.

Under their proposal, it does not change current law prohibiting the assignment of women to combat ships, as the distinguished chairman of the committee has just pointed out, except for women pilots only serving on combat ships. If you are a supply officer, whatever, it does not count. You would not have the same career opportunity.

It does not require DOD to change current policies which prohibit assignment of women to combat positions in other spots except aviators. Their proposal does not permit even a test of assignment of women in combat positions except for pilots.

Now, what do we do with the committee bill? I view our committee bill not as a delay, which I noted some of the newspaper people had written it up as, but I think they now know after some of the questions that have been raised this morning, that this is a very complex issue. The more we got into it, the more we felt we were not in a position to make these final judgments. That is the reason we would like for the commission to study this and try to give us some answers on these issues.

I view the committee position as providing the greatest opportunity for the greatest number of women in the military in the future—that is what this is about—and at the same time keeping the combat potential, the combat efficiency, the combat deterrent that we have had and that we have to have in the future, if we are not to see an excessive number of American lives lost in combat.

Now, are those two things in harmony? Yes, they are. We study this. We say what the positions are. We say where women can perform every bit as efficiently as men and we go ahead and provide that in subsequent legislation. But meanwhile we do it on a studied basis.

So we keep the commission in place, but during the commission's actions, what do we do with the committee proposal? We allow the Secretary of Defense, not the individual service members but the Secretary of Defense, to waive all combat exclusion laws and policies, not just with regard to pilots, but all exclusion laws and policies, and permit assignment of women in the military to all combat positions, air, sea, ground, everything in the military for a true test of women serving in combat positions.

How else can you determine the effectiveness? Examine all areas and answer the questions that we have raised here in the debate this morning. This amendment treats all women in the military equally, all, not just pilots, but it is an equality measure for women in the military.

It does not limit the assignment of women to combat positions as women pilots as does the Kennedy-Roth amendment. And most importantly, it does not prejudge the outcome. It says that we look at these things, we deliberate on those, and we have a commission evaluate the assignment of women in the Armed Forces. We then make our judgments on this policy for the long term in the military, not on the basis of just women pilots but on the basis of all of our military and making certain that every opportunity can be there that can be provided, at the same time making sure that we keep that combat effectiveness that saves lives in combat.

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

The PRESIDING OFFICER. Who yields time?

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator in Delaware is recognized.

Mr. ROTH. Mr. President, I have no intention to ask my colleagues to vote against the Glenn-McCain amendment. Members must do as they see fit on that question. I can see reasons for supporting it, as it does raise a number of questions. However, I think it is very important to understand that in no way does it negate the need of the Roth-Kennedy amendment. The only way we can get this artificial obstacle off the books is by voting for Roth-Kennedy.

I think it is important to understand that the Secretary of Defense, Mr. Cheney, personally told me that he has no objection to our amendment. I think it is important to understand that the Chiefs of Staff, at least two of them, in discussing the proposal said when they talked about women in combat, they were really motivated by old fashioned ideas. This is 1991, and these women have proven themselves in the Persian Gulf.

So I am asking my colleagues most sincerely to cast their second vote in favor of the Roth-Kennedy-Leahy-McConnell amendment.

A vote in favor of this amendment is a vote in favor of recognizing the huge contributions which women aviators made toward our victory in Desert Storm.

It is a vote to act on the evidence of Desert Storm, evidence which conclusively demonstrates that women can fly combat missions and fly them superbly. Under these circumstances, there is no reason to maintain an anachronistic regulation excluding women from combat missions.

A vote for the Roth-Kennedy-Leahy-McConnell amendment is a vote to remove this outdated, old-fashioned, frankly ridiculous exclusion of women from combat aircraft missions.

Mr. President, our proceedings are televised. The American people see our operations—they know what is going on here.

The American people understand that the Senate today is faced with a choice—whether to act on what we all know—that women can fly combat aviation—or whether to pretend that we do not know this and that the matter requires further study.

Those who need more information should study the history of Desert Storm—there they will find information in abundance—evidence that women can fly combat aviation and should be allowed to do so.

The American people understand that women pilots are highly professional and essential members of the U.S. defense team.

The American people understand that many of these women pilots are just as tough and just as brave as their male colleagues.

The American people are willing to entrust this important part of our national security to qualified women pilots because they know these women can do the job just as well as men.

I believe the American people understand that this is a specific issue, a special issue, which can be addressed on its own merits.

Our amendment is a surgical remedy for a narrow problem—it is proportionate to the issue at hand. Ancillary issues such as the draft and ground combat are unaffected by this amendment because of its explicitly limited nature.

Senator KENNEDY and I believe it is possible to take circumspect, reasoned steps to make a change which is obviously needed. We can make this change carefully and effectively, to the betterment of our armed services.

This amendment takes Congress out of the obstructionist business and lets DOD decide how best to use its talent and its resources.

This amendment tells Congress to stop running interference, and lets DOD decide who flies our fighter planes.

This amendment faces facts, Mr. President, and those facts have been laid out scrupulously.

The facts show that women pilots can fly any plane the Pentagon can build.

The facts show that women pilots can "pull G's" as well as men.

The facts show that women can perform under combat stress.

The facts show that women pilots are reliable and professional.

The facts show that women pilots are team players who bond with their units as well as men.

The facts show that women pilots have successively broken ground in just about every area of aviation—and they deserve the opportunity to compete.

The facts are with us, Mr. President—as are the documents, the studies, the evidence, the proof, the record, and the debate.

The time has come to act on these facts—and remove the restriction which stands in the way of the best defense for this country. We must eliminate this legal barrier and turn the decisions over to the professionals.

Mr. President, this is an historic decision, but it is an exciting decision as well. We have the opportunity to allow our military professionals to build the American defense force of the 21st century.

That defense force should include high performance aviators who have the right stuff.

We have a shot at excellence, Mr. President, and I believe we should go for it.

Let me say once again, Mr. President: The Roth-Kennedy amendment would simply and precisely remove a legal barrier preventing women from flying combat missions.

Removal of the legal barrier would give the discretion to each of the military services to do what is in the best interest of military readiness and effectiveness: That is, to choose the most capable individuals to fly combat missions, regardless of gender—nothing more, and nothing less.

I yield the floor.

Mr. GLENN. Mr. President, I ask for clarification on what the procedure is. As I understand it, the UC covers as far as the two votes back to back, the first vote being on the amendment Senator MCCAIN, Senator WARNER, Senator NUNN, and I proposed on behalf of the committee, to be followed immediately by a vote on the second amendment, the Roth-Kennedy amendment. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GLENN. I ask for the yeas and nays on the amendment by the committee.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ADAMS. Mr. President, I rise in strong support of Senator ROTH's and Senator KENNEDY's amendment to repeal the armed services practice of barring women from aircraft engaged in combat missions. I know there are some who may find it difficult to understand how they can vote affirmatively to put women in harm's way. But, Mr. President, in our modern world of warfare, the distinction between combat and noncombat roles is blurred. As we saw in Desert Storm, the distinction has no practical reality—it doesn't protect women who serve in today's military, but it does impose a glass ceiling on military women and the careers they can pursue.

When I was Secretary of Transportation, the Department with jurisdiction over the Coast Guard, I eliminated the rule that barred Coast Guard women from serving at sea. I did this because the bar against women was a defacto ceiling on just how high up the ranks of the Coast Guard they could climb. And higher rank, then as now, could not be achieved without serving at sea.

Just 8 months ago during Desert Storm, over 33,300 women held combat-support positions. They flew and crewed airplanes and helicopters, drove trucks, directed artillery, served on support and repair ships, in port security units, construction battalions, and a host of other key positions.

The success of Desert Storm is due in large part to the heroic efforts of these women. Many of them would like to stay with the military but see all too often an early dead end to their careers and are opting out.

This is a shame. Nowhere else in our society do we condone the exclusion of women simply on the basis of gender. There is absolutely no justification

that I have heard—militarily or otherwise—to maintaining current policy.

First, combat service restrictions act as a quota on the number of women who may enlist or enter service academies. Our goal should be to recruit the highest quality military personnel for training at our best military schools, regardless of gender.

Second, women have proven that they are up to the job. But because of the military's artificial bar on combat service, women health care personnel cannot serve on aircraft carriers and women fighter pilots cannot fly bombers, even though they train male pilots who do. The military should be concerned about placing the right individual in the job, regardless of gender.

Third, advancement should be based on merit. Qualified women should be able to compete on a level playing field for leadership roles. What we all want is that the best qualified person be selected for key positions, regardless of whether that person is male or female.

Mr. President, I can think of no rational reason to prevent qualified women from flying combat aircraft. What is at stake is a fundamental issue of equality. This amendment speaks loudly to that point. It also promises to ensure a higher quality military service ending sex-based discrimination that may keep the most highly qualified flyers from being considered for key postions.

I ask my colleagues to support repeal of these two statutes by adopting this amendment.

Ms. MIKULSKI. Would the Senator from Delaware yield?

Mr. ROTH. I would be glad to yield to the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I would like to inquire of the Senator from Delaware whether he thinks his amendment allowing the assignment of female Armed Forces personnel to combat aircraft positions would lead the Supreme Court to overturn its Rostker versus Goldberg decision, which upheld the right of Congress to exclude women from draft registration?

Mr. ROTH. I thank the Senator from Maryland for her question. The short answer to her question is "no." But allow me to explain that answer and to address the main issue underlying your question. It is an issue which Senator KENNEDY and I took great pains to address in our amendment.

That amendment states, and I quote:

> This section shall be construed only as an expression of an intent of Congress to permit the assignment of female personnel of the Armed Forces of the United States to combat aircraft positions.

Now, the Supreme Court has long granted extreme deference to Congress in military matters. It did so in the Rostker decision. In this case, a group of men challenged the constitutionality of the Military Selective Service Act, which authorizes the President to require the draft registration of men but not women. The Supreme Court upheld the gender-based discrimination in Rostker because the registration was linked with the possible need to draft combat troops, and women were exempt from combat by both statute and military policy.

Thus, the Rostker decision was based on more than just existing statutes and would not be overturned were Congress to repeal those statutes.

In addition, I think it is important to point out that our amendment does retain a statutory restriction against deploying women on combat vessels.

Mr. KENNEDY. Will the Senator from Delaware yield?

Mr. ROTH. I would be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. I would just like to buttress the answer being given by Senator ROTH to the question asked by the Senator from Maryland. The language of this amendment is clear. There is no intention here to address the issue of registering women for the draft. The amendment simply provides the Secretaries of the Navy, Air Force, and Army to prescribe the conditions under which female members of the Armed Forces may be assigned to combat aircraft. Because this language is clear, because this amendment does not affect military policy, only congressionally mandated statutes, it does not require the Rostker decision to be overturned.

Ms. MIKULSKI. I thank the Senator from Delaware and the Senator from Massachusetts for their answers and explanations.

Mr. KENNEDY. Mr. President, I ask unanimous consent that it be in order to ask for the yeas and nays on the Roth amendment.

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

Mr. KENNEDY. 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. NUNN. Maybe we can ask the majority leader whether it would be permissible and advisable to have a 15-minute rollcall on the first amendment and 10 minutes on the second to save some time.

Mr. GLENN. Mr. President, I yield the remaining time on this side.

Mr. ROTH. I yield the remaining time.

Mr. COATS. If the Senator from Ohio will yield for a procedural question on the vote, do I understand the votes back to back will be up and down votes on both amendments; there will not be a motion to table?

Mr. GLENN. There might be a motion to table on the second amendment.

Mr. NUNN. If we have a motion to table, we had better have the motion at this point in time, I would suggest, and ask for the yeas and nays.

Mr. GLENN. If I move to table, I cannot do that until later.

The PRESIDING OFFICER. The Senator from Ohio is correct.

Mr. NUNN. Will a motion to table be in order on the Roth amendment?

Mr. ROTH. Parliamentary question?

Mr. NUNN. Mr. President, who has the floor?

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

Mr. NUNN. I ask the Senator to yield for a brief parliamentary inquiry. The question I have: Is it in order to ask for the yeas and nays on a motion to table and make the motion to table following the disposition of the Glenn amendment?

The PRESIDING OFFICER. It would be in order at that time.

Mr. GLENN. Further parliamentary inquiry. Could we make that motion now on the second amendment, that we make the motion to table and ask for the yeas and nays?

The PRESIDING OFFICER. That will require unanimous consent.

Mr. GLENN. We will wait. I do not make the request at this time. We yield back all time.

Mr. ROTH. We yield back all time.

Mr. President, I ask unanimous consent that the second vote be a 10-minute rollcall vote.

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

All time is yielded back. The question occurs first on agreeing to the amendment of the Senator from Ohio.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR], is absent because of illness.

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

The result was announced—yeas 96, nays 3, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—96

Adams	Danforth	Hollings
Akaka	Daschle	Inouye
Baucus	DeConcini	Jeffords
Biden	Dixon	Johnston
Bingaman	Dodd	Kassebaum
Bond	Dole	Kasten
Boren	Domenici	Kennedy
Bradley	Durenberger	Kerrey
Breaux	Exon	Kerry
Brown	Ford	Kohl
Bryan	Fowler	Lautenberg
Bumpers	Garn	Leahy
Burdick	Glenn	Levin
Burns	Gore	Lieberman
Chafee	Gorton	Lott
Coats	Graham	Lugar
Cochran	Gramm	Mack
Cohen	Grassley	McCain
Conrad	Harkin	McConnell
Craig	Hatch	Metzenbaum
Cranston	Hatfield	Mikulski
D'Amato	Helms	Mitchell

Moynihan	Rockefeller	Smith
Murkowski	Roth	Specter
Nickles	Rudman	Stevens
Nunn	Sanford	Symms
Packwood	Sarbanes	Thurmond
Pell	Sasser	Wallop
Pressler	Seymour	Warner
Reid	Shelby	Wellstone
Riegle	Simon	Wirth
Robb	Simpson	Wofford

NAYS—3

Bentsen	Byrd	Heflin

NOT VOTING—1

Pryor

So the amendment (No. 949) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I intend to vote for the Roth-Kennedy amendment.

I think the Department of Defense should have the power to assign women to various military duties including combat, if and where appropriate.

The amendment is a step in that direction. Congress should not decide whether it is appropriate for women to serve in combat; that decision should be left to the Department of Defense. What Congress should do is to remove the legal barriers currently preventing DOD from making such a decision.

AMENDMENT NO. 948

Mr. GLENN. Mr. President, I move to table the pending amendment and ask for the yeas and nays, on behalf of myself, Senator MCCAIN, Senator NUNN, and Senator WARNER.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON MOTION TO TABLE AMENDMENT NO. 948

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio [Mr. GLENN] to table the amendment of the Senator from Delaware [Mr. ROTH]. The yeas and nays have been ordered and the clerk will call the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

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

The result was announced—yeas 30, nays 69, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—30

Bond	Garn	Moynihan
Boren	Glenn	Nunn
Breaux	Gramm	Rudman
Bryan	Heflin	Sanford
Bumpers	Helms	Shelby
Burns	Hollings	Smith
Byrd	Inouye	Symms
Conrad	Johnston	Thurmond
Craig	Lott	Wallop
Fowler	McCain	Warner

NAYS—69

Adams	Exon	Metzenbaum
Akaka	Ford	Mikulski
Baucus	Gore	Mitchell
Bentsen	Gorton	Murkowski
Biden	Graham	Nickles
Bingaman	Grassley	Packwood
Bradley	Harkin	Pell
Brown	Hatch	Pressler
Burdick	Hatfield	Reid
Chafee	Jeffords	Riegle
Coats	Kassebaum	Robb
Cochran	Kasten	Rockefeller
Cohen	Kennedy	Roth
Cranston	Kerrey	Sarbanes
D'Amato	Kerry	Sasser
Danforth	Kohl	Seymour
Daschle	Lautenberg	Simon
DeConcini	Leahy	Simpson
Dixon	Levin	Specter
Dodd	Lieberman	Stevens
Dole	Lugar	Wellstone
Domenici	Mack	Wirth
Durenberger	McConnell	Wofford

NOT VOTING—1

Pryor

So the motion to lay on the table amendment (No. 948) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, I ask unanimous consent to vitiate the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there objection to vitiating the yeas and nays?

Without objection, it is so ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 948) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, as I understand it, and there is no prescribed order, but it has been generally agreed by a gentleman's agreement the next order of amendment is an amendment to be offered by the Senator from Tennessee regarding SDI. I have an opening floor statement that I wish to make on the whole program, including SDI.

I simply inquire of the Senator, with the indulgence of the Republican manager, is the Senator from Tennessee prepared to lay down his amendment at the present time?

Mr. GORE. Mr. President, I am prepared at this time to lay down the amendment. I am, as always, extremely interested in whatever work the Senator from Nebraska wishes to offer to the Senate. I am now, however, prepared to lay down the amendment.

Mr. EXON. May I suggest, to expedite things, if it would be appropriate and if the Senator from Tennessee agrees, that he lay down his amendment and possibly make a brief statement and then I can continue with my statement so that his measure would be the pending business and then, supposedly, after I finish with my opening remarks on the whole strategic program, the Senator could continue to explain the reason for his amendment at that juncture.

Would that be satisfactory to the Senator from Tennessee?

Mr. GORE. Mr. President, I will be glad to lay down my amendment if I can ask unanimous consent to be recognized again at the conclusion of the opening statement by the Senator from Nebraska.

I might also say to my colleague, the Senator from Tennessee had earlier asked me for the courtesy of yielding to him a few minutes since there is a Banking Committee markup. I ask unanimous consent that the senior Senator from Tennessee be able to make a brief statement, then the Senator from Nebraska, and then I be recognized at the conclusion of that time and, prior to all that, I will lay down my amendment.

Mr. EXON. I have no objection to that.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. I yield the floor and we will proceed with the understanding that we are all trying to work it out.

AMENDMENT NO. 950

(Purpose: To revise the strategy for the Strategic Defense Initiative)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE] proposes an amendment numbered 950.

Mr. GORE. 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:

On page 32, strike out line 16 and all that follows through page 44, line 3, and insert in lieu thereof the following:

SEC. 211. MISSILE DEFENSE ACT OF 1991.

(a) GOAL.—It is a goal of the United States to—

(1) provide highly effective surface-based theater missile defenses (TMD) to United States forward-deployed and expeditionary armed forces and to our friends and allies:

(2) maintain strategic stability; and

(3) continue, within the limits provided in this section, to carry out a vigorous program of research and development of technologies relating to the strategic defense of the United States against attack by ballistic missiles.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—To implement this goal, Congress directs the Secretary of Defense to take the actions described in paragraph (2) and urges the President to take the actions described in paragraph (3).

(2) ACTIONS OF THE SECRETARY OF DEFENSE.—

(A) SURFACED-BASED TMD OPTIONS.—The Congress directs the Secretary of Defense to aggressively pursue the development of a range of advanced surface-based TMD options, with the objective of downselecting and deploying such systems by the mid-1990s.

(B) DEPLOYMENT PLAN.—Within 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the deployment of TMDs. This plan, which shall be prepared in an unclassified as well as a classified version, shall cover matters such as costs, ability to meet stipulated threats, allied participation and any ABM compliance issues.

(3) PRESIDENTIAL ACTIONS.—Congress urges the President to pursue discussions to secure clarifications to the ABM Treaty, as required, to accompany testing and deployment of theater missile defenses, including clarification of such matters as the distinctions to be maintained between TMDs and anti-ballistic missile defenses (including the interceptors, radars and other related sensors of such defenses).

(c) TECHNOLOGY RESEARCH.—

(1) ANTI-BALLISTIC MISSILE TECHNOLOGIES.—To effectively develop technologies relevant to achieving the goal in subsection (a)(3), so as to provide future options for protecting the security of the United States and our allies and friends, robust research and development funding for promising technologies and related architectures is required.

(2) CONCEPTS OTHER THAN BRILLIANT PEBBLES.—The Secretary shall ensure that detailed consideration will be given to including among the architectures to be prepared for further study a class of ground-based concepts for limited defenses in which spaced-based interceptors are not included.

(3) REPORT AND LIMITATION.—The Secretary of Defense shall submit to the congressional defense committees a report on comparative costs and other tradeoffs relating to architectures including spaced-based interceptors and architectures excluding spaced-based interceptors. Not more than 50 percent of the funds authorized in subsection (f)(2)(C) for the Space-Based Interceptors program element in fiscal year 1992 may be obligated for the Brilliant Pebbles program until 90 days after submission of the report.

(d) PROGRAM ELEMENTS.—

(1) EXCLUSIVE ELEMENTS.—The following program elements shall be the exclusive program elements for Strategic Defense Initiative:

(A) Limited Defense System.

(B) Theater Missile Defenses.

(C) Space-Based Interceptors.

(D) Other Follow-On Systems.

(E) Research and Support Activities.

(2) APPLICABILITY TO BUDGET FOR FISCAL YEARS AFTER FISCAL YEAR 1992.—The program elements in paragraph (1) shall be the only program elements used in the program and budget provided concerning the Strategic Defense Initiative submitted to Congress by the Secretary of Defense in support of the budget submitted to Congress by the President under section 1105 of title 31, United States Code, for any fiscal year after fiscal year 1992.

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION OBJECTIVES.—

(1) LIMITED DEFENSE SYSTEM.—The Limited Defense System program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective the development of systems, components, and architectures for antiballistic missile systems capable of providing a highly effective defense of the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks, but below a stipulated threshold (to be defined and justified by the Secretary in a report to the congressional defense committees) that could bring into question the stability of United States and Soviet forces. Such activities shall also include those necessary to develop and test systems, components, and architectures as part of an ABM Treaty-compliant defensive program within the current limitations of the 1972 ABM Treaty.

(2) THEATER MISSILE DEFENSES.—The Theater Missile Defenses program element shall include programs, projects, and activities, including those previously associated with the Tactical Missile Defense Initiative, which have as primary objectives the following:

(A) The development of deployable and rapidly relocatable advanced theater missile defenses capable of defending forward-deployed and expeditionary United States armed forces. Such a program shall have the objective of downselecting and deploying more capable TMD systems by the mid-1990s.

(B) Cooperation with friendly and allied nations in the development of theater defenses against tactical or theater ballistic missiles.

(3) SPACE-BASED INTERCEPTORS.—The Space-Based Interceptors program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective conducting research on space-based kinetic-kill interceptors and associated sensors that could provide an overlay to ground-based anti-ballistic missile interceptors.

(4) OTHER FOLLOW-ON SYSTEMS.—The Other Follow-On Systems program element shall include programs, projects, and activities which have as a primary objective the development of technologies capable of supporting systems, components, and architectures that could provide highly effective defenses for the future.

(5) RESEARCH AND SUPPORT ACTIVITIES.—The Research and Support Activities program element shall include programs, projects, and activities which have as primary objectives the following:

(A) The provision of basic research and technical, engineering, and managerial support to the programs, projects, and activities within the program elements referred to in paragraphs (1) through (4).

(B) Innovative science and technology projects.

(C) The provision of test and evaluation services.

(D) Program management.

(f) FUNDING.—

(1) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 for fiscal year 1992 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1992, not more than $4,600,000,000 may be obligated for the Strategic Defense Initiative.

(2) SPECIFIC AMOUNTS FOR THE PROGRAM ELEMENTS.—Of the amount described in paragraph (1)—

(A) not more than $1,550,530,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(B) not more than $857,460,000 shall be available for programs, projects, and activities within the Theater Missile Defense program element;

(C) not more than $625,383,000 shall be available for programs, projects, and activitis within the Space-Based Interceptors program element;

(D) not more than $744,609,000 shall be available for programs, projects, and activities within the Other Follow-On Systems program element; and

(E) not more than $822,018,000 shall be available for programs, projects, and activities within the Research and Support Activities program element.

(3) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Stratetic Defense Initiative for fiscal year 1992. The report shall specify the amount of such funds allocated for each program, project, and activity of the Strategic Defense Initiative and shall list each program, project, and activity under the appropriate program element.

(4) TRANSFER AUTHORITY.—

(A) IN GENERAL.—Before the submission of the report required under paragraph (3) and notwithstanding the limitations set forth in paragraph (2), the Secretary of Defense may transfer funds among the program elements described in paragraph (2).

(B) LIMITATION.—The total amount that may be transferred to or from any program element described in paragraph (2)—

(i) may not exceed 10 percent of the amount provided in such paragraph for the program element from which the transfer is made; and

(ii) may not exceed the amount that results in an increase of more than 10 percent of the amount provided in such paragraph for the program element to which the transfer is made.

(C) MERGER AND AVAILABILITY.—Amounts transferred pursuant to subparagraph (A) shall be merged with and be available for the same purposes as the amounts to which transferred.

(g) DEFINITION.—In this section, the term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

Mr. GORE. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GORE. Mr. President, I have an opening statement, but I ask unanimous consent that the senior Senator from Tennessee be allowed to speak, without me losing my right to the floor.

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

The Senator from Tennessee is recognized.

Mr. SASSER. Mr. President, I thank my distinguished colleague from Tennessee for yielding to me and accommodating me this afternoon.

We are in the midst of a very extensive banking committee markup, but I felt that there was one matter as chairman of the Budget Committee that I should bring to the attention of my

colleagues at this time. I intend to speak about the substance of the armed services authorization bill at a later point, but I think it is important before we get too far into the debate to clarify any misimpressions about the amount of spending that this bill would actually authorize.

Senators should not be laboring under the illusion that this legislation authorizes less than the budget agreement defense caps allow. That simply is not the case. When we get beneath the surface of this bill, this bill would actually push defense spending over the caps agreed to in the budget summit agreement and enacted into law if the Appropriations Committee would follow the spending plan that is outlined in this authorization bill.

The problem occurs as a result of several line items which the bill just arbitrarily declares to be off budget. Using a term of art established last year for the cost of the Iraqi war, and that term of art is called incremental cost of Desert Storm. It has a very explicit definition. It means those defense costs that are a direct consequence of the war effort over and above programs already planned that would normally have been requested by the Pentagon had there not been a war effort.

One simple way to determine that a program is not caused by the war is if it appears in the President's 1992 budget request either for fiscal year 1992 or subsequent years. If it appears there, if it is requested by the administration in any case, then it surely is not an incremental cost of Desert Shield or Desert Storm because the administration was planning on spending that money whether or not there was a war. So it cannot fall into the category of an incremental cost of Desert Storm.

Another test is whether or not it is the administration's estimate of direct cost of Desert Storm. If it is not, and we choose to add it, we are inevitably going to exceed the administration's estimate of total cost for the war which the administration now says is some $61 billion.

That administration estimate of $61 billion is higher than any independent estimate we have had, I might say.

Of course, it is very easy to construct some rationale whereby any expenditure is somehow declared to be war related. That is not the issue. An expenditure must be directly caused by the war effort. That is the definition of an incremental cost of Desert Storm or Desert Shield.

The bill that we are debating today declares some $1.3 billion to be incremental cost of Desert Storm, none of which was requested by the President under the heading of incremental cost of Desert Shield and most of which appears in the President's Pentagon budget request for fiscal year 1992 or beyond. It was there whether there was going to be a war or not.

Mr. President, we simply cannot get into an arbitrary designation of what is war costs. It opens the door to absolutely massive amounts of military spending that we cannot afford.

This bill designates $652 million in "incremental cost of Desert Shield" spending for two JSTARS aircraft, $326 million apiece for an airplane. And the justification in this report is as follows:

> The committee believes that an ongoing JSTARS presence in Southwest Asia—like AWACS—is a stabilizing presence and is likely to be a permanent feature of the U.S. military presence in the region.

The committee continues:

> As such, the committee believes it is thoroughly appropriate to buy two additional JSTARS aircraft with residual cooperation account funds.

Mr. President, a prominent presence in Southwest Asia, that is not a rationale for buying two new airplanes that cost over $550 million, charging the taxpayers and saying, oh, well, that is an incremental cost of Desert Storm.

Under the same logic, why do we not go out and buy five or six new aircraft carriers. We could find plenty of places to put those, I suppose, and charge those off to war efforts. The possibilities here are virtually endless.

Yes, the existing JSTAR aircraft, when they participated in the gulf effort, were not shot down. They were not even fired on. So do they need replacing?

We simply cannot allow a simple definition of what is "incremental costs of Desert Shield."

Now, the argument is also made in the committee report, and I am quoting from the report:

> The Department of Defense comptroller expects funds to remain available in the defense cooperation account after all direct Desert Shield/Desert Storm expenses are covered.

Now, this suggests somehow that foreign contributions are covering more than the actual war costs. So if that is the case, why not go ahead and spend that money that has been contributed by our allies? That contention, Mr. President, is simply inaccurate.

Laying aside the question of whether the Pentagon should have sole access to the burdensharing account, and debated at some point, the simple truth is the Department of Defense has projected a final war cost at $61 billion. We have pledges from our allies of only $54 billion and we have not recieved all of that yet. What we have actually received is somewhere in the neighborhood of the low $40 billion.

Now, there is, indeed, a $15 billion fund established as a contingency if foreign contributions are insufficient. These are U.S. taxpayer dollars. We should tap into these U.S. taxpayer dollars for military spending only if we need it, because we certainly need it elsewhere; everyone knows that.

So the two critical questions with respect to the war cost designations in this bill are, one, can we truly fund them from a "surplus" in the defense cooperation account. Obviously not because there is not a surplus; there is a deficit. And, two, are they legitimate "incremental costs of Desert Shield"? Obviously not.

But to be perfectly clear, Mr. President, I put these questions to the Congressional Budget Office last night and received the following answer this morning. First, according to the Congressional Budget Office, there is no surplus in the defense cooperation account. Allied contributions will be totally spent down by fully agreed-upon "incremental costs of Desert Shield."

Second, the designation of "incremental costs of Desert Shield" does not appropriately apply, according to CBO, to either the $652 million for two JSTAR aircraft, the roughly $200 million for heavy equipment transporter tactical trailers, and an additional $10 million weapons and combat vehicles production base support.

Mr. President, I ask unanimous consent that the letter from the Congressional Budget Office be printed in the RECORD.

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

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 31, 1991.

Hon. JIM SASSER,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: To answer the questions raised in your letter of July 31, 1991, the Congressional Budget Office has reviewed S. 1507, the National Defense Authorization Act for Fiscal Years 1992 and 1993, and the accompanying report.

You asked if there will be a surplus in the Defense Cooperation Account (DCA) based on Administration estimates of the costs of Operations Desert Shield and Desert Storm and anticipated contributions. There will not be a surplus based on Administration estimates contained in its Mid-Session Review of the Budget dated July 15, 1991. That report shows that the Administration estimates total incremental costs of the operations to be slightly more than $61 billion. The report also shows that the Administration anticipates allied contributions to total about $54 billion.

You also asked if funding in the bill from the DCA for JSTARS aircraft, Heavy Equipment Transporters, and production base support programs qualify as incremental costs of Desert Shield/Desert Storm under the Budget Enforcement Act (BEA). The BEA defines Emergency Desert Shield/Desert Storm costs as "those incremental costs associated with the increase in operations in the Middle East and do not include costs that would be experienced by the Department of Defense as part of its normal operations absent Operation Desert Shield". The BEA does not specify a procedure for deeming funds to be incremental Desert Shield/Desert Storm costs whereas it does delineate a process for designations of emergency appropriations.

We do not believe that acquisition of two JSTARS aircraft meet the legislative criteria for incremental costs; the JSTARS program appears to have been affected by the operations, but no JSTARS aircraft were

lost or destroyed. The impact on the program from Desert Shield/Desert Storm operations may have more to do with continued research and development than a need for additional aircraft. The funding for Heavy Equipment Transporters and production base support is a more difficult call, but we do not believe that it is an incremental cost either. It appears from the report accompanying S. 1507 that the Administration requested funds for these two programs as part of its request for 1992 and not as incremental costs of Desert Shield/Desert Storm. We assume that if they were such incremental costs that the Administration would have requested the funding in its supplemental request.

I hope this answers your questions.

Sincerely,

ROBERT D. REISCHAUER,
Director.

Mr. SASSER. Mr. President, given the questionable designations which total over $1 billion, this authorization comes in substantially over the caps established for defense in the budget agreement.

There is no point of order pending against this bill because it is an authorization bill, and the Appropriations Committee will control the actual spending, so I will not move to strike the designation. But I must call the attention of my colleagues on the Appropriations Committee to the problem and caution them not to follow the questionable practice that we have before us.

We should not put the items I have discussed here today into the Desert Storm supplemental and assume they will be funded from the defense cooperation account. CBO is not going to score these expenditures as "incremental costs of Desert Shield." They will, therefore, count against the defense cap. And if the Defense Appropriations Subcommittee then appropriates up to the level established by this authorization bill for fiscal year 1992, they are going to exceed the caps. There is no way around it.

In that case a point of order will lie against the defense appropriations bill and we will need a supermajority to waive the Budget Act if it was to pass in that form. I do not believe anyone really wants that, and I hope the Appropriations Committee will pay careful attention to the Congressional Budget Office's stated position before they comply with the so-called "incremental costs of Desert Shield" designations that are contained in the authorization bill and which I will submit, Mr. President, for all that I have said, is simply not sustainable and not defensible.

Mr. President, I once again wish to express my appreciation to my colleague from Tennessee for yielding to me time to make what I think is a very important point at the outset and before he gets into his very important debate on the whole question of the future of the strategic defense initiative and other allied interests.

Mr. President, yield the floor.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. GORE. I ask unanimous consent that the senior Senator from Oklahoma be recognized for 2 minutes; that upon the conclusion of his remarks the senior Senator from Nebraska be recognized for an opening statement, and that at the conclusion of his remarks, with no intervening business, I be recognized to continue in the presentation of the amendment which I have previously laid down.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Oklahoma is recognized.

Mr. BOREN. I thank the Chair.

(The remarks of Mr. BOREN pertaining to the submission of Senate Concurrent Resolution 57 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. BOREN. Mr. President, I thank my colleagues and I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. My colleague and ranking minority member of the subcommittee Senator STROM THURMOND has already expanded to some extent and I think will expand further during the debate. Regarding some of the actions of the strategic subcommittee, the Subcommittee on Strategic Forces and Nuclear Deterrence is responsible for all of the research and development and procurement funds for the strategic nuclear weapons system and the triad, for all of the U.S. navigation, warning, and intelligence satellites, for the space boosters that are used to launch these and other satellites and for defense programs within the Department of Energy as well.

The bill before the Senate, S. 1507, represents a broadly bipartisan action by the Armed Services Committee. The bill was reported out unanimously which has not occurred for a number of years. It is my hope that a substantial majority of the Senators will also strongly support this bill so that we may go forth to conference with the other body with a broad mandate in favor of the Senate's position.

We will need this mandate since the other body has once again brought forth an unacceptable bill, one distinguished primarily by the amount of pork which their Members have loaded into the House bill.

The President has declared, forthrightly and correctly in my judgment, that he will veto any bill resembling that which the other body has already advanced.

Before addressing the decisions incorporated in S. 1507, let me spend a few minutes discussing the strategic environment and the assumptions underlying the committees actions on strategic forces. Let me begin with the strategic arms reduction talks or START Treaty which the President has signed today in Moscow. The START Treaty calls for significant reductions in both the strategic delivery vehicles, and the strategic nuclear weapons on both sides. It has taken 9 years of negotiations to bring us to the threshold of this agreement. This body will face the awesome responsibility in a few months to advise and consent to its entry and the force that it brings in and all of the ramifications attached thereto.

Both we and the Soviets have shaped our force planning and our future force postures to fit within the constraints of the START Treaty that was finally signed today. Once the treaty becomes fully effective the Soviet Union will be allowed about 7,000 extra strategic nuclear warheads and the United States about 8,000. This sound like an advantage for the United States. The Soviet target base or land involved is much larger than ours. So we need weapons to provide equivalent levels of target coverage.

That was part of the agreement that was entered into that was signed in Moscow today.

The Soviet Union, despite its formidable economic problems, shows no sign of slowing the pace of its strategic modernization effort. At our committee's annual hearing with the Directors of the CIA, and the DIA, we were told that the Soviets have no less than 5 new ballistic missiles currently under development as well as a probable new ballistic missile submarine. Indeed, it was the judgment of the intelligence agencies that this modernization, the smaller START-constrained Soviet strategic forces would be every bit as effective as the larger Soviet strategic forces in place today.

So, Mr. President, the first lesson for the Senate is that the strategic nuclear competition unfortunately has not ended. This is not to say that the risk of nuclear conflict today has not been lowered. Indeed each Soviet tank, each Soviet regiment removed from East European countries reduces the flash point that resulted from the two huge alliances standing toe to toe in Central Europe. But I urge my colleagues to note what has changed in this equation is not the stragetic nuclear capabilities on each side. Those are still there. What has changed is the demilitarization of Central Europe due to the Soviet troop withdrawals, the ending of the Warsaw Pact, and the constraints of the conventional forces in Europe of CFE, treaty, which the Senate will shortly be called upon also to ratify.

The strategic nuclear threat remains. Nuclear annihilation for both sides is still only 30 minutes away. And the START Treaty will not change this deadly fact.

Mr. President, there is another reason why we assess the risks of nuclear war as lower, beyond the reduced

threat of rapid escalation from a major conventional conflict. That is, that we judge the current Soviet leadership to be less concerned with world domination, to be more inward focused in an effort to rescue the faltering Soviet economy. Because we assess the Soviets as more inward focused we ourselves have made several adjustments to our own nuclear posture, reflecting the changed assumptions about Soviet intentions.

We have stopped continuous airborne patrols by our looking glass, and the TACAMO programs that have served us so well for so long.

And we have also changed the communications to our bombers and to our missiles. We have reduced the operation of the OTH-B system to part time, during the normal work week. But, Mr. President, these money saving initiatives have one thing in common. They are rapidly reversible should our assessment of the Soviet intentions change. This, Mr. President, is the key to maintaining deterrence. We must keep in place the necessary strategic forces, and infrastructure to provide deterrence of even a hostile Soviet leader for we may not have the lead time necessary to expand our strategic forces should the Soviet leadership and their positions suddenly change.

But we can and should react to varying assessments of the Soviet intentions, standing down systems, and saving defense dollars when we judge the Soviets intentions to be benign but ready to rapidly increase our deterrent capability should there intention appear to shift.

In this regard, I noted an article in the Washington Post last week reporting on a newspaper appeal of 12 Soviet hardliners to the Soviet people and the Soviet military to save the country from humiliation.

Mr. President, this lesson is important to bear in mind. Since some of our citizens and even some of the Members seem to believe that the millennium has arrived, that the sheep can lie down with the lion. They would argue we have no need for any further strategic force modernization, and that we have more than enough nuclear weapons for deterrence and that the place where we need to spend more is in improving our conventional forces.

Mr. President, I find this is the most curious argument. Last year we have seen a U.S.-led coalition of conventional military forces administer a shocking defeat to what we advertised as the world's fourth largest military force, and in well less than a week and with astonishing low U.S. and allied casualties. And the loss of equipment was also very light.

This should tell us something about our conventional forces today that we are very proud of.

I assume two or three larger conventional powers that we still face—the Soviet Union, and China, neither of whom we are likely to engage, and the third is ourselves.

So what this tells me is that the coalition handily defeated the best Third World military force hands down. While I do not want to denigrate in the slightest the contributions by the military forces of our coalition of allies, and what they have done, does anyone seriously question whether the same results would not have been attained if the United States was the only military power available?

(Mr. CONRAD assumed the chair.)

Mr. EXON. In other words, Mr. President, let us recognize and realize that we were the main military power, but we received great help from the coalition that was assembled.

So, Mr. President, I find myself baffled by the arguments of others that we should cut nuclear programs, although Soviet nuclear capabilities have not been reduced one iota, and that we must spend more to improve our conventional forces, just after we have demonstrated an unprecedented capability to defeat decisively the largest Third World military force. Mr. President, I must have missed something somewhere.

Let me now highlight some of the major strategic provisions in the committee's bill.

SDI

We have a pending amendment on this subject by the Senator from Tennessee. On the strategic defense initiative [SDI], the committee approved on a strong, bipartisan vote of 16-4 a provision that establishes a new national goal for defending the United States, its Armed Forces overseas, and its friends and allies against limited ballistic missile attacks, authorizes the initial steps toward implementation of this goal, and urges the adoption of a new U.S. negotiating strategy on ballistic missile defenses.

The provision declares that it is a goal of the United States to:

First, deploy an antiballistic missile system, including one or an adequate additional number of ABM sites and space-based sensors, capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles, including accidental or unauthorized launches or Third World attacks;

Second, maintain strategic stability; and

Third, provide highly effective theater missile defenses [TMD] to U.S. forward-deployed and expeditionary Armed Forces and to our friends and allies.

I emphasize to my colleagues that the committee deemed it very important that as we seek to deploy these new missile defenses, we do so in a negotiated framework with the Soviet Union that preserves strategic stability. Indeed, the committee provision makes it clear that the kinds of defenses against limited attacks that we are proposing to pursue will be below the threshold that would bring into question strategic stability.

To implement this goal, the provision directs the Secretary of Defense to:

First, aggressively pursue the development of a range of advanced TMD options, with the objective of down-selecting and deploying such systems by the mid-1990's;

Second, develop for deployment by fiscal year 1996 a cost-effective, operationally-effective, and ABM Treaty-compliant antiballistic missile system at a single site as the initial step toward deployment of the new antiballistic missile limited defense architecture.

In addition to the ABM deployment track, the committee also recommended the implementation of a parallel arms control track. The provision would urge the President to pursue immediately negotiations to amend the ABM Treaty to permit completion of the planned limited defense antiballistic missile defense system. As deployment at the treaty-compliant, antiballistic missile site at Grand Forks draws near to the deployment date of fiscal year 1996, the committee believes the President and the Congress must assess the progress in the ABM Treaty amendments negotiation. If the new negotiating objectives recommended by the committee have not been achieved, the provision would specify that the President and the Congress should at that time consider the options available to the United States as now exist under the ABM Treaty. There is, however, no commitment—explicit or implicit—to abrogate the treaty if we have not succeeded by that time in amending it, in cooperation of the Soviet Union.

Deployment of Brilliant Pebbles is not included in the initial plan for the limited defense system architecture described in the provision. However, robust research and development funding for promising follow-on antiballistic missile technologies, including Brilliant Pebbles, is required and would be carried forward under the committee provision.

The committee approved a fiscal year 1992 funding level for SDI of $4.6 billion. Of this amount, $1.55 million is for the Limited Defense System program element, including $45 million to begin environmental permits and site surveys for the treaty-compliant ABM site at Grand Forks, ND; $857 million is for the Theater Missile Defenses program element; $625 million is available for the Space-Based Interceptors program element, which includes Brilliant Pebbles; $745 million is for the Other Follow-On Systems program element; and $822 million is for the Research and Support Activities program element.

Finally, the committee approved another provision which effectively extends the Levin-Nunn amendment restricting the development or testing of space-based or otherwise mobile ABM systems or components for another year.

B-2 BOMBER

Mr. President, S. 1507 fully funds the administration's request for 4 new production B-2's in fiscal year 1992. As in previous years, the obligation of these funds is fenced until a number of flight test milestones have been achieved. I will have more to say about these fences and about the encouraging flight test results to date on the B-2 program at the appropriate time. Today, I will merely highlight one issue—the START Treaty. For the past several years, the President, the Secretaries of Defense and State, the various Chairmen of the Joint Chiefs of Staff, prior Secretaries of defense, and a host of other military and civilian officials of the Government have been telling us that the START Treaty was being crafted on the assumption that the United States and, for that matter, the Soviets, would emphasize manned penetrating bombers like the B-2. They have all repeatedly stated that, if the Congress cancels the B-2 program, the START Treaty would have to be reconsidered. The START Treaty was signed by the President in Moscow today.

Let me explain why that is so. The latest IDA analysis shows that the CORE fix to the B-1B provides virtually no improvement to the B-1's penetrating capability. Left on its own, the B-1 is a dead duck as a penetrating bomber against Soviet radar defenses by the end of this decade, only 8½ years from today. Only the B-2, if it is acquired in useful numbers, will be able to serve as an effective penetrating bomber into the 21st century, and it will allow the B-1 to be an interim penetrator on less heavily defended routes in the eastern Soviet Union.

Why does this matter? Under START, 4,900 of the 6,000 accountable weapons will go to our ICBM's and SLBM's, leaving 1,100 for our bomber force. Each penetrating bomber counts as one weapon, regardless of its actual load.

To put this in perspective under the START agreement, under the B-2 program, we would have 1, 5 or 5,000 weapons in that aircraft for whatever it would hold and would still count as only 1 to be in compliance with the treaty.

Another way of stating that would be that if we build eventually 75 B-2 bombers, which the Air Force has now said we should build, having scaled it down from 132 to 75, that if we finally build 75, then we only have 1 each of 75 to be counted against the limits in the START Treaty.

Each cruise missile carrying bomber counts as 10 weapons. If we do not have the B-2, we will have no penetrating bombers within a few years. Under START, we can have only 110 heavy bombers carrying cruise missiles. If we keep the 97 B-1's, we could keep only 13 B-52's in the inventory. If we acquire the 75 B-2's, however, they and the 97 B-1's would all function as, and be counted as, penetrating bombers, allowing us to also keep more than 90 B-52H bombers carrying cruise missiles. This is the choice then that is before us—if we buy the B-2, we can retain 264 heavy bombers with over 5,000 cruise missiles and penetrating bomber weapons; if we do not buy the B-2 in adequate numbers, we will have only 110 bombers, none as penetrators, with only about 2,000 weapons.

Undoubtedly, during debate the President and I will alert the Senate to this. Now we will probably be discussing some other concerns that we have with regard to the B-1. So, I hope that anyone who is under the impression that we could cancel the B-2 program by stopping it at 15, that the B-1 can essentially do the job, it cannot do the job that the B-2 can. It was never built under the assumption that it could do that kind of a job, and it would be faulty reasoning altogether to say we can cancel the B-2 and we still have an effectual bomber in the B-1B.

SMALL ICBM

Now with regard to the small ICBM:

To preserve U.S. options for future deployment of a mobile ICBM, the committee fully funded the amended budget request of $548.8 million in fiscal year 1992 for further development of the Small ICBM, or generally referred to as Midgetman. The committee also noted that long-lead production funds will be needed starting next year if the fiscal year 1997-98 initial operational capability for this system is to be protected.

MX SPARES

With regard to another controversial matter, MX spares:

The committee disapproved the administration's proposal to terminate production of the MX ICBM in fiscal year 1991, 5 years earlier than previously planned. Closing the MX production line would cause the loss of 40-60 percent of our ICBM work force and increase Small ICBM development costs by $200 million, thereby increasing program risk. Reducing total MX procurement from 173 to 114 missiles, as proposed by the administration, leaves little margin for correcting any major design, engineering, or safety problems that may be discovered through future reliability test launches. Capping the inventory at 114 missiles also means the 50 MX missiles deployed in silos will have to be retired from the inventory soon after all test assets are exhausted in 2003, even though most U.S. strategic systems have been kept in the force well beyond their originally projected service lives.

In addition, terminating MX production when the administration has yet to commit production funds for the 5-year Defense Program for the small ICBM [SICBM] could result in the dismantlement of the only U.S. ICBM production line. At a time when Soviet ICBM modernization continues I emphasize once again, continues at a robust pace, the committee simply did not feel the United States should take this risk. Accordingly, the committee authorized $651.6 million for procurement of 12 MX missiles in fiscal year 1992, including $226.8 million that is available from prior year funds.

RAIL GARRISON MX

With regard to rail garrison MX, another matter that has taken up a great deal of the time of the committee and certainly of this body in the past, the committee believes that absent a fundamental revival of Soviet cold war policies, which no one envisions, it is very unlikely that the MX will ever be redeployed from existing silos to a railmobile basing mode. Accordingly, the committee thinks it is in the U.S. interest not to have the MX qualify as, or be arbitrarily designated as, a mobile ICBM for purposes of START. The administration proposed to spend approximately $15 million in fiscal year 1992 funds to flight test an MX missile from an operational model RGMX train next year.

Understand, Mr. President, that the administration proposed only one test from this train.

As General McPeak testified at a March 19, 1991, hearing, "With this test launch, we'll truly characterize Peacekeeper as a mobile system."

The committee felt that this was a very unwise thing to do at this juncture.

At this same hearing, General McPeak conceded that one flight test would not be statistically significant. To put it another way, it will be a waste of money to have only one test flight from that train because it would not tell us much. In addition, at a June 5, 1991, hearing, the Air Force testified that were the United States ever to decide to restart the RGMX full-scale development program, it would want to conduct up to four additional flight tests from the prototype RGMX train prior to deployment. The committee decided that the benefits of this solitary flight test are outweighed by the adverse consequences it would entail for our future arms control options and therefore adopted a provision prohibiting the obligation or expenditure of funds for this purpose.

The committee was also concerned that the Air Force's plan to phase out the RGMX development program by procuring, integrating, testing, and certifying an operational model RGMX train in fiscal year 1992 could result in the MX being captured as a mobile ICBM system even if the one MX flight

test from the train is not conducted. This outcome can be avoided if the missile that is contained in the train during these activities is a dummy missile or an instrumented ground test missile with features that distinguish it from an operational missile, and the committee therefore require that such a missile be used as a condition for obligating or expending the $225 million in the bill for these RGMX phaseout activities. This restriction does not apply to $20 million in fiscal year 1992 needed to complete the critical design review [CDR] for the operational model RGMX train.

I believe, however, that spending another $225 million in fiscal year 1992 on a weapons program we are never going to deploy would not enhance the security of the Nation or our allies and would represent little more than wasteful spending. Notwithstanding the recommendation of the committee, at the appropriate time I will have more to say on this subject and I will be moving to try and strike what I believe to be an unnecessary $225 million expenditure. With regard to another cold war anachronism in the bill—the $139 million in Department of Defense and Department of Energy funding approved for research and development of the nuclear SRAM-T missile.

The committee was disappointed to learn that after the administration decided in late 1990 to cancel the redeployment of the MX from its silos to trains, it never rescinded its earlier designation in START of the MX as a mobile ICBM system. The committee therefore recommended a provision expressing the sense of the Congress that the administration should rescind its designation of the MX ICBM as a mobile ICBM in START. This recommendation was not acted upon, however, by the administration before President Bush signed the START Treaty over the weekend. Consequently, we will have to decide in conference whether to retain this sense of the Congress language.

TRIDENT II MISSILE

Mr. President, the committee increased the funding for the Trident II missile in both fiscal years 1992 and 1993. The increase in funding is a simple matter of good government. The production facility for Trident II missiles was built to turn out 72 missiles per year. Yet, because of budget problems, the Navy proposes to buy only 48 missiles per year, keeping the facility open until 2004, and significantly increasing the unit cost of each missile we buy. The committee intends to examine a multiyear buyout of the remaining Trident II missiles beginning next year, and has laid the groundwork for this with its actions in this bill.

DEPARTMENT OF ENERGY DEFENSE PROGRAMS

Finally, let me briefly describe some highlights of the committee's action on Department of Energy defense programs.

Division C of the bill authorizes the Department of Energy national security programs. Overall funding for these DOE defense programs is $11,968 billion, an increase of $200 million above the administration's request. This increase was provided to address some urgent needs at the Department of Energy—new production reactors, environmental restoration and waste management, nuclear weapons safety and alternate manufacturing techniques, and naval propulsion.

In addition to the funding provisions the committee has recommended that the authority of the Defense Nuclear Facilities Safety Board be expanded to include the Nevada testsite and the Pantex assembly facility in Texas. The Safety Board will also play a major role in the restart of the Rocky Flats facility in Golden, CO—if it ever does get started—through its aggressive oversight responsibilities that this bill has highlighted.

We have also asked the Safety Board to take on a broader role with respect to the environmental restoration and waste management program. This expansion of authority was one of the suggestions made by the Office of Technology Assessment in their extensive review of the nuclear weapons complex, undertaken at the request of the committee.

The OTA report also contained some additional suggestions that the committee has adopted, such as providing funds to conduct health risk assessments at the weapons facilities and directing the DOE to undertake a review of its interactions with the public in formulating environmental cleanup and waste management decisions.

Also in the area of environmental restoration and waste management is a provision that establishes a separate account for environmental restoration and waste management funding and ensures that the DOE will conduct a 5-year planning process for environmental restoration activities. Another provision in the bill establishes an environmental scholarship program that will assist DOE in recruiting and retaining environmental personnel.

Overall the bill provides an enhanced environmental restoration and waste management program and sets the DOE on the beginning of a course that will assist in the development of a smaller, more efficient nuclear weapons complex.

The President, I yield the floor.

Mr. GORE. Mr. President, I want to begin the presentation of the amendment I laid down earlier on the strategic defense initiative by complimenting the leaders of the Armed Services Committee for the excellent job they have done in crafting this bill. Although I find myself in very strong disagreement with the provisions in the committee bill concerning strategic defense, I believe that the bill as a whole deserves the support of Senators on both sides of the aisle.

I want to single out the chairman of the committee, Senator NUNN, and the ranking Republican member of the committee, Senator WARNER, all of the subcommittee chairmen, and the ranking Republican members of the subcommittees for the extraordinary cooperative relationship we have had as a committee in putting together a very large, very complex, very difficult piece of legislation, and I am proud to be a part of the committee.

On the question of strategic defenses, we had, as several Senators have already noted, quite a debate in executive session, behind closed doors. I heard Senator STROM THURMOND say during his opening remarks earlier today that it was the most thoughtful debate he had heard in 32 years of serving on the committee. Similar comments were made by our ranking Republican member, Senator WARNER. And I have made similar comments, as have others. Indeed, we all did listen to each other.

The earlier verions of the committee language could not gain a majority. I believe that what finally did come out does not represent a consensus but represents something of exhaustion and agreement by people who supported the final product for radically different sets of reasons to mute their differences and agree to get the bill out, even though there were continuing radical disagreements about what the particular language concerning strategic defenses actually means. But it was a good debate. And I have been looking forward to this debate here on the floor of the Senate.

I was misquoted by someone the other day as saying this would be the mother of all battles. I never said any such thing. I think it will, however, be a good debate.

Perhaps the outcome is foreordained on the Gore amendment. I do not know. I can count votes, and I understand that, when you have the leadership of the committee from both parties lined up in support of the committee bill and all that, the odds are very much against changing it.

And yet I think the debate is extremely important. I will say this, Mr. President: a lot of votes come here to the floor of the Senate posing as the most crucial issues we have ever faced and they end up not amounting to much. This issue represents truly a fateful choice by the United States Senate. On this very day, the President of the United States and the leader of the Soviet Union have signed the START Treaty. If the language of this bill as it is currently written becomes law, we will never see a second START Treaty.

If the Supreme Soviet was meeting today and voting to adopt the program

that is included in the committee bill on the floor of this Senate, we could never ratify the START Treaty here in the Senate—never. Many of those supporting this committee bill, especially on the other side of the aisle, would take to the floor of this Chamber and condemn the START Treaty if the Soviet Union had underway the kind of program that we are asked to authorize in this bill.

And, you know what, Mr. President? If this set of changes to the ABM Treaty that we are officially calling for were actually made, the Soviet Union will have an opportunity to develop this kind of system.

Members of the committee who support the bill say they do not intend to break out of the ABM Treaty. That is like us saying we are not going to break through these doors here; we are not going to break down these doors; we are just going to get in a pickup truck and head straight at them at 60 miles an hour. And if somebody opens the doors just before we hit them, we will not break through them. So, when we get in the pickup truck and head 60 miles an hour straight for the doors, we could say we are not going to necessarily break through those doors because they may open them just before we hit them.

That is precisely what we are doing with respect to the ABM Treaty if the language of the committee's bill is adopted by the U.S. Senate and if it ever becomes the policy of this country.

How ironic it would be if, on the day the START Treaty is signed, the U.S. Senate says, in effect, that is it, no more START treaties. We want to start building and deploying again. That is what this bill would do.

If we tell the Soviet Union that they can build this kind of system, are we assuming that they will not do it? Have we gotten to the point in our relationship with the Soviet Union where we feel it is safe to assume that they are in such pitiful shape that they just cannot afford to build any more military systems and deploy them?

Their economy is falling down around their ears. Their system is collapsing. But the one thing they have found the resources and the determination and the political will to keep on doing is building and deploying military hardware. If they built this kind of system, our military leaders would go nuts. If we build this kind of system, their military leaders will go nuts. Make no mistake about that.

All the news about the START Treaty has appropriately been on the accomplishments of the START Treaty. One thing that had not really been highlighted is the Soviet Union's statement laid down next to the START Treaty, in conjunction with the START Treaty, qualifying their acceptance of the START Treaty which they have insisted on.

Let me read it to you, Mr. President. This is made public today, along with the START Treaty in Moscow. The Soviet Union says this treaty may be effective and viable only under conditions of compliance with the Anti-Ballistic Missile Treaty. The exact language is "only under conditions of the compliance with the treaty between the U.S.S.R. and the U.S.A. on the limitation of Anti-Ballistic Missile Treaty signed on May 29, 1972."

They are telling us. We do not have to believe them. But the entire logic of the ABM Treaty as painfully negotiated 20 years ago by our country and by the Soviet Union is designed to prevent the emergence of a fear, either in the United States or in the Soviet Union, that the other side is going to build defenses effective enough to make it impossible for the first country to retaliate against any kind of attack.

Before I get back to that point and explore it, I want to raise another which is even more basic. There is radical disagreement on the part of those who support the committee language as to exactly what is in the bill. By way of background, let me say this. There are four different kinds of ballistic missile defenses and during the debate on this subject we will be talking about all four different kinds, so let us get them straight right at the beginning.

First, there is antitactical missile defense: A Scud missile of the kind used by Iraq is a ballistic missile, and the kind of defensive system to counter a Scud is an antitactical ballistic missile system.

Everybody on the committee strongly supports the development and deployment of those kinds of ballistic missile defenses. We know how to do it. The Patriot has demonstrated that we can do it. The research has shown that there are advanced versions of Patriot technology that can defend U.S. forces if they are forward deployed anywhere in the world. Everybody agrees on supporting vigorous research, development and deployment of those kinds of systems.

The second kind of ballistic missile defense is a single-site ballistic missile defense system deployed in North Dakota at the site mapped out in the ABM Treaty of 20 years ago with 100 interceptors, ground-based. We are entitled to do that under the treaty. And new technological developments over the last 20 years have made it possible to develop a system like that that is more capable than the one which we decided not to deploy 20 years ago.

If anybody is under the misimpression that that second kind of system, the single-site system, is capable of defending the entire United States of America, they ought to get rid of that impression right now. That cannot be done.

I will refer to the statement in the Washington Post by the distinguished ranking Republican member of the committee, Senator WARNER, who said in yesterday's Washington Post in an op-ed article entitled, "Protection from Ballistic Missiles Now":

> Deployment of only 100 interceptors at one site, by 1996, while an important first step, is not capable of defending the United States. This site protects only one sector of the United States leaving Americans on our coastlines with little, if any, protection, and no protection in Alaska and Hawaii.

Some of those who support the committee's language are really intending to support that system: one site, in compliance with the ABM Treaty. But the other half of the supporters say publicly, on every occasion, that is completely inadequate, that will not protect the United States of America, and that one site system is only the first step toward the larger system which is funded in the bill.

That brings me to the third kind.

The first kind is the defense against short-range ballistic missiles, the antitactical defense; the second kind is this single site in compliance with the ABM Treaty; the third kind is an extensive ground-based system in multiple sites all over the United States. How many? Well, they do not say. Maybe five or six or seven. Maybe a lot more. Once all the radars are out there, then it is easy to quickly upgrade it and thicken it. But they do not say how many sites. But that is the third kind, a multiple-site, ground-based system.

Of course, that completely demolishes the ABM Treaty. In fact, some kinds of battle management, space-based sensors in connection with the single-site system would violate the ABM Treaty. Other kinds would not. But if we go to the multiple-site, ground-based system, we can forget about the ABM Treaty.

The fourth kind of ballistic missile defense is the space-based defense, which everybody used to call star wars. We do not really call it that anymore.

They came up with another name for the national version of it right now, which is called Brilliant Pebbles. Brilliant Pebbles, we are told, is given a lower priority in this bill. But how come the funding is vastly increased for Brilliant Pebbles in this bill? The supporters who do not like the ground-based system, either one of the ground-based systems, make it plain that they are really supporting the bill because it opens the door to Brilliant Pebbles.

Mr. President, it has been said that this debate is about whether or not we want to defend the United States. That is not right. This debate is about how best to defend the United States. The most dangerous threat we face right now and the most dangerous threat we are likely to face for the next 10 to 15 years, at least, is the threat posed by

many, many thousands of nuclear missiles in the Soviet Union aimed at the United States.

We have a short attention span in this modern world where we are ready to move on to new things and pretend that old things are over with. Maybe we are bored with the problem of managing deterrence and dealing with this deadly threat from the Soviet Union.

There have been a lot of changes over there, and we welcome those changes. There may be some more. What will they be? We are not real sure. Is the Soviet Union going to break up? Is Kazakhstan going to be a nuclear power? Who is going to be in control of their arsenals?

What has kept the peace for 45 years is deterrence. Are we bored with deterrence? Are we ready to move on? At some point, we may need to. The ABM Treaty may not be in our interest forever. The idea of deterrence perhaps one day will be replaced by a reliance on strategic defenses. That day has not arrived, Mr. President. We do not know what the technology will enable us to do. The research has not been completed.

We are in a kind of end game with the Communist Party in the Soviet Union right now, but that end game is not over with yet. Gorbachev has been in power 5 years. The weapons they have recently deployed have a lifetime of 30 years. What has kept those missiles in their silos has been our potent military force and a shared understanding of the idea of deterrence. The committee bill would undermine that shared understanding of deterrence. The cornerstone of that shared understanding is the antiballistic missile system, the treaty of 1972, let me say.

Just a word about why that is the case. After both sides had already deployed a lot of offensive nuclear missiles, work began in both countries in antiballistic missile systems. Both countries realized that this would be a threat to the ability of either Nation to retaliate if the capability of the systems reached a certain level. That is why the ABM Treaty was drafted.

Twenty years later, we are looking at some differences in technology, but essentially the same issues. Do we want a START II Treaty or do we want to resign ourselves to the number of offensive nuclear missiles that are in the Soviet Union today being there from now on? Our negotiators have already begun the process of laying out a START II negotiation. They decided on the subjects they want to cover. If the committee's strategic defense language becomes law, we can forget about all that.

I said a moment ago that there are radical differences between the supporters of the committee language, and I talked about the four different kinds of ballistic missile defenses. What the committee bill does is it says we declare it is the intention and goal of the United States of America to deploy an ABM system. We have never done that before. The Senate has always prevented that as unwise policy. If this language were to be adopted by the U.S. Congress, as a whole, we would cross that line.

But then the committee language goes on: "It is our goal to deploy * * *" and then it says one or an adequate additional number of sites. Which is it?

I have asked groups of the supporters of the amendment, is it possible that the one site might turn out to be adequate? And half of them nod yes and half of them nod no. Which is it? It is a camel's nose under the tent, except the camel is not inching it along; the camel is coming pretty fast and strong because a deadline is set in the bill. May 1994 the report is due from the President, and at that point we say we will consider or options under the ABM Treaty if the Soviet Union has not agreed to vastly modify it by then; we will consider our options, they say.

The first iteration of this was we will abrogate. Now "options" is, in my reading of it, a kind of a code word for withdrawal and abrogation.

Again, Mr. President, the Soviet Union did this on the day we signed the START Treaty and said we are going to deploy a system and the first site is only going to be the initial step toward many more. We are going to crank up the research and development of space-based components of this or sensors capable of directing the battle. This START Treaty would be a dead letter.

I referred earlier to the article by the distinguished ranking Republican member in the Washington Post. I would like to compare it to an article in the New York Times by the distinguished chairman of the committee.

The distinguished chairman of the committee writes:

> The panel wants to deploy 100 ABM interceptors allowed under the treaty at Grand Forks, North Dakota.

The distinguished Republican member says:

> Deployent of only 100 interceptors at one site, while an important first step, is not capable of defending the United States.

The distinguished chairman says that the amendments to the treaty contemplated are only modest amendments. He says:

> The committee calls only for negotiations on modest amendments to permit a more effective U.S. defense against limited attacks.

Here is the description of those modest amendments from the ranking Republican member:

> Amendments to the ABM Treaty, a goal set forth in the legislation, should be negotiated to permit the necessary number of interceptors, multiple site deployments, more capable space-based sensors, as well as the opportunity to fully test space-based anti-ballistic-missile systems.

That does not sound like a list of modest amendments to me and, indeed, they are not modest at all.

The ABM Treaty would have to be ripped up, rewritten from start to finish, from goals and definitions all the way to the end of the treaty, in order to accommodate the full architecture of the system contemplated in the committee's bill.

If you listen to the presentations of what is in the committee's bill, you have to listen carefully because, as I mentioned earlier, there is the use of the word "or." The committee says it is our goal to deploy one or an adequate additional number of sites.

Then at another point in the bill, the committee says the first site deployed is only the initial step toward all the others. So if anybody gets the impression that what we are voting on here is to deploy one treaty compliant site, please disabuse yourself of that notion. That is not what we are voting on here. It is the nose of the camel under the tent, but the nose of the camel is fully in view. We know what the nose of this camel is. It is all these other sites, and they are laid out and authorized in the bill; and then, as icing on the cake, $630 million targeted for brilliant pebbles, an optimum use of space-based sensors with the ground-based sites.

Now, I have mentioned the threat from the Soviet Union that I think justifies maintaining deterrence. What about the threat held out as the reason for the committee's proposal? We are told that some Third World dictator might get intercontinental ballistic missiles at some point in the future. We are also told that a Russian missile might be accidently launched.

Reading again from justifications offered by the sponsors of the amendment, the distinguished chairman of the committee writes this morning, and I quote:

> An equally disturbing development is the spread of ballistic missiles to the Third World. The CIA estimates that 15 to 20 Third World countries will have them by the turn of the century. Many of these missiles could be armed with nuclear, chemical, or biological warheads.

Let us examine that statement in some detail, Mr. President, 15 to 20 Third World countries will have ballistic missiles. Again, just as there are different kinds of antiballistic missile systems, there are also different kinds of ballistic missiles. One of those 15 to 20 Third World countries could have Scuds. Does a Scud threaten the United States of America? No, it does not.

If anyone gets the impression from this, mistakenly reads it to conclude that a number of Third World countries are, according to the CIA, likely to have intercontinental ballistic missiles by the turn of the century, they are not getting the correct impression.

We cannot stop and have a closed-door intelligence session on every bill

like this that comes up. Perhaps we should on this one. And if this thing gets passed, which I hope it will not, and we fight tooth and nail in the conference committee, before then I will ask for a closed session on this.

And let me just say, according to the open literature, I know of no evidence—and I invite any Member of this Senate to present any shred of evidence—that says we have an assessment that any country not now possessing ICBM's capable of threatening the United States of America with a nuclear warhead is likely to have them by the turn of the century or shortly thereafter. I know of no evidence to support that contention, none.

Now, what about the idea of an accidental launch? We have had cited the idea that some missiles have been accidentally launched. One was in Arkansas. One reportedly was from a Soviet submarine. Was it a launch? Was the missile's motor ever fired? Was it ever moving under its own power in either case? No. That does not fit my definition of a launch.

Was there a fire and an accident? Yes. Does it cause the steam ejection to just pop it out without launching it? Yes. Do we want to spend tens of billions of dollars and threaten the viability of the ABM Treaty and undermine the concept of deterrence to defend against a missile whose motor never fires, that travels only a few hundred yards?

Mr. President, I think it would be a mistake to do that. I think the committee's language is like a Rorschach test. I think it means different things depending on how you look at it and on how you read it. But I think the key to understanding it is understanding that the word "or" in the first line, one "or" an additional number, is really an "and"; one "and" additional sites. That is what the committee version does.

Consider this scenario. What if the United States and the Soviet Union deploy the kind of defensive system that is contemplated in the committee's bill? Suppose it is not expanded and kept limited? It is still capable, with multiple sites, of dealing not with the Soviet threat, and for them not from the threat we pose, but it is capable of rendering the French threat or the British threat meaningless.

Have we consulted with the French or the British? No. The administration has not proposed deployment. Have the leaders of the committee on both sides who have offered this consulted with our allies on what this does to the British and French nuclear deterrent capability? I doubt it very seriously.

What about the Chinese? What do the Chinese do when the Soviet Union deploys a defensive system, though limited, that is capable of areawide defense? The Chinese get more missiles.

What does India do then? India is worried about China's nuclear missile capability. It sees China deploying more offensive nuclear missiles because they are worried about the Soviet Union's defensive system, and so India speed up its program.

What does Pakistan do? We are already in a debate with Pakistan, trying to calm them down and tell them that we are building a structure of peace in the world, a new world order, so to speak, to use the President's phrase. And we are strengthening the idea of deterrence and the understanding of the need for a vigorous nonproliferation treaty.

Well, you get that chain reaction going and what will Pakistan do? Then when Pakistan deploys them, not ICBM's, but regional missiles of the kind these countries are interested in. Who gets nervous about that? Israel—an Islamic nation with medium-range ballistic missiles. Where does it go from there?

We face a challenge in the waning years of this century, the challenge of changing the way we think about warfare and making nuclear war unthinkable. The shared understanding of deterrence is the strongest foundation we have upon which to build this new understanding. Are we going to lose our nerve, abandon the ABM Treaty, abandon deterrence, and go for a collection of high technology new systems that have not been researched and developed; and make a commitment, as the committee language would do, to deploy them before we have even completed the research and development; scrap deterrence before we have something to put in its place?

I think, Mr. President, it is an extremely serious mistake. And I certainly think that it is important for us to change the language in the committee bill.

A close reading of what the committee bill says shows that we are being asked to endorse the following propositions and actions. No. 1, this year the United States should depart from its present policy of holding research and development of ABM technologies within the strict reading of the ABM Treaty.

No. 2, the first major departure will be to authorize the deployment of a single ABM site at Grant Forks, ND, by 1996. Of course, the deployment will start long before then. That is the date at which the deployment is supposed to be completed. It will start probably in 1994.

With passage of this language in the bill, SDI will go from research and development to actual deployment. Do you want to cross that line? Do you want to say we are ready now even though the President has not asked for it, even though the research and development has not been concluded, even though we do not have agreement on the committee on what system is to be deployed? Are we ready to make a commitment, and go ahead and deploy this system? I think it is nuts.

No. 3, the Grand Forks deployment would be in compliance with the ABM Treaty, according to the committee. However, the committee's language makes it absolutely clear that this is only an initial step toward a more elaborate ABM system involving many ground-based sites, many hundreds of interceptors. This extended ground-based system is contrary to the ABM Treaty at many points, not just a few. It cannot even be developed, much less deployed, without challenging the treaty in its most basic form.

Next the committee says that, at the same time, we can forget everything we were ever told about space-based defenses since 1983 and everything we have been hearing in recent years about Brilliant Pebbles. Space-based interceptors are not going to be part of this deployment, the committee says, although work on them will be handsomely funded. While advocates of space-based systems such as G-PAL's may be disappointed at the committee's decision to cut them off from the intended deployment, they can take comfort in the extremely generous funding levels and in other language that keeps this option very much in place.

Next the committee bill says, starting at once, the U.S. Senate formally calls upon the President of the United States to immediately start renegotiating the ABM Treaty in fundamental ways. The treaty says that the parties should not build defenses of their entire national territories. The bill would have us do this. The treaty limits ground-based deployments to one site and 100 missiles. The bill would treat that kind of installation as only the first step toward a much larger complex. The treaty says that the parties may not deploy in space the equivalent of ground-based radars for battle management. The bill would promote that. The treaty says that the parties may not develop space-stationed weapons such as Brilliant Pebbles. The bill would push them and the President is stressed to open up the treaty on all of these points immediately.

Finally, if by 1996 the Soviets have not agreed to these changes, the United States, under this law, is supposed to consider abrogating the ABM Treaty. If the Senate allows these proposals to stand, we will be saying two basic things to the American people. First, that there is some kind of antiballistic defense that will give them true protection and that we know what it is. We are ready to specify it and purchase it with this money. Second, that if the Soviets stand in the way of that, we should junk the ABM Treaty and chance the consequences.

Mr. President, I strongly believe that the first statement is not an accurate representation of our needs at this

time nor of the level of protection we would receive, and that the second statement is not good advice. Section 211 leads our country down a road that we need not take at this time because we have precious little choices. I also believe that the committees language is not a breakthrough to consensus as is often claimed. Rather it is an artfully worded compromise in which words are used to conceal, not settle, vehement disagreements among the parties as to what should be U.S. policy over the longer term.

In my view the Senate needs to speak to the Nation clearly on an issue such as this. Where there are differences we should not assert that there is agreement. If there is agreement, it needs to be of a sort that can stand up to questioning. Therefore, I have been working with other colleagues, among them Senators BINGAMAN, BIDEN, BUMPERS, HARKIN, LEVIN, and SIMON to develop a set of amendments designed to give the Senate a real chance to express its will.

These amendments, which we are going to attempt to offer in sequence, will ask the Senate to decide four basic questions:

No. 1, I have presented the first amendment asking whether we should embark on a radical new policy at this time as the committee would have us do, or whether we should continue in a more cautious manner that preserves our options, that pursues the anti-tactical-ballistic defenses vigorously, to award deployment but says let us hold off on a decision to deploy the strategic defenses until we complete more of the research and development and until we have a more accurate assessment of what the consequences of doing that are.

No. 2, if the informal understandings that have been arrived at are followed, the second amendment, if my amendment does not prevail, will be an amendment from Senator BINGAMAN, who supported the committee version uneasily, in my opinion. He will speak for himself on this. But he is offering the amendment here on the floor to ask whether, if we are determined to deploy an ABM system, we should be committing ourselves to a design that would clearly violate the ABM Treaty.

No. 3, in sequence, Senators LEVIN and BIDEN will ask the Senate whether it is ready to set a process in motion leading to the abrogation of the ABM Treaty.

Then finally, there will be two amendments dealing with the level of funding for strategic defenses. Senators HARKIN, SIMON, and BUMPERS will ask the Senate whether, in view of all of these uncertainties, we should be prepared to increase spending on SDI by a substantial amount at this time.

The last in the sequence will be the amendment by Senator BUMPERS. And let me just say where funding is concerned, I have always supported the robust level of funding for strategic defenses. I have opposed amendments of the kind Senator BUMPERS will offer. If the design of the amendment remains as the committee would have it, then I will support it. And, if my amendment does not prevail, I will support these other amendments including the Bumpers amendment.

The committee bill, Mr. President, authorizes a 50-percent increase in the current year's expenditures for SDI. We have a $348 billion budget deficit, the last I checked. Next year interest on the debt will overtake Social Security as the largest expenditure in the Federal budget.

And we have two radically different SDI systems cobbled together in a compromise that the sponsors cannot describe in the same way, and we are supposed to increase spending by 5 percent on that in this year? I think it is unwise.

Let me summarize the main features of my own amendment. First of all, instead of committing the United States to begin deployment of the complex and expensive ABM system of dubious value to the Nation's security, the Gore amendment represents a more cautious approach. Namely, it provides for aggressive exploration of defensive technologies across a broad spectrum. But it also requires these activities to comply with the ABM Treaty as traditionally interpreted.

(Mr. BREAUX assumed the chair.)

Mr. GORE. Second, instead of directing the President to begin a major renegotiation of the ABM Treaty, the amendment urges only that the President pursue discussions with the Soviet Union to clear up any matters relating to theater ballistic missile defenses. All of the committee's language pointing to a total redesign of the ABM Treaty and raising the possibility of its abrogation by the United States is deleted.

Third, work is to be pursued on these technologies, without prejudice to a possible ultimate choice among them. All paths remain open. Recognize the chairman's need to be in a position to negotiate effectively with the House in conference, funding levels are left at levels proposed by the committee, although those who wish to see lower funding will have an opportunity to express that view in voting on later amendments. And I have expressed my own view on that question.

This amendment focuses on the design of the system and the policy offered in support of that design.

My amendment will preserve areas of real consensus in the committee, such as the need to accelerate work on the Patriot-like defenses against short-range ballistic missiles.

Let me turn to the nub of the matter now, by discussing what, in my opinion, are the foundations of the committee's approach. Essentially, the committee is saying that it is time to abandon our old cold war paradigm, while they are adjusting to the new international order, with both its good and bad elements.

The good element, as the committee sees it, is that all-out nuclear war with the Soviet Union is no longer the No. 1 threat, because of political changes in the United States-Soviet relationship, and because of the weakening of the Soviet Union. This, the majority on the committee say, permits us to lower our sights from the terribly difficult goal of mounting an effective defense against that scale of Soviet attack.

The bad news, as the committee sees it, is that given the risk of political turmoil in the U.S.S.R., we now have to worry more than ever before about accidental or unauthorized launch. The second wave of bad news is that ballistic missiles are proliferating elsewhere. In this connection, there will be many references to X countries said to be capable of developing an ICBM by the turn of the century. I have addressed that, and I will not go into it further here.

The committee says these are the new threats for which we must deploy an appropriate defense which, by its nature, would never reach the scale required to threaten the Soviet Union's ability to retaliate against a United States nuclear strike. Hence, the committee will say that what they propose to do is not destabilizing.

Mr. President, in my opinion, the committee is in much too great a hurry to minimize and write off the Soviet threat. Soviet weapons are real and will continue to exist by the many thousands, even after the START Treaty, signed today, is implemented. So long as these weapons exist, how on Earth are we supposed to discount them and even put them aside as a threat worthy of our concern? Our continuing No. 1 objective has to be to tie down the threat of general nuclear war by using arms control to constrain the weapons and their geopolitical radiation, the influence which comes from them.

Of course, continued improvement in our political relationships and economic ties are needed. These block the impulse to make war, but we simply cannot turn our backs on the capacity to make nuclear war that will remain.

If all the committee intended to do was to exercise a dormant U.S. option under the ABM Treaty to build a defense at one site, there might be a debate over the value of that investment. I do not think it would be worth it, but that is what the debate would focus on. Nevertheless, the committee goes far beyond that one site to the elaborate ground-based system I described earlier. The fact that this system violates the ABM Treaty at many points is not the end, but the beginning of inquiry.

What you have to get at is the dynamics of what this process sets in mo-

tion. The real system the committee is talking about would be capable of handling, perhaps, up to 1,000 warheads. That is not a full Soviet strike by a long shot. But it certainly is on the scale of many, of what many in the United States might call limited nuclear options. It means that smaller strikes are ruled out in case of war. It means something closer to go for broke from the outset.

If it does not mean that to the Soviets, it would surely mean it to us, when the tables are reversed and a comparable Soviet system were deployed. In other words, to the extent our nuclear deterrent depends upon credible, limited nuclear options, defenses undermines these options.

The process does not end there. This compromise has Republican support, not because it kills Brilliant Pebbles, but because it preserves Brilliant Pebbles and funds it handsomely and generously. The extended ground-base system is itself a part of the Brilliant Pebbles architecture. The funding lines and the renegotiation effort tell the real story. Brilliant Pebbles is the real object of this whole exercise, as far as the Republicans are concerned. That is not the object of it, as far as the chairman and other Democratic supporters of this system are concerned. But that is what the object is where the Republican supporters on the committee are concerned, or they never would have given it their votes, in which case the compromise would have failed in committee. That is why it has been cobbled together and why the disagreements have been fuzzed over.

The argument over a single site, and the committee's manner, is a strawman. This compromise is a bridge to the goal of a full-scale space-based defense. That prospect is destabilizing, Mr. President.

Let me point out, also that the notion of stability is not exclusively declined by United States-Soviet arrangements of convenience. I have already talked about the effect of this system on the options available to the British or French. This would directly challenge the British and French nuclear deterrent forces, if the Soviets were to deploy a system like the one the committee calls for us to have in this bill. The British and French forces are much smaller than ours and are likely to be neutralized by the kinds of defenses that we are talking about, despite their limitations.

If our two principal allies would want to keep their own nuclear deterrence, they have only one recourse, and that is to build more.

Let me quote to you from a statement by Foreign Minister Hans-Dietrich Genscher of Germany, who has called the ABM Treaty, "the Magna Carta of arms control."

Let me quote to you the words of Foreign Minister, Sir Geoffrey Howe, from Great Britain who termed the accord, "The keystone in the still shaking arch of security."

Let me quote these words from French President Francois Mitterrand, who called the ABM Treaty "The fundamental touchstone of existing treaties."

They call it that because if the kind of system the committee is calling for here is deployed by the Soviet Union then our allies' nuclear deterrent forces are mooted, they are worthless, and they have to deploy more missiles. They have to go to more MIRV's. They have to go to a more destabilizing defensive arsenal.

You know, the French just recently announced a decision to cut back on an expansion program because of all the improvements in the START process and the warming relationships. How ironic that on the same day that treaty is signed the Soviets issue this firm statement saying it is null and void most likely if the ABM Treaty is not adhered to. And on that very same day the Senate is called upon to endorse a decision to deploy an ABM system with the first site only the first of many instructing the President to immediately start renegotiating vast changes in the ABM Treaty. Immediately start work on the space-based sensors and vastly increase the funding of space-based weapons.

Mr. President, let me say that I think this is extremely unwise for all of those reasons and others. The radical nature of this proposal from the committee is concealed because the Senate does not have the full context as it was presented in the committee. Republicans on the committee directly threatened to debate the B-2 bomber if this compromise does not go into effect. They did this by arguing that the B-2's war fighting capability is limited in one respect. It cannot go after mobile missiles successfully. Therefore they say the only way for the United States to neutralize mobile missiles is to have a ballistic missile system. Without that system they said the B-2 by itself would be a waste of money and they would vote against it.

That is not an argument about accidental or unauthorized or Third World launches. Mr. President, it is important for this to be underscored because that argument is an argument about the integrated use of defenses and offenses in a total battle plan aimed at major components of the Soviet Union's forces, to be exact the component which is mobile and therefore intended to be a survivable reserve.

So I think it ought to be clear that at least some of the supporters on the Republican side of the defensive system in the committee bill do so because they see it as part of an integrated battle plan giving us a capability as against the Soviet Union. Will the Soviet Union see it that way? Of course they will see it that way. They always have; they always will. That is the way we see it when the Soviet Union tries to do something like this.

You remember the debate over the Krasnoyarsk radar? Talk about old technology. We were led to believe that this was the first step toward a Soviet design to have a defensive system capable enough of stopping us retaliating and thereby leading to their total dominance. Was that a rational charge? Probably not, but we are vulnerable to hearing it that way because when people say your survival is at stake you really tune in. And that is the frame of mind the Soviet Union will be in when they see the deployment of a defensive system here that is only the first of many.

Will they wonder what we are up to? Of course they will. Are we up to anything sinister? No, we are not. But the balance of power upon which deterrence has rested depends upon maintaining a level of confidence and keeping rational as well as irrational fears held down by saying to our adversary we are not going to threaten your ability to deter attack. Even though we have no intention of attacking, we are going to make sure you are confident that we are never going to acquire the capability to overwhelm you and blow you to smithereens and leave you with no ability to retaliate at all. And they tell us the same thing. That is what the ABM Treaty is all about.

Mr. President, there is no foundation in any document submitted to the Congress by this administration or the previous one for a ground-based system, never. There is no reason to believe that the administration regards a ground-based system as acceptable unless it is the device by which the Senate opens the way to the space-based system. That is what the administration is interested in. That is what the committee Republicans are interested in.

To those Democrats on the committee who genuinely believe that by adopting this we are not adopting a system with space-based components, I simply say I listen to what the Republican supporters of the language say. I look at not only what is on the left side of the word "or" but what is on the right side of the word "or". And when I see the committee Democrats nodding their head "no", I see the Republicans on the committee nodding their head "yes", and I hear the whispers of the administration. They do not want to support it too enthusiastically because they do not want to give the people the wrong impression but, boy, are they thrilled because it opens the door to the space-based system.

The limited GPAL system that stands for the Global Protection Against Accidental Launch System that the administration has proposed was in any event a camel's nose itself

for the Phase I SDI proposed by former President Reagan.

The Soviet Union has to make decisions right now that take into account what the United States clearly might end up doing once it starts down the Warner-Nunn road.

Claims that the Soviets may be ready to renegotiate the treaty for their own reasons have to be balanced against the flat Soviet statement reiterated today which I read a moment ago that the START agreement will be nullified if the United States ceases to comply with the ABM Treaty as originally signed and as it has always been interpreted. Do we want to take that step the day the START Treaty is signed?

USA Today described it as catastrophic timing or something like that. I cannot find the language right now. But just amazing timing on the same day the START Tready is signed, the say day the Soviet Union issues this statement.

Perhaps there is, after all, some kind of view almost unspoken here that the Soviets are broke, that they cannot compete any longer. We do not need to worry what they do; we can afford to just ride over them.

There is some question in my mind about how well-heeled we are with a $348 billion budget deficit this year. I mentioned that before. But I want to remind my colleagues that the Soviets do not need to build an offsetting system of their own. They can more cheaply offset the U.S. system of defenses by multiplying their offensive weapons. And that is precisely the option they have protected for themselves. They declared it publicly.

The ratification process in the Supreme Soviet is now a real process. Active duty military officers are members of the Supreme Soviet raising Cain about this even before the committee's proposal came out. And we do not have to care what they say. What we care about is what is in our best interest. But what is in our best interest, Mr. President, is the shared understanding with the Soviet Union of the idea of deterrence. That is in our best interest.

If we create predictable fears that cause the end of the START process, that cause the unraveling of the notion of deterrence, that cause the building and deploying of more offensive weapons in the Soviet Union, here, in China, in India, in France, in Britain, in other parts of the world, then that is not in our best interests.

So for us to try and understand the impact this has on the Soviet Union is not an exercise in trying to anticipate what their moods are. We are trying to anticipate what our needs are here in the United States of America. And our need is to get this arms race over with and to build on the confidence, deterrence, and the progress that is ratified and that is embodied in that START Treaty today.

You know what has led to this process of reductions and to keeping the peace for all this time? It has been our willingness to be steadfast here in U.S. Senate, Democrats and Republicans, to do what is necessary to build the arsenals of peace and democracy, to pursue sensible arms control, to stand by the concept of deterrence, year in and year out, no matter whether the threat has come from the right or from the left. This Nation must be governed from the center. Our future must come from leadership from the center and deterrence has been leadership from the center from Republicans and Democrats alike since Harry Truman.

And the U.S. Senate has been steadfast in supporting that. Are we, at this juncture, now going to say, we are tired of it, we want to take a bold step of our own contrary to what the President of the United States has asked for, contrary to what we have always done when the subject of ballistic missile defenses have come up here on the floor of the U.S. Senate, contrary to the ABM Treaty; we are going to take our own steps here in the U.S. Senate and cast aside the tradition that we followed for decades.

This so-called compromise underestimates the nature of the challenge to the ABM Treaty even from the ground-limited system that it promotes in its first language. The premise of the treaty is that neither side will deploy a territorial defense. We can quibble over what that means in terms of square miles and leakage rates, but the extended ground system is a territorial defense, pure and simple. The fact that it is a thin defense is totally beside the point. It is capable of being scaled up indefinitely, at will. And that is the point. A light area defense of the United States and of the Soviet Union was possible when the ABM Treaty was negotiated. That was the U.S. intention. But the problem then is the problem now. Once you go down that road, there is no natural stopping place. You stop arbitrarily. You have crossed a basic threshold. The threshold is deployment of an ABM system of the kind in the committee bill.

This bill asks us to make a commitment to a goal of deploying a commitment to direct the Secretary of Defense to develop for deployment the system outlined in the bill. And it says that first site is just the first of many. And it says we are no longer going to respect the ABM Treaty the way we have in the past. We are going to immediately instruct the President to start doing his best to change it right now.

The committee wants to organize debate on the short term, but the core of the problem is the long-term meaning of the committee language. You have to read that language closely. And it would also help to know what that language looked like in earlier drafts where objectives and even the clashes among the objectives were not as well concealed.

The committee's stated goal is not just to deploy one site and then mull it all over. It is as clearly stated to deploy a system. And the system consists of one or an adequate additional number of sites and space-based sensors. The word "or," which I referred to earlier is the point at which the Republicans sign on board. It gives the original authors of the new design, Senator WARNER and Senator COHEN, their extended ground-based system. It gives Brilliant Pebbles advocates like Senator WALLOP a bridge to full-up SDI defenses. If there is any question about this reading, there is then the reference to a single site as the "initial step" toward deployment of the extended ground-based system. The majority is a majority determined to proceed beyond the treaty.

As for the size of the negotiating task, it is described as marginal. But a look at the precepts on page 35, lines 5 to 19 of the committee bill, shows otherwise. The task is to negotiate for a capability 10 times larger than provided in the ABM Treaty; for the right to put up battle-management systems in space; for the right to test space-based systems; and for the right to develop any technology we please for ABM systems. Nothing is left of the ABM Treaty by the time that is over. Nowhere does the committee language say that the United States will observe the ABM Treaty in the event the Soviets do not agree to modify it. On the contrary, there is a clear hint of abrogation if we do not get our way, with the clock starting to run on May 1, 1994. And deployment would begin around then. There is no beginning date for deployment specified by 1996.

Let me say—and I am toward the end of my statement, I am on the last page—I am not advocating the ABM Treaty as immutable. I acknowledge that the threats alluded to are potentially real, and if of low probability would still have immense consequences. What I am saying is that the United States is under no compulsion to make a major departure from existing policy this year. I am saying that if we did want to depart from that policy, the committee's so-called consensus is a false step. I see a range of other possible steps to pursue in order to minimize the risks which the committee now asserts are primary sources of concern. We can work on better command and control arrangements with the Soviets. We have an array of options to deal with proliferation elsewhere. We are years away from any kind of event that compels us to take this road, especially when one considers the risks involved in taking this course. My amendment is not intended to be a permanent choice of policy; just

the best course in our time and context.

Let us apply a form of the Hippocratic oath to ourselves in this matter. Let us be guided by the precept: "do no harm." Let us reject the committee proposals for SDI.

In conclusion, Mr. President, I ask my colleagues to support the amendment which I have offered. I truly believe that were the committee language to become law, it would be one of the most serious mistakes that the U.S. Congress has ever made. I believe that with all my heart.

We are at a turning point. We are listening now to the hinges of history as new doors to the future are opening. If we take this unwise and radical new course here and have the U.S. Senate go on record as being in favor of deploying an ABM system, especially of the kind outlined in this bill, I think the consequences for our options as a country in the future would be truly devastating on the very day the START Treaty is signed. Let us support the premises upon which that treaty has been based—stability, deterrence, a shared understanding with the Soviet Union about what deterrence is all about.

AMENDMENT NO. 954 TO AMENDMENT NO. 950

(Purpose: To revise the strategy for the Strategic Defense Initiative)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. GORE] proposes an amendment numbered 954 to amendment No. 950.

Mr. GORE. Mr. President, I ask unanimous consent that——

Mr. NUNN addressed the Chair.

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

The PRESIDING OFFICER. Is there objection to unanimous-consent request?

Mr. NUNN. Mr. President, could the Senator from Tennessee tell us what this amendment is? Is this the amendment we are talking about?

Mr. GORE. I was about to explain it. It is a second-degree amendment that incorporates only one change to the first-degree amendment.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Mr. President, I object. This is contrary to what I have been talking to the Senator about for 2 days, which is to get a time agreement. I was about to propound a time agreement which I thought the Senator from Tennessee was willing to enter into, and we were going to discuss the question about whether there was going to be a second-degree amendment.

The PRESIDING OFFICER. Objection is heard.

The clerk will report the amendment.

The legislative clerk continued with the reading of the amendment.

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

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. NUNN. I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue reading the amendment.

The legislative clerk continued with the reading of the amendment.

Mr. NUNN. 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 all that follows the first word, and insert in lieu thereof the following:

SEC. 211. MISSILE DEFENSE ACT OF 1991.

(a) GOAL.—It is a goal of the United States to—

(1) provide highly effective surface-based theater missile defenses (TMD) to United States forward-deployed and expeditionary armed forces and to our friends and allies;

(2) maintain strategic stability; and

(3) continue, within the limits provided in this section, to carry out a vigorous program of research and development of technologies relating to the strategic defense of the United States against attack by ballistic missiles.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—To implement this goal, Congress directs the Secretary of Defense to take the actions described in paragraph (2) and urges the President to take the actions described in paragraph (3).

(2) ACTIONS OF THE SECRETARY OF DEFENSE.—

(A) SURFACE-BASED TMD OPTIONS.—The Congress directs the Secretary of Defense to aggressively pursue the development of a range of advanced surface-based TMD options, with the objective of downselecting and deploying such systems by the mid-1990s.

(B) DEPLOYMENT PLAN.—Within 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the deployment of TMDs. This plan, which shall be prepared in an unclassified as well as a classified version, shall cover matters such as costs, ability to meet stipulated threats, allied participation and any ABM compliance issues.

(3) PRESIDENTIAL ACTIONS.—Congress urges the President to pursue discussions to secure clarifications to the ABM Treaty, as required, to accompany testing and deployment of theater missile defenses, including clarification of such matters as the distinctions to be maintained between TMDs and anti-ballistic missile defenses (including the interceptors, radars and other related sensors of such defenses).

(c) TECHNOLOGY RESEARCH.—

(1) ANTI-BALLISTIC MISSILE TECHNOLOGIES.—To effectively develop technologies relevant to achieving the goal in subsection (a)(3), so as to provide future options for protecting the security of the United States and our allies and friends, robust research and development funding for promising technologies and related architectures is required.

(2) CONCEPTS OTHER THAN BRILLIANT PEBBLES.—The Secretary shall ensure that detailed consideration will be given to including among the architectures to be prepared for further study a class of ground-based concepts for limited defenses in which spaced-based interceptors are not included.

(3) REPORT AND LIMITATION.—The Secretary of Defense shall submit to the congressional defense committees a report on comparative costs and other tradeoffs relating to architectures including spaced-based interceptors and architectures excluding space-based interceptors. Not more than 50 percent of the funds authorized in subsection (f)(2)(C) for the Space-Based Interceptors program element in fiscal year 1992 may be obligated for the Brilliant Pebbles program until 45 days after submission of the report.

(d) PROGRAM ELEMENTS.—

(1) EXCLUSIVE ELEMENTS.—The following program elements shall be the exclusive program elements for Strategic Defense Initiative:

(A) Limited Defense System.

(B) Theater Missile Defenses.

(C) Space-Based Interceptors.

(D) Other Follow-On Systems.

(E) Research and Support Activities.

(2) APPLICABILITY TO BUDGETS FOR FISCAL YEARS AFTER FISCAL YEAR 1992.—The program elements in paragraph (1) shall be the only program elements used in the program and budget provided concerning the Strategic Defense Initiative submitted to Congress by the Secretary of Defense in support of the budget submitted to Congress by the President under section 1105 of title 31, United States Code, for any fiscal year after fiscal year 1992.

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION OBJECTIVES.—

(1) LIMITED DEFENSE SYSTEM.—The Limited Defense System program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective the development of systems, components, and architectures for anti-ballistic missile systems capable of providing a highly effective defense of the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks, but below a stipulated threshold (to be defined and justified by the Secretary in a report to the congressional defense committees) that could bring into question the stability of United States and Soviet forces. Such activities shall also include those necessary to develop and test systems, components, and architectures as part of an ABM Treaty-complaint defensive program within the current limitations of the 1972 ABM Treaty.

(2) THEATER MISSILE DEFENSES.—The Theater Missile Defenses program element shall include programs, projects, and activities, including those previously associated with the Tactical Missile Defense Initiative, which have as primary objectives the following:

(A) The development of deployable and rapidly relocatable advanced theater missile defenses capable of defending forward-deployed and expeditionary United States armed forces. Such a program shall have the objective of downselecting and deploying more capable TMD systems by the mid-1990s.

(B) Cooperation with friendly and allied nations in the development of theater defenses against tactical or theater ballistic missiles.

(3) SPACE-BASED INTERCEPTORS.—The Space-Based Interceptors program element

shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective conducting research on space-based kinetic-kill interceptors and associated sensors that could provide an overlay to ground-based anti-ballistic missile interceptors.

(4) OTHER FOLLOW-ON SYSTEMS.—The Other Follow-On Systems program element shall include programs, projects, and activities which have as a primary objective the development of technologies capable of supporting systems, components, and architectures that could produce highly effective defenses for the future.

(5) RESEARCH AND SUPPORT ACTIVITIES.—The Research and Support Activities program element shall include programs, projects, and activities which have as primary objectives the following:

(A) The provision of basic research and technical, engineering, and managerial support to the programs, projects, and activities within the program elements referred to in paragraphs (1) through (4).

(B) Innovative science and technology projects.

(C) The provision of test and evaluation services.

(D) Program management.

(f) FUNDING.—

(1) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 for fiscal year 1992 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1992, not more than $4,600,000,000 may be obligated for the Strategic Defense Initiative.

(2) SPECIFIC AMOUNTS FOR THE PROGRAM ELEMENTS.—Of the amount described in paragraph (1)—

(A) not more than $1,550,530,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(B) not more than $857,460,000 shall be available for programs, projects, and activities within the Theater Missile Defense program element;

(C) not more than $625,383,000 shall be available for programs, projects, and activities within the Space-Based Interceptors program element;

(D) not more than $744,609,000 shall be available for programs, projects, and activities within the Other Follow-On Systems program element; and

(E) not more than $822,018,000 shall be available for programs, projects, and activities within the Research and Support Activities program element.

(3) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1992. The report shall specify the amount of such funds allocated for each program, project, and activity of the Strategic Defense Initiative and shall list each program, project, and activity under the appropriate program element.

(4) TRANSFER AUTHORITY.—

(A) IN GENERAL.—Before the submission of the report required under paragraph (3) and notwithstanding the limitations set forth in paragraph (2), the Secretary of Defense may transfer funds among the program elements described in paragraph (2).

(B) LIMITATION.—The total amount that may be transferred to or from any program element described in paragraph (2)—

(i) may not exceed 10 percent of the amount provided in such paragraph for the program element from which the transfer is made; and

(ii) may not exceed the amount that results in an increase of more than 10 percent of the amount provided in such paragraph for the program element to which the transfer is made.

(C) MERGER AND AVAILABILITY.—Amounts transferred pursuant to subparagraph (A) shall be merged with and be available for the same purposes as the amounts to which transferred.

(g) DEFINITION.—In this section, the term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

UNANIMOUS-CONSENT REQUEST

Mr. NUNN. Mr. President, I ask unanimous consent that there be 3 hours for debate on the Gore amendment No. 950, to be equally divided between Senator NUNN and Senator GORE; that at the conclusion or the yielding back of time, the Senate, without any intervening action, vote on the Gore amendment No. 950; that the Gore amendment No. 954 be withdrawn; that no other amendments to the amendment or to the language proposed to be stricken be in order; and that no motions to recommit be in order prior to disposition of the Gore amendment No. 950.

The PRESIDING OFFICER. Is there objection?

Mr. EXON. Reserving the right to object, may I inquire?

The PRESIDING OFFICER. The Senator from Nebraska reserves the right to object.

Mr. EXON. Mr. President, may I pose a question? Did I understand the Senator proposed 3 hours? Does that mean 3 hours additional, or does that include the time that has already been used?

Mr. NUNN. That would be 3 hours additional. It would be my hope we can cut that back. We have three other SDI amendments that we want to complete tonight. I have the assurance of the Senator from Tennessee that we will work toward cutting that back. But this is the best we can get at this point in time.

Mr. EXON. I will simply say—reserving the right to object, and I probably will not—today is Wednesday; tomorrow is Thursday; the day after that is Friday. We have not begun to get into other controversial amendments.

I hope everyone will recognize that there is no way we are going to get out of here until Wednesday of next week unless we can have some reasonable time agreements. I should object to the time agreement because I think it is entirely too long. But maybe that is the best that can be done under the circumstances.

The PRESIDING OFFICER. Is there objection?

Mr. COHEN. Reserving the right to object. Would that include the right to have a tabling motion as to the Senator's amendment?

Mr. NUNN. No, that would not be a tabling motion; it would be an up-or-down vote on this amendment.

Mr. COHEN. For the moment, I must object.

The PRESIDING OFFICER. Objection is heard.

Mr. COHEN. Mr. President, I would like to offer a few comments and perhaps a rebuttal of what I have heard stated on the floor by the distinguished Senator from Tennessee. In his concluding remarks the Senator from Tennessee indicated that the language as contained in the Senate Armed Services Committee bill and report language is contrary to what the President asked for. It struck me as being curious that the Senator from Tennessee would say this is contrary to what the President asked for at the same time he was arguing that the President really loves this particular proposal; that, secretly, they are admiring this down in the bowels of the White House; they really are in favor of what the committee has proposed.

Let me say, first of all, I do not believe the Senator from Tennessee was involved in any of the discussions and/or negotiations with the White House pertaining to this system. I went to the White House. The Senator from Virginia was there. There were a number of Senators, both Republican and Democrat, there as well. And I must say that the White House has maintained opposition to the proposal offered by the Senators from Georgia and Virginia and Maine.

My colleague cannot have it both ways. He cannot say that they are in opposition—which has been the White House position—and then say "But they really want this." This is something that was formulated under the leadership of the Senator from Virginia, the Senator from Indiana, the Senator from Georgia, with some assistance from myself, modest as it was.

What we believe we were doing was trying to respond to a threat which we think is not illusory. I heard the Senator from Tennessee say, "Do we really have a threat from the Third World? Point to it. Where is the threat in the Third World?"

Iraq may be no threat right now, but it surely was a threat to some degree just a few months ago. But there is no threat from the Third World, we are told.

We have to ask ourselves: What is it these countries can develop?

Could there be a mad Russian on the loose, some Red October? An accidental launch? Was it a launch or was it simply the whirring of a motor?

The American people will find ourselves at some future time forced to say to that we thought it was the whirring of a motor. We did not realize it was one of their submarines that had just accidentally launched one of their SLBM's. We are sorry to tell you,

American people, that you will probably suffer losses in the tens of thousands, maybe hundreds of thousands, possibly the millions, because we did not think this was possible. That there was this capability in the Third World, and we could not think of a possibility of an accidental launch. It was beyond our comprehension.

We have made a number of mistakes in the past. I would ask my colleagues, the Senator from Georgia, and the Senator from Virginia, both of whom sat on the Intelligence Committee: How many times in the past have we made intelligence mistakes on Third World capabilities? Did we underestimate Iraq's capability for nearly launching a satellite into space back in 1989? They came within a hair's breadth of launching a satellite. I am of the opinion if you can launch a satellite you can launch an ICBM.

Did we have an intelligence failure in estimating Iraq's capability of developing nuclear weapons?

I am going to submit for the RECORD an article that appeared in the New York Times International, Monday, July 15. I will just read the beginning paragraph.

> Scientists and weapons experts, surprised that Iraq secretly used a method abandoned by the West half a century ago to enrich uranium, say Iraq's feat is a blow to international efforts to stem the spread of nuclear arms.
>
> In a single stroke, it has overturned decades of assumptions about which procedures and materials need to be safeguarded. Up to now, the control effort has focused on keeping certain techniques secret and limiting export licenses for high-technology equipment that can be used in making bombs.

I will not take the time to read the entire article, but it goes on to point out how we seriously underestimated the capabilities and ingenuity of Saddam Hussein and the Iraqi effort in developing that.

A similar article appeared in the Washington Post of July 10, 1991, by Jeffrey Smith. "U.S. Intelligence May Have Miscalculated Before Persian Gulf War."

Mr. President, I ask unanimous consent those two articles be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. COHEN. I point to Libya and ask whether the Senator from Georgia or the Senator from Virginia could verify we made some mistakes, underestimations pertaining to Libya's capability of developing a chemical weapons plant? With all of this scientific technology, all of this satellite capability, we did not know until the facility was nearly complete that they were building a major chemical weapons facility.

The Senator from Tennessee talked about Krasnoyarsk, and he suggested that the U.S. Congress was being misled by the Department of Defense as to the capabilities of Krasnoyarsk, this vast array that somehow would result in an ABM system in violation of the ABM Treaty. I found it very curious that he says that we were misled by the Department of Defense estimates in terms of the Krasnoyarsk facility's capabilities.

As I recall, the Soviet Union denied for nearly 7 or 8 years that it was in violation of the ABM Treaty, and only under the persistent hammering away by Members of this Chamber did they finally fess up. Only after years and years of flat, bold-faced denials did the Soviet Union finally admit that, it was a violation of the ABM Treaty, to the chargrin of a number of people who pooh-poohed the idea.

So I think we can point with some credibility to the historical record that we have underestimated advances in technology in the Third World, and that the underestimation, indeed, did pose a threat of one sort or another, not only to our allies, but ultimately even to ourselves.

Mr. President, the question I have to ask is do we want to tell the American people that if a missile is ever launched at some time in the future, that we have no protection whatsoever; that all we can do is retaliate against a Third World nation; all we can do is bomb Iraq into smithereens; all we can do is target Libya; all we could do is target one of those Third World countries, or possibly the Soviet Union, if it were an accidental launch? All we can do is retaliate because we have no way to protect you against an incoming missile; none.

An aircraft, an F-15, will not do it. We do not have any surface-to-air missile sites to speak of with any such capability. We have no means of protecting you other than saying we will call 911 and hope we can get some abulance along the way to help treat you in the wake of a devastating explosion. Is that what we want to tell the American people?

I think what the committee said is no. The committee said for the frist time that we intend to provide protection to the American people as best we can against a limited type of attack. We cannot provide protection against an all-out nuclear exchange; that is out of the question.

What we can do is provide a measure of protection against accidental or limited-type attacks. That we can do. That is within reach. What we are prepared to do is to tell the American people that we will, in fact, deploy a system consistent with the ABM Treaty, and this last point is something that is overlooked by the sponsors of this substitute amendment.

Mr. President, turning to a couple of key issues that have been raised; No. 1, the committee asked itself whether or not we want to reach that threshold question. If we say that we do not want to deploy any system whatsoever to provide any protection—not even minimal protection—if you say we do not want to have such a system deployed in the United States, be it land-based or space-based, then the debate is over; it is finished. We do not have to go beyond that point. No defenses; no more debate.

If we, on the other hand, say: Wait a minute. There are technological advances taking place. There is the spread of high-quality weaponry taking place. There are Third-World nations, contrary to their own best interests, that are acquiring ballistic missile technology. There is the possibility—not the probability, but the possibility—that someone might, in fact, launch such a system toward the United States at some time in the future. If we believe that we have an obligation to the American people to protect them as best we can against one of those system landing upon an American city, then it seems to me we should support what the Armed Services Committee has recommended.

What we have recommended is that we should deploy a system that is completely consistent with the ABM Treaty as originally written, even as narrowly interpreted. We believe we can do that, and we ought to do that. We should have one land-based site, and we ought to engage the Soviet Union in negotiations for the next few years to determine whether or not it is technically feasible, desirable, and in our mutual interest to have several such sites in their country, as well as our own.

It may be the Soviets will object to it. According to the statements quoted by the Senator from Tennessee, that appears to be their initial reaction. But it may be, over a period of time, that they will see it is in our mutual interest to have such protection against limited types of attacks.

That is to be negotiated; that is to be discussed; that is to be decided at some time in the future. In the meantime, there is no commitment to do anything outside the bounds of the ABM Treaty. And, indeed, this bill requries no commitment to do anything that violates the ABM Treaty. The treaty remains intact. Yes, we say let's use space-based sensors to give us as much warning as we possibly can get against these types of unauthorized or limited attacks, all within the confines of the ABM Treaty.

The Senator from Tennessee says that if we only had the original draft of this legislation, we would have a clearer example of the Republican intent. I would be willing, Mr. President, to have the chairman and the ranking member call for a vote of the committee to release the minutes of our discussions and debate.

In fact, I think my colleagues would find the tone of the debate that took place in the committee was far different than what we are hearing on the floor today. I think they would find quite a discrepancy between the kind of arguments that were raised during the course of that debate by Members on the Democratic side, as well as the Republican side, as you are today.

I would be more than willing to have any Senator's comments that were exchanged during that entire process made available to be printed in this RECORD.

The third point I would make is that many of the changes that were made—and if I could call my colleague's attention to this, the Senator from Georgia—many of the changes that were made in this document came at the behest of members of the Democratic party. This was not altered to accommodate solely Republicans, and, indeed, there are Members of the Republican Party who wanted much more. But there are also members of the Democratic Party who wanted far less.

Mr. NUNN. Mr. President, I agree completely with the Senator.

Mr. COHEN. So the notion that somehow we have altered this document to accommodate the Republican Party is simply not accurate. It was a proposal that was negotiated on both sides to try to arrive at what we believed to be a consensus, a consensus that says that, yes, we do have a national interest in deploying a system at a single site—that is the only commitment—and a consensus that we think it is advisable for the President to negotiate.

At the end of that timeframe, the President may say: "I have had time to look at this. I have listened to the Soviets. I have talked with the French. I met with the British. I have talked to the Chinese. And I have decided we can do what we have to do with the one site; or we can do with one other site that the Soviets have agreed to; or we can withdraw from the treaty." That has always been an option for the United States and the Soviet Union.

Either side can opt out of the ABM Treaty on proper notice. So what we propose in this is nothing in addition to what we are capable of doing under the ABM Treaty right now. I think the Members ought to understand that and not respond to a lot of scare tactics that once you start down the slippery slope, there is no turning back. There is every opportunity to turn back, but there is also every opportunity to go forward, and that is also part of the process.

Mr. President, I know the chairman of the committee is anxious for me to conclude so he can once again propose a unanimous-consent request, so I will defer for the moment and reserve any further comment for later in the debate. I now yield the floor.

EXHIBIT 1

[From the New York Times, July 15, 1991]

IRAQI ATOM EFFORT EXPOSES WEAKNESS IN WORLD CONTROLS

(By William J. Broad)

Scientists and weapons experts, surprised that Iraq secretly used a method abandoned by the West half a century ago to enrich uranium, say Iraq's feat is a blow to international efforts to stem the spread of nuclear arms.

In a single stroke, it has overturned decades of assumptions about which procedures and materials need to be safeguarded. Up to now, the control effort has focused on keeping certain techniques secret and limiting export licenses for high-technology equipment that can be used in making bombs.

But Iraq has shown that a low-tech method openly described in scientific literature can be readily used to circumvent the restrictions, making the Iraqi weapons effort far more ingenious and dangerous than believed.

ENOUGH FOR 2 BOMBS

The clandestine Iraqi method is reported by a defector to have produced about 90 pounds of highly enriched uranium, enough for two bombs. Experts say the 30 enrichment machines that Iraq has admitted to using could make enough fuel for one warhead a year.

Iraq probably has the skill to perfect an atom bomb, weapons experts say. They stress that it is unlikely that Iraq has already done so, though some suggest it might be able to build one on short notice. Before the Persian Gulf war, many intelligence analysts said Iraq's engineers might start limited production of nuclear warheads in 5 to 10 years, but not much sooner. The estimates were based on how rapidly the Iraqis might build high-technology devices for uranium enrichment.

Concern soared in May when the Iraqi defector reportedly told American officials that Iraq used the antiquated, low-tech method to produce 90 pounds of enriched uranium. The technique uses electromagnetism in machines known as calutrons.

Under international pressure, Iraq told the United Nations last week that it had indeed used the old method, saying it produced a pound of enriched uranium. Experts believe that much more was produced, and in response to continued pressure and skepticism from abroad that it was not being completely forthcoming, Baghdad yesterday submitted to the United Nations a new document on its nuclear operations.

The fact that the Iraqis quietly used the forsaken method at all to produce weapons fuel showed great cleverness, the experts say.

"It's astonishing," said Dr. Glenn T. Seaborg, a Nobel laureate in physics and former chairman of the Atomic Energy Commission, which built most of the nation's nuclear bombs. "It represents quite a technical effort."

Dr. Edward J. Lofgren, a physicist at the Lawrence Berkeley Laboratory in California who helped develop calutrons during World War II, said Iraq's choice of enrichment method, while surprising, made eminent sense.

"The other methods are very efficient but take lots of capital and big plants," he said. "A calutron, on the other hand, in one stage enriches a large amount. It's not energy efficient. But it doesn't take a lot of capital."

Dr. J. Carson Mark, a former official of the Los Alamos National Laboratory in New Mexico who has studied the Iraqi program, said 90 pounds of highly enriched uranium might produce two bombs. He added that it was impossible to know whether the Iraqis had actually made such bombs.

SPY AGENCIES CRITICIZED

"It's conceivable," he said. "The magnitude of their effort is suggestive. If they went through all that enrichment work, it puts weight to the argument that they took further steps. But there's no way of saying, on the basis of logic, whether they have done that."

Dr. Mark also criticized the nation's intelligence agencies for apparently failing to have discovered the clandestine effort at uranium enrichment.

"Why spend all that money on intelligence when it apparently and evidently learns nothing?" he asked.

Paul L. Leventhal, president of the Nuclear Control Institute, a private group in Washington that studies the spread of nuclear technology and has worked closely with Dr. Mark, said it was unlikely that the Iraqis already had a bomb, especially in light of the disarray caused by the gulf war and Iraq's moves to hide nuclear materials around the country.

"But do they have the components there, to put one together in short order?" he asked. "I would say yes."

Mr. Leventhal added that the reemergence of the old enrichment technique would force the development of a whole new set of international safeguards and precautions.

GENIE BACK IN THE BOTTLE

"We can't put the genie back in the bottle," he said. "The main thing is to try to improve our intelligence-gathering ability" so that existing calutrons can be tracked down. He added that new sanctions would be needed to inhibit their use for uranium enrichment.

Leonard S. Spector, an expert on the spread of nuclear arms at the Carnegie Endowment for International Peace in Washington, said news of the Iraqi enrichment success had toppled the international program to stem weapons proliferation, which has focused on limiting advanced methods. "It's cataclysmic," he said. "All this was being done in Iraq without anybody knowing it. So who else is doing it? Everybody in the community knew this kind of thing was a possibility. But to be confronted by an example is devastating."

Though slow and clostly, experts say, the electromagnetic process has many virtues from the Iraqi point of view. For one thing, it has been declassified for decades. Detailed blueprints of its workings have been published by the Federal Government and academic scientists, in contrast to the secrecy maintained around more advanced methods of uranium enrichment.

Most important, experts say, calutrons are relatively easy to build. They use few exotic materials, in principle allowing them to be largely constructed without Western aid.

APPETITE FOR POWER

The main drawback is that their bulky electromagnetic coils have a large appetite for electrical power.

But experts note that Iraq, with large oil supplies, can cheaply generate electricity for the process.

Though bulky and cumbersome, the Iraqi calutrons achieved one of the most delicate tasks of science: separation of isotopes. Isotopes are different varieties of the same element that differ only in the number of neutrons in their nuclei. U-235, the material needed for nuclear weapons, has 143 neutrons

in its nucleus. U-238, has 146, making it fractionally heavier.

In natural ore, U-238 accounts for 99.283 percent of uranium, while U-235 accounts for 0.711 percent. The scientific challenge, on which untold billions have been spent, is to separate the extremely rare isotope from the common one. Uranium suitable for atomic weapons is usually enriched to contain at least 80 percent U-235 and more commonly 90 percent or more.

The person who came up with the idea for the calutron and promoted it extensively in the early 1940's was Dr. Ernest O. Lawrence, inventor of the cyclotron particle accelerator and director of a physics laboratory at the University of California at Berkeley. The name calutron derives from California University cyclotron.

Dr. Lawrence's goal was to enrich uranium with the aid of cyclotrons, large circular electromagnets used to accelerate subatomic particles.

The principle was simple: Uranium would be ionized into charged particles and fired into the powerful electromagnetic fields of a cyclotron. The lighter the ion, the tighter its circular path. At the end of the arc, two beams of ions would feed into separate collectors.

FLYING SCREWDRIVERS

The process worked experimentally at Berkeley, producing minuscule amounts of fairly pure U-235. In 1943, the Government embarked on a huge project at Oak Ridge, Tenn., to expand its scale. At its peak, the program employed nearly 25,000 people.

The electromagnetic coils were 15 feet in diameter and weighed thousands of tons. So powerful were the magnetic fields that hammers and screwdrivers flew out of workers' hands if they came too close. The U-235 produced by the calutrons helped power the bomb that destroyed Hiroshima in August 1945.

One discovery of the electromagnetic program was that separation worked more effectively if the uranium fed into calutrons was already partly enriched, to 10 percent U-235. By the end of the war, other enrichment methods were working better than the calutrons, and the costly machines were abandoned for uranium enrichment.

But a few of them were still used at Oak Ridge to separate hundreds of other isotopes, in part for medical use. The separated isotopes included thorium, americium and curium.

Over the years, the technology of electromagnetic separation has advanced. Mr. Leventhal of the Nuclear Control Institute said some 180 patents have been filed on the process over the decades, apparently for isolating tiny amounts of rare isotopes.

Scientists say the electromagnetic method may have been refined and simplified by the Iraqis, making calutrons smaller, more competitive with advanced enrichment methods and far better producers of bomb fuel than they were in World War II.

IMPROVEMENTS OF 50 YEARS

"Anybody who would be capable of building one of these things now would be capable of improving it over what we did 50 years ago," said Dr. Lofgren, who helped develop it in World War II.

Mr. Leventhal of the Nuclear Control Institute estimated that 30 Iraqi calutrons, if they were fairly modern ones and fed uranium that had already been slightly enriched, could probably produce up to 44 pounds of bomb-grade fuel a year. That, he said would be enough for about one bomb.

Last week, Iraq said it had been running a total of three clandestine programs to enrich uranium. In addition to the electromagnetic method, it cited a centrifuge process and a chemical one. Several experts suggested that these might have produced slightly enriched uranium to feed the calutrons.

A scientist who advises the Federal Government, who spoke on condition of anonymity, said the Iraqi claim of having 30 calutrons was widely felt to be underestimated. "We think they have many more," he said. "Therefore the production rates are much higher" than private experts have calculated.

Experts on the spread of nuclear weapons say that their field, which for decades has focused on ways to stem the spread of advanced bomb-making methods, will now have to be rethought from the bottom up to focus on calutrons.

"How are we going to find this stuff?" asked Mr. Spector of the Carnegie Endowment. "What's the nonproliferation regime going to look like?

"Maybe there are bits and pieces of this technology that we can control. But if we can't, then you've got the possibility that one of the real underpinnings for the control of nuclear weapons won't be there anymore."

[From the Washington Post, July 10, 1991]

REASSESSING IRAQI NUCLEAR CAPABILITY

(By R. Jeffrey Smith)

The first indication that Iraq possessed secretly enriched nuclear material needed to build a crude atomic bomb was detected last December by U.S. intelligence experts, a month before the start of a bombing campaign that U.S. officials now say left Iraq's covert bomb-building equipment largely intact.

But officials say the information, derived from a secret study of radioactive particles clinging to clothing of hostages who were held briefly at one of Iraq's principal nuclear research centers, was not considered conclusive enough to influence the military's aerial targeting plan.

Several experts say this judgment eventually may be seen as one of the most serious intelligence miscalculations in the run-up to the Persian Gulf War. The war's 43-day aerial bombardment was supposed to have eliminated Iraqi President Saddam Hussein's nuclear weapons capability. One week into the bombing, on Jan. 23, President Bush declared that "our pinpoint attacks have put Saddam out of the nuclear bomb-building business for a long time to come."

But officials who have seen Iraq's new written disclosure of its nuclear research programs and reviewed independent U.S. intelligence data have concluded that Iraq may have hidden enough highly enriched uranium to build a crude nuclear device at some future date. The prospects for recovering all of the weapons-grade uranium are widely seen as dim.

"You cannot rule that out," a government analyst said yesterday when asked about the possibility that Saddam may eventually use the material to build a bomb. He added, however, that U.S. analysts have no evidence such an effort is underway.

"The fact is that Iraq had an unsafeguarded, covert uranium enrichment program, that it hid" from the United Nations, the International Atomic Energy Agency (IAEA) and special international inspection teams inside Iraq, State Department spokesman Margaret Tutwiler said yesterday.

"Furthermore, the extent of Iraq's program, along with information we have from numerous sources, makes us believe strongly that Iraq has a program to develop nuclear weapons," she added, reflecting what officials say is Washington's new judgment about Iraqi capabilities and intentions.

Other member nations of the U.N. Security Council have also expressed concern about Iraq's nuclear effort but have not charged that Iraq has a continuing bomb-building program.

Some U.S. government analysts say they may have erred in not taking more seriously the preliminary indications that Iraq was enriching uranium through a primitive, technologically outmoded method known as electromagnetic separation. This effort, disclosed to U.S. officials several months ago by an Iraqi defector, was confirmed in a 29-page Iraqi letter sent to the IAEA last Sunday.

Iraqi officials, who have consistently claimed to be uninterested in nuclear weapons production, described their "calutron" enrichment program as purely peaceful but nonetheless cited "national security reasons" for having kept it secret.

U.S. government analysts, who agreed to be interviewed on condition they not be named, said intelligence experts here had known for more than a year of Iraq's determination to try to make atomic weapons. Where the experts went wrong, they say, is in predicting that Iraq would build its weapon either by diverting a declared stockpile of highly enriched uranium under intermittent IAEA inspection or by building a new stockpile of uranium enriched through processing in modern centrifuges. Both approaches now appear to have been secondary alternatives.

The path that proved most successful for Iraq was instead the calutron method, which the experts had judged unlikely because it is less efficient. "Why should they use that [calutron] when they are spending a lot of money" on other, better methods, said an analyst, describing what was the dominant U.S. intelligence assessment before the war.

Although Bush himself warned last November that Iraq could complete an atomic bomb in less than a year, his statement was based on a U.S. intelligence finding that knew nothing of the secret calutron operation. Instead, it anticipated that Iraq might try using its declared uranium stockpile.

When the air war began, U.S. military officials ordered early bombing of areas within the Tuwaitha complex, located 20 miles south of Baghdad, where the declared stockpile was believed stored. They overlooked at least 30 calutrons acknowledged by Iraq this week, eight of which Iraq reported as still operable.

Officials say U.S. intelligence got its first substantial hint of the calutron effort in December, when it analyzed radioactive particles found on the clothing of U.S. and other foreign hostages who had been kept for several months at or near the Tuwaitha research complex.

The radioactive particles, collected during routine debriefings and medical examinations of the hostages in a U.S. military hospital, suggested not only that Iraq had already produced a covert stockpile of highly enriched uranium but also that calutrons could have been used to do it.

One U.S. analyst said this discovery caused the prospect that Iraq had operating calutrons "to be spoken of a lot more seriously." But he and others said it was not considered conclusive.

After an Iraqi electrical engineer with firsthand knowledge of the calutron operation defected to U.S. military forces in Kurdistan last March, U.S. intelligence ex-

perts were able to piece together their first authoritative picture of the effort.

Analysts now say they think the calutrons were likely operated at three locations: Tuwaitha; another military base near the town of Tarmaiya north of Baghdad; and an unspecified third site. They estimate that Iraq made roughly 25 pounds of highly enriched uranium, enough for a crude bomb like the 10-to-15-kiloton device exploded by India in 1974.

"Clearly . . . we are learning now from a variety of intelligence sources things we didn't know when we did the target planning for the war about elements of their nuclear capability," Pentagon spokesman Pete Williams said yesterday.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, we have one other person to wait on before we can propound the unanimous-consent request. Let me just say the Senator from Maine is correct, this was an agreement that was negotiated by both sides of the aisle. Every word was negotiated. Every sentence was negotiated. It was truly a compromise if I have ever seen a compromise. It did not satisfy either side totally. But that is the nature of a compromise. That is the nature of what you have to do to get an agreement in a body that has differing opinions.

Mr. President, while we are waiting on the clearing of what we hope to be the unanimous-consent agreement, let me make a few remarks and then I will continue at a later point.

Mr. Speaker, the amendment offered by the Senator from Tennessee proposes to scrap the goal of deploying a treaty-compliant system at Grand Forks or at some single site. I think this raises some real questions for those who would be thinking about supporting the Gore amendment.

What will be in place of the one site at Grand Forks? The Senator from Tennessee referred to the antitactical ballistic missile several times in his speech. I think there is one thing we have a consensus on around here in this area and that is to spend more money and to give more emphasis to the antitactical ballistic missile systems. Senator WARNER and myself and others were already pushing those systems strongly for the last 2 years, but certainly an awful lot of people became interested in ATBM's after the experience in the Persian Gulf with the Scud missiles. So I do not think there is any dispute about spending money on ABTM's. In fact, the committee fully funded the committee budget request for $883 million out of this $4.6 billion on the overall strategic defense; $883 million is for theater defenses and ATBM's; $883 million is about one-half billion dollars more than Congress appropriated for ATBM's and theater defenses last year. That is a rather hefty increase. I support that level, but I think we are close to the line where we may be accused of throwing more money at this mission area than the traffic will bear.

So other than the $883 million on ATBM's, how do the opponents of the committee position who plan to support the Gore amendment propose we spend the other $3.75 billion that is in the Gore amendment, which is the same total figure as the figure in our amendment but without a real mission? To what end are they going to spend $4.6 billion?

In effect, those who support the Gore amendment will be saying no to the plan for deployment of a treaty-compliant limited defense using ground-based interceptors, but they are prepared to authorize $4.6 billion in the Gore amendment for research on ABM's and ATBM weaponry.

Several times during the presentation of the Senator from Tennessee, he used the term in describing the committee amendment extremely generous funding. He also used the term vastly increased funding.

Mr. President, he has the same amount of money in his amendment without a mission that we do in our amendment with a mission. For what are we going to use this extremely generous funding? For what are we going to use the vastly increased funding if we are not going to do anything except continue to do research in this area?

Mr. President, I will yield to the majority leader.

Mr. MITCHELL. Mr. President, I believe the distinguished Senator from Georgia previously propounded an agreement. It is my understanding that the parties are now prepared to accept the agreement except that the limitation on time would be 2½ hours other than 3 hours.

Mr. NUNN. Mr. President, I will divide my time equally with the Senator from Virginia.

Mr. WARNER. Mr. President, if I understand the UC at this point, it is 2½ hours additional.

Mr. MITCHELL. Yes.

Mr. WARNER. Which many of us feel is very generous, given that this amendment has been the subject of debate now since 3:30. So we concur in 2½ additional hours, following which the vote will take place up or down, the Senator from Maine now having withdrawn any objection to the question of tabling, and that the time would be divided between Senator GORE and Senator NUNN and myself.

Mr. MITCHELL. That is correct.

Mr. NUNN. Mr. President, I ask unanimous consent that there be 2½ hours for debate on the Gore amendment No. 950, to be equally divided between Senators NUNN and WARNER on the one side and Senator GORE on the other side; that at the conclusion of the yielding back of time, the Senate, without any intervening action, vote on the Gore amendment No. 950; that the Gore amendment No. 954 be withdrawn; that no other amendments to the amendment or to the language proposed to be stricken be in order; and that no motions to recommit be in order prior to the disposition of the Gore amendment No. 950.

Mr. WARNER addressed the Chair.

Mr. GORE addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. WARNER. Reserving the right to object, and I shall not, that would imply, would it not—I address this to the distinguished majority leader and the chairman—that there will be no votes occurring between now and the hour of 8:30 other than the one that has been set?

Mr. NUNN. That would be my understanding because I think we will use all this time on debate. I anticipate no vote between now and 8:30, unless there is a yielding back of time. I hope we can yield back some time, in which case Members should be alerted somewhere around 8 o'clock.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Nebraska.

Mr. KERREY. Mr. President, reserving the right to object, and I may object, I am concerned about the time limitation. With all due respect to the authorizing committee, you have had the opportunity to debate this. You have focused on it at considerable length. I appreciate the concern for the additional amendments that are following, and perhaps that will give us an opportunity to debate this further, but I think the Gore amendment is the critical amendment because it does offer an alternative. I have questions about the committee proposal, the impact upon the stability of the arrangement between the Soviet Union and the United States. I have some other concerns. I am anxious to hear both the chairman and the ranking member, as I am sure they will, respond to the opening statement of the distinguished Senator from Tennessee. I am anxious to hear those responses and learn from them. I have actually made no decision to support either the Gore amendment or the committee recommendation. I feel compelled to say it seems to me this first amendment is the critical one, this first amendment is the one that is going to give us the greatest amount of information about the committee proposal and potential alternatives to it.

Mr. NUNN. I can assure my friend from Nebraska that he will hear probably as much as he wants to from the chairman and ranking member and perhaps more. I think we have adequate time to address all the points made by the Senator from Tennessee.

Mr. KERREY. I would be prepared to accept 3 hours limitation on debate, but I feel uncomfortable—earlier I was rising to object even to that. I think

this is a critical decision. In fact, I have said on previous occasions, Mr. President, that the distinguished Senator from Georgia gave us the opportunity last year particularly to evaluate the need to change our structure.

I believe the question that is being proposed by the committee and the response from the distinguished Senator from Tennessee is a very serious one. I am not comfortable that I am going to be able with this time limitation that is being offered to reach an informed decision.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia reserves the right to object.

Mr. WARNER. This is an important amendment. There is no question about it. We have had several hours. We are now about to have at least 2½ additional. I assure the Senator there are other amendments relating to SDI which the chairman and I hope will be addressed tonight. So this debate on SDI is not going to terminate with whatever resolution the Senate may render on this amendment. There will be more than adequate opportunity.

Now, if the Senator from Nebraska wishes a portion of this time designated for himself, I think the chairman and I would be perhaps willing to even relinquish a piece of our time to hold this agreement within these time constraints.

Could the Senator from Nebraska be more explicit in exactly what it is that he wishes, knowing now that there are going to be successive amendments following the Gore amendment? The one from the Senator from New Mexico [Mr. BINGAMAN] who is a member of the committee, is going to be, I certainly think, an equally important amendment covering much of the same ground.

Mr. KERREY. I am attempting to be explicit about it. I would be willing to accept the unanimous consent of 3 hours limitation. But I must say even there I am concerned, though I understand the Senator from New Mexico has an amendment and two other amendments after that; one dealing with the simple reduction in funding.

I think this particular engagement is going to be the key one. This is going to the one that will be apt to provide us with the kind of information we need to make an informed decision.

Mr. NUNN. Mr. President, I would propound the same request and make it 3 hours, and hopefully we can yield back some time because we do have three other amendments. I think we are going to be hearing as much about SDI as anyone wants to hear before this night is over.

The PRESIDING OFFICER (Mr. FOWLER). Is there objection? Without objection, it is so ordered.

Mr. WARNER. Mr. President, before we resume the debate, while we have the distinguished majority leader here, could we discuss how we would address these amendments.

The PRESIDING OFFICER. Will the Senator withhold? Under the previous order, the amendment (No. 954) is withdrawn. The Senator from Virginia.

The amendment (No. 954) was withdrawn.

Mr. WARNER. I thank the Chair.

Mr. President, could we explore the procedure by which additional amendments relating to SDI would be concluded tonight? The chairman and I conferred. I support the chairman's desire to finish the subject of SDI tonight in hopes that votes can be stacked tomorrow morning, and that we can then proceed on amendments relating to the B-2 issue.

Mr. NUNN. I say to my friend from Virginia it would be my hope—we have three other amendments tonight. We will be covering debate on these amendments. There is overlapping in debate. It is not like we start on a fresh whole theme on each one.

I think the Senator from Tennessee laid out very comprehensively concerns perhaps most people who sponsor the other amendments will have also. So I hope that we can have about an hour on each one of the other amendments. That is up to the authors. I do not have a time agreement.

Mr. GORE. I have endeavored from the beginning of the debate to secure agreement from all of those seeking to offer amendments to the SDI portion to limit the time. I have encountered some difficulty, not because of my own lack of limiting time on the overall debate, but because some of the supporters of the amendment are reluctant to agree to it.

I would tell the President that there is a general understanding that the Bingaman amendment could probably be limited to a period of time much shorter than what has been consumed already on this amendment. Senator BINGAMAN has expressed an agreement to do that.

Senator BUMPERS I do not believe is prepared to entertain a time agreement at this time.

Senator LEVIN is unavoidably away from the Chamber right now but will return fairly soon. It is my understanding that he is in agreement.

I would venture this prospect; that it is in my opinion quite possible to get an agreement that will limit debate to a reasonable hour on all except the Bumpers amendment if the votes occur this evening. I think there will be resistance to stacking the votes tomorrow morning simply because in that event many Senators cannot leave the Chamber, and will not be here to vote and hear the debate.

Mr. MITCHELL. Mr. President, so as to permit this debate to get underway, and not delay any further discussion, may I suggest that I direct the floor staff to contact the authors of the remaining amendments, to request in my behalf and that of the managers, a statement of whether or not there is a willingness to agree to a time limit and what that would be; and, while this debate is going on, to attempt to prepare an agreement that could be propounded, if consent is possible, during the course of this debate or, in any event, no later than the time of this vote.

In that way, we can find out what we are talking about, how many amendments there are, whether or not people are willing to enter into agreements and obtain agreements, to the extent they are possible, so as to expedite it; that way permit this debate to go forward and the time to begin to be charged.

Mr. WARNER. We certainly want to be cooperative. I know, having just discussed with the Republican leader, he has some views which he would want to share with the majority leader.

Mr. MITCHELL. I, of course, would not proceed without prior consultation with the distinguished Republican leader. But I think he would agree the best thing to do now is to start getting these 3 hours underway, and during that time to try to get an agreement to lock in the others in the most expeditious manner.

Mr. NUNN. I believe that is an excellent suggestion.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, how much time does the Senator need?

Mr. SHELBY. Ten minutes.

Mr. NUNN. I yield 12 minutes.

The PRESIDING OFFICER. The Senator from Alabama [Mr. SHELBY].

Mr. SHELBY. Mr. President, today I rise to speak in opposition to the amendment offered by the Senator from Tennessee. We heard a pretty long debate last year about this time during the debate on the Defense authorization bill for fiscal year 1991. I joined at that time with my good friend and colleague from the Armed Services Committee, Senator BINGAMAN of New Mexico, to offer an amendment to refocus the direction of the SDI, strategic defense initiative.

We were successful on that occasion. That amendment passed with the support of many of the same Senators who tonight are supporting the amendment offered by the Senator from Tennessee.

Last year, the Congress put the SDI initiative, I believe, on the right path. We refocused. We emphasized the need to move forward with a program that would emphasize and point out limited protection systems, and theater missile defenses.

We funded programs and projects that could provide an early development option against limited attacks. Mr. President, we called for the devel-

opment of programs and projects that take into consideration both the current numerical limitations of the 1972 ABM Treaty and modest changes to those numerical limitations.

Mr. President, we foresaw the need for the development of the deployment and rapidly relocatable antitactical ballistic missiles, ATBM defenses for forward deployed and expeditionary U.S. Armed Forces.

Mr. President, the action taken by the Armed Services Committee I believe is a logical extension of the decision that we made right here in the Senate last year. As with the fiscal year 1990 defense bill, I am proud to have been a cosponsor of the Missile Defense Act of 1991, including in the legislation before the Senate today.

The committee recommended provision establishes a national goal—and I emphasize "goal"—for defending the United States, its Armed Forces overseas and, Mr. President, its friends and allies, against limited ballistic missile attacks. The plan authorizes the initial steps toward implementation of this goal and urges the adoption of a new U.S. negotiating strategy on ballistic missile defenses.

Mr. President, the SDI provision, I believe, can be divided into three parts. First, the aggressive pursuit of the development of a range of advanced theater and missile defense programs with the objective of down selecting and deployment of such systems by the mid 1990's. I believe that this provision builds on action taken last year that I mentioned, and has nearly unanimous support. The recent action in the Persian Gulf highlighted the need for the development of such systems.

We need to build on the success of the Patriot missile with upgrades in that system, and the pursuit of longer range and more effective systems that would defeat an attack by tactical ballistic missiles.

To this end, Mr. President, the Armed Services Committee fully funded the administration's request for the Patriot, the ERINT, the THAAD, and the follow-on ARROW systems.

Second, the development for deployment by fiscal year 1996, of a cost-effective operationally effective and ABM Treaty compliant antiballistics missile system at the single site as the initial step toward the deployment of the new antiballistic missile limited defense architecture.

The committee suggested that the systems be located at the Safeguard site near Grand Forks, ND.

I consider the deployment of this system in keeping with our actions of last year when we set SDI on a path toward a phased deployment of a limited strategic defense. The language in this portion of the SDI provision is consistent with the language of last year's bill.

Now, proponents of the amendment before us have stated that a single site cannot provide coverage for the entire United States. Moreover, they believe that current world conditions decry the need for the deployment of such a system.

It is certainly true that a treaty compliant ABM system cannot provide coverage for the entire United States. It can provide a defense against a limited or unauthorized strike. It can provide protection for vast areas of the United States. It can provide protection against a rogue SLBM threat.

The optimum protection would include at least three ground-based sites in the United States complemented with an underlayer of ATBM sites. This architecture would provide protection against a launch from a ballistic missile sub off our coast or even a commercial ship armed with tactical ballistic missiles.

We can now, thanks to the Patriot, provide some protection against tactical ballistic missiles. A system at Grand Forks can provide us with a defense against the expansion of this regional threat. It is clear that the so-called Third World threat is increasing.

By the year 2000, it is estimated that 24 nations will have a ballistic missile capability. Brazil has begun development of a medium-range ballistic missile. India is progressing in the development of a medium-range ballistic missile. China has deployed intercontinental-range ballistic missiles and has exported medium range missiles.

As this proliferation continues in the world, the trend will be toward missiles with longer ranges and greater accuracy. It is possible that within a decade the continental United States could be in the range of the ballistic missiles of several Third World nations. We need to protect the citizens of the United States from this threat.

Proponents of this amendment believe that the deployment of this system would lead to a widening of differences with the Soviet Union and to instability. The Soviet Union maintains the only operational ABM system near Moscow. This system includes two interceptor missiles: A long-range modified Galosh ABM that is intended to engage ballistic missile reentry vehicles outside the atmosphere; and the Gazelle, a shorter range, high acceleration missile that, like the now-defunct U.S. Sprint system is designed to engage reentry vehicles after they have reentered the Earth's atmosphere. Therefore, the redeployment of our own treaty compliant system would not lead to a widening difference with the Soviet Union or instability. All we would be doing is complying with the existing treaty. That is totally our intent.

This brings us to a discussion of the third main theme of the consensus program, the implementation of a parallel arms control track. This provision is certainly the most controversial section of the Armed Services Committee bill. We urge the President to pursue immediate negotiations to amend the ABM Treaty to permit completion of the planned limited defense antiballistic missile system. It urges the President to adopt a new negotiating strategy to reach agreements with the Soviet Union to permit:

First, additional antiballistic missile sites and additional ground-based antiballistic missile interceptors;

Second, increased utilization of space based sensors for direct battle management.

Third, clarification of what constitutes permissible development and testing of space based missile defenses;

Fourth, increased flexibility for technology development of advanced ballistic missile defenses; and

Fifth, clarification of distinctions between TMD's and ABM's, including interceptors and radars.

Mr. President, the authors of the amendment before us find this provision most distasteful. Last year's legislation called for negotiations with the Soviet Union to achieve modest modifications to the ABM Treaty. The bipartisan package sets a goal well beyond that of the fiscal year 1991 bill. Proponents of the amendment before the Senate believe in the "camel's nose under the tent theory." They believe that the deployment of 100 interceptors at Grand Forks will lead to a multisite deployment and then to the deployment of 1,000 Brilliant Pebbles interceptors.

It is my hope that we can negotiate with the Soviet Union changes in the ABM Treaty that would allow for a multisite deployment of ground-based interceptors within the United States. I also hope that we can achieve clarification of development and testing issues and on the distinctions between TMD's and ABM's. I do not believe that these negotiations will lead to an agreement on the deployment of space based interceptors. Nor do I believe that the President would abrogate the ABM Treaty to deploy space based interceptors. Recognizing this fact, we on the Armed Services Committee removed space based interceptors from the plan before us and placed Brilliant Pebbles in a follow-on category.

I do believe that it is in the mutual interest of the United States and the Soviet Union to negotiate changes to the ABM Treaty that would allow for additional ABM sites and interceptors. Because of its geographic position, the Soviet Union is faced with both ABM and TMD challenges greater than that of the United States. We have all seen the charts and illustrations depicting current Third World country ballistic missile capability. Portions of the Soviet Union are encompassed by nearly every threat. The Soviet Union should be receptive to modifications to the ABM Treaty.

Mr. President, I now turn to the issue of SDI funding for fiscal year 1992. The $4.6 billion funding level that was reported out of the committee is necessary to meet the goals and priorities set forth in the consensus program. $1.5 billion is needed to deploy a treaty compliant system at the Safeguard site near Grand Forks by 1996. The $857 million for the Theater Missile Defense Program element received near unanimous support throughout Congress. The $550 million that the committee cut from the SDI request of $5.15 billion was made at the expense of the other program elements.

Mr. President, the SDI Program set forth by the Armed Services Committee was the result of extensive and meaningful debate. It is a bipartisan effort that garnered the support of 16 of the 20 members of the committee. It is a major breakthrough for the strategic defense initiative. Lessons learned from the gulf war taught us that strategic defenses are not only possible, but can be successful, as well. Now, more than ever, we need to deploy strategic defenses to guard the United States and our troops abroad against ballistic missile threats. The direction provided by the Nunn-Warner-Cohen-Exon-Thurmond-Shelby provision will ensure that a defense against limited ballistic missile attacks will be a reality this decade.

I believe it is a logical extension of our efforts last year to refocus SDI. Passage of the amendment before us will result in some protection for our troops abroad and our allies, but it leaves the United States without any hope for defense against ballistic missiles. We need to move forward, not backward on SDI.

I urge my colleagues to reject the Gore amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GORE. I yield 15 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Thank you, Mr. President. I thank my colleague from Tennessee.

Mr. President, I rise in support of the Gore amendment. I believe this amendment serves two critical purposes: First, to make it clear that Congress wants to pursue vigorously antitactical ballistic missiles systems like the Patriot; and second it makes clear that Congress will not, I emphasize, will not support a premature commitment to deploy ABM systems designed to defend against phantom threats of accidental launch of Third World countries.

I think we should understand that notwithstanding that the committee chairperson and his colleagues, the ranking member and Senator COHEN and others, have drawn together a very brilliant piece of legislation, it is the most interesting and probably successful exercise in sophistry I have witnessed since I have been in the U.S. Senate. They say, "Look, ladies and gentlemen of the Senate, all we are really doing here is what we started off to do in the past."

This is just a normal natural continuum of what we intended to do from the beginning, as my friend from Alabama just said, and then they throw in the usual red herrings and talk about the Scud missile and updating that type of tactical system.

But the fact is, none of us are arguing about the first part of the equation and that is the antitactical ballistic missiles system. That is a nonissue in this debate, notwithstanding what my friend from Alabama, and others who have spoken, try to make it sound like. So let us get that straight.

I was telling my staff that I used to practice law with a fellow who worked for a guy who was a very good trial lawyer in Delaware and every time he stood to speak to a jury, when he started off, particularly when it was a criminal case, no matter what the case was, he would say, "Now, look, you are going to hear a lot of things said about my client. But I want you to keep your eye on the ball." And then he turned to the client and he would say, "Now look, he is not particularly a good-looking fellow. He does not dress very well. I would not expect you to ask him home to dinner. He has done some bad things. But the issue here is did he kill Cock Robin? That is the issue. Not whether he is ugly, not whether he does not dress well, not whether he does not have a family lineage you like or do not like, not whether you want him to marry your daughter. That is not the issue."

But the prosecution is going to spend all night attempting to convince you that that is the issue.

I say to my friend from Alabama—and I speak to him only because he is the last one to speak in defense of this, he is being a very good prosecutor; he is trying to take everybody's eye off the ball. He is trying to take everybody's eye off the ball by talking about antitactical ballistic missiles systems, as if the Senator from Tennessee has any objection to pursuing that technology.

Let us get it straight, folks. The amendment of the Senator from Tennessee does nothing, nothing, to impact on pursuing that technology.

To uncover the issue we are so earnestly trying to understand, listen to the Senator from Alabama. Listen to his entire sentence, including the comma in the sentence. Do not stop at the comma as if it were a period. It is a comma. He says—and I am paraphrasing—"This is an ABM Treaty compliant position," comma, "as a first initial step to the goal of establishing a nationwide system that is limited."

Now for those who do not pay a lot of attention and are not on the committees, they hear "limited" and that means probably compliant with it. It is not limited in the area it is attempting to cover; it is limited in terms of the number of bombs, nuclear vehicles that are raining down upon us. It is limited in terms of how many of them it is designed to be able to eliminate. That is the limitation.

But the sentence sounds wonderful. It says, "ABM compliant first step to a limited system." It all sounds good, except I have to ask myself, what in the heck do we need it for?

First of all—we would be going on record as saying we do not any longer think the ABM Treaty, the bedrock of arms control, the philosophy upon which everything else has been built, makes sense anymore.

Now, my friends will stand up and say that is not what he said. But they say it. They define a goal that is absolutely inconsistent with article 1 of the ABM Treaty. But they point out that they do not violate it. Yet I say to my friend from Nebraska that it is a little bit like saying—by the way, I want you all to agree with me, I want you to make a deal with my friend, the Senator from Nebraska, and the deal is that I am going to sell him this automobile. It is a beauty. I am going to sell it to him for $15,000. I am going to take out of the automobile all of my personal belongings—the golf clubs that are in the trunk, the golf shoes that are laying on the back seat, my daughter's book bag that is also in the back seat, and my son's paraphernalia he brought home from college that sits in the front seat.

So far, so good. It does not go to the heart of whether or not you are going to get the car I promised you. But it is a first step, because I want to take the engine out. What are you all going to do? Are you going to give me the 15,000 bucks before I give you the car with the engine in place?

I have already told you, I have not violated it yet. But I have told you I am going to have a contract compliant deal with you. But it is a first step. After I take my golf clubs, I am going to go up and take the engine. But than I say to you, please, do not worry because I am going to negotiate that with you.

Why would you give me $15,000 at the front end when I have already told you that my goal was to take out the engine, and if you do not let me do so through negotiation with me I may violate the deal? You say, well, so what?

In the meantime, I am asking you to sign a treaty called START when you are going to eliminate thousands of nuclear weapons while I am considering this. Great idea. I say to my friend from Nebraska, and anybody in here, how many are going to sign that con-

tract with me? And if you sign it, how many of you are going to keep the agreement you made with me about START to eliminate all these other things? It is crazy. Absolutely crazy.

Why are we doing this? Well, we have this threat. My Lord, we have this threat. I find it interesting. I do not want to be in an I-told-you-so position. It is never for me to say that, I say to my friend from Alabama and others. I hear about the Third World country threats.

I might note parenthetically, I had a little amendment with regard to China saying, "Hey, fellows, China is selling ballistic missiles to the bad guys. Do not let them do it. Stop them. Force them to make a choice between the $2 billion they are going to make doing that and the $15 billion they are getting from MFN." And a lot of the very same folks that are on the floor now warning us about Third World countries' ballistics missiles are the people that said no, we cannot affect China's relationship with the United States by doing that, considering all the progress being made along the coast. We understand it will have an impact on Hong Kong if we do that.

Now they are on the floor telling us, "By the way, here come the missiles." And then they came along and said, my distinguished friend—and he is my distinguished friend—from Virginia says, there are three countries. There are three of them. I wonder who they are. Three countries that are going to have the capacity by the year 2000 to deliver a warhead upon the territory of the United States of America on the top of a ballistic missile. Who are they?

Now, if deterrence does not make a difference, if we are going to send off a ballistic missile from the country of "Xanadu," a mythical Third World country, and they know you know from whence it is going to come and it does not affect them, well, then I respectfully suggest that we have to really change our attitude about what we do with the whole rest of the world.

But the fact is, it is not—I emphasize it is not; it is not—shown anywhere where that there is any country that will be in the position by the year 2000 to be of that kind of threat.

According to the Senator from Virginia:

> The Director of Central Intelligence estimates that by the end of the century * * * at least six developing countries probably will have ballistic missiles with ranges up to 1,800 miles and at least three may develop missiles with ranges up to 3,300 miles.

Mr. President, I submit that the Senator from Virginia is using information that has subsequently been revised by the intelligence community.

In fact, I would ask him to provide in open or closed session the name of one new country whose geographical location and missile capabilities will pose a threat to the territory of the United States by the year 2000. I suspect that he cannot name any such country.

There is no new threat that has suddenly arisen requiring us to embark on this hasty and ill-considered plan. What's the rush? What's the rush to judgment here?

But even more important, if a country wanted to threaten the United States with nuclear weapons, using a ballistic missile would not be the wisest choice. Our satellites would instantly tell us the country that had launched the missile.

By contrast, the use of aircraft, ship, or suitcase could conceivably mask such an attack. This is the horrible reality of the nuclear age—and a limited star wars deployment can't change that reality.

If you don't believe me, listen to the former Chairman of the Joint Chiefs of Staff, General Jones, who said the idea that a missile defense would protect us against Third World threats "does not hold up under close scrutiny," since "terrorist or Third World delivery of a nuclear weapon is more likely to be done by an aircraft or a ship sailing into one of our harbors or other such simple ways."

What about an accidental launch? After hearings in the Foreign Relations Committee in which in which this question was repeatedly raised, it is my sense right now that the threat of an accidental or unauthorized launch of ICBM's or SLBM's is extremely low. It is my distinct impression that the Soviet Union's control system is even more centralized than ours—especially when it comes to strategic systems.

But what do the experts say? General Odom, the former Director of the National Security Agency, says this about an accidential launch: "I think the probability is very low. * * * I give it such low probability that I do not worry seriously about it." General Odom also pointed out that the Director of NSA is in a better position than anyone—anyone—to make such an assessment.

What about General Powell? He says his knowledge of how the Soviets manage their nuclear systems leaves him "comfortable that those weapons will not get into improper hands" and would be "unusable" if they did.

What about the Soviet response? No one can tell you how the Soviet Union will ultimately respond to a United States effort to change the ABM Treaty and build a multisite defense. Right now, we know their position: It is that efforts to violate the ABM Treaty would threaten Soviet supreme interests in such a way that they would not implement the START Treaty.

But more important: Is this the message to send to Gorbachev as he battles his hard-liners over previous decisions to let Eastern Europe go free, to agree to the CFE and START Treaties that favor the United States, to withdraw from Afghanistan, and to let Germany unify?

Do we want to give credence to those in the Soviet Government—those military officers in the Supreme Soviet—who are complaining that the United States now intends to try to capitalize on perceived Soviet weakness? Do we really think the Soviets won't respond?

It would be hard to think of anything that could better play into the hands of the Soviet hardline reactionaries. It is almost as if this proposal represents a perverse collaboration between our hardliners and Soviet hardliners.

Mr. President, we will talk more about the ABM Treaty later. For now, I will close by pointing out that their is no urgent need for the deployment; no new threat has arisen requiring urgent actions by the United States. And the ABM Treaty aside, now is not the time to commit the United States to actions that could have profound consequences for United States-Soviet relations.

What's the rush? Why are we rushing to build a system before even the most preliminary hearings of its consequences have occurred. No hearings in the Foreign Relations Committee. And I understand, not a single hearing in the Armed Services Committee, the committee from which this proposal emanated.

At this point I must recall that in March of this year, in response to a Warner amendment equally sweeping in its implications for the ABM Treaty, the Senator from Georgia responded as follows:

> I think it will take a lot of hearings. * * * There are all sorts of questions here that we would have to get answers for from our military and intelligence. * * * This is not a one-way street. When you remove restrictions on America, you also remove restrictions on the Soviet Union. * * * There are all sorts of questions that I think need to be answered.

Is this the way to develop a consensus on a matter of this central importance to the United States?

And how much does a system cost like the one envisioned by the languages in the Armed Services Committee bill? According to a preliminary estimate from the Congressional Budget Office, the kind of multisite system the committee proposal envisions could cost more than $60 billion.

CBO said it could not specifically estimate the multisite program in the committee language. But they could estimate what a multisite system like it could cost. And CBO suggests that estimate could reach $66 billion: $36 billion in acquisition costs for a multisite system with space-based sensors as envisioned by the committee proposal; $8 billion in operation costs; and $22 billion to reflect standard cost to overruns for a system of this magnitude and complexity.

Sixty-six billion dollars, no hearings, the day the START Treaty was signed,

the end of the ABM Treaty. What are we doing here?

Mr. President, may I ask how much time I have remaining?

The PRESIDING OFFICER. The Senator has 30 seconds remaining.

Mr. BIDEN. Mr. President, I conclude by suggesting to you if there ever was a red herring, this is one. If there ever was something that we did not need to do, this is it. If there was ever a bad time to do it, this is the moment. If there ever was a circumstance under which the United States cannot afford another $66 billion annual—and I ask unanimous consent that a study by the Congressional Budget Office pointing out this cost of $66 billion be printed in the RECORD.

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

CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 30, 1991.

Hon. JOSEPH R. BIDEN, Jr.,
Chairman, Subcommittee on European Affairs, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In your letter of July 25, 1991, you requested that the Congressional Budget Office (CBO) provide information about the costs of ballistic missile defenses. Specifically, you asked for costs associated with a system that would defend the United States against limited ballistic missile attacks using ground-based interceptors located at multiple sites. This letter provides the information that we currently have available.

The Administration has proposed deploying a Global Protection Against Limited Strikes (GPALS) system to protect the United States, its allies and troops overseas from limited ballistic missile attacks. The Administration has stated that GPALS would consist of three segments. One segment would provide defenses against theater missiles; that is, shorter-range missiles such as Iraq's SCUD missile. A second segment, the space-based global protection portion, would consist of about 1,000 space-based interceptors, commonly called "Brilliant Pebbles". A third segment, the national defense portion, would be a ground-based system designed to protect against strategic missiles and would include 750 ground-based interceptors deployed at six sites in the United States. In addition, the national defense segment would include sixty space-sensors called "Brilliant Eyes," six ground-based radars, and the required command and control centers and infrastructure. Other sensors may also be included.

The national defense segment of GPALS, together with the segment providing defense against theater missiles, represents one version of the type of system you describe in your letter. CBO does not have the data to analyze the costs of GPALS independently. However, the Strategic Defense Initiative Organization (SDIO), a component of the Department of Defense, estimates that it would cost a total of $36 billion to acquire these two segments of GPALS, including $10 billion for theater defense and $26 billion for national defense. (All costs in this letter are expressed in constant 1992 dollars of budget authority.) This estimate assumes that no funds will be spent on research and development of Brilliant Pebbles. Costs to operate these two segments for an 18-year period (including an eight-year start-up period and ten years of full operation) would add roughly another $8 billion, based on information provided by SDIO.

The complete GPALS system, as proposed by the Administration, would also include space-based defenses, which would increase the costs. SDIO estimates that total acquisition costs for GPALS would grow to $48 billion if the system included about 1,000 Brilliant Pebbles in addition to the segments described above for national defense and theater missile defense. According to SDIO, operating costs for all three segments of the GPALS system over 18 years would amount to at least $13.8 billion.

If history is a guide, these estimates will understate actual costs. A recent study that reviewed the costs of past defense weapon programs found that actual acquisition costs averaged about 50 percent more than estimated costs. Systems such as GPALS may be particularly vulnerable to cost growth because they are technologically advanced and because many elements of the system architecture are still in the early stages of development.

The SDIO cost estimates included in this letter do not constitute an estimate of the costs of the Missile Defense Act of 1991, which has been approved by the Senate Armed Services Committee and may soon be debated by the Senate. The Missile Defense Act of 1991 calls for renegotiation of the Anti-Ballistic Missile (ABM) Treaty and raises the possibility that the United States will eventually deploy a multi-site system of defenses against limited attacks of ballistic missiles. The act does not, however, specify the configuration of the defense system. Therefore, it is not possible to estimate the ultimate cost of the act.

The Missile Defense Act of 1991 does specify that, by 1996, the United States should begin to deploy a system of 100 ground-based interceptors at Grand Forks, North Dakota. This deployment is to comply fully with the ABM Treaty. CBO requested from SDIO, but did not receive, information relating to this deployment of 100 interceptors. The information we requested might have permitted us to estimate the costs of such a deployment. In the absence of the information, we do not feel that we can provide an estimate of costs for a deployment of 100 interceptors at this time.

I hope that you find this information useful. If you have any questions, please let me know.

Sincerely,

ROBERT D. REISCHAUER,
Director.

Mr. BIDEN. And if there ever was a man who knows all about this, it is General Odom, the former Director of the National Security Agency, who said about this, "I think the probability is very low. I give it such a low probability that I do not worry seriously about it." If there was ever a red herring, if there was ever a waste of money, if there ever was an ill-informed thing to do, this is it.

I thank my colleagues for their time.

Mr. WARNER. Mr. President, I yield myself such time as I may require.

Mr. President, I have listened, as have others, to the discussion of the Gore amendment. And now I have heard this. But I cannot find in any of this debate a reference to how we are going to protect the men and women of the Armed Forces of the United States as we send them beyond our shores in harm's way.

Did we not learn anything in the Persian Gulf? Did we not learn that it requires a space element, namely the early warning, to help the direction of the Patriot system?

Mr. President, I urge some of the proponents of this amendment to speak to the issue which the Senator from Virginia incorporated in all of his written and stated remarks which he carefully incorporated in the draft of the amendment, working with those who cosponsored it, this proposal in the committee bill. Yes, it addresses the growing threat of ballistic missiles, but it certainly goes to the very heart of, can we in good conscience send these men and women beyond the shores of this country and at the same time restrain our technological base from trying to give them adequate protection?

We know full well that even under the ABM Treaty it permits the use of sensors, sensors in a forward-deployed ground-based defense system.

Nowhere in the Gore amendment can I find any reference to the fact that we could, under the ABM Treaty, utilize sensors. As a matter of fact——

Mr. BIDEN. Will the Senator yield?

Mr. WARNER. I will yield in a moment.

As a matter of fact, the amendment sponsored by my good friend, Senator GORE, restricts everything to ground based. Not only does the amendment not allow us to go forward, it takes us back from where we were in the gulf when we utilized a space element in the defense system.

So, Mr. President, I would hope some of those who are speaking on behalf of the amendment would address the responsibility we have with respect to the forward deployed elements of our forces.

Mr. BIDEN. Will the Senator yield?

Mr. WARNER. I am happy to yield, but I must say the time must come from the Senator.

Mr. BIDEN. Will the Senator yield me 60 seconds in response?

Mr. GORE. I yield the Senator 60 seconds.

Mr. BIDEN. It is four initials—ATBM. And we used sensors in the gulf. It did not violate the ABM. And the Senator from Tennessee does not do it, either. We are for ATBM's. Keep your eye on the ball. This is not about ATBM's. This is not about protecting American troops. This is about violating the ABM Treaty and wasting $66 billion now.

Mr. SARBANES. Will the Senator from Virginia yield for a question?

Mr. WARNER. You will have to use your time and I will respond on my time.

The PRESIDING OFFICER. The Chair will advise the Senator that it is necessary to achieve consent to allocate the time in this way.

Mr. WARNER. Mr. President, if a question is propounded to the Senator from Virginia, I will respond to the question using the time under the control of the Senator from Virginia.

The PRESIDING OFFICER. Is there objection to that request? Under the rules, the Senator who has the floor controls the time and the time is charged to the Senator who controls the time.

Mr. WARNER. If the Senator wishes to have all the time charged to the Senator propounding the question, it is perfectly agreeable to the Senator from Virginia.

Mr. SARBANES. Is the Senator from Virginia trying to get the question time charged not to him?

Mr. WARNER. That is correct.

Mr. SARBANES. Will the Senator yield me 15 seconds to ask a question? I am not really trying to impose on the Senator's time. I really want to put a question to him. I assume he will answer it on his own time.

Mr. WARNER. That is correct.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. SARBANES. Does the Senator assert that the statement of the goal in the committee bill with respect to deploying an ABM missile system would not contravene the ABM Treaty?

Mr. WARNER. Mr. President, the initial deployment, that is the first site, is to be within the ABM Treaty.

Mr. SARBANES. What about an adequate additional number of anti-ballistic-missile sites capable of providing a highly effective defense of the United States? Would that contravene the ABM Treaty?

Mr. WARNER. Such additional sites as may be determined necessary under the architecture are to be obtained through negotiations; that is, clarifications of the ABM Treaty. It has always been that way from the first moment that the Senator from Virginia prepared a white paper which was joined in by the distinguished Senator from Maine, the distinguished Senator from Indiana, and eventually the chairman of the Armed Services Committee and others, including the Senator from Alabama; cosponsors. It was clear that the initial site is within the ABM Treaty, and, indeed, the narrow interpretation of the ABM Treaty.

Mr. SARBANES. Will the Senator yield me 1 minute to comment on that?

Mr. GORE. I yield.

Mr. SARBANES. Mr. President, I rise in very strong support of the Gore amendment on the basis of this answer. It is very clear from this answer that the committee has stated as a goal in its bill a course of action for the United States—beyond the one system—a course of action that, in effect, contravenes the ABM Treaty. And by the Senator's own statement, would require a renegotiation with the Soviet Union.

That renegotiation ought to take place, if it is going to take place, ahead of committing the Nation to a policy which is set out in this bill.

By this process here, the Senator is committing to a policy which contravenes the treaty. And then he is saying: But it is going to be OK, because we are going to renegotiate the treaty. What you do is you renegotiate the treaty first, if you make the judgment that that is what ought to be done, and then you move with a policy. Obviously, we would have the debate on whether the treaty ought to be renegotiated.

Make no mistake about it, what is involved with this provision that has been brought from the committee is moving us down the path of negating the ABM Treaty.

The amendment of the Senator from Tennessee would avoid that pitfall. I think it is extraordinarily important that we not go down that path which, by the manager's own admission, we are going to set out on—a course of action which the manager concedes contravenes the treaty.

That is not the kind of behavior that a great power, abiding by international obligations, ought to be following. I simply say to my colleagues, we should support the Gore amendment on that very basic issue, if on no other basis.

I know the Senator has adduced a number of other arguments in support of his amendment. But to put the Congress on record as embarking on a course of action that, by the admission of the manager, would require renegotiating the treaty, is not the way we ought to be proceeding.

I thank the Senator for yielding me time.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Will the Senator yield me 20 minutes?

Mr. GORE. I yield the Senator from Ohio 20 minutes.

The PRESIDING OFFICER. The Senator from Ohio [Mr. GLENN] is recognized for 20 minutes.

Mr. GLENN. Mr. President, I rise in support of the effort to strike the committee language to deploy an anti-ballistic missile system at "one or an adequate additional number of sites."

I hate to oppose my committee chairman and the distinguished ranking minority member, Mr. WARNER, and Senator COHEN, who put together some of these proposals. But I am also opposed to the $4.6 funding level for SDI contained in the committee's bill which I believe is excessive. I will support a subsequent amendment to reduce this funding level.

Having said that, let me point out that I have always supported a solid strategic defense research program since the President's first proposal in 1983. But I have not supported deployment. I remain unconvinced that deployment of a strategic defense system is either desirable or technically feasible.

Just a few weeks ago on July 17, President Bush and President Gorbachev announced in London that they had reached agreement on a historic strategic arms treaty. It was the first to mandate reductions in superpower arsenals. The conclusion of the START agreement is another milestone in the extraordinary transformation of United States-Soviet relations which has witnessed the conclusion of the INF Treaty, the CFE agreement, the liberation of Eastern Europe, the democratization of the Soviet Union, and indeed, the end of the cold war. Clearly, the strategic relationship between the United States and the Soviet Union is more stable now than it has ever been since the end of World War II.

The same day the conclusion of the START agreement was announced, however, a majority of the Senate Armed Services Committee voted to deploy an ABM Treaty-compliant system which would be an initial step toward deploying a multisite strategic defense system—this in turn would undermine the 1972 ABM Treaty.

Mr. President, the action of the Senate Armed Services Committee is a needless waste of increasingly scarce resources and threatens to be destabilizing. I strongly disagree with the committee's action—even if it is compliant with the ABM Treaty. It would be unfortunate for us to mark our success in United States-Soviet arms control and cooperation by even taking the chance of eroding the ABM Treaty which has contributed so significantly to strategic stability over all these many years.

The committee's action is rather ironic when one considers it has been a short time ago, only about 4 years ago, when some of the same members of the Senate Armed Services Committee successfully led the Senate fight to preserve the ABM Treaty from the Reagan administration's attempt to manufacture a reinterpretation of that agreement to justify deployment of a strategic defense system.

The strategic defense initiative [SDI] is one of the most expensive—with over $20 billion expended so far—strategically misguided, and politicized defense programs ever. Since President Reagan first announced the program over 8 years ago, support for SDI deployment has become the preeminent national defense litmus test. The SDI program has become so highly politicized, that it has become virtually immune to any sort of thorough, objective, and responsible scrutiny. I would note that the committee voted to commit our Nation to strategic defense deployment without the extensive hearings necessary to responsibly examine the significant strategic and arms control implications of this action.

There are a number of quotes from some of the participants in this debate. Along that line, I will quote from Senator COHEN who, on this floor on June 12, said:

[T]here is no consensus for abandoning the ABM Treaty, which would not only undermine prospects for a START Treaty but create pressures to maintain, if not increase, levels of strategic offensive arms. * * * Our efforts should be directed toward the negotiation of a protocol * * * consistent * * * with the stabilizing benefits of the ABM Treaty's prohibition on comprehensive nationwide defense, and with START's deep cuts in offensive forces.

I agree with that statement. There are a couple of other statements on this subject, for example, here is a quote from the distinguished chairman of our committee who stated on March 13 of this year:

[T]he ABM Treaty limits our ABM options both in terms of development and testing and in terms of deployment. After all, that was the principal idea behind the treaty. We wanted to avoid the Soviet Union getting defenses, the United States getting defenses and having a spiral of offensive weapons in response to that. The more defenses you have in certain environments, the more offensive the other side has, and you get on this upward spiral of offense, defense, offense, defense. That was the spiral we tried to stay off. The ABM Treaty has kept us off of that spiral.

And I agree with our distinguished chairman.

Another statement in that same regard from our chairman, once again, on March 14 of this year.

There are all sorts of questions here that we would have to get answers for from our military and intelligence, whether the Soviets may be prepared to move out more readily than we are.

This is not a one-way street. When you remove restrictions on America, you also remove restrictions on the Soviet Union. The Soviets have already deployed an ABM system around Moscow and could be in a position to break through in this area quicker than we could in some categories. * * * There are all sorts of questions that I think need to be answered.

The chairman of the Foreign Relations Committee, Senator CLAIBORNE PELL, stated on March 13:

The centerpiece of modern arms control is the 1972 Anti-Ballistic-Missile Treaty. Too many are prepared to leap too fast into testing and deployment. This constitutes endangerment of the ABM Treaty. We should not rush to adopt such concepts until we have done the most rational and careful study, and we should be quite careful to avoid trashing the ABM Treaty in support of some dash into the unknown.

Mr. President, indeed, it is not even clear that the Pentagon has thoroughly examined all ramifications of this issue. On June 20, the committee held its only hearing of the year on the fiscal year 1992 budget request for SDI's latest architecture. Under questioning from me, the SDI Director Henry Cooper conceded that his organization had not yet identified specific ballistic missile threats to the United States and had not assessed our confidence in the probability of kill, the PK factor, for these incoming missiles. Ambassador Cooper stated: "We are still working that problem."

The SDI Program has been poorly defined and seems to be constantly shifting its budgetary and strategic priorities based primarily on shifting political factors. I do not think there is any doubt that SDI seems to be a program in search of a valid strategic rationale.

Mr. President, let us look at the history of our whole SDI proposal briefly. We are on about our fifth generation of SDI architectures. Remember back just a few years ago when we had the astrodome concept, it was going to protect the whole Nation. It was going to be invulnerable, and it was going to pick up every incoming missile and shoot it down before it could reach the United States. We had mirrors, laser projectors, and even at that stage, there were some people who wanted to go ahead with some phase of deployment of some of those early concepts because they felt we had to get going and start deploying some of them.

Mr. President, at this time, I started going out to our laboratories to find out from our scientists working on the directed energy weapons what the status of our research was. The scientists would look me in the eye and they would say it is probably 10, 15, maybe 20 years or even longer before some of those directed energy concepts may be sufficiently developed so that we might be able to go ahead and deploy them. Gradually that concept fell out of favor because the technology simply was not there to back it up.

Next, space-based interceptors. We went to that concept and it was a short-lived time also. Then we went to phase I. Recently we have been talking about Brilliant Pebbles. At each one of these phases, we wanted to go ahead and perhaps start deploying some of these concepts. But at each stage, the technology had not yet been invented to do what had to be done for an overall program.

Now we have GPALS, and maybe this will work. Who knows? We have gradually scaled back on our technological hopes through the years, and maybe the system we are talking about now with the limited Grand Forks deployment will work. Who knows? But I submit that after all of these efforts made in the past without the technology to back us up, I think we ought to be going slowly. We are saying this concept is a "super Patriot" that will do this job for us, while at the same time proponents of this proposal also say that we plan to expand this architecture later on. It is argued that this is just a first step and that, hopefully, we eventually would get to an add-on to this system that might really make the midcourse intercepts for ICBM's that have been promised by SDI through the years.

Mr. President, the SDI's biggest boost, which seems to have directly led to the committee's action to initiate a deployed strategic defense system, was the recent Persian Gulf war. When the United States Patriot antitactical ballistic missile proved largely successful in taking out the inaccurate and comparatively primitive Iraqi Scuds, SDI, a program that seems to continually reinvent itself, got a new lease on life.

Mr. President, I submit we would not deploy any system, even this limited system, at Grand Forks if we did not also plan a follow-on, and the technology for that follow-on to make it more comprehensive has not been invented yet. So we are going to be deploying, if we do this, a very limited system.

Mr. President, I might add that while I am a strong supporter of theater defense systems, such as the Patriot missile, which was so successful during Operation Desert Storm, I think we should not lose sight of their limitations. It is not clear that such theater defenses will adequately defend against equally compelling threats, such as low-flying cruise missiles or plain old gravity bombs, or Iraq's so-called Supergun, or artillery shells filled with CW and BW agents.

Furthermore, we should realize that theater defense will not be a panacea for security and stability in regions such as the Middle East.

The value of ATBM systems was clearly demonstrated during Desert Storm, and these lessons will drive potential Middle East adversaries to seek and acquire similar systems. However, it is also clear that the acquisition of theater defenses will at the same time spur neighboring countries to augment their missile capabilities to overwhelm these neighboring ATBM systems. It is an ancient and proven rule of warfare that just expanding an offensive capability is the cheapest and easiest means of overwhelming a defensive system. Hence, acquisition of ATBM systems is quite likely to bring about both unrestrained defensive as well as offensive missile proliferation in the Third World.

Mr. President, one of the primary rationales for the creation of a partial strategic defense system is to protect the United States against accidental or unauthorized launches. Proponents of this approach argue that such a defense system could be deployed within the confines of the ABM Treaty or with modest amendment to that argreement. But I do not see that such a defense system is desirable, nor is it necessary.

First, we cannot deter an accidental launch. If we were to have an adequate defense to assure against any accidental nuclear launch, such a system would have to be nationwide and would

thereby seriously erode the ABM Treaty, which prohibits nationwide defense and permits deployment of a defense system at just one site. Additional defense sites and interceptors would undoubtedly be needed not only to protect against the possibility of an accidental Soviet land-based missile launch but sublaunched missiles based in the Atlantic and the Pacific as well. As former ABM Treaty negotiator, Gerard Smith, recently stated this is "like amending Prohibition to permit the sale of liquor." The United States would certainly feel threatened if the Soviets were to deploy such a nationwide defensive network, regardless of the stated rationale for such a system.

In addition, a threat of accidental or unauthorized nuclear launch is extremely remote. In our country, we have very stringent safeguards to prevent the unauthorized launch of our missiles, and I think all of the intelligence estimates that we have ever seen show that the Soviets are intensely cautious and have a nuclear weapons safeguard system that is at least as vigorous as the one that we have. So, particularly in the current budget environment, I feel we can ill-afford to spend billions of dollars to counter a threat that is so remote.

Finally, if there is sufficient concern about the need to counter the threat of accidental or unauthorized launch of Soviet missiles, I feel there are cheaper and far less destabilizing ways to attain that goal. Under the recent START agreement, substantial reductions in the number of strategic nuclear delivery systems of both sides will logically mean a significant, proportional reduction in the threat of Soviet accidental or unauthorized launch.

We should also consider sharing our permissive action link, or PAL technology with the Soviets. That is what protects our U.S. nuclear weapons from misuse as a means of foiling any accidental, or unauthorized launch threat. I think we should also consider a joint agreement with the Soviets that we equip all missiles with in-flight destruct mechanisms like those that we have on our space-launched vehicles, both manned and unmanned, and in our test missiles.

That would be a very simple means of blowing up a missile if it is accidentally launched. I would like to see that. We have had those devices as standard mechanism, what we call range destruct, in the missile and the space program for a long time.

Mr. President, the latest and, to a growing number of individuals, the most compelling rationale for a partial strategic defense system is to protect against the growing threat of missile proliferation in the Third World.

While no one should diminish the dangers posed by the proliferation of ballistic missiles, it is important to remember that ballistic missile proliferation raises more concerns about regional stability than any direct threat to the United States. These weapons are highly unlikely to be aimed at the United States but at other regional enemies: For example, India at Pakistan; South Africa at its African neighbors; Arab nations at Israel, and vice versa.

Mr. President, most of these missile-proliferant nations will not be able to develop the technology base to deploy intercontinental ballistic missiles capable of reaching the United States at any time in the foreseeable future. In other words, the ballistic missile threat is a local threat, not an intercontinental ballistic missile threat.

In addition, it is difficult to imagine the leadership of any country making the determination that it would serve its national interests by launching nuclear weapons at the United States, particularly when it could be assured that it would be decimated by a retaliatory U.S. nuclear strike. Does anyone seriously believe that the United States needs to rush out and deploy a multibillion dollar SDI system to protect against the possible future threat of Brazil or Iraq lobbing a nuclear equipped ICBM at the United States?

Mr. President, at the core of nuclear deterrence doctrine is the assumption that a nation's decision makers are rational and will act in a way to preserve their nation's survival. Despite the fact that there are some fairly unstable leaders in the world and we have a fondness for characterizing leaders like Saddam Hussein and Libya's Mu'ammar Qadhafi as insane, there is little reason to think that such leaders would be immune to fairly straightforward consideration of continued survival if they were stupid enough to make such a launch.

Besides, why deliver a nuclear device to U.S. territory on a system that would clearly identify the launching country as the perpetrator and ensure that country's destruction? It is far easier and cheaper for a determined fanatic to deliver a nuclear weapon to U.S. soil by transporting it in a pleasure boat or civilian aircraft or, with the technology coming to the fore now, even a hefty piece of Samsonite luggage. These are the most likely nuclear delivery vehicles of choice for the world's 21st century terrorists, whether national or international terrorists.

No strategic defense system in the world will protect against that particular threat.

I am also concerned, Mr. President, that as we consider these matters we also not overlook the other weapons of mass destruction, chemical and biological weapons, that I believe are becoming the poor man's "nuke" of the future and can be delivered by means that do not require any kind of ballistic missiles.

Mr. President, if we learned anything from Operation Desert Storm regarding the ballistic missile threat, it is not that we need to deploy a strategic defense system. Rather, we should have learned that we must waste no time in producing and vigorously enforcing an effective collective international nonproliferation policy that involves stringent export controls, coupled with tough sanctions against violators.

I believe it makes little sense to stubbornly persist in the acquisition of new, extraordinarily expensive strategic systems such as the SDI and the B-2 bomber that contribute little, if anything, to an increasingly stable strategic environment. Given our increasingly constrained budgetary climate, there is greater pressure than ever before to reduce defense spending on questionable defense programs that will divert increasingly scarce resource from more compelling national defense priorities. We need to focus more attention and resources on an equitable pay rate for our military personnel, clean up the long-neglected DOE nuclear weapons production complex, fund increasingly important but expensive arms control monitoring capabilities for START, CFE, and a chemical weapons treaty, and modernizing the conventional forces that will be left to us in a post-CFE environment.

Mr. President, I have supported all research in this area, but nothing for deployment. That means, as far as I am concerned, we can do with less resources in this area, and I support the proposal of my distinguished colleague from Tennessee.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Nebraska.

Mr. EXON. Mr. President, I yield 10 minutes of the manager's time to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 10 minutes.

Mr. HEFLIN. Mr. President, I want to address the issue that has been raised in this debate that this committee approach has some effect of destabilizing our relationships with the Soviet Union and can fault efforts in the future relative to arms control and technology control that may develop.

I do not think there is any question that the Soviets know the defense authorization bill that was passed by the House.

I do not think there is any question that the Soviets know the bill that was reported out of the Armed Services Committee and the overwhelming vote which supported that bill and the provisions dealing with SDI.

I do not think there is any question that the Soviets know the President will sign a bill which has the language we are speaking about, that is in the committee bill that has come to this floor today.

If you stop and think, since today they are signing a START Treaty,

would they be signing a START Treaty in view of the House action or the Senate Armed Services Committee's action and the position they know the President will take on this?

I think that is a pretty strong indication it is not going to destabilize the relationship between the United States and the Soviet Union in regard to future arms control talks.

I share the concerns that many of my colleagues have about the stability of our relationship with the Soviet Union. I am disturbed by the calls for unilateral abandonment of the 1972 ABM Treaty at this time. Fortunately, however, there are steps that we can take which will not add to the destabilization of the relationship with the Soviet Union and still provide both countries with some level of protection.

Today, we are not calling for the deployment of a system that will give us what the Soviets would consider a first strike capability, but only the deployment of an accidental launch protection system. If we were to deploy a larger system unilaterally, there is no doubt this move would destabilize our relationship with the Soviets. Former Secretary of Defense Caspar Weinberger told President Reagan in 1985 that—

> Even a probable Soviet territorial defense would require to increase the number of our offensive forces * * * to assure that our operational plans could be executed.

He was correct; the unilateral deployment by the Soviets of a territorial defense that would negate our nuclear deterrent forces would, by its nature, be destabilizing. Similarly, if we were to enter into a defensive arms race with the Soviets, deploying ground-based interceptors as rapidly as possible, we would see a return of the cold war. This is why I have always said that any deployment that goes beyond the ABM Treaty must be a negotiated, evolutionary one.

Mr. President, we here are all reasonable individuals. President Bush is a reasonable man, and our treaty negotiators are reasonable men. With this in mind, let us review what this section of the bill really says.

The first provision states that the goal of the United States is to deploy an ABM system, of one or more ground sites, that can effectively defend us against an accidental launch or Third World attack. This clause is qualified by the subsequent clause which states that our goal is also to maintain strategic stability. This second clause is the overriding goal in all our negotiations with the Soviets. When the President announced his intention in the START talks was to reduce our nuclear forces, I never once considered the possibility that if he made no progress in the talks, he might proceed with a unilateral disarmament. Similarly, I do not believe the President would unilaterally abandon the ABM Treaty if it would bring us closer to a conflict, rather than making us more secure.

Some Members have expressed concern over the provision that states:

> As deployment * * * draws near to the deployment date of fiscal year 1996, the committee believes the President and the Congress must assess the progress in the ABM Treaty amendments negotiations. If the new negotiating objectives * * * have not been achieved, the provision would specify that the President and the Congress should at that time consider the options available to the United States as now exist under the ABM Treaty.

These concerned colleagues feel that this is license for the President to unilaterally abrogate the treaty in 1996. Regardless of the fact that the President does not require this license, this view ignores what the options available to us under the ABM Treaty are.

Article XV of the treaty states that we have the right to withdraw from the treaty only if we decide that extraordinary events have occurred so that remaining bound by the treaty jeopardizes our supreme national interests. Mr. President, this is strong language. Certainly, not a single Member of this body would recommend that we stay bound if our supreme national interests were jeopardized by the treaty. It was because of this clause that I opposed any legislation that recommended a set time limit to negotiations, to be followed by an assured abrogation if no progress had been made. In the case of this legislation, it may well be that if the President and Congress assess the progress of the negotiations and find that none has been made, we may determine that, regardless of the Third World threat, it is in the best hope of stability for our countries that we stay bound by the treaty.

Mr. President, hundreds of years ago, a Chinese philosopher made a statement that I believe captures the essence of today's debate. He said:

> A journey of a thousand miles begins with a single step.

Many of my colleagues feel that this bill starts us down a road we may not want to travel. The other side fears that this first step does not carry us far enough.

No man can predict the future. Who here could have predicted the collapse of the Warsaw Pact? I cannot say what dangers tomorrow will bring, but I know in my heart that I would rather have America face her future with a policy of defense rather than one of mutually assured destruction.

To the proponents of this amendment, I say that the road we are embarking on is not a downhill slope. Like any other weapons program, it is very much an uphill one. Each year, we will weigh the threat and review the program in light of the current world situation. Should arms control and missile technology control regimes succeed in reducing the threat, I may well vote to halt the growth of our SDI system. Should, however, the proliferation of nuclear weapons and ballistic missiles continue, many of you may join me somewhere down the road in calling for a larger deployment. In either case, it is essential that we have an option, that we have the capability to choose protection. Only by laying down the foundations today can we have this choice in the future.

To those of my colleagues who feel this is too small a step, who fear that essential elements have been left out and that we may stop short, I say that to build a house you do not start with the roof, you begin with the foundations. If you want to defend the Nation against ballistic missiles, you do not start by abrogating the ABM Treaty, you deploy what you are allowed, then work with the Soviets to modify the treaty so that defense can be expanded. You evolve from defending the United States to protecting our friends and allies. You evolve from the current threat to more sophisticated future threats. Most importantly, differences in goals and hope for treaty modifications need not be preresolved, as much depends on the future world situation.

Mr. President, I implore my colleagues to join me in defeating this amendment, and in taking the first step toward a safer, saner world.

Mr. SMITH addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH. Mr. President, I request 15 minutes from the manager.

Mr. EXON. That is already granted, 15 minutes to the Senator on the side of the managers of the bill.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 15 minutes.

Mr. SMITH. Thank you, Mr. President.

Mr. President, before beginning, I think it is important to clarify for the record that there have been some statements made in regard to costs here that have been absolutely inaccurate. Using the letter addressed to the Senator from Delaware from CBO dated July 30, the Senator quoted a figure of $66 billion. The letter does not say $66 billion. It says $36 billion, still a lot of money but the point is 36 and 66 are not one in the same.

The language in the letter says very clearly however, as to the SDIO organization component of the estimates, it would cost a total of $36 billion to acquire these two segments of GPALS including $10 billion for theater defense and $26 billion for national defense. It did not say in excess of. It says included.

Also, in the same letter to the Senator from Delaware, it says SDIO cost estimates included in this letter do not constitute an estimate on the cost of the Missile Defense Act of 1991, which is the matter before us in discussion today.

So I think it is important, Mr. President, to get the facts right. I think we all have an obligation to try to do that.

Mr. President, we need to look at the real world. Nearly 1 year has elapsed since Saddam Hussein launched his campaign of aggression against the innocent nation of Kuwait. Many of us in Congress were very familiar with Saddam's reputation as a brutal tyrant. Little did we know that the events of August 2, 1990 would eventually culminate in the United States and allied troops intervening with massive force to reverse Saddam's illegal annexation of Kuwait. Victory was not cheap, Mr. President. Indeed, some 144 American personnel perished in that battle. Yet the cause was just, and through the heroic efforts of our men and women, and our allied forces, justice and the rule of international law did prevail.

America shall always be grateful to all who served, and especially those who lost their lives. But among those brave Americans who made the ultimate sacrifice, Mr. President, it is the memory of 28 men and women from the Army Reserve's 14th Quartermaster Detachment that should guide us in these deliberations today. These Pennsylvania Reservists, as my colleagues will recall, were killed when an Iraqi Scud missile struck their barracks in Dhahran, Saudi Arabia. They will forever be remembered as the first American victims of a modern ballistic missile attack.

If the Senate has the courage and vision to adopt the Armed Services Committee's recommendation on missile defense, they may well be the last victims, as well.

(Mr. CONRAD assumed the chair.)

Mr. SMITH. Mr. President, on July 17 the Armed Services Committee took an historic and, in my opinion, long overdue step forward, when it endorsed the goal of deploying an anti-ballistic-missile system to protect the American people against ballistic missile attacks. The legislation, known as the Missile Defense Act of 1991, was adopted by a vote of 16 to 4 after more than 10 hours of thoughtful, emotional, inspired debate.

Specifically, this Missile Defense Act establishes a goal to deploy a multiple site ABM system capable of providing a highly effective defense of the United States, our forward deployed and expeditionary forces, friends and allies against limited missile attacks; it sets a fiscal year 1996 deployment date for the initial treaty compliant single site ABM system to include 100 ground-based interceptors, ground-based radar, and space-based sensors; accelerates development of theater missile defense systems, for anticipated deployment in the mid 1990's; urges the President to immediately pursue negotiations with the Soviet Union, within a limited time frame, to amend the ABM Treaty.

Mr. President, the goal established in the Missile Defense Act is one which we can and should all share. Indeed, as elected representatives of the American people sworn to uphold the Constitution and to provide a defense of the United States; we are not sworn to uphold the ABM Treaty. There is no more basic or compelling obligation than to provide for the common defense. The only salient discrepancy centers on how best to achieve this goal.

Let us look at the threat. First, the Soviet Union continues to maintain the capability to destroy the United States within 30 minutes. Without question, recent liberalization and arms control initiatives from the Soviets are encouraging. I think we all agree that the prospect of world war III between the United States and Soviet Union has diminished substantially. Yet, prudence dictates a policy of caution. The Soviet Union is extremely unstable both politically and economically. And while President Gorbachev speaks so eloquently of glasnost and perestroika, the hard reality is that the Soviets are continuing to devote far more of their scarce resources to offensive military weaponry than to much needed infrastructure and human services, on which they are asking for help from the United States, and others in the Western World.

Some will say that the Strategic Arms Reduction Treaty diminishes the Soviet nuclear threat so much that we need not be concerned anymore. This is simply not the case. The Soviets are continuing to aggressively modernize and enhance their nuclear arsenal so that even after the START-mandated reductions, they will retain a force nearly comparable to that of today. This robust modernization program includes an advanced version of the SS-18, along with new rail-mobile SS-24 and road-mobile SS-25 missiles. Remember how difficult it was to find Scud launchers in the barren desert of Iraq? We have no chance of locating and neutralizing mobile missile systems in the mountains, valleys, and urban centers of the Soviet Union, or anywhere else in the world where missiles may be located. The truth of the matter is, we have no defense against theater ballistic missiles.

We went on a Scud hunt. We were not always successful. But for one unit, one system the Patriot missile, thousands—thousands may have died.

On a second front, the global proliferation of ballistic missile technology and weapons of mass destruction throughout the developing nations is seriously endangering our security interests. By the year 2000, more than 25 nations are expected to possess ballistic missile technology. Moreover, countries are increasingly developing an indigenous production capability which is immune from export controls. In this volatile, rapidly evolving security environment we cannot rely on mutual assured destruction to deter aggression. The knowledge that the United States could obliterate the nation of Iraq failed to prevent Saddam's aggression. It certainly will not deter future incursions.

We are moving, if we do not adopt this committee bill, from mutual assured destruction to assured self-destruction.

Do you really think Saddam would have been reluctant to use a chemical, biological or perhaps even a nuclear weapon, if he had it? Think about it.

Consider, for instance, a recent statement by Libyan leader Muammar Qadhafi concerning the United States air strikes against Tripoli and Benghazi. Colonel Qadhafi stated:

> If we had possessed a deterrent missile that could reach New York, we would have hit it at the same moment * * * consequently, we should build this force so that they and others will no longer think about an attack.

Even more revealing is a statement by Saddam Hussein in which the Iraqi leader says:

> With the help of Allah, we shall rid the region of American influence. Our missiles cannot reach Washington, but if they could we would hit there as necessary. However, we can still strike at Washington in other ways, and other U.S. targets in the world.

Mr. President, it is against this backdrop that the Senate must consider the issue of missile defense. Ballistic missiles pose a clear and present danger to our security interests. The question is "How do we respond to this threat?"

There is only one answer: Develop ABM defenses to protect America against the full range of missile threats.

To its credit, the Armed Services Committee recognized this national requirement, and in a show of strong bipartisan consensus took action to eradicate our vulnerability. By adopting a dual-track programmatic and arms control strategy, the committee laid the preliminary groundwork in establishing a deterrent posture which integrates both offensive and defensive forces. This is very encouraging, but it is only the groundwork.

I voted in favor of the Missile Defense Act, because I believe that it provides a vehicle for bipartisan consensus in support of ballistic missile defenses. Indeed, there is much within the bill that I support very strongly. However, I do have some concerns with the legislation that I am compelled to mention.

First, I am disturbed by the failure to include Brilliant Pebbles in the initial ABM system's architecture. Although the bill provides for robust research and development funding, space-based interceptors are relegated to a follow-on technology. In my view, this exclusion is shortsighted and dangerous.

As my colleagues know, Brilliant Pebbles provide continuous global coverage and the capability to intercept hostile missiles in early flight, when they are slowest, brightest, and most vulnerable. This permits multiple shots at enemy missiles, and the invaluable opportunity to engage MIRV'd missiles prior to warhead release. Further, by intercepting missiles far away from our national borders and outside the atmosphere, we avoid possible fallout effects of chemical, biological or nuclear warheads. Studies have shown that space-based systems, including sensors and interceptors, combined with multiple site ground-based defenses provide the most cost-effective and operationally capable missile defenses.

Mr. President, I am also concerned with the committee's reduction of $550 million from the President's budget request. At a time when a vast majority of the committee is advocating accelerated development of ABM defenses, it is inappropriate and counterproductive to withhold these funds. The $4.6 billion included in the bill is a bare minimum necessary to sustain a viable program. Further reductions must be opposed. It could mean the life or death of American citizens and also men and women on the battlefields of the future, which I hope there are none.

Finally, and most importantly, the ABM Treaty must be modified to permit multiple site ground-based and space-based interceptor systems. I am pleased that the committee has overwhelmingly endorsed arms control objectives to amend the treaty within a limited timeframe. However, I believe these negotiations should be accelerated and their duration shortened. The Soviets must be advised that, while the United States is prepared to negotiate prospective treaty amendments in good faith, we will not hesitate to exercise our prerogatives under article 15 to protect national security.

Frankly, I cannot understand the reluctance on the part of some here in Congress to exercise our treaty options and negotiate amendments or withdraw from the accord. What is so sacred about the ABM Treaty that could possibly justify the vulnerability of our citizens? To me, the ABM Treaty represents a relic from the mutual assured destruction era, which has been surpassed by technology and global developments. I see no responsible justification for us to continue blindly adhering to this obsolete arms accord, especially when the Soviet Union seems to selectively disregard ABM restrictions whenever and wherever it suits their desires.

Furthermore, the treaty permits only the protection of Washington, DC, interestingly enough, or alternatively, a single intercontinental ballistic missile site. Thus, Americans on the coastlines, Alaska and Hawaii are left thoroughly vulnerable and defenseless while middle America and those inside the Washington Beltway can be blanketed by 100 interceptors. I respectfully ask my colleagues who insist on rigid compliance with the ABM Treaty, how can we in good conscience prioritize the life of one American over another purely based on where he or she lives in the United States?

The answer is we cannot. There is no justification for that. Congress is obligated to protect all Americans, and this requires multiple sites. Nevertheless, while some of my colleagues share my concern that the bill may not go far enough, others will undoubtedly claim it goes too far; that we must maintain the status quo and keep missile defense strictly a research and development program. Mr. President, I would suggest that after investing $24 billion in taxpayer dollars on R&D, we are now ready to move onto production and deployment of missile defenses. Let us not research it to death. The technology is here; all that is lacking is the will and courage to move ahead.

Make no mistake about it. Historians will look back on this debate as one of the most significant debates, one of the most significant debates in this century.

Mr. President, too often, the debate on strategic defense is academic and dispassionate. We need more passion in this discussion. And by that I do not mean political grandstanding, but rather, heartfelt sentiment and constructive debate. After the fateful attack on our barracks in Dhahran, it is no longer possible to view ballistic missiles as an abstract, theoretical threat. American blood has been shed. This threat is real and it is growing.

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

Mr. SMITH. Mr. President, I ask unanimous consent for 3 or 4 additional minutes.

Mr. NUNN. Three.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes from the manager's time.

Mr. SMITH. I thank my chairman very much for that time.

Mr. President, let me paint a different picture. Let me take you back—to drive a point home—to January, February, March, of 1991. You turned on your television and CNN was reporting the very successful efforts of our forces at that time in the Persian Gulf. But I wonder what the debate would be today, Mr. President, I wonder what the debate would be today if CNN had been reporting something different, in CNN had been saying "Ladies and gentlemen, we regret to tell you a missile has hit Tel Aviv"—a chemical, biological, maybe nuclear missile—"and 150,000 are dead. Another hit Haifa and another 25,000 are dead. Ladies and gentleman, we regret to tell you a missile hit General Schwarzkopf's headquarters and General Schwarzkopf and the entire allied headquarters have been knocked out." I wonder what the debate would be then.

I wonder how the debate would be going at this time if we had been faced with that kind of a situation during the Persian Gulf war.

The only reason why we were not was, first, because Saddam did not have the technology to do it and, second, because we had one little missile, the Patriot missile, which intercepted an inaccurate Scud missile which did not have that technology.

It could have been a whole lot different, and we were lucky.

I do not want to jeopardize American forces ever again. I do not want any more people killed by ballistic missiles. We do not have to. We have the technology and it is our responsibility, our duty, to bring that technology to bear right here today on this floor.

Mr. President, I believe former Secretary of State Henry Kissinger was right on target when the stated:

> Limitations on strategic defenses will have to be reconsidered in light of the gulf war experience. * * * No reponsible leader can henceforth deliberately leave his civilian population vulnerable.

Colin Powell, George Bush, and others have said the same thing.

In closing, I would say to my colleagues, there is simply no substitute for missile defenses. Amidst an evolving international security environment, characterized by instability and uncontrolled missile proliferation, the United States must take action to protect itself. Our citizens are entitled to the best defense that technology can provide. We owe it to them, and the 28 brave men and women from the 14th Quartermater Detachment, to see that America and her armed forces are never left vulnerable again.

I urge my colleagues to support this responsible bill, carefully crafted under the leadership of Senator NUNN and Senator WARNER and others on the committee.

I thank the President and I thank the chairman for this indulgence.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I know we have had a rather lengthy debate already and we have another hour and a half of this debate. I would like to interject a few of my own thoughts and comments at this point in time and I yield myself 15 minutes.

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

Mr. NUNN. Mr. President, I know there has been a lot of discussion, including discussion by the Senator from Tennessee and the Senator from Maryland, the Senator from Michigan, and others about setting a goal here. Many of our colleagues are equating a goal with an authorization. Mr. President, this bill does not authorize even the first 100 missiles and interceptors. This

bill authorizes only the funds in the bill, which are the funds set forth.

We are setting a goal here, an architecture. This is a plan we are setting forth. This is not an authorization to deploy multiple ABM sites or even an authorization to go forward in terms of actually deploying the treaty compliant site at Grand Forks. We are setting the goal.

I know some colleagues have asked why we should set the goal before you negotiate, before you complete your negotiation. May I ask my colleagues how do you negotiate when you do not know what you want? Do you walk into the negotiations and do you say to the Soviets, well, here we are; we are going to talk about space and ABM's? We waited 6 or 7 years to have a serious conversation. We are not sure what we want. What do you want? Is that what we are going to do? What do you want?

You have to have a goal to negotiate. You have to know what you want to do with your forces before you can have a meaningful arms control negotiation.

It is standing the whole process of arms control on its head to say you negotiate before you know what you want to do. If you do not know what you want to do, you cannot have a negotiation.

I would submit if we show up and we say to the Soviet Union, well, we are ready to get serious now. Let us really negotiate. We do not really know what we want. We do not have a concept. We are doing a lot of research. Let us talk about the ABM Treaty. What do you want us to do? That is going to be the shortest negotiation on record.

We are not going to have anything to talk about and the truth of it is we have not done much talking so far. Neither side has really been willing to sit down and have a meaningful discussion.

In some cases we show more reluctance than the Soviets. I have said facetiously several times—but not completely—for a person who did not have a whole lot he wanted to accomplish I cannot think of a better job in the last several years than being the space negotiator for the United States in Geneva. That is one way you really do not have much to accomplish, because we have not been getting anywhere.

We have set forth some goals for negotiation. We have set forth some goals for force deployments. But these are not authorizations. I am amazed when I hear our colleagues say we are authorizing thus and thus and thus, including some that are saying we are authorizing in this bill the deployment of multiple sites. No one can read the language in this bill and come to that conclusion, in my opinion. It just cannot be done.

We are setting a goal. The goal is a goal that has never been set by the Congress. Congress sets many goals. For example, in section 2 of the Arms Control and Disarmament Act we state—and this is an act that is now in law—we state that "The ultimate goal of the United States is a world which is free from the scourge of war and the dangers and burdens of armaments." That is the law of the land. That is a goal.

Does anybody disagree with that goal? No. Is anybody ready to say we are not going to have a defense budget now because we set that goal and we do not need it anymore because we got the goal? I do not think so.

That is a goal that we all understand will take some time and will take a lot of patience and it will take a lot of defense before we ever get to that point, if we ever do. And I hope at some point my children or grandchildren or great grandchildren will reach that point.

The ABM limited defense goal we set in the committee provision is an important goal. It is certainly not rhetoric. It is a goal. But setting a goal is only the first step in what has to be a long process.

I think I read where the Senator from Tennessee said, and I believe I maybe probably heard him say it, too, that what we are doing here is heading down toward a house or building at 60 or 90 miles an hour and we are saying we hope the door will open before we get to the building. We hope the door will open, but if it does not we are still going that fast. An implication is we are going to crash on through that door no matter what.

Mr. President, the problem with that analogy is the Congress of the United States has the gas station and the car has to be regassed four or five times before we ever get to the building. Now, if you believe Congress is going to run out and pump gas in the car while it is going 90 miles an hour, then that is sort of ridiculous. We are going to come back next year, and the year after. We have to authorize and appropriate each year in order to come anywhere close to achieving the goal, and we also have to prove the technology and we also have to prove that it is feasible financially.

And that remains to be seen. I am hopeful it will be, because it is a very important goal. I think there is a parallel when President Kennedy set a national goal for landing a man on the Moon before the end of the decade of the 1960's. That was an important goal, and without him setting that goal, we probably would have never—certainly within that timeframe—have accomplished the mission and reached the Moon.

But that does not mean that we were going to launch the Saturn 5 rocket if it was going to explode, if it did not work, or if it cost $1 trillion. That was a goal that was reviewed every year. Congress had to put the money up every year. Congress had to approve of the funding every year. Congress had to authorize and appropriate every year.

Now, if we take the assumption around here that we are on this kind of slippery slope because we announced a goal, and therefore we just cannot stop ourselves—here we go, we cannot stop; we have set a goal, and therefore nobody is going to be able to stop—that is a pretty low estimate of our political system. I do not share that estimate. It really is a calculation and assumption that the Congress next year is not going to use its judgment, that the Congress the year after is not going to use its judgment, that we are not going to have hearings to see if the technology works, and we are not going on to have hearings to see if it is cost-effective, that we are just going to speed down the road 90 miles an hour.

Mr. President, that is not the way this system works. This system has to have gas. The car has to stop to get gas. The Congress has to provide the gas. The Congress pumps the gas, and the American people pay for it. That is the way we set goals around here, and that is the way we authorize and appropriate.

I do not understand the analogy, but perhaps someone can amplify or it and perhaps at some point in this debate, I will. There are many bridges to cross, and there are many gas stations that we have to pull up to before we could accomplish these goals.

Mr. President, I have also heard a lot of people saying, well, what is the threat? Why do we not just wait around? Let us wait around until we find a Third World country that has a stragetic missile that is long enough to hit the United States.

Mr. President, I do not think we ought to wait that long, because it takes several years—4, 5, 6, 7, maybe 8 years—to even get one site built. I think we have to proceed down this road, and we have to also proceed down the road of trying diplomacy, trying to use our intelligence assets, trying to use our friends, our economic power, our political power to avoid this kind of proliferation of nuclear missiles. But we also have to have an insurance policy.

Mr. President, people are saying the Soviet Union is no threat these days, at least not in the sense of an accidental launch. People are saying they have total control over their command and control, and that they are in great shape.

Somebody better go over and tell the former chief of staff of the Soviet Armed Forces that, because when he testified before our committee he expressed some considerable questions about the control of their naval nuclear weapons.

Let me just give a few examples: Human beings will always be humans; mistakes will always be made, whether it is technological mistakes or human

mistakes; and we better understand there is no such thing as total and perfect control of nuclear weapons.

For a long time, I have felt and still feel and have been pushing the last two Secretaries of Defense to try to put some fail-safe post-launch destruction devices on our missiles. I would like for both sides to have that capability. If a missile went off by accident and started heading toward the Soviet Union, I would like for our President to be able to say on the hotline, "Mr. Gorbachev, we have had a terrible accident. There is a missile headed your way." I would like for him to say, "We can bring it down; we can basically pull the trigger and have it explode." I would hate for him to be in the position of saying, "We cannot do anything about it."

I would also hate for President Gorbachev to get on the hotline one day and say, "Mr. President, we have made a terrible mistake. We have had a missile launched. It was a mistake. It was an accident. It is heading your way. We do not have a fail-safe on it. I hope you can do something about it. It is going to be a calamity if you do not."

I do not want to get to that point. You are talking about $10 or $12 billion to do this kind of limited ABM defense system, maybe $15 billion. Who knows exactly what it will cost. That is one of the questions. But if you have a nuclear explosion in this country by accident, one in the next 30 years, it would dwarf—it would dwarf—the cost of what we are talking about here. It would dwarf it.

Mr. President, just a couple of examples.

In 1980, the Strategic Air Command [SAC] headquarters display system indicated that the United States was under attack by numerous Soviet ballistic missiles. SAC bombers standing alert were ordered to taxi into position for takeoff, and airborne command post aircraft took to the skies. Fortunately, the SAC Duty Officer decided the warning indicators were erroneous and canceled the alert. Our system worked.

In 1980, a U.S. Titan II missile exploded in its silo, hurling its 9-megaton nuclear warhead into a nearby field. Fortunately, the warhead did not explode.

In 1986, a Soviet Yankee-class submarine with long-range nuclear missiles caught fire off the United States eastern seaboard and sank. Fortunately, again, none of the nuclear missiles exploded or were launched.

Is anybody going to stand here tonight and say that is always going to be the case? I am not.

Late last year, the Soviet press published a firsthand account by a Soviet Navy captain of an incident in the 1980's in which a Soviet submarine actually did inadvertently launch a nuclear-tipped ballistic missile. Fortunately, again, the missile only traveled several hundred yards, rather than several thousand miles.

Mr. President, people are going to continue to be human. Mistakes are going to continue to be made. I do not know any such thing as perfect technology. I think when it comes to mistakes involved here, we need some kind of insurance policy, not an insurance policy that is so well-endowed that it causes the other side to believe we are going to strike first. No, not that kind of insurance policy. What we need is an insurance policy along the lines that we have in this committee bill.

In 1988, I gave a speech to the Arms Control Association. And I know they have some serious doubts about our committee provision, and I respect those people in that association.

But I gave a speech before them in 1988 in which I said we should seriously explore the development of what I called ALPS—that is, an accidental launch protection system. I said then and still believe today that to be highly effective in defending the entire United States against limited strikes, including accidental or unauthorized launches, ALPS would require some modest amendments to the ABM Treaty.

I still believe that.

Critics of the ALPS proposal argue and continue to insist today that the Soviet Union has complete control over their nuclear weapons and no protection is needed. Even before these examples that I have given, and including those examples, however, we have had the Soviets, some of their top people, give a little bit different view.

In a May 1990 appearance before the Senate Armed Services Committee, Marshall Akhromeyev, a former Chief of Staff of the Soviet Armed Forces, revealed that the Soviet Union's safeguards for nuclear weapons at sea did not enjoy the same degree of protection against unsanctioned use as did Soviet ICBM's.

Mr. President, I really believe we have to examine our own fail-safe systems in that respect. I do not believe we should have just one route for insurance. I would like to see four or five different routes for this insurance, insurance through diplomacy, with vigorous efforts there; insurance with intelligence efforts; insurance with the other means that we have, including, I hope, one of these days, more elborate fail-safe devices on weapons at sea, on both sides, and also one of these days I hope we will have fail-safes on our missiles, and they will, too.

Recent developments in the Soviet Union have provided, I think, some grounds for anxiety, as ethnic and separatist tensions within the Soviet Union have escalated over the last year or two.

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

Mr. NUNN. Mr. President, I yield myself 5 more minutes.

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

Mr. NUNN. Mr. President, I think we ought to consider the last couple of years because overall there is no doubt the danger of an accidental nuclear strike is there. The danger of a deliberate first strike by either side, particularly by the Soviets, because we never would envision such a thing, but by the Soviet Union, that danger has gone down, because the danger of a European conflict has gone down, and that is the most dangerous escalatory situation we have ever postulated.

But I do not believe the same can be said in terms of the danger of an accidental war or accidental launch.

Just for example, fighting has raged on top of nuclear storage sites in Azerbaijan. That was ethnic strife and that took place, according to Soviet news reports. The Soviets have already moved nuclear weapons out of areas of ethnic strife and have even negotiated a provision in the new START Treaty to allow them to redeploy some of their SS-18 ICBM silos to more secure republics.

We are over here with our debate and saying the Soviets, some will take the position the Soviets have total control, no problem. While they are negotiating in START, they are able to move their SS-18's to a more secure position.

Soviet naval commanders in the last 2 or 3 years have complained bitterly in the Soviet press about the deteriorating morale, readiness and training of the Soviet Union's conscript navy, warning that ships are not safe to set out to sea. In an introduction to one such article, the newspaper Young Pravda editoralized that

> The [Soviet] navy poses a threat in the first place to ourselves.

In a speech to the U.S.S.R. Supreme Soviet last September, Marshall Akhromeyev said:

> We must not forget that we possess nuclear weapons, which in times of instability may become a great source of danger both for the world and for ourselves.

Perhaps we are not concerned about Soviet command and control but they are.

Before resigning last year, then- Soviet Foreign Minister Edward Shevardnadze warned of the dangers of a Soviet civil war:

> No one can calculate the consequences of a social explosion capable of igniting not only befogged minds but also the giant stockpiles of nuclear and chemical weapons.

That is the Soviet foreign minister. We are talking about the Soviet Foreign Minister and the Chief of Staff of the Soviet Armed Forces. Yet we are hearing debate on the floor of the United States Senate that everything is fine; that there is no danger; that there is no threat.

Mr. President, the odds are that there probably is not going to be any nuclear accident next year or the year

after. But if you look at the next 15 or 20 years and you calculate the number of weapons all over this world and you calculate the dangers involved in the Soviet Union, if you calculate the Third World threat, I do not see how anyone could come to the conclusion that we do not need an insurance policy.

Again, I am not talking about a comprehensive defense. I know there are some in this body, including some who are supporting my position on this, who believe there is no danger if we go all out and have comprehensive defenses everywhere. I believe that, too, would be a danger. That, too, would be a danger because it could lead the Soviets to think we are going to launch a first strike, and then catch what is left of the retaliatory force. But, we are not doing that in this amendment. We are keeping the defense below that threshold.

I will make one other point and then I will yield the floor.

Mr. President, the argument has been made, over and over—and it is a legitimate point of concern, I grant that, a legitimate point of concern—about strategic stability. People say, what does strategic stability mean? My definition of it is very simple. We do not want either side to have an incentive to go first in a nuclear war. We do not want either side to think in a period of tension or confrontation that by going first or launching an attack, they could come out relatively unscathed, and therefore have a finger on the nuclear trigger. That is the heart of the ABM Treaty.

I think there is still a valid philosophy to the ABM Treaty. I do not believe we in any way violate that philosophy. Just consider, when the ABM Treaty was entered into in 1972, at that time both sides—the Soviets and the United States—both sides agreed that each could have 200 interceptors; 200 defensive interceptors, two sites.

At that time the Soviet offensive force was approximately 2,000 nuclear warheads; 2,000 offensive warheads versus 200 interceptors. So that ratio was acceptable to both superpowers. It was not deemed to be destabilizing. It was not deemed by either side to pose the threat of first strike by one side and then using defenses to, relatively, escape retaliation.

Today how many warheads do the Soviets have? Even after START they will have approximately 8,000 warheads; 8,000 warheads.

How many interceptors are we talking about today? We are taling about 100. That is 8,000 warheads, versus 100 interceptors. Back in the ABM Treaty days, 2,000 warheads versus 200 interceptors. How anyone can calculate that this is a threat to the Soviet's ability to retaliate, I do not know.

Even if you multiply, and we have more than one site—let us say we have 3 sites and there are 300 warhead interceptors total, 8,000 warheads on one side versus 300 interceptors on the other—how can that possibly be a danger to the efficacy of retaliation?

Mr. President, I hope our colleagues will consider carefully the amendments we have. It is my hope the committee position will be upheld because I believe if we do uphold the committee position, for the first time the Congress will have said to the administration, here is what we should be spending this money on. We have not been doing that. We basically have been funding the administration's plan debating over the money, quarreling over the money, but not saying what we really wanted to be done.

As I view it we are the board of directors. It is up to us to tell the chief executive officer what kind of SDI concept we want and what he should be doing. That is our constitutional responsibility. We can fulfill it by rejecting, first, the Gore amendment, and then the other amendments which we will be debating at a later point.

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

Mr. NUNN. Yes, I will yield on the Senator's time because I have a problem on my time.

Mr. GORE. I have a problem on time, too, because I have a lot of requests for time.

The PRESIDING OFFICER (Ms. MIKULSKI). Who yields time?

Mr. NUNN. I yield the floor.

Mr. GORE. Could I ask unanimous consent this colloquy not be charged to either side?

Mr. NUNN. I would have to object because there are about 15 people who would object if they were here. We almost did not get the agreement to begin with because people thought I was too long, so I would have to object to that. I would be glad to answer the Senator's question.

Mr. GORE. Madam President, I yield myself 1 minute and then I yield to the distinguished Senator from Vermont. I do have more requests than we have time remaining.

We have not had hearings on the proposal from the committee. I do think we should have questions, answers, and I regret the fact we have such limits on the time. I agreed to them but we do have other amendments forthcoming.

I would say that the distinguished chairman of the committee described this as an insurance policy. I would say we ought to do what we do in all insurance policies and that is read the fine print.

What are we buying with this insurance policy, 1 site, 10 sites, or 100 sites? We do not know because it is not specified.

We just heard that before we negotiate with the Soviet Union we need to know what we are going to ask them for. Are we going to ask them to permit space-based sensors? Are we going to ask them to permit 3 sites, 5 sites, 6 sites, 100 sites? We do not know, under the committee bill, what we are going to ask them for when we sit down.

Would one site be adequate? The sponsors disagree on that question.

The PRESIDING OFFICER. The 1 minute of the Senator has expired.

Mr. GORE. I will return to that, Madam President. I yield 8 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Madam President, I certainly do not intend to argue or debate the details of defense policy with the distinguished chairman. I would agree with the Senator from Tennessee that if you are looking for an insurance policy to buy, you first examine the risk and you examine the cost.

To me, my problem is we are buying the wrong insurance policy, a very expensive one, to protect us against the lesser of risks where we can, with our resources, do much better in other directions.

We live in a constantly changing world, but change comes more rapidly in some periods than others. Over the last couple years, change has occurred at a phenomenal rate, redefining our relationship with the Soviet Union, eliminating the NATO/Warsaw Pact standoff, and altering the nature of the military threat to the United States.

It seems to me we should spend a little less time worrying about the evil empire, and a little more time worrying about the fanatic fiefdoms. Generals are not the only people guilty of preparing to fight the last war—politicians are, too.

Reality has changed faster than our perception of it. Ideology and public opinion have yet to catch up. Building a defense against a Soviet ballistic missile attack may be a modern-day Maginot Line.

There are likely to be some reversals in the many positive developments of the past couple years. Not all of the great hopes aroused will be realized. But neither will the situation ever go back to the East/West military face off. Eastern Europe is not going to return to monolithic communism. It is unlikely that the Warsaw Pact will ever be reconstituted. German unity, however uncomfortable, is not going to be reversed anytime soon. The Soviet economy is unlikely to reinvigorate sufficiently in the near future to support a large investment in military production.

I supported SDI with the hope it would stimulate completion of START and help bring the Soviets to heel. That has occurred. I agree we must continue our research. But for the foreseeable future, I cannot support any development.

Yet, America is still preoccupied with the Soviet threat, and the lure of

a system to protect against Soviet missiles is still quite great. Concentration on that objective has prevented many people from focusing on the changed nature of the real threat: the proliferation of nuclear-capable states and the likelihood of an arms race in the third world that could eventually threaten the United States. While the Nonproliferation Treaty [NPT] attempts to keep a lid on unauthorized development, pressures on the treaty and the obvious flaunting of it by some signatories, such as Iraq, threaten the effectiveness of the regime. Clearly, it is time to consider additional ways of controlling nuclear proliferation before the genie is entirely out of the bottle.

A theater missile defense system would be designed to protect the United States against ballistic missiles only. It would not be effective against an airplane carrying a nuclear weapon or a ship sailing into a harbor with a concealed nuclear weapon on board—both of which are more likely ways for a Third World nation or a terrorist group to try to strike the United States. In fact, deployment of a missile defense system would increase the likelihood that an attack upon the United States would be focused on these other areas of vulnerability.

In my view, we must move forward immediately on two fronts. First, we must work with the United Nations to develop a series of sanctions against nations that test, develop or acquire nuclear weapons in violation of the NPT or assist other nations to do so. This past fall, the United Nations proved that it is capable of developing and implementing a broad-based sanctions regime. A similar U.N. regime is being considered to counter the spread of chemical and biological weapons. As the undisputed world military leader, it is incumbent upon the United States to take a lead in orchestrating a U.N. effort to control nuclear proliferation.

Second, concurrent to the effort to develop an international anti-proliferation regime, U.S. military experts must be carefully examining the changing nature of the current threat and reassessing the true nature of the most likely threat in the coming decades. Such an evaluation will, in all probability, point up the urgency of preventing further nuclear proliferation, of progressing on a nuclear test ban agreement and expanding international limitations on offensive military capabilities.

While these efforts are in progress, and they will take some time, our own military research and development efforts should not lapse in the area of ground-based defenses against a nuclear attack. And we must be ready to move to deployment if it should appear that additional nations could deploy a system that could threaten the United States with ballistic missiles. Allowing that research to lapse would be running too great a risk. I think most of my colleagues support robust research on the most promising theater missile defense technologies.

But I question whether we are really ready to rush into deployment at this time. The administration has not been pushing for immediate deployment of such a system. Nor has this been the primary focus of the Strategic Defense Initiative Program. Neither the House nor the Senate Armed Services Committees have held hearings on this proposal. There is considerable disagreement about how many sites would be necessary to deploy a complete system and how much it would cost. All that we know for certain is that one site would not be sufficient to defend the entire United States and the cost of deploying any system would be very high. At some point it might be necessary to deploy a limited system, but only when we are sure that sufficient research has been completed and the nature of the threat warrants it.

Rushing to deploy a theater missile defense system in the absence of these conditions and without careful consideration of all the ramifications could have some unintended and undesirable consequences. John B. Rhinelander, former legal advisor to the ABM Treaty delegation and the SALT I delegation, warns that—

> The Nunn-Warner provision could backfire by making us more vulnerable, not less, to the threat of Third World nuclear and ballistic missiles. If the U.S. were to break out, unilaterally, from the ABM Treaty after 1995, this would almost surely destroy the Non-Proliferation Treaty. * * *

Madam President, I will not rule out the possibility that we might want to deploy a defensive system at some point in the future. So we must continue to aggressively research these technologies. But today I see a greater threat to the United States from unchecked nuclear and ballistic missile proliferation.

We must not let our cold war preoccupation with Soviet military capabilities blind us to today's real threats. Saddam Hussein gave us a wake-up call—let us not sleep through it.

Finally, along with proliferation, and in a broader context, our greatest threat is in the economic arena. It would be a serious mistake to continue to pursue and increase our expenditures on SDI, while our economic competitors, Japan and Germany, with minimal and decreasing military expenditures, maul us in world trade. We need to rededicate this incredible brain power and technology to the opening world markets, and in defending our home markets.

Madam President, I yield the floor.

Mr. GORE. Madam President, I yield 7 minutes to the distinguished chairman of the Foreign Relations Committee, Senator PELL.

The PRESIDING OFFICER. Senator PELL is recognized for 7 minutes.

Mr. PELL. I thank my colleague. Madam President, I commend the Senator from Tennessee [Mr. GORE] for his amendment, which I strongly support.

If the Nunn-Warner provisions become law, it could embark the United States on a course which Congress sharply curtailed in the late 1960's and which was rejected by treaty in 1972.

Acknowledging this problem, the provision urges the President to pursue immediately negotiations to amend the ABM Treaty to allow completion of the full system.

Mr. President, amending the ABM treaty is a fairly innocuous way to characterize what would do profound harm to the treaty and could in fact destroy it. We should recall that the treaty was achieved over several years when the United States understood that defenses from nuclear attack would not save the country against nuclear attack and would exacerbate the nuclear arms race. Under the umbrella of the ABM Treaty, we have moved slowly and laboriously toward true strategic arms reduction.

Gerard C. Smith, who negotiated the ABM Treaty recently said that the committee provision is "like amending prohibition to permit the sale of liquor."

It would be a sad folly if, on the very day that the Presidents of the United States and the Soviet Union have agreed to make significant reductions in their strategic offensive nuclear arsenals, the Senate of the United States were to accede to a proposal which could destroy the ABM Treaty that made this historic achievement possible.

Mr. President, if the plan set forth in the committee bill were carried to fruition, we would be forced to violate the treaty, which we should never do, abrogate it, which can be likened to shooting ourselves in the national foot, or gain Soviet agreement to amendment.

And yet, this is what the Soviets said in connection with the upcoming START Treaty on this specific issue:

> This treaty may be effective and viable only under conditions of compliance with the treaty between the USSR and the U.S.A. on the limitation of anti-ballistic missile systems, as signed on May 26, 1972.

Mr. President, we must ask whether the limited defenses envisioned could really be effective. In the 1960's and early 1970's, the proponents of the Safeguard ABM systems made numerous statements on the good qualities of the system. The system was completed in 1974 at a cost of over $7 billion—1970's dollars—but it was deactivated in 1976 because of its high cost and ineffectiveness.

The term caveat emptor means "let the buyer beware." We have not been sufficiently aware in the past in determining what is a promise and what is reality. For these reasons, we must be wary now of what the SDI Program ad-

vocates are promising. We need to be realistic about the threat the limited system would meet.

The threat of accidental or unauthorized launches of nuclear weapons has been with us since the advent of nuclear arsenals. It has never been thought feasible or necessary to meet this threat. Over time, the safety of nuclear weapons and the controls over them have steadily improved. We must ask what has changed that makes this scheme necessary now?

With regard to the Third World countries, is it not logical to assume that our overwhelming power would make any nation with a few nuclear weapons understand that attack would be suicidal? Even the worst, maddest, of the world's leaders would realize that the use of a nuclear weapon against the United States would be suicidal.

Moreover, most experts agree that developing countries would find the construction of weapons capable of deployment on missiles, and of the long-range missiles to deliver them, a tremendous technical challenge. Thus, the method of delivery would probably be an aircraft, a ship, or a boat. The contemplated ABM system, even if it worked, could not stop that kind of action.

Madam President, the Gore proposal would allow exploration of defensive technologies, urges discussion with the Soviets of theater ballistic defenses and stresses the need for work on defenses like the Patriot system so successful in Desert Storm against theater missiles. I support these objectives.

I also intend to support efforts to reduce SDI funding. While I support research funding, it is clear that SDI needs restraint.

As chairman of the Committee on Foreign Relations, I am prepared to consider most carefully the foreign and national security policy implications of this matter. It is important to look at the legal, military and scientific implications. There is no need for haste. There is every need for prudence.

The PRESIDING OFFICER. Who yields time?

Mr. GORE. Madam President, I yield 10 minutes to the distinguished Senator from Michigan.

May I say in yielding that he has, in my opinion, been the single most dominant supporter and defender of the ABM Treaty. I am glad to yield this time to him.

Mr. LEVIN. I am inclined to use most of the time yielded by my friend from Tennessee to thank him for that overly gracious comment. There have been a great number of supporters of the ABM Treaty in this Senate, and I am just one of many over the years.

There is going to be much debate about the meaning of the committee's SDI language, Madam President. But one thing is clear to me. After reviewing this language, perhaps dozens of times, the Senate Armed Services Committee has approved a plan to deploy systems which would violate the Anti-Ballistic Missile Treaty. That is a serious statement. I think it is one that would probably be acknowledged by the chairman, that when you strip away the differences over what the meaning of this language is, we are left with that core, that nugget, that the Armed Services Committee language is the approval of a plan to deploy systems which would violate the Anti-Ballistic-Missile Treaty.

Mr. NUNN. Will the Senator yield.

Mr. LEVIN. I will be happy to yield.

Mr. NUNN. I say to the Senator that I disagree with that assessment. I know the Senator reaches that conclusion sincerely after a lot of thought. But I submit to the Senator that part of this plan is the negotiating track. We are talking about two tracks. We are talking about a negotiating track and a defensive weapons system deployment plan, but they are both part of the plan.

The plan is to get the Soviet Union, if they will, to agree to the amendments. If they do not agree, then we have to assess whether to go forward on the other part of the track. So there is not any kind of plan here that is per se a violation of the ABM Treaty. Part of the plan is the negotiating track, to achieve modest amendments which would then make it permissible.

Mr. LEVIN. My friend from Georgia knows that the plan to deploy these systems does not await negotiations, is not conditioned upon negotiations, is not linked to negotiations. It is set forth as the plan of the United States to deploy these systems, and I made an effort in committee, as the chairman knows, to change the goal so that it would read in the first paragraph "a goal to deploy ABM compliant systems," which of course means the ABM Treaty as it might be amended.

That was my amendment in committee, to do exactly that, to change this goal, to make it a goal to negotiate changes in the treaty to permit these systems. And that amendment was defeated by a vote of 15 of 5. It was opposed by the chairman and the other sponsors of this amendment.

This is what we are left with. It is adopt a plan now to deploy these systems and negotiate later. That is the heart of the matter. This decision to adopt the plan now to say that we are going to build a system at Grand Forks, which is a compliant system, that is an initial step to a noncompliant system, that plan threatens the successful course of arms control negotiations which has been pursued by the United States and the Soviet Union for many years. That path of negotiations, the heart of which has been the ABM Treaty, has finally led us to wholesale reductions of the most dangerous weapons in the superpower arsenals through the START agreement signed, ironically, just today.

If the committee's action becomes the policy of this country, it could undermine arms control and drain the Treasury. That would truly endanger national security.

The ABM plan which is described in this bill begins with the deployment of a system at Grand Forks, ND. That part 1 is intended to be in compliance with the ABM Treaty, but that is only the beginning. The bill goes beyond that. It specifies explicitly that the deployment at Grand Forks is the initial site in a system which later includes additional antiballistic missile sites and space-based sensors. The plan—and it has been characterized as that on this floor even tonight by the chairman—to deploy multiple sites and space-based components that is adopted in section (a)(1) of the committee's language is a plan to deploy systems that are inconsistent with the Anti-Ballistic Missile Treaty.

For the first time, Madam President, in our history as a Senate, if we adopt the committee language, the Senate will be saying we are adopting a plan to deploy a system which violates the ABM Treaty.

The hope is expressed, as the chairman indicated, that the Soviets will agree to modify the treaty and, clearly, the chairman is correct, that hope is expressed for negotiations in a later part of the language. But we adopt the plan to develop the systems now, no if's, no and's, no but's; the committee-adopted plan threatens the treaty now and says we will talk about it later. "Threaten the treaty now, negotiate later," that is the battle cry.

The ABM Treaty has played a central role in preserving deterrence and stability. This language of the committee, which the Gore amendment seeks to change, would seriously undermine that ABM Treaty. It would undermine American security in the process. And before we do that, we should look at the alternatives which are available.

The ABM Treaty is a contract. Have the Soviets violated that contract at Krasnoyarsk we objected, and rightly so. This contract with the Soviets has worked to the mutual benefit of both superpowers. President Nixon said the ABM Treaty stopped what inevitably would have become a defensive arms race with untold billions of dollars being spent on each side for more and more ABM coverage.

This treaty, Madam President, has been supported by Presidents and Members of Congress in both parties, by officials in the intelligence community, military leaders under Republican and Democratic administrations.

Former CIA Director William Colby said, "The only way to defend our country against nuclear war is prevent it from happening. The ABM Treaty,"

he said, our former CIA Director, "has played a major role in the success of that policy of prevention by dampening the arms race and providing the conditions necessary for progress on limiting offensive forces. It is," he said, "a watershed document. It has done more to reduce the threat of nuclear war than any other single agreement."

How is that for protecting American cities? We are not protecting the ABM Treaty when we support the Gore amendment as a piece of paper. We are supporting the communities and the people of America that have been protected by that treaty.

It is not some theoretical document out there that we are trying to prevent from being shredded. It is the communities and people of America that we are trying to protect from another arms race. This treaty has allowed us to avoid an arms race in space. The ABM Treaty has allowed us to avoid an arms race in defensive arms. It has allowed us now to have a START agreement.

What would we do, as the Senator from Tennessee so eloquently asked, if suddenly we were confronted with Soviet defenses? That answer was given by Secretary Weinberger. He said even the plan on the part of the Soviets to deploy defensive would cause us to increase the number of offensive weapons which we have.

If we were faced with defenses, we would do what the Soviets will do, which is to increase the number of weapons to overwhelm those defenses, to build in countermeasures so that they can counteract those defenses. And before we walk down that road, we had better do some negotiating with the Soviets so we do not unravel the treaty which has been at the heart of arms control between the Soviet Union and the United States.

Should we walk down that road? If we walk down carefully, I think there is a good argument for it. But this is not careful when we adopt the plan now to deploy systems which would violate a treaty and then say we will talk about it later.

We do not say here our goal is to negotiate changes in a treaty. I tried that in committee with an amendment. We say here our plan is to deploy defenses; no if's, no and's, no but's.

But now the Senate has before it an SDI plan that would move this country down a new path, first by deployment of the type of ABM systems we have voluntarily foresworn, as the expressly linked initial step to a point a little further down the path, well within sight, to the more extensive ABM systems that the treaty forbids. We are not being asked to approve grand forks in isolution. That is called the initial step in this plan. Grand Forks is the engine on the train which will wreck the ABM Treaty because of the cars it is pulling behind it.

We decided 15 years ago that it was not in our interest to keep the one regional ballistic missile defense system permitted under the 1974 protocol to the ABM Treaty. We took down the Safeguard system we had deployed at Grand Forks, because the costs of maintaining it were not worth the minimal protection it provided for our missile fields.

Now we are being asked to deploy a system at Grand Forks again. Yes, there have been changes in technology that could make ABM interceptors more capable. But we have also had enormous changes in the relationship between the United States and the Soviet Union, sweeping changes that are resulting, finally, this week, in the signing of the first treaty to make deep reductions in the strategic nuclear arsenals of the superpowers. The possibility of a deliberate or accidental nuclear attack is more remote than ever.

The START agreement has fulfilled the military requirement that the Joint Chiefs of Staff had validated as the rationale for a full-scale strategic defense initiative system. The Chiefs said an SDI System should be able to stop 50 percent of Soviet SS-18 ICBM warheads and 30 percent of all other Soviet strategic warheads during an all-out attack. Well, the START Treaty does just that—it mandates a 50-percent cut in Soviet SS-18's, and will result in approximately 30 percent reductions in other Soviet strategic warheads. The START Treaty will do what SDI might never have attained the technology to do.

But now, seemingly in denial of what is happening in Moscow this week, the Senate is being asked to approve an SDI plan that would undermine the ABM Treaty.

We are going to hear a great deal in this debate about the threats the system proposed in the committee bill is supposed to counter.

The threat about which there is the least question is the threat that tactical ballistic missiles pose to U.S. allies and troops deployed in various regions of the world. Several nations have these weapons—several more will likely obtain them in the next few years.

The committee bill takes several direct actions in recognition of that threat, and I support them wholeheartedly. The committee bill authorizes $200 million for 300 additional air defense missiles for the upgraded Patriot air defense system which proved itself capable of intercepting Scud missiles fired by Iraq.

The committee's most tangible action in this area is its direction to the Secretary of Defense to "aggressively pursue the development of a range of advanced theatre missile defense options" which could be deployed by the mid-1990's. The committee bill provides $850 million for this research in fiscal year 1992, a substantial increase over last years funding level. The House provided similar funding and went a step further to emphasize this work as a priority, by establishing a joint tactical missile defense program with the Army as executive agent, and appropriate representation from the other services and SDIO.

Anti-tactical-ballistic missile [ATBM] systems would mostly be useful in regional conflicts, to intercept missiles like the Scud and more sophisticated follow-ons. As long as ATBM's have limited range and speed, they could be developed and deployed in compliance with the ABM Treaty—the Arrow system is a good example.

As long as the United States wants to forward-base military forces overseas, preserve security commitments with allies and be prepared to intervene in regional conflicts, we have to be concerned about proliferating these tactical ballistic missile threats. Deployment of land- or sea-based ATBM systems will not upset the strategic balance or the superpower relationship. ATBM systems can be developed and deployed without violating any arms control treaty. The Soviets have also pursued ATBM defenses, developing the SA-10 and SA-12 interceptors and mobile ground-based radars.

Madam President, I support these initiatives to develop ATBM defenses. But the bulk of this bill's SDI plan is intended to meet different threats. We do not need to deploy an SDI system at Grand Forks to respond to the threat of short-range missiles, and we do not need to declare our intention to develop non-ABM Treaty complaint SDI systems to protect U.S. troops in the field from Scud missiles.

Proponents of the committee bill's SDI system are emphasizing new rationales for a system which is not in keeping with the terms of the ABM Treaty—the threat of accidental or unauthorized ICBM launch from the U.S.S.R., and the possibility that a Third World nation might someday be able to launch an ICBM at the United States.

How much of a threat is accidental or unauthorized ICBM launch, and would the SDI system being proposed in this bill really meet those threats?

In 1988, then Chairman of the Joint Chiefs of Staff Adm. William Crowe told Congress that because of the elaborate safeguards on both sides, the probability of any such launch is "very, very, low."

A true accident would require many separate systems to fail simultaneously: Missile engines, silo doors, warhead arming devices. Missiles are designed to avoid such a common mode failure. The more likely accident would occur from one side receiving a convincing false alarm that it was under nuclear attack and deciding to launch its missiles in response. But a limited

protection system, like that envisioned by this bill, would not provide significant protection against the large number of missiles that would probably be launched in such a counterattack.

When Congress looked at this question almost 3 years ago during debate on the fiscal year 1989 defense authorization bill, we added section 224, a Sense of the Congress statement that asked the Secretary of Defense to make SDIO's priority the development of technologies that could protect the United States against accidental launches, and we mandated "that such development—should be carried out with an objective of ensuring that such system is in compliance with the 1972 Anti-Ballistic Missile Treaty."

Since then, a great deal has happened in United States-Soviet relations to decrease the threat that nuclear weapons will be used by the superpowers. Now that we have finally successfully negotiated a START Treaty—do we really want to rush down the path to threaten the ABM Treaty for an SDI system that cannot meet its own goals?

Madam President, we also used to hear a lot about a "bolt from the blue," a sudden, massive nuclear attack from the Soviet Union that might catch the United States with it's guard down. Now some supporters of an SDI limited protection system are seeing a different—color—they talk of the "Red October scenario," where a rogue commander of a Soviet submarine might, on his own, launch missiles against the United States. But both superpowers have taken extraordinary steps to prevent such an unauthorized launch.

In addition to permissive action links that require high-authority launch commands before missile operations can arm the warheads, the United States requires dual operators of land-based ICBM's who must work together to launch the missiles. On U.S. subs, any commander would need extensive cooperation from the crew to launch missiles. The Soviet Union has traditionally been even more concerned with retaining central control over any use of nuclear weapons.

Several years ago, the chairman of the Armed Services Committee delivered an important speech to the Arms Control Association examining the need for a protection against accidental launches. Senator NUNN at that time encouraged high-level reviews of existing procedures by the United States and U.S.S.R., with consultation between the superpowers, to eliminate any plausible way that missiles could be launched accidentially or without authorization. He encouraged the extension of permissive action links to all nuclear weapons, including sub-launched missiles, and he suggested that command destruct systems might be installed on deployed missiles—as they are on test missiles—to destroy in flight any that might be launched by accident.

There are very realistic and appropriate alternatives to deployment of an extensive, expensive SDI system to reduce or eliminate the possibility of accidental and unauthorized missile launches. This should be at the top of the agenda for discussions between the military leaders of the United States and the Soviet Union.

The committee's other rationale is the proliferation of long-range ballistic missiles.

Secretary of Defense Cheney told the American Defense Preparedness Association last year that very few nations will have missiles with the range to reach the United States. The most advanced ICBM programs in third world countries are in Israel, India, and Brazil, hardly nations we consider hostile adversaries.

A ballistic missile attack, unlike most acts of terrorism, could immediately be traced back to its point of origin. The United States possesses a devastating retaliatory force which would be a powerful deterrent for any crazy state that might contemplate attacking the United States with a ballistic missile.

But an act of terrorism using weapons of mass destruction, whether state-sponsored or not, could be far more easily smuggled into the United States over land, by airplane or boat, carried in a suitcase, than delivered by a ballistic missile.

And this is a big hole in the committee's plan—its failure to provide any defense against the far more likely, Qadhafi type threats—not ICBM's, but much more conventional delivery vehicles, like a truck, single-engine plane, fishing boat or a piece of luggage. These are the cheap and dirty ways to delivery a nuclear weapon to U.S. soil, and no strategic defense system in the world will protect against those threats.

Gen. David C. Jones, retired Chairman of the Joint Chiefs of Staff, said last year:

> I do not see any strong political or military need for early deployment * * * If some madman wants to attack us with a small number of nuclear weapons, there are many ways of doing it. We cannot stop drug runners with airplanes or with boats, there are so many ways to get into our country.

None of us wants to underestimate the dangers posed by emerging missile threats from Third World nations, but these pose a greater threat to regional stability than to U.S. territory. The appropriate U.S. response is not to rush out and spend billions of dollars to deploy an SDI system with limited capabilities that would threaten the ABM Treaty. If we are going to try to build international cooperative regimes to prevent ballistic missile proliferation, we do not want to scrap the most powerful and effective treaty we have had for the last two decades. Grand Forks Site would not provide a defense against even limited ICBM strikes for the entire U.S. population: SDIO's own calculations show that only the middle-third of the United States would be covered, leaving the vast majority of the country out of range of the ground based interceptors. Missiles coming from certain directions would be below the horizon, limiting radar detection and tracking ability, and therefore limiting time available for interceptors to hit their targets. So low-trajectory submarine missiles, missiles launched from close to the U.S. coastline, cruise missiles and other nuclear threats would also not be countered by the ABM system proposed in the bill.

The limited number of interceptors would also make this system insufficient against multiple missiles launched simultaneously. If a "rogue submarine commander" scenario did develop, the SDI system might face 10 missiles carrying 100 warheads, and would have to be 100 percent effective to completely stop an attack.

If the Soviet Union reacted to deployment of even a limited protection SDI system by placing decoys on a portion of its missiles, the system would have to be able to discriminate between decoys and warheads or else would surely be overwhelmed. If the Soviets view a Grand Forks deployment as the first step toward a more robust nationwide defense—says it is that and the SDI plan before us says it is that they are almost certain to respond.

The United States has long threatened a similar response if the Soviets developed greater ABM capabilities. Former Secretary of Defense Caspar Weinberger told President Reagan in 1985:

> Even a probable Soviet territorial defense would require us to increase the number of our offensive forces and their ability to penetrate Soviet defenses to assure that our operational plans could be executed.

Just 4 months ago in an interview, the Soviet Deputy Minister who oversees all Soviet ballistic missile, military satellite, and unmanned space booster planning and procurement, Lt. Gen. Alexander Matryonin, acknowledged that the Soviets are considering retaliatory measures if the United States deploys ABM systems. "If the United States can shoot down 10,000 warheads," he said "we can produce 10,500." Mr. President, that is exactly the outcome that we signed the ABM Treaty to avoid. That is exactly the outcome that the START Treaty signed today was intended to avoid.

Some ask—why not defend our cities? We are defending Riyadh and Tel Aviv. But the committee's SDI plan will not protect Atlanta or Los Angeles.

At this historic moment in international cooperation, after a coalition has worked through the United Nations

to repel aggression in the Persian Gulf, as the Senate prepares to ratify the CFE Treaty, and as the superpowers prepare to slash their nuclear arsenals through the START Treaty, it makes no sense to undermine the reliability of nuclear deterrence, to undermine the cuts in nuclear weapons represented by the predictability of mutual and measured arms reductions, and the trust of superpower cooperation. Why should we take a step that is likely to provoke an undesirable Soviet response, like withdrawal from the START Treaty?

If we commit to it now as an initial step toward a nationwide system, the limited ABM capability a Grand Forks system might provide would be more than offset by the new arms race would lead to and the enormous expenditures that are likely to result.

There is not a real threat that this SDI system is capable of meeting that is worth the high risk returning us to worst aspects of the cold war.

The committee's proposal is a seamless web, with its initial strand, the Grand Forks system deployment, tightly woven together with a follow-on system that would violate the ABM Treaty. The Senate is being asked to approve this plan before any negotiations or consultations with the Soviet Union, absent any evidence of Soviet willingness to move down this path mutually, and—I fear—without sufficient appreciation of the dangerous territory that lies down that path. As a result, the approval of a plan with noncompliant systems threatens to return us to the days of the cold war, and thereby weaken the security of the United States.

U.S. security is indeed the issue, and starting a new arms race does not lead us to it.

The PRESIDING OFFICER. Who yields time?

The Chair advises that the Senator from Tennessee has approximately 24 minutes and 5 seconds remaining, and the Senator from Georgia has approximately 18 minutes and 12 seconds remaining.

If no Senator yields time, time will be taken from both sides.

Mr. GORE. Madam President, does the other side wish to go now? I want to reserve the right to close the debate.

Mr. NUNN. I ask the Chair to enlighten both of us on how much time is remaining.

The PRESIDING OFFICER. The Senator from Tennessee has approximately 24 minutes. The Senator from Georgia has approximately 18 minutes.

Mr. NUNN. I could take 5 minutes at this stage, Madam President. I believe the Senator from Pennsylvania sought recognition, asked for recognition first, and I believe he wanted 8 minutes, and the Senator from California 5 minutes. I would be happy to yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California has 5 minutes.

Mr. SEYMOUR. Thank you very much, Madam President, and I thank Senator NUNN.

Madam President, I rise in opposition to the pending amendment and in strong support of the Senate Armed Services Committee bipartisan Missile Defense Act of 1991. This carefully crafted bill brings the Senate to the threshold of several decisions about the future of America's ability to defend itself against ballistic and intercontinental missile threats that could arise in any region of the world.

It prescribes a prudent and measured timetable for the President to determine whether the provisions of the Anti-Ballistic-Missile Treaty make the strategic defense initiative an ongoing dialog among laboratory researchers or a credible program to deter future military threats to the United States and its allies.

It finally blends the three major components of SDI into a coherent whole by calling for a system that incorporates ground-based interceptors at home, theatre missile defense weapons abroad, and workable interceptors based in outer space.

And on a larger scale, Madam President, it casts aside the chains of the cold war in the debate over the ultimate feasibility of SDI. It no longer upholds as sacred policy a treaty that this country concluded almost 20 years ago with a very different Soviet Union.

As we debate the SDI amendments, we should no longer fear the fact that the chains of the ABM Treaty have loosened. Today, the Soviets have neither the political unity nor the technological capability to keep the ABM Treaty intact for all time. President Gorbachev recognized this fact last year when he told the United States that he would be open to discussing changes in this document if new security threats to the superpowers warranted it.

He saw a different world unfolding before him, yet some members of the Senate seem blind to it tonight. This world is now full of tyrants—both existing and potential.

Madam President, who would have thought 18 months ago that Saddam Hussein would be the bloody and vicious and violent dictator that he turned out to be? Yes; Saddam Hussein and other tyrants around the world did not sign the ABM Treaty. They also did not and do not conduct their foreign policies by any treaty. They are not bound by the constraints negotiated in the halls of international diplomacy.

The CIA, among other agencies, informs us that their ballistic missile capabilities—both tactical and strategic—will grow rather than diminish by the year 2000. It is these weapons that concern me this evening.

The committee provisions on SDI open a window on this new world by urging the President to pursue a renegotiation of the ABM Treaty with the Soviets to allow additional ground interceptors, ABM sites, and space-based interceptors.

But in looking towards this new world, the committee did not leave the one in which we now live.

The Soviet Union still stands as the only nation on earth capable of visiting massive destruction on the United States within 30 minutes. Even after the signing of the START Treaty, we have no certain idea of who will control the Soviets' massive and modernized strategic nuclear arsenal in the long run.

Now to those who say that a robust American SDI would only prompt the Soviets to build bigger and better missiles, I reply that technology and democracy have caught up with Mr. Gorbachev.

He cannot afford an expensive, sophisticated arms race, and so the President was able to sign a new nuclear weapons agreement this week. He has said that the Kremlin's military expenditures must fall under control because the economic frustrations of his own people cannot be contained forever.

We could not face a better time for approving a bill that urges the President of the United States to explore with Gorbachev what Gorbachev has said he will discuss and what he knows in cannot avoid.

This committee provision seizes the opportunities provided by the political weaknesses of the Soviet leadership and combats the emerging strength of Third World dictators thirsting after a new generation of ballistic, chemical, and nuclear warheads.

I therefore urge my colleagues to convincingly reject the pending amendment.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Who yields time to the Senator from Pennsylvania?

Mr. NUNN. Madam President, I yield 8 minutes to the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. I thank my distinguished colleague from Georgia.

Madam President, I support the Strategic Defense Initiative as outlined by President Bush's administration and the report that was adopted by an overwhelming vote by the Armed Services Committee because I believe that it is very important at this juncture to concentrate on defense.

We have for the better part of 46 years faced off against the Soviet Union in the cold war, with the ominous threat of nuclear war confronting the two superpowers. That threat has diminished very substantially. The fact of the matter is that in an era of glasnost and perestroika, it is difficult to really figure out what our posture should be with respect to the expendi-

tures which we are now on strategic defense.

It is a complicated picture because we are not yet sure of the Soviet intentions. We are not sure of the stability of the Soviet Union, and it is necessary for us to retain credible military strength and a deterrent capability.

However, one thing is certain, and that is that other nations in the world are developing a ballistic missile capability which threatens the United States.

CIA Director William Webster has disclosed that 15 nations other than the United States and the Soviet Union are acquiring ballistic missiles. We also know that the Chinese have made available CSS-2 intermediate-range missiles with a range of some 1,900 miles to Third World buyers. Iraq has demonstrated its ballistic missile capability not only in theory, but in practice, in the gulf war.

It is a real threat to the United States to have other nations beside the Soviet Union possessing ballistic missile capability, the capacity, and the will to bring tremendous destruction on this country and our allies. That is why I believe that we should be directing our attention and technological talents to the strategic defense initiative.

We have witnessed in the recent gulf war the success of Patriot missiles interrupting Iraqi Scud missiles; our bullet in the sky colliding with their bullet in a way which many had thought totally impossible. While the principles of the Patriot are not conclusively applicable to the strategic defense initiative, we now recognize that it is possible intercept a missile, and that type of technology should be developed further.

The proposal which is in the present bill does not abandon the ABM Treaty; and at this juncture, I am not prepared to abandon the AMB Treaty. But I do not believe that the treaty poses the same consideration that it did, say, in 1982 and 1983, when I first participated in the arms negotiation talks as an observer in Geneva, or later in 1987.

Since SDI was conceived in 1983, we have seen enormous advances made in negotiations between the United States and the Soviet Union. Within the past week, President Bush and President Gorbachev have reached even greater understandings on strategic issues. I even believe that it is entirely possible that there may soon be a meeting of the minds between the United States and the Soviet Union on modifying the ABM Treaty.

I have been particularly dissatisfied, Madam President, with the so-called narrow interpretation of the ABM Treaty, because my reading of ABM, in terms of the negotiations between the parties, tells me that as a matter of law, the broad interpretation is correct. But that has not been followed largely, if not exclusively, because of a debate in this Chamber, where for political reasons, the narrow interpretation was adopted.

But we have seen in the current committee proposal a compromise on many conflicting points of view, where very distinguished members of the Armed Services Committee have come to a bipartisan agreement that should be accepted by this Senate.

I compliment Ambassador Hank Cooper and Lt. Gen. Daniel O. Graham, who have done such an outstanding job in articulating the principles of the strategic defense initiative at a time when SDI had few proponents. Their insight and dedication to this issue have contributed significantly to the debate and the vision of strategic defense.

It may well be the case that a future modification of the ABM Treaty may depend upon the willingness of the United States to share some of our knowledge on defense technologies. I am not prepared to say this evening that the United States should share our technology, but I think it is important to remember the offer made by then President Reagan in his 1984 debate against former Vice President Mondale, when President Reagan stated that he was prepared to share U.S. technology.

I was intrigued by that comment, and later had an opportunity to discuss the issue with President Reagan when he and I the late Senator John Heinz traveled to Philadelphia on September 17, 1987, for the commemoration for the 200th birthday of the Constitution of the United States. On that occasion, we had a chance to discuss in great detail with the President his approach on that important issue. He stated an amplification of what he said on national television in the debate with former Vice President Mondale: That he, President Reagan, felt we ought to share techology with the Soviet Union.

That is an intriguing possibility, and as I say, one that I am not prepared to endorse at this time. But is shows the far range of what might be a possible modification of the Antiballistic Missile Treaty negotiated back in 1972. The Treaty has been important and has provided stability and it should be noted that the proposal in pending legislation would not render the ABM Treaty invalid.

However, it is time to recognize that events and circumstances have changed since 1972. The concept of mutual assured destruction which governed the relationship between the United States and the Soviet Union was never a satisfactory doctrine. The concept of defense was always much more important.

I recall the comments from the Congressional Record uttered by then Senator James Buckley in one of the dissenting votes against the ABM Treaty. His view was that there ought to be a defensive posture and it was, in fact, immoral for a country to give up the right to defend itself. Senator Buckley stated that is was hardly an answer to the threat of nuclear destruction to say that the other superpower would be held at bay because of the potential and the threat of mutual assured destruction.

In 1991, looking to the year 2000, Madam President, a much better posture for the United States is to look to defense, rather than oppose to contain future threats. The technology proposed in the pending committee report moves substantially in that direction. There is not a realistic risk of escalation to violate the ABM Treaty. We will await events as to what research discloses.

And the current bill comprehends the narrow interpretation of the ABM Treaty which is, as I said before, an interpretation that I think is unwarranted or not mandated by the document itself, in terms of the legalities, the negotiating record, the practices of the parties, and even the Senate ratification record.

In conclusion, I support the President's strategic defense initiative program and the Armed Services Committee Report that defines the need to develop technologies to meet any and all missile threats into the next century.

The PRESIDING OFFICER. The Senator has used his 8 minutes.

Mr. SPECTER. I thank the Chair and yield the floor.

Mr. GORE. Madam President, I yield 7 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota has 7 minutes.

Mr. WELLSTONE. Madam President, I rise to support the amendment offered by the Senator from Tennessee, Mr. GORE. I am profoundly saddened and perplexed by the Senate Armed Services Committee proposal to deploy an antiballistic missile system of dubious value.

The committee proposes this deployment, even though it would fatally weaken the most enduring and the most important United States-Soviet arms control treaty of all time.

Just as the arms race is breathing its last, some of our colleagues want to hook it up to an artificial respirator called limited ballistic defenses.

Congress has rejected plans to deploy a ballistic missile defense system since the ABM Treaty of 1972. The bill before us calls for the deployment of a single ABM site by 1996. This single site, some committee members will assure us, would be in compliance with the ABM Treaty.

However, the committee's language clearly indicates that this would be an initial step toward an extended ground based system.

An extended ground-based system cannot even be developed, much less

deployed, without violating the ABM Treaty. In fact, the bill calls upon the President to renegotiate the treaty immediately in fundamental ways. If the Soviet Union does not agree by 1996 to remaking the ABM Treaty as the United States desires, then this bill implicitly recommends that the United States scrap it.

The Soviet economy and political system is obviously in a vulnerable state, but we should not take comfort from this. Let us not make the tragic mistake of pushing the Soviet Union back into an arms race. Let us not make the tragic mistake of weakening President Gorbachev's position in relation to hardliners in his country. It is a bitter irony, Madam President, that the Senate is considering such a major policy departure on the very same day that Presidents Bush and Gorbachev are signing a historic nuclear arms reduction agreement.

Madam President, there is a very high and very real cost to this departure advocated by the defense authorization bill. Deployment of an ABM system and pursuit of modifications in this treaty could very well ruin the chances for future arms reduction agreements. The Soviet Union may well withdraw from the newly signed START Treaty—the Senator from Tennessee has spoken eloquently about this—and renew its offensive nuclear buildup. If the treaty were abandoned and either side began deploying nationwide missile defenses, the other may feel threatened. What looks like defense to one country can look like offense to another country. Each side will respond with more offensive weapons and this would spur yet another round of destabilizing and enormously expensive arms competition.

What is the compelling reason to suddenly scrap a treaty that restrained the arms race for 20 years? What is the intended application of this antiballistic missile system that some would want to rush into deployment?

According to the Armed Services Committee this is intended to protect against accidental launch of Soviet missiles or limited missile attack by some other country. This is possibly, Madam President, the weakest rationale yet presented for accelerating the SDI program, in a long line of feeble and foolish rationales.

First of all, these are remote contingencies. Second of all, these contingencies can be addressed more efficiently, more directly, and more cheaply by means other than an antimissile system. If Third World and terrorist weapons of mass destruction do emerge as a threat to the United States, they will not be delivered by the ballistic missiles. They will be carried by aircraft, on ships sailed in our harbors, or packing crates smuggled across our borders.

Madam President, the proliferation of ballistic missiles and nuclear weapons technology is a major problem and all of us agree with that. We have to get serious and develop a credible and vigorous nuclear nonproliferation policy.

Madam President, as to the Soviet Union, not one defense official that I know of has suggested that the risk of an accidental Soviet launch is high. American's top military adviser, Colin Powell, has testified that the Soviets have good control over their systems. Theoretically, mechanical failure could result in an accidential launch. There is no historical record of such an event. In fact, getting missiles to fire when they are supposed to has been a greater problem.

However, one evaluates the seriousness of potential problems, an appropriate response is to agree on safeguards and safe mechanisms on missiles. Those are the steps we should be taking.

Madam President, the Senator from Tennessee has wanted to address this as a separate policy issue from appropriations. But I want to point out that the Congressional Budget Office has estimated that a single ABM site could cost $11 billion. And, according to SDIO, an ABM system with nationwide capabilities, that is the direction we are going in, could require as much as $25 billion. Other estimates are as high as $35 billion. Other SDI enthusiasts talk about hundreds of billions of dollars.

So this is the question, Madam President; $4.6 billion. I see the Senator from Tennessee, who has been so concerned about a budget agreement and reducing the deficit; $4.6 billion. Are we going to spend our money feeding the insatiable appetite of military contractors or are we going to spend our money feeding the mouths of hungry children? Are we going to spend our money on weaponry, Star Wars, hundreds of billions of dollars for weapons in space, or are we going to grow food by Minnesota farmers and feed the hungry right here on Earth?

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

Mr. WELLSTONE. Madam President, real national security is not going down this path. Real national security is arms control and investing right here in our own country.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Madam President, I yield myself such time as needed.

The PRESIDING OFFICER. The Chair advises the Senator that the Nunn-Warner advocates have 3 minutes, 49 seconds remaining.

Mr. BURNS. How many?

The PRESIDING OFFICER. Three minutes and 49 seconds.

Mr. BURNS. I yield 1 minute to my colleague from Idaho, Senator CRAIG.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 1 minute.

Mr. CRAIG. I thank my colleague for yielding.

Madam President, I stand in strong opposition to the amendment that is before us, believing that the committee has worked properly to assure that we move ahead with a missile defense system.

Clearly it has established its worth with the American people. They made a substantial investment a good number of years ago. In the last several months we have seen that investment save lives, American lives and allies' lives, as it secured and stabilized the activities we were involved in in the Persian Gulf. This is but the beginning of a kind of stability that I think all of us seek.

I, therefore, stand in opposition to the amendment.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Tennessee has 16 minutes and 6 seconds.

Mr. GORE. I yield 3 minutes to my distinguished colleague and friend from Tennessee [Mr. SASSER].

The PRESIDING OFFICER. The Senator is recognized.

Mr. SASSER. Madam President, I thank my distinguished colleague and I rise in support of the amendment offered by my colleague from Tennessee and commend him for his wisdom and foresight in offering this amendment.

Any commitment to move components of SDI from research to deployment by 1996 I submit is strategically unwarranted and physically unsustainable. We are talking about deploying a system that is on a collision course with the ABM Treaty, on a collision course with an agreement that has guided arms control in this country for over 20 years.

And we are doing it, Madam President, on the very day that the President has signed the treaty that is to be the foundation for arms reduction for the next 20 years and beyond.

Last year when the world changed virtually overnight, the distinguished chairman of the Armed Services Committee in a wide-ranging and very thoughtful series of speeches enunciated five broad themes to guide future program recommendations with regard to the military strategy of this country. The proposal to move SDI from the laboratory to the field directly contradicts the most important of these themes enunciated last year, the pledge to maintain nuclear deterrent at lower levels and with greater stability.

Deploying SDI raises the stakes precipitously. It is certain to provoke a negative Soviet response, could well deter additional cuts in strategic nuclear weapons, and could even threaten

full implementation of the new START Treaty.

What has been proposed, Madam President, is no less than a sea-change in our Nation's nuclear defense policy, and we are supposed to take it on faith. This body debated the highway bill for days into weeks, and here in the space of hours, in the space of hours, we are asked to adopt what is a fundamental change in the nuclear deterrent doctrine of this country.

We are supposed to take the committee recommendation at face value and assume and hope it is correct. I cannot, in good faith, make that leap of faith. I have not heard any expert testimony. I have not heard any convincing analyses that the formula for nuclear deterrence of the last 40 years is now obsolete and we need to raise the stakes.

The proposal to deploy SDI is a radical one. All the more so for coming at a time when the Soviets want out of the arms race—they can't afford to stay in it. We have not quite grasped that in committing to deploy SDI. Yet we give them no exit from the race. We remain locked on an arms race highway with no off-ramps.

And by accelerating SDI, we give the Soviet military menace a reason to continue. We are both offering the Soviets an outstretched hand and showing them a set of cold war teeth. It is a self-canceling strategy that makes little sense.

Finally Madam President, we have heard much from the Armed Services Committee this year about flying before buying. I assume that principle is not limited to aircraft.

Yet, deploying SDI has to be one of the greatest fly before buy proposals ever conceived.

At a time when most committee chairman are forced to tell their members that no new initiatives will be funded in education, in health, in crime prevention, the Armed Services Committee plans not only to fund a new initiative, but to fund it at nearly $5 billion next year, and $10 to $20 billion in coming years—making SDI deployment one of the costliest new initiatives in the Federal budget.

In conclusion, I believe we need to put this whole issue in a national context. What exactly is this kind of protection worth to the American people?

As we look at our world today, after the collapse of the Soviet empire, I would ask my colleagues to rank the threats that face America in order of the relative dangers they pose to us as a nation.

Does the threat of a rogue Soviet missile striking us really match the threat of our decaying inner cities and our collapsing roadways? Does the possibility of a missile from a Libya, a Pakistan, or North Korea really weigh equally in the balance with the dangers posed by cancer-producing pollutants, crime in our neighborhoods, or a health-care system that is bankrupting us?

I think not, Madam President. And I will strongly support this amendment.

Madam President, I would agree with a recent editorial of just today that appeared in one of the most distinguished newspapers in this country, the Atlanta Constitution. The editorial writer posed this question:

> Say you're a householder whose principal asset is in dire need of overdue upkeep, maybe a few major repairs. Alas, your budget is strained to the limit just to acquire the barest necessities and to pay off past extravagances. Out of the blue, you are approached by an agent hawking meteor insurance.
>
> You can't discount the possibility of a meteor strike, certainly not the devastation it would cause, but in deciding whether to take on the premiums you must measure the need for this coverage against other priorities.

I submit, Madam President, that this country does not need to take out a policy for meteor insurance at this time. We do not need a policy against the possibility of a missile strike from Libya, from Pakistan, from North Korea, from Cuba.

No, we need to take out a policy against the danger posed by cancer-producing pollutants; against crime in our neighborhoods. We cannot even drive to work in this city, the Nation's capital, without being apprehensive and anxious. Whole neighborhoods are abandoned to criminals. We have a health care system that is on the verge of bankrupting this country. Test scores of American students are falling relative to those nations that we compete with worldwide.

And what are we to do, Mr. President? Are we to pass up these priorities and to take on a policy of meteor insurance? Where in the world are our priorities?

This is not 1951. Joe Stalin is not still in the Kremlin. This is July of 1991. The Soviet Union is on its knees and breaking up, and begging us for economic help and economic support.

What is our response? To move in the direction of abrogating a 20-year-old Anti-Ballistic-Missile Treaty, to invest tens of billions of dollars that we do not have and may have to borrow from the Japanese to pursue this will of the wisp.

Mr. President, what in the world are we doing here in the dark of night, late in the evening, after only a few hours of debate? Is this body going to take that course? I hope not and I implore my colleagues not to do so.

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

Mr. GORE. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Tennesee has 8 minutes 34 seconds, and the other side 2 minutes 50 seconds.

Mr. GORE. Mr. President, I yield 7 minutes to the distinguished Senator from Nebraska.

Mr. KERREY. I thank the distinguished Senator. I am actually mindful of his desire to close and I will summarize my comments.

I rise in support of the Gore amendment. Mr. President, my support is based upon a number of things. First of all, I believe that President Bush's proposal for the strategic defense initiative simply does not have a consensus either of the American people or of this Congress. In fact, I believe that the Armed Services Committee's response, their attempt to fashion a compromise, is a reflection of that.

The President continues to support SDI, I believe for political reasons, not as the consequences of a belief that the system is either going to work or that we need it. And what we have instead is the distinguished Senator from Georgia who indeed last proposed, along with the distinguished Senator from Virginia, an alternative goal. It is, I believe, a worthy goal.

Nonetheless, I think it is worthwhile for my colleagues to support the Gore amendment for a number of reasons. First of all, it sends a message to the President, and I think an important one. He has threatened to veto this legislation if he does not get his way on SDI. I think it might be good indeed if that were to occur so we could fashion a real consensus, a real open debate about what this Nation should have in the way of strategic defense. So I think my colleagues should not worry about a threatened Presidential veto in this particular case. I think we should invite it for the purpose of inviting meaningful debate about what we should indeed have in the way of defense.

Second, Mr. President, I believe the Gore amendment preserves a real consensus upon the need for a meaningful defense for foreign-deployed troops. I have heard a number of my colleagues get up and talk about Desert Storm and the evidence of the successful engagement of the Patriot missile against the Scud missiles. Mr. President, the Gore amendment explicitly preserves the consensus upon the need for protecting our deployed troops.

Third, Mr. President, it does still preserve very robust research. One of the most troubling parts of the committee amendment I must observe is it doubles the amount of funds to promote peace as well as providing for the space-based system. I find that part of the compromise to be unacceptable and was one of the reasons I found myself concluding the Gore amendment should be accepted by this body.

Finally, Mr. President, this amendment preserves the opportunity, and I believe we should take the opportunity, of rallying around a new goal that has been set for us by the distinguished Senator from Georgia.

Mr. President, this Nation, in fact, with the Soviet Union, should perhaps

consider limited defenses in the manner that the distinguished Senator from Georgia is describing. It is entirely possible, if the United States and the Soviet Union were to negotiate an understanding of what those defenses were to do, that it would increase stability between the two nations. Indeed, the increased threat the distinguished Senator from Georgia has described I believe has adequately been addressed by the Senator from Tennessee in his amendment.

This amendment is not one that says we should lower our defenses. It merely addresses a changed requirement for our defense. Therefore, Mr. President, I hope a majority of my colleagues will support the Gore amendment.

Mr. NUNN. I yield 1 minute to the Senator from Montana.

Mr. BURNS. Mr. President, I want to make three points. We have all listened to the debate. One is it is a cutback of no money. It says, no, we are still going to spend the money, but we spend it without a mission. That is No. 1.

No. 2, do you like what is going on in the Soviet Union today? There is more instability in the Soviet Union and that is more explosive because we cannot tell which direction it is going. I do not think I want to second guess the security of this Nation by not deploying this defense. I do not think I would sleep very well.

So basic philosophy is, if we have the technology, we have the capability and it adds to our security, it makes no sense to change direction at this time, not with 240 million people in this country that depend on this body to defend them and to secure the deterrence that actually brought down the wall. It makes no sense at all. This whole Western Hemisphere is at stake. Think before you cast this vote. And think what got us here. That is the point I would like to make Mr. President.

I yield back the remainder of my time.

Mr. HELMS. Mr. President, the ABM Treaty was signed on May 26, 1972, more than 19 years ago. But the world today is far different from the world 19 years ago.

Today the United States, Europe, and Japan are all threatened by intermediate and even intercontinental range ballistic missiles launched from neighboring countries carrying chemical, biological, or even nuclear weapons of mass destruction.

As the world witnessed during Desert Storm, when an arrogant and brutal aggressor nation, Iraq, began firing Soviet supplied, intermediate range, modified Scud missiles with conventional warheads at its neighbors, Israel and Saudi Arabia, every nation felt threatened. Saddam Hussein launched about 85 of his Soviet-supplied Scud missiles not only at his Israeli and Saudi neighbors, but at American and allied forces in Saudi Arabia as well.

Had it not been for the Patriot air defense missile, we would have had no defense against Saddam's Scuds—which, by the way, had the capability to carry chemical and biological weapons of mass destruction. Without the Patriot, we could have lost tens of thousands of American fighting men, and tens of thousands of innocent Israeli and Saudi civilians.

But, thank the Lord, the American Patriots intercepted, deflected, or destroyed most of these Iraqi Scuds, so that their debris was usually all that made impact.

Mr. President, we must not forget that the Patriot was neither intended nor developed to shoot down ballistic missiles such as the Scud. The Patriot was designed to shoot down only aircraft. That the Patriot was able to perform so remarkably in intercepting the Iraqi Scuds is a tribute to American technological ingenuity.

Why was the Patriot not designed to intercept ballistic missiles? Because the ABM Treaty was interpreted by the United States as prohibiting the development of air defense missiles capable of intercepting ballistic missiles.

In contrast, the Soviets built into their SAM-5, SAM-10, and SAM-12 surface-to-air missiles the capability to intercept ballistic misiles, in violation of the ABM Treaty. The Soviets also have the Moscow anti-ballistic missile system, the only ABM system in the world, the Soviets are mass producing ABM interceptor missiles, ABM-capable SAMs, and their radars, and are deploying an emerging illegal nationwide ABM defense, as well.

Moreover, the Soviet Krasnoyarsk radar, which by the way, they tried to keep until the United States made further concessions in START negotiations, has finally been admitted—by even the former Soviet Foreign Minister—to be a clear violation of the ABM Treaty.

The world of 1972, when the ABM Treaty was signed, did not envision that a host of Third World nations would come to possess both weapons of mass destruction, and the means to deliver them at intermediate ranges and soon intercontinental ranges as well. Now such rogue nations as Libya, Syria, Iran, and North Korea, have large numbers of extended range Scuds, plus the chemical and biological weapons of mass destruction they can deliver. These same nations, as well as others, are also developing nuclear warheads, and longer range ballistic missiles. Some of these rogue nations may soon have ICBM's.

Moreover, how many people realize that during the past 2 years, the Soviet-backed Nadjibulah regime in Kabul, Afghanistan, has fired thousands—yes, thousands—of Soviet-supplied Scuds at the mujahidin freedom fighters in Afghanistan, and even at targets well inside Pakistan? I wish that in addition to supplying Stinger antiaircraft missile to the Afghan freedom fighters, we could equip them with Patriots.

Mr. President, this debate today is about the global protection against limited strikes [GPALS] system being designed to defend the United States and its allies from intermediate range Scub missile or ICBM attacks carrying warheads of mass destruction from rogue nations. GPALS is intended to be the first phase of the President's strategic defense initiative.

Now we hear Members of the Senate arguing that for the United States to develop, test, and deploy GPALS would violate their narrow interpretation of the ABM Treaty, just as many of these same people used the ABM Treaty in the 1970's, successfully, to hamstring and limit the capabilities of the Patriot against ballistic missiles. Their narrow interpretation of the ABM Treaty has never been the correct interpretation of the treaty, despite what their Pavlov-dog propagandists in the media pretend.

But the ABM Treaty has been severely violated by the Soviets—look at their Krasnoyarsk radar. Moreover, the world today is a far more dangerous place than it was in 1972, because now many more nations have the ability to threaten to use weapons of mass destruction at intermediate and soon even at intercontinental ranges.

America vitally needs to develop, test, and deploy GPALS, not only to defend our homeland and our troops stationed abroad to defend our interests, but also to defend our allies. If the ABM Treaty is allowed to again prevent us from providing for "the common defense," as the Constitution we are sworn to uphold directs us to do, then we are in serious danger. The Soviets have not allowed the ABM Treaty to stand in the way of their own development, testing, and deployment of illegal nationwide ABM defenses, and we should not either.

If deploying GPALS requires that we negotiate with the Soviets to modify the ABM Treaty, or replace it with a brand new "Nuclear and Space Treaty," then so be it.

But our future safety, and the safety of our children and grandchildren, requires that we deploy GPALS.

Mr. LUGAR. Mr. President, it was inevitable that any effort by the Senate to deal constructively with the issue of protection against ballistic missile attacks would encounter opposition from those who believe that the 1972 ABM Treaty must remain inviolate. This is particularly the case with those who credit the ABM Treaty with having preserved nuclear deterrence and strategic stability over the past 20 years. The supporters of the ABM Treaty have come to shoulder that treaty with so many successes and responsibilities in strategic affairs that it might well

succumb to the additional weight, a weight never intended by its framers.

To support the missile defense program reported out of the Armed Services Committee is not to endorse abrogation of the ABM Treaty; nor is it to suggest that there is any consensus in the Senate for abrogation. But it is to recognize the limited but important role the ABM Treaty has played in the superpower relationship over the last 20 years and to suggest that limited defenses against ballistic missile attacks should come to complement the role of that treaty as one component in stabilizing strategic relations between the United States and the Soviet Union.

Any meaningful deployment of ballistic missile defenses will require a change in the legal regime established by the ABM Treaty. Despite the best of intentions, the ABM Treaty itself did not yield the stability nor the reductions in strategic offensive arms that its framers intended. It is not the ABM Treaty but the improved relationship between the United States and the Soviet Union that has brought us the START agreement for stabilizing reductions in strategic offensive forces. Deployment of limited strategic defenses would further enhance stability, and for that reason, the United States continues in Geneva to negotiate a cooperative transition with the Soviet Union to allow increased reliance on strategic ballistic missile defenses.

The United States also continues to believe that, in concert with the reductions in strategic offensive arms contained in the START Treaty, effective defenses could reduce any strategic benefits either side might obtain by cheating on international arms reductions agreements.

Finally, defenses against limited ballistic missile attacks could help to deter the proliferation of ballistic missile technology and devalue the potential political and military leverage of ballistic missiles—long thought to be weapons of choice of international terrorists.

The proliferation of ballistic missile technology, underscored by the lessons learned from the gulf war, suggests that the regime established by the ABM Treaty must undergo change. Positive changes in the Soviet-U.S. relationship, the START Treaty, the need to address a truly mutual concern—namely, proliferation, and a missile defense program such as that reported out of the Armed Services Committee that takes both United States interests and Soviet concerns into account—all provide a good opportunity for success in Soviet-American negotiations designed to update, adjust, or modify the original ABM Treaty.

With the proliferation of ballistic missile technology growing near Soviet borders, and with the missile defense program reported out of the Armed Services Committee, I believe that Soviet attitudes will continue to evolve to permit defenses against mutual concerns. There is growing evidence of an internal Soviet debate over the role of ballistic missile defenses. In addition, missile defense is more consistent with the new Soviet emphasis on defensive doctrine. In short, incentives exist for the Soviets to join with us to explore constructive measures to counter emerging threats and to encourage them to consider relaxation of ABM Treaty constraints to meet mutual concerns.

Mr. President, I spent considerable time earlier this month in conversation with Soviet and United States negotiators in Geneva on the START Treaty and the positions of the two sides on the relationship, or lack thereof, between the START Treaty and the ABM Treaty. I found these conversations to be particularly revealing and useful in light of some of the arguments put forward by critics of the missile defense program reported out of the Armed Services Committee.

The Senator from Tennessee read the Soviet unilateral statement appended to the START Treaty dealing with the relationship of that Treaty with the ABM Treaty. But it is noteworthy that the Senator did not discuss the unilateral statement of the United States. It is also important to remember that these unilateral statements represent an agreement to disagree but their form also suggests that neither side was willing to let the ABM issue stand in the way of the conclusion of the START Treaty.

What is the U.S. position? It is the view of the United States that, while it cannot circumscribe Moscow's right to withdraw from the START Treaty if the Soviet leadership decides the country's supreme interests are at risk, the exercise by the United States of its full rights under the 1972 ABM Treaty would not serve as a basis for such a withdrawal by the Soviet Union. This position constitutes a prerequisite for U.S. signature of the START Treaty and its subsequent submission to the U.S. Senate.

Moreover, it is the U.S. view that the provisions in the START Treaty relating to the supreme-interest withdrawal right are clearly based on the proposition that any such withdrawal could only be justified by extraordinary events that are deemed to jeopardize the supreme national interests of one of the parties. Therefore, it is the United States view that any hypothetical statements by the Soviet Union to the effect that a United States withdrawal from the ABM Treaty at some unspecified point in the future could constitute such extraordinary events are without military or legal bases. Agreements by the parties subsequent to the 1972 ABM Treaty have already substantially amended or clarified the original ABM Treaty. Moreover, the current defense and space talks as well as possible future negotiations, to which both the United States and the Soviet agreed in the June 1990 summit joint statement, could produce outcomes that significantly change further or even replace the 1972 ABM Treaty.

In short, it is the U.S. position that changes in the ABM Treaty agreed to by both parties would not form the basis for invoking the supreme-national-interest withdrawal provision of the START Treaty.

I have also spent considerable time this month in conversation with members of the Supreme Soviet who will play pivotal roles in the ratification process associated with the START Treaty. Those members of the Supreme Soviet continually emphasized that President Gorbachev needs the START Treaty as a means of shoring up his political power and base inside the Soviet Union. To be sure, opposition will surface during debate over ratification of the START Treaty, but these members emphasized that it will be primarily opposition to Gorbachev rather to specific elements of the START Treaty. They point out that while the Soviet military played a role in slowing down the negotiating process relative to both a CFE agreement and a START agreement, the Soviet military also played the critical role in bringing both negotiations to closure, with General Moiseyev, the chief of the General staff, leading the Soviet team during the end games for both CFE and START.

Elements of the Soviet military will have their problems with the START Treaty, but this is a group that has problems with arms control limitations and reductions in principle. But this group sees nothing sacred in the ABM Treaty either and contains strong supporters of a robust anti-ballistic missile program. Indeed, there are an increasing number of converts in the Soviet military to the idea of a more balanced, integrated offensive-defensive mix in the strategic force posture.

Lastly, it is important to remember that the Soviet military itself has become increasingly conscious of the country's growing vulnerability to ballistic missile attacks from the south. The Soviet military drew its own lessons from the Persian Gulf war, one of which concerned the need to defend the country from the growing ballistic missile threat from third-world countries. No less a figure than General Moiseyev has noted the growing concern of the Soviet military over the proliferation threat and the prospect of cooperating with the United States in meeting that threat.

Mr. President, I find it interesting that when a Member wants to offer an amendment cutting a program, such as the B-2, that Member usually argues that great changes have occurred in the international environment and

thus the need for the system is less. Yet many of those same Members conveniently forget those great changes in the international environment when it comes to arguing the inviolability of the ABM Treaty.

Mr. President, in each of the past several years, the administration has warned that "This is the critical year for the strategic defense program." And we in the Congress have smiled knowingly, and gone about our business.

But, Mr. President, I do believe that this is the critical session of the Congress for a missile defense program. In response to a 2-year review of the changing strategic situation, the President directed that the United States refocus its efforts to develop a system to provide for global protection against limited strikes, or GPALS. GPALS represented an attempt to focus on protection rather than deterrence per se as the major objective of any initial defensive deployment.

An equally important rationale behind the President's efforts to refocus the program was the desire to provide a new basis for common ground with the Congress regarding defenses against ballistic missile attacks. The President sought to stimulate the growth of a bipartisan base of support in the Congress for missile defenses.

Although the Armed Services Committee did not find it possible to support the President's program, the debate generated by the GPALS program did serve to focus the committee's attention on the question of what types of defenses are necessary to provide protection against limited ballistic missile attacks.

For the first time in many years, Members of the Senate have actually had a substantive debate both on the concept of limited defenses and the programmatic elements of such defenses. I commend the leadership of the Armed Services Committee for its success in forging a bipartisan consensus on missile defenses. Much of the discussion on the floor of the Senate will deal with related political issues, having to do with our relations with the Soviet Union, questions of deterrence and the role of military systems, and the prospects for arms control. Such a debate, however informed, should not be allowed to obscure the real issue: Should we seek to provide our citizens and our forces overseas with some defense against ballistic missile attacks?

To its credit, the Armed Services Committee did not skirt that issue. It dealt with it head-on, and in the process, a majority of the Committee members helped to develop the basis for a new consensus on ballistic missile defense. I support the missile defense program reported out of the committee. It represents the outcome of some hard-fought battles and some emotion-wrenching compromises.

We usually reserve the term killer amendments to our deliberations concerning treaties and other international agreements and conventions. However, given the finely tuned accommodations that underlie the missile defense program reported out of the Armed Services Committee, even socalled simple amendments proposing minor word changes could qualify as killer amendments.

Mr. President, I support the committee position on missile defenses. I commend Senators NUNN and WARNER for their efforts. For the first time in many years, something resembling a conceptual consensus on missile defense has emerged from the committee. If that consensus is lost here on the floor of the Senate, then I fear that, short of another Persian Gulf crisis, the American people could go another decade without protection against ballistic missile attacks.

Mr. ADAMS. Mr. President, I rise today to express my strong support for a number of amendments being considered on the floor today to cut funding for the strategic defense initiative. SDI is unnecessary, costly and would place the United States in violation of our ABM Treaty commitments.

SDI was conceived by President Reagan to serve as an all-powerful shield from a full-scale Soviet nuclear attack. Even in that era of the Evil Empire, grave concerns were expressed about the practical impossibility of both developing such a system and protecting against such an attack. Today, the world looks radically different.

Recognizing the changed nature of the threat, the committee's proposal takes a new course on SDI. The system envisioned by the committee does not include the space-based lasers that President Reagan saw shooting down hundreds of Soviet missiles. Instead, the new SDI would rely on ground based missiles as a means of defense against an accidental launch of very few missiles, or a launch by one of the nations currently trying to develop an intercontinental ballistic missile capability.

Even with the committee's new SDI, however, the continued development of space-based defense weapons does not make sense. The bill's commitment to deploy the proposed system would lock us on to an unconscionably expensive path of massive future funding requests.

To date, we have spent a staggering $20 billion on SDI research and development. I am astounded by the additional moneys this bill would authorize for an SDI system which could, if expanded along the guildelines set forth by the committee, rival the original SDI proposal. This bill proposes to spend an additional $4.6 billion on SDI during the next fiscal year alone, nearly a 50-percent increase from the previous year.

Adoption of the committee's proposal would very likely scuttle the Anti-Ballistic-Missile Treaty, which has helped guide our defense policy on this issue for the last 20 years. I do not believe we should begin a process of treaty reevaluation with the Soviets by unilaterally abrogating the treaty. The Soviets have said repeatedly that without the treaty, there will be no START reductions. Are we willing to forego this historic opportunity? Such an approach should be rejected and should motivate all of us to support the amendments.

I urge my colleagues to support the very reasonable proposals before us today to limit SDI. We need to send a clear message to the American people that we are for a defense that is strong, effective but that will not bankrupt the severely strained Federal budget. I would urge support for the various amendments proposed by Senators HARKIN, GORE, BINGAMAN BIDEN, LEVIN, BUMPERS, and JOHNSTON regarding the SDI, particularly those that would limit spending on the program.

Mr. KOHL. Mr. President, I have heard this debate described as our "annual fight over SDI." But that, Mr. President, is precisely what this debate is not about. We are not debating anything like the SDI concept that has pervaded our national defense policy for the past decade. There is no talk today about "space shields" or a "total defense against Soviet ballistic missiles." In fact, the key SDI system—Brilliant Pebbles—is being downgraded. At worst, work on this system is being put on the back burner and, at best, the entire idea is being put in the ice-box.

No, Mr. President, the debate today is over a defense against an accidental or unauthorized launch by the Soviets and the emerging possibility that an emerging nuclear nation might use their weapons to launch what would be a very limited nuclear attack against the United States. We aren't talking about unrealistic and futile efforts to counter a full force strike by thousands of missiles; we are talking about defending the continental United States against a limited strike launched by mistake or madness.

It is critical that we keep this distinction in mind: we aren't debating SDI, we are debating GPALS, global protection against limited strikes.

My opposition to SDI is well known. My reasons for supporting the more limited GPALS system advocated by the committee may not be as well known so let me take a moment to share my approach to this issue with my colleagues.

First, we all recognize that the possibility of an accidental or unauthorized launch of nuclear missiles is real. And we also need to recognize that the "nuclear club" is far from exclusive: 20 or more nations are expected to have nu-

clear weapons by the end of the decade and as many as a half dozen of those may have the capacity to reach our shores with those missiles.

Second, given the reality of that threat to our national security, a limited defensive system makes sense. We ought to be able to deal with an accidental launch of a few missiles or a deliberate nuclear strike from a crazed dictator. And I don't think anyone disagrees with that.

Third, I believe a limited GPALS system can be deployed without destabilizing the nuclear balance. Remember, we are not talking about the development or deployment of a defensive system designed to protect us against an all out attack. In my judgement such a system is not possible nor even desirable. Technically, I am not sure we could develop a "total defense" which we could afford or which would work. Theoretically, I believe that a "total defense"—especially an effective one—would undermine strategic stability. The logic of nuclear war theory is clear on this point: there is no such thing as a "defensive system" in a nuclear war world; all defensive systems have offensive implications and would encourage our adversaries to consider a first strike option. That is precisely why I have opposed the "total defense" concept of SDI. But that kind of "total defense" is not what we are considering here. GPALS is designed to deal with a limited strike and a limited strike only. It does not threaten the Soviets or undermine their strategic strength.

But fourth, and most critically, deployment of the GPALS system recommended by the committee can be consistent with the ABM Treaty and can actually enhance arms control efforts. I believe in the ABM treaty. It has contributed to stability and advanced the cause of arms control. I have no desire to undermine it, even though I have an interest in modifying it at the margins. But GPALS is not a threat to the ABM treaty. Let me make three brief arguments in that regard. First, obviously the deployment of 100 interceptors at a single site is consistent with the treaty. The treaty specific allows such a system to be deployed and in fact the Soviets have one. But this bill doesn't even authorize that: this bill sets a goal of deploying GPALS, it doesn't deploy anything. We have a lot more research and testing to do before we put anything in the field. So passage of this bill with these goals doesn't mean we are going to deploy anything. Second, the GPALS system designed to deal with the threat of a limited strike, does not undermine the philosophy of the ABM Treaty. That treaty was based on the assumption that mutually assured destruction was the only viable doctrine of deterrence. Well, it may not be the only viable doctrine, but it does work. And since GPALS is only designed to defend against a limited strike, it does not invalidate that doctrine—destruction is still assured in an all out war. Third, I recognize that even a conservative view of GPALS does create some ABM problems since the committee evisions more than one site. But that is a problem which can and should be corrected by renegotiating the treaty with the Soviets. There is nothing sacred about one site; indeed the original ABM Treaty allowed for two. Having more than one site does not undermine the philosophy of the ABM Treaty. And clearly the committee language does not commit us to deployment of more than one site; but it does commit us to talking to the Soviets and I see no problem with that.

Despite those arguments, I am concerned about the "threat" to the ABM Treaty which the ambiguity of the committee language symbolizes. That is why I intend to vote for amendments which will be offered later in our consideration of this bill which clarify the language of the bill and make it crystal clear that we do not intend to abrogate the treaty. If those amendments are defeated, if the ambiguity in the committee language remains, then my support for the bill language will be significantly reduced and my ultimate support for it is cast into doubt.

Let me make two brief councluding comments.

While I will support the concept of GPALS, clarified by the amendments I mentioned before, I will not support the funding level recommended by the committee. We have spent billions for an SDI system which we modified each year and now are putting on the back burner. I don't want to do the same thing with GPALS and I certainly don't think that a $3 billion budget for this program will starve it or endanger our national security.

Finally, while I support the GPALS concept, I reject the idea that our best response to the nuclear threat is to build more and better offensive and defensive nuclear systems. There is no absolute defense. GPALS may take care of ICBM's; it does nothing for SLBM's or nuclear devices being delivered by methods other than missiles. If we are serious about reducing the threat, then let's get serious about dealing with proliferation. Let's sanction countries which develop nuclear systems—and the companies and countries which help them acquire those systems. We are seeking to defend ourselves against a threat we have created—and which we can eliminate if we just stop selling the seeds of our own destruction to other nations. Mr. President, all the cliches are true: we are being shortsighted, penny wise and pound foolish, selling people the rope they will use to hang us. All true. All true. It is time to face reality: for short-term profits, both financial and diplomatic, we are risking our long-term future. Developing a GPALS defense may make sense, but it does not respond to the real threat we face. Only real arms control and real efforts to control proliferation will defend our Nation—and the world.

SDI AND THE ABM TREATY

Mr. CRANSTON. Mr. President, I am deeply troubled by the language on SDI in the legislation before us. I am troubled by the implications for the future of the ABM Treaty, and I am troubled by the impact this may have on United States-Soviet relations.

How ironic that as we sign a major strategic arms control agreement with the Soviets, we are laying the groundwork to abrogate one of the most enduring arms control agreements between our two nations.

The decision to deploy a single antiballistic-missile site in Grand Forks, ND may be in technical compliance with the ABM Treaty if its interceptors do not defend the entire country. The language in the Missile Defense Act of 1991 makes very clear, however, that this first provocative deployment is part of an overall strategy to deploy an "adequate additional number of antiballistic missile sites and space-based sensors, capable of providing a highly effective defense of the United States."

Grand Forks takes us down a slippery slope towards nationwide defenses. It means the end of the treaty.

The ABM Treaty of 1972 has been essential to nuclear deterrence, ensuring strategic stability by preventing an accelerating arms race in offensive and defensive systems. The ABM Treaty does not limit research and technological progress. It was designed to prevent either side from building nationwide defenses, so as not to create a situation in which anyone would think that nuclear war is winnable.

At a time when the Soviets are focussing their efforts on shoring up their foundering economy, an economy devastated from more than 70 years of communism, what do we gain by challenging them on this front? Genuine security is achieved through mutual limits and verifiable reductions in our nuclear arsenals.

Unilateral steps, such as the ones suggested by this legislation, threaten to undermine the very basic deterrence relationship which has been the backbone of global security these last 45 years. If we proceed, we are surely risking the significant gains of the START Treaty. The START agreement was signed earlier today with the explicit understanding that the parties adhere to the ABM Treaty.

The committee in its bill directs the President to renegotiate the ABM Treaty to permit future more expansive deployments. Yet, we have no indication that the Soviets are interested in engaging in such a renegotiation. The Soviets have made it abundantly

clear that they are reluctant to reduce offensive weapons in the face of unbridled defensive systems. Without the ABM treaty, follow on arms control agreements are even less likely.

Abrogation of the ABM Treaty also sends a disturbing signal to the international community on the sanctity of our international commitments. There have been no consultations with our allies to determine the impact of this step on their defense postures and our mutual understanding of nuclear deterrence.

There is no threat to our national security which merits a 50-percent increase in SDI funding nor the wholesale rejection of one of the most critical arms control treaties of our time. Missile technology proliferation is of concern in regional conflicts, but these missiles can be countered effectively by antitactical ballistic missile systems like the Patriot.

The Grand Forks system is not capable of responding to an unauthorized launch of Soviet ICBM's—nor is such a launch likely to occur. The committee also expressed concern about Third World attacks. Yet, we are not facing an ICBM threat from the developing world. Should such a threat emerge in the future—and this is also not likely—we are capable of deploying systems at that time, commensurate with the limited nature of such a threat.

Mr. President, we have had no hearings on this proposal. We have had no threat assessment on the need to proceed with this costly and uncertain SDI deployment. We have no guarantee that this system would add anything to our strategic stability.

How many times must we say it: The cold war is over. I understand that old habits die hard, but this vigorous pursuit of strategic defense systems is sadly reminiscent of another chillier era.

For these reasons, I urge support for the Gore amendment. Should it fail to pass, I urge support for any and all amendments that are intended to accomplish the same general purpose.

Mr. SANFORD. Mr. President, it has been mentioned numerous times during debate on the Gore amendment to the Defense authorization bill currently before the Senate how ironic it is that this body would consider legislation that would violate the ABM Treaty on the very day President Bush and President Gorbachev signed the START Treaty. I am alarmed not at just the timing of such a debate, but at the very fact we are having it. I want to state my strongest support for the Senator from Tennessee's efforts to eliminate the provisions of the Armed Services Committee that would provide for deploying an antiballistic missile system.

For almost 20 years the ABM Treaty has been a vital element in nuclear arms control between the Soviet Union and the United States. It is one of the most important treaties this Nation has ever entered into. Now we want to violate it for a system that would cost billions, offer limited protection, and sets a dangerous precedent in compliance with this and other treaties.

Mr. President, it is by law the jurisdiction of the Senate Foreign Relations Committee to ratify and oversee negotiations of treaties. There have been no consultations with the Foreign Relations Committee. Not only is the ABM provision bad in policy, it is bad in procedure. Granted, my concerns over the Armed Services Committee provision would not change if brought before Foreign Relations. The issue would, however, be debated in the proper forum as it pertains to possible ABM Treaty violations and renegotiations.

The strategic defense program has made some progress since the fall of 1983. Billions of dollars have been spent in research and I have openly given my strong support for such research. There are many of us here that support research but oppose near term deployment. There is an outstanding research effort headed by a professor at Duke University in North Carolina that has been of great benefit to strategic defense programs as well as programs in the field of medicine. Like many of my colleagues I was adamantly opposed to the near term deployment efforts of the Reagan administration. My opposition stemmed mostly from the possible violation of the ABM Treaty.

In closing Mr. President I want to reaffirm my support for the efforts to keep this Nation in complete compliance of the ABM Treaty. Any actions by the Senate to the contrary must fall under the aegis of the Senate Foreign Relations Committee. I will not jeopardize our ability to reasonably protect ourselves from attack by any aggressor, nor will I support any program that will threaten our country's role in a peaceful world society.

Mr. DOLE. Mr. President, during our consideration of the fiscal year 1992 Department of Defense authorization bill, we will be deciding on several programs and policies that will have serious and far-reaching ramifications for our national security for years to come.

What makes this year an even greater challenge than years past is the dramatic and rapid change in the world, as well as our evolving role in that changing world. The Persian Gulf war was our first real test in the post-cold war era and we passed with flying colors.

I believe we must keep in mind, as we debate this bill, that the war in the gulf confirmed the Bush and Reagan administrations' emphasis on the need to be ready to meet any threat. We were ready when Saddam Hussein invaded Kuwait—and we need to be ready in the future.

In an era of declining Defense budgets, being ready means thinking ahead and making smart decisions on how to use our limited resources. I commend Secretary Cheney for presenting the Congress with a Defense budget request which is forward looking and remains within the confines of a shrinking Defense budget.

In looking toward the future, I believe that addressing the need for missile defenses is one of the most important tasks we in the Congress face. By funding the SDI Program, we have the opportunity to make missile defenses a reality in this decade—we have the opportunity to make this country a safer place to live for generations to come.

During the Persian Gulf war, the American people saw nearly every day on the news, the great danger posed by the continuing proliferation of ballistic missiles. While I support arms control efforts designed to prevent further proliferation of ballistic missiles, as well as nuclear and chemical weapons, I believe we can't leave our arms control efforts at that. The United States is engaged with the Soviety Union in the defense and space talks in Geneva which seeks a cooperative transition to a more stable nuclear balance with greater reliance on strategic defenses. I support our negotiators' efforts to achieve such a transition.

But, arms control alone is not enough. Mr. President, ballistic missiles are not mere concepts, they do not exist in our imagination—they are real. Moreover, we can no longer debate if this threat will reach us, but when this threat will reach us. The Director of the CIA pointed out earlier this year, that by the end of the century between 15 and 20 countries will possess ballistic missile capabilities, and at least 3 may develop missiles with ranges up to 3,300 miles. The Congress can no longer hide behind theories. We must move beyond conceptual debates and toward providing our citizens with real protection against these very real ballistic missiles.

Mr. President, the Senate has already listened to over 4 hours of debate on SDI and the ABM Treaty. That debate does not change the facts. The fact is, there is a ballistic missile threat. The fact is, the United States is unprotected against that threat. The fact is, the United States needs a missile defense system.

President Bush, some months ago, introduced a revised SDI Program known as GPALS—which stands for global protection against limited strikes. This revised SDI Program was his response—and I believe it is an achievable and effective response—to the evolving threat of proliferation. I am a strong supporter of the President's GPALS Program, in particular the spaced-based elements of that program. However, I recognize that the Armed Services Committee's SDI proposal is the result of the committee's need to forge a bipartisan compromise among

Senators with a wide range of views on how to provide a missile defense system for the United States. In my view, the ability of the committee to reach a compromise among members with divergent opinions is indeed significant and indicates the following: First, the committee recognizes the need to deploy a missile defense system; second, the committee recognizes that the ABM Treaty severely limits our ability to provide effective defenses against ballistic missiles, and supports arms control negotiations to remove those restraints.

I commend the ranking Republican, Senator WARNER, for ensuring that the committee's proposal allows for the deployment of a system that would protect against a limited attack, as well as for development of space-based components.

However, I believe that the committee's SDI proposal represents the very minimum necessary to move toward the goal of deploying a missile defense system. Any further funding cuts or restrictions would call into question the Senate's commitment to provide this Nation with effective defenses against ballistic missiles.

Mr. President, I urge my colleagues to support the committee's SDI proposal as a first step toward preparing for the future. I also urge that the Senate reject the Gore amendment and all other amendments which seek to prevent us from taking this first, important step toward protecting America.

Mr. HOLLINGS. Mr. President, I rise in opposition to the amendment of the Senator from Tennessee. The Armed Services Committee has made tough, well-reasoned, bipartisan decision on the SDI Program. This decision takes us to the next logical step in preparing our Nation's defenses against a ballistic missile attack, and urges the President to initiate discussions with the Soviet Union so that additional defensive positions may be established if they are needed.

The committee authorizes $4.6 billion to provide a ground-based defensive antiballistic missile system. This system clearly complies with the ABM Treaty. Included in this funding is $625 million to continue research on Brilliant Pebbles, the space-based portion of the strategic defense initiative. The committee bill also contains language which directs the President to seek to modify the ABM Treaty by 1996 in order to allow additional ground-based defensive sites if they are required. The Senator from Tennessee would strike the language requesting the President to renegotiate the treaty, would forgo the priority for Brilliant Pebbles research that our security demands, and would eliminate the funding for the ground-based defensive position. This amendment reverses the promising success of SDI, and I urge my colleagues to join me and reject it.

Mr. President, allow me a moment to digress. For the last 20 years, I have strongly supported antiballistic missile research. I encouraged the SAM-D missile, the precursor of the Patriot missile that performed so well and evoked so much pride during the gulf war. When technology advanced dramatically and suggested a new system like SDI, I aggressively supported funding for research. For the last 10 years, I have defended the SDI Program from the naysayers who did not have the vision to see the benefits that this program would bring both scientifically and diplomatically.

Make no mistake, the Soviets have invested heavily in SDI technology themselves. The know its effectiveness and that is one of the reasons they have come to the table to negotiate arms reductions. Today, Mr. President, as we debate this important legislation, President Bush and President Gorbachev signed a treaty to reduce offensive weapons. But, to listen to the debate on this floor, one would think this authorization was designed to thwart their efforts in advance. Nothing could be further from the truth. This bill deals with defensive systems.

I have heard all about how this bill is destabilizing; about how provocative it is. Those who advance this theory imply that if you choose to defend yourself you are somehow encouraging a war. This view simply defies logic. If I know that my opponent is likely to have a strong defense, I am less likely to attack. This is nothing more than a restating of George Washington's admonition that in order to prevent war, you have to prepare for war.

Mr. President, SDI has yielded the kind of benefits that you cannot put a price on. Those who try to use legalisms and subterfuge to derail it are the ones who know the price of everything and the value of nothing. Our defensive missile system has provided for our Nation's security and paved the way for the peaceful existence we all desire. I congratulate the Armed Services Committee on their fine work, and urge my colleagues support them.

Mr. KERRY. Mr. President, I rise today in opposition to the committee-passed Missile Defense Act of 1991 and in support of the Gore amendment. At a time when we and the Soviet Union have just signed the first agreement in history that will actually reduce strategic nuclear weapons, the committee plan would have us destroy what has served as the cornerstone of strategic arms control over the last two decades and without which there will be little hope of further arms reductions—namely the 1972 Anti Ballistic Missile Treaty. In a time when the tremendous domestic needs of millions of Americans go unmet because we supposedly cannot afford the solutions, we are being asked to approve a plan that would require tens of billions of dollars to meet a largely nonexistent threat. Further, this is occurring at a time in which a large majority of the American people believe they have no voice in the way they are governed, the committee would have us agree to a fundamental change in U.S. defense policy without any hearings and without a thorough examination of the ramifications of the proposed policy change.

The committee bill mandates the deployment of an ABM system that would either require the Soviets to agree to major changes in the ABM Treaty—something they have adamantly resisted and have given every indication that they will continue to resist—or force us to abrogate unilaterally the treaty.

While it is true that the world is a different place than it was in 1972 when the treaty was signed, the logic on which it was based remains valid. The central idea behind the treaty was that the development and deployment of nationwide missile defenses by one side would cause the other side to increase and improve its offensive forces to overcome those defenses, thereby creating an offense-defense spiraling arms race.

If it were possible to construct a leak-proof defense, we would not have to worry about creating such an arms race. But such a defense was not possible in 1972 and it is still not possible now or in the foreseeable future. Abandoning the ABM Treaty, therefore, would lead to a dangerous situation in which the combination of partial missile defenses and highly accurate offensive nuclear forces would give each side an incentive to strike first in a crisis.

It is the ABM Treaty which has allowed the United States and Soviet Union to pursue the reduction of strategic nuclear forces, and without it, we can forget about implementing START or negotiating a follow-on ageement. The Soviets have made it quite clear that continuation of the ABM Treaty and START are linked, reportedly stating in the START negotiations that they will consider U.S. violation or abrogration of the ABM Treaty as a justification for their withdrawing from START. And we would surely feel the same way if the situation were reversed. As then Secretary of Defense Weinberger stated in 1985:

> "Even a probable [Soviet] territorial defense would require us to increase the number of our offensive forces and their ability to penetrate Soviet defenses to assure that our operational plans could be executed.

Nor should we have any illusions that the Soviets' economic problems will prevent them from responding. As Secretary Cheney and many of my Senate colleagues are so quick to point out in defending the SDI Program, the Soviets continue to modernize their strategic forces despite the dismal condition of their economy. Let me suggest that this has been due in part to fears

that we would do just what the committee's missile defense plan would have us do and that the situation will get even worse if we adopted this plan.

Given this likelihood, one might reasonable ask why we are proceeding down this path? The committee argues that an ABM system is needed "to protect the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks." However, this is the same less-than-credible rationale used by the Bush administration in putting forth its most recent SDI plan, reincarnated under the name Global Protection Against Limited Strikes, or GPALS.

There is no question that the proliferation of ballistic missiles should be of great concern, as the Iraqi Scud attacks against Israel and Saudi Arabia during the Persian Gulf war so starkly demonstrated. However, it is important to keep things in perspective. With the exception of China, it is unlikely that any Third World nation will be able to strike the United States with ballistic missiles before the end of the century.

Furthermore, most Third World nations seeking to develop or acquire such missiles are doing so for the purpose of influencing the military balance in their regions, rather than threatening the United States. If a terrorist state were to attack this country with a nuclear device, it would probably do so by hiding a bomb in a suitcase, or through some other surreptitious method rather than by striking with a ballistic missile. In any case, if a Third World nation other than China did embark on an ICBM Program, it would take a minimum of several years to complete and the product likely would be technologically unsophisticated. We therefore would have sufficient time to deploy an ABM system in response, and it need not be complicated or require a change in the ABM Treaty.

To the extent that the Third World ballistic missile threat to the U.S. homeland remains a concern, the answer is not to scrap a treaty that clearly serves our interests but instead to concentrate international efforts on halting proliferation. Although much needs to be done, we have made progress in this area, and the war in the gulf has given new impetus to such efforts.

While the spread of ballistic missiles poses little threat to the U.S. homeland, it does endanger U.S. forces overseas and our friends and allies. We therefore should devote greater attention to theater missile defense, building on the tremendous success of the Patriot system. Enhancements to the Patriot could make it even more effective, enabling it to better defend larger areas against conventional ballistic missile strikes and giving it some capability against missiles equipped with chemical and biological warheads. I support such enhancements and strongly urge my colleagues to fund them. However, there is no need to abandon or threaten the ABM Treaty in order to pursue effective theater missile defenses.

What about the threat of an accidental or unauthorized missile launch against the United States? The Chairman of the Joint Chiefs, General Powell, has stated that the Soviets "have very good control over their systems" and "treat them with the same care that we do." Furthermore, not only are the chances of an accidental or unauthorized launch remote, there are other ways of addressing this concern that are much less costly and destabilizing. For example, we employ something known as permissive action links, or PAL's, on our missiles to prevent the launching mechanism from being activated, and the technology involved in PAL's could be shared with the Soviets and Chinese—the only two nations with ICBM's pointed at the United States. We also might pursue the idea of equipping ballistic missiles with destruct-after-launch mechanisms.

Mr. President, to put it simply, what we have here is a program with no mission. And what will this unnecessary program cost? According to the Strategic Defense Initiative Organization, an ABM system with nationwide defense capabilities such as that toward which the committee's proposal points would cost approximately $25 billion. However, the Congressional Budget Office has estimated that the price tag could actually be twice as much. And these figures do not include the billions upon billions of additional dollars that we would be forced to spend to meet worst case contingencies because of the tremendous uncertainty we would face about the mix of offensive and defensive technologies that the Soviets might develop. Mr. President, so many times this year, I have heard colleagues on this floor claim that we simply do not have the money to address adequately the domestic needs of this country. And yet, the committee would have us commit to a program that we do not need that could cost $50 billion to deploy.

Perhaps most disturbing of all is that we are being asked to embark on this path without the benefit of hearings that would be fitting for such a radical shift in this Nation's defense policy. Although the Armed Services Committee held hearings that covered SDI as part of the normal authorization process, they did not specifically address the committee's missile defense plan. In fact, neither the Armed Services Committee nor the Foreign Relations Committee have held hearings that adequately address such basic issues as the extent of the ballistic missile threat we face, the security ramifications of proceeding with the committee's plan, the costs involved, or the risks to arms control. In opposing a similar proposal to change U.S. defense policy last March, the chairman of the Armed Services Committee said on the floor of this body:

> There are all sorts of questions here that we would have to get answers for from our military and intelligence, whether the Soviets may be prepared to move out more readily than we are. This is not a one-way street. When you remove restrictions on America, you also remove restrictions on the Soviet Union. The Soviets have already deployed an ABM system around Moscow and could be in a position to break through in this area quicker than we could in some categories. * * * There are all sorts of questions that I think need to be answered.

The senior Senator from Georgia was absolutely right then, and his logic is just as valid 4 months later. These questions have not been answered, and it is our obligation to ensure that they are answered before we proceed with the committee plan.

Mr. President, next week will mark the 18th anniversary of the Limited Test Ban Treaty, the first United States-Soviet Arms Control Agreement. After signing it, President Kennedy told the United Nations that it alone could not put an end to war, remove basic conflicts, or secure freedom for all. But it could do something almost as important. "It can be a lever," President Kennedy said, "* * * and Archimedes, in explaining the principle of the lever, was said to have declared to his friends: 'Give me a place where I can stand and I shall move the world.'"

The ABM Treaty has been a lever to halt the arms race—perhaps an imperfect one—and we have not always had a place to stand. But as we look for such a place, we should not be hasty in throwing away this lever, as well as tens of billions of dollars to address a threat that, to the extent it even exists, can be met by other less costly and destabilizing means.

Mr. President, I strongly urge my colleagues to oppose the committee's missile defense plan and support the Gore amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GORE. Mr. President, I would like to close debate on the amendment. I only have about 1½ minutes left?

The PRESIDING OFFICER. The Senator controls 5 minutes.

Mr. GORE. I have 5 minutes left? I misunderstood. I would still like to use that to close debate if the other side wants to use up its time first, so I could close the debate.

Mr. NUNN. I do not have any objections to that.

Mr. President, my time is just about expired.

Does the Senator want the whole 5 minutes?

Mr. GORE. Yes.

Mr. NUNN. Mr. President, I just would like to close by saying, I just

heard the Senator from Nebraska say one of the reasons he was going to oppose the committee amendment was because it doubled the amount of money in Brilliant Pebbles. I believe he ought to read the Gore amendment before he votes for it because that is exactly what the Gore amendment does. The funding in the Gore amendment and the funding in this committee amendment are precisely the same—the same, not one penny difference, as I understand it.

The difference is, though, in concept. In the Gore amendment there is no concept. We simply keep spending the money without having any concept announced by the Congress. Therefore, we are dealing with the administration's architecture. A vote for the Gore amendment, basically, is a vote to continue to fund the administration's architecture, which has space-based systems in the architecture because that is where we are going. We are changing that in the committee amendment.

Just one final note on the question of the irony that some people have alluded to about signing the START agreement today. I think the supreme irony would be if the Soviet Union turned around and complained about us moving toward deploying 100 interceptors when they have had those same number of interceptors deployed for the last 20 years, and they have upgraded them four times now. How in the world could they do that with a straight face?

The PRESIDING OFFICER. The Chair must say the time of the Senator has expired.

Mr. NUNN. I thank the Chair.

Mr. GORE. Mr. President, this has been a good debate. The debate on this issue is only beginning here in the Senate. There will be four other amendments after this one is voted upon. I hope this amendment will be agreed to. If it is not agreed to, I hope it gets a strong vote. I have the deepest respect for those who, on the committee, have authored the language in the committee bill on the other side, but I disagree with it with every breath I have.

If it was adopted as policy, it would be one of the most serious mistakes that this country has ever made. We just heard, again, about the irony of voting on this issue on the very day the START Treaty is signed.

The Soviet Union issued a statement in conjunction with the signing of the treaty. It said the treaty that has been negotiated for the last 9 years will be null and void if we violate the ABM Treaty. That, in itself, is not reason for us to continue abiding by the ABM Treaty if it is not otherwise in our interests to do so. But it is in our interests to do so because it is the cornerstone of the shared understanding of the idea of deterrence upon which the peace has been based, and underneath which these reductions in nuclear forces have taken place—the umbrella underneath which the Soviet Empire has been crumbling. Deterrence is what has led to our security for the last 45 years.

The distinguished chairman of the committee, who is my friend, an extremely able Senator, as every Member of this body knows, first proposed a plan like this back in 1988. This is not a new position for him, but it is embedded in a new context because it is one-half of a committee plan that has two halves. Is it 1 site or is it 10 sites? The advocates will not say. Have they carried the burden of proof?

Based upon what we have heard during this debate from the advocates of the committee plan, are we ready now to increase funding by 50 percent, to almost $5 billion, and say we are ready to set the goal: Let us deploy. Have they carried that burden of proof on the day the START Treaty is signed?

I submit, Mr. President, they have not carried that burden of proof based on what we have heard.

I urge my colleagues to support the Gore amendment. Should the Gore amendment be unsuccessful, I urge my colleagues to support each of the amendments that will follow, up to and including the final in the series: the Bumpers amendment that will cut the funding for this plan which, in my opinion, is so ill-conceived.

This amendment is about the policy. This amendment says let us go full-speed ahead on the tactical antiballistic missile systems like the Patriot, like the improved versions of the Patriot. But where strategic defenses are concerned, the kind that undermine deterrence, the kind that are still in research and development, the kind we do not yet understand what they are capable of doing, let us hold off on a decision to set the goal for deploying them before we know what they are, and instead let us fund the research and development and find out what they are before we decide we are ready to go ahead and deploy them. Let us do that before we instruct the President of the United States to immediately start ripping up the ABM Treaty, seeking changes in the ABM Treaty of a sweeping nature, and telling the Soviet Union and the world that we are heading down the road straight for that treaty and, come May 1, 1994, if they are not willing to agree to all the changes we want, we may very well just keep barreling right on through it.

The committee says we will come back, and if we decide this system we are committing to is not cost-effective, we will pull the plug on it. Are there any systems elsewhere in this bill that we have decided are not cost-effective? Let me say the history of how we treat expensive systems like this is that the important decision is when we start.

I urge the support of my colleagues on both sides of the aisle for the Gore amendment. Let us keep the strategic defenses in the research stage and go full-speed ahead on the tactical systems like the Patriot.

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

Mr. NUNN. Mr. President, I do not seek any more time for debate. The Senator from Tennessee has wanted the last word and we have given him the last word. I would like, while the leader is here, if I could, to propound a unanimous-consent request.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, I ask unanimous consent that upon disposition of the Gore amendment No. 950, that Senator BINGAMAN be recognized to offer an amendment relating to SDI, on which there will be 1 hour for debate, equally divided and controlled between Senator NUNN and Senator BINGAMAN, with no amendment to the amendment in order, nor to any language which may be stricken; that no motion to recommit be in order; further, that when all time is used or yielded back, the Senate, without intervening action or debate, vote on or in relation to the Bingaman amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VOTE

The PRESIDING OFFICER. All time has expired.

The yeas and nays have been ordered.

The question is on agreeing to the amendment of the Senator from Tennessee. The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of illness.

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

The result was announced, yeas 39, nays 60, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—39

Adams	Graham	Mikulski
Akaka	Harkin	Mitchell
Biden	Hatfield	Moynihan
Bradley	Jeffords	Pell
Bryan	Johnston	Reid
Bumpers	Kassebaum	Riegle
Chafee	Kennedy	Rockefeller
Cranston	Kerrey	Sanford
Daschle	Kerry	Sarbanes
DeConcini	Lautenberg	Sasser
Fowler	Leahy	Simon
Glenn	Levin	Wellstone
Gore	Metzenbaum	Wofford

NAYS—60

Baucus	Coats	Domenici
Bentsen	Cochran	Durenberger
Bingaman	Cohen	Exon
Bond	Conrad	Ford
Boren	Craig	Garn
Breaux	D'Amato	Gorton
Brown	Danforth	Gramm
Burdick	Dixon	Grassley
Burns	Dodd	Hatch
Byrd	Dole	Heflin

Helms	McConnell	Shelby
Hollings	Murkowski	Simpson
Inouye	Nickles	Smith
Kasten	Nunn	Specter
Kohl	Packwood	Stevens
Lieberman	Pressler	Symms
Lott	Robb	Thurmond
Lugar	Roth	Wallop
Mack	Rudman	Warner
McCain	Seymour	Wirth

NOT VOTING—1

Pryor

The amendment (No. 950) was rejected.

Mr. WALLOP. 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.

The PRESIDING OFFICER. Who seeks recognition?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, if I could get the attention of our colleagues, what we hope to do tonight, and we have unanimous-consent request for the time agreement on the Bingaman amendment, for 1 hour—it would be our hope to dispose of this amendment tonight, then come back early in the morning, and get started on the remainder of the SDI amendments.

The majority leader has been working with the minority leader on time agreements. We hope to propound a unanimous consent on time agreements on the remaining SDI amendments in just a few minutes. It would then be my hope that tomorrow, after we complete the SDI amendments, we could go to B-2 and have a short-time agreement on the B-2, since that issue has been debated so thoroughly.

At this point in time, the Senator from New Mexico, when he seeks recognition, will have 1 hour on his amendment, equally divided. It would be my hope that that would be the last rollcall vote this evening.

STAFF FLOOR PRIVILEGES

Mr. DIXON. Mr. President, I simply ask unanimous consent that a congressional fellow on my staff, Mr. Jim Rohacik, be granted floor privileges during the Senate's consideration of S. 1507, the National Defense Authorization Act for fiscal years 1992-93.

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

Mr. BINGAMAN. Mr. President, let me just advise Senators that it is our hope that we will be able to conclude our part of the debate in less than the 30 minutes allocated to us. It is very possible that we could have a vote before the full hour is up, if we can yield back the time.

AMENDMENT NO. 957

(Purpose: To revise the strategy for the strategic defense initiative)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] (for himself, Mr. WIRTH, and Mr. BAUCUS) proposes an amendment numbered 957.

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

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

The amendment is as follows:

On page 32, strike out line 16 and all that follows through page 44, line 3, and insert in lieu thereof the following:

SEC. 211. MISSILE DEFENSE ACT OF 1991.

(a) GOAL.—It is a goal of the United States to maintain strategic stability with the Soviet Union while deploying an anti-ballistic missile (ABM) system, including one or possibly more than one ground-based anti-ballistic missile sites and space-based sensors, capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles and to provide highly effective theater missile defenses (TMD) to United States forward-deployed and expeditionary armed forces and to our friends and allies.

(b) IMPLEMENTATION.—To implement this goal, Congress—

(1) urges the President to begin negotiations with the Soviet Union to determine whether modest changes should be made to the ABM Treaty to permit—

(A) additional anti-ballistic missile sites and additional ground-based anti-ballistic missile interceptors;

(B) increased utilization of space-based sensors for direct battle management;

(C) clarification of what constitutes permissible development and testing of space-based missile defenses;

(D) increased flexibility for technology development of advanced ballistic missile defenses; and

(E) clarification of the distinctions between TMDs and anti-ballistic missile defenses, including interceptors and radars; and

(2) directs the Secretary of Defense—

(A) to aggressively pursue the development of a range of advanced TMD options, with the objective of downselecting and deploying ABM Treaty-compliant systems by the mid-1990s; and

(B) to develop for deployment at a single site by fiscal year 1996 a cost-effective and operationally effective and ABM Treaty-compliant anti-ballistic missile system that would be consistent with the anti-ballistic missile system described in subsection (a) designed to protect the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks and would include—

(i) 100 ground-based interceptors, the design of which is to be determined by competition and downselection for the most capable interceptor deployable by fiscal year 1996;

(ii) fixed, ground-based anti-ballistic missile battle management radar; and

(iii) optimum utilization of space-based sensors, including sensors capable of cueing ground-based anti-ballistic missile interceptors and providing initial targeting vectors, and other sensor systems that also are not prohibited by the ABM Treaty; and

(C) to submit to the congressional defense committees, within 180 days after the date of the enactment of this Act, a plan for the deployment of TMDs and an ABM system which meet the guidelines established in subparagraphs (A) and (B).

(c) FOLLOW-ON TECHNOLOGY RESEARCH.—

(1) FOLLOW-ON ANTI-BALLISTIC MISSILE TECHNOLOGIES.—To effectively develop technologies relevant to achieving the goal in subsection (a) and to provide future options for protecting the security of the United States and our allies and friends, robust research and development funding for promising follow-on anti-ballistic missile technologies is required.

(2) EXCLUSION OF BRILLIANT PEBBLES.—Deployment of Brilliant Pebbles is not included in the limited protection system architecture described in subsection (a).

(3) REPORT AND LIMITATION.—The Secretary of Defense shall submit to the congressional defense committees a report on conceptual and burdensharing issues associated with the option of deploying space-based interceptors for the purpose of providing global defenses against ballistic missile attacks. Not more than 50 percent of the funds authorized in subsection (f)(2)(C) for the Space-Based Interceptors program element in fiscal year 1992 may be obligated for the Brilliant Pebbles program until 45 days after the submission of the report.

(d) PROGRAM ELEMENTS.—

(1) EXCLUSIVE ELEMENTS.—The following program elements shall be the exclusive program elements for the Strategic Defense Initiative:

(A) Limited Defense System.

(B) Theater Missile Defenses.

(C) Space-Based Interceptors.

(D) Other Follow-On Systems.

(E) Research and Support Activities.

(2) APPLICABILITY TO BUDGETS FOR FISCAL YEARS AFTER FISCAL YEAR 1992.—The program elements in paragraph (1) shall be the only program elements used in the program and budget provided concerning the Strategic Defense Initiative submitted to Congress by the Secretary of Defense in support of the budget submitted to Congress by the President under section 1105 of title 31, United States Code, for any fiscal year after fiscal year 1992.

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION OBJECTIVES.—

(1) LIMITED DEFENSE SYSTEM.—The Limited Defense System program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective the development of systems, components, and architectures for the anti-ballistic missile system described in subsection (a) that are capable of providing a highly effective defense of the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks, but below a threshold that would threaten mutual deterrence and strategic stability with the Soviet Union. Such activities shall also include those necessary to develop and test systems, components, and architectures capable of deployment by fiscal year 1996 as part of an ABM Treaty-compliant defensive system. For purposes of planning, evaluation, design, and effectiveness studies, such programs, projects, and activities may take into consideration both the current limitations of the 1972 ABM Treaty and modest changes to its numerical limitations and its

limitations on the utilization of space-based sensors.

(2) THEATER MISSILE DEFENSES.—The Theater Missile Defenses program element shall include programs, projects, and activities, including those previously associated with the Tactical Missile Defense Initiative, which have as primary objectives the following:

(A) The development of deployable and rapidly relocatable advanced theater missile defenses capable of defending forward-deployed and expeditionary United States armed forces. Such a program shall have the objective of downselecting and deploying more capable ABM Treaty-compliant TMD systems by the mid-1990s.

(B) Cooperation with friendly and allied nations in the development of theater defenses against tactical or theater ballistic missiles.

(3) SPACE-BASED INTERCEPTORS.—The Space-Based Interceptors program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective conducting research on space-based kinetic-kill interceptors and associated sensors that could provide an overlay to ground-based ABM interceptors.

(4) OTHER FOLLOW-ON SYSTEMS.—The Other Follow-On Systems program element shall include programs, projects, and activities which have as a primary objective the development of technologies capable of supporting systems, components, and architectures that could produce highly effective defenses for the future.

(5) RESEARCH AND SUPPORT ACTIVITIES.—The Research and Support Activities program element shall include programs, projects, and activities which have as primary objectives—

(A) the provision of basic research and technical, engineering, and managerial support to the programs, projects, and activities within the program elements referred to in paragraphs (1) through (4);

(B) innovative science and technology projects;

(C) the provision of test and evaluation services; and

(D) program management.

(f) FUNDING.—

(1) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 for fiscal year 1992 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1992, not more than $4,600,000,000 may be obligated for the Strategic Defense Initiative.

(2) SPECIFIC AMOUNTS FOR THE PROGRAM ELEMENTS.—Of the amount described in paragraph (1)—

(A) not more than $1,550,530,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(B) not more than $857,460,000 shall be available for programs, projects, and activities within the Theater Missile Defenses program element;

(C) not more than $625,383,000 shall be available for programs, projects, and activities within the Space-Based Interceptors program element;

(D) not more than $744,609,000 shall be available for programs, projects, and activities within the Other Follow-On Systems program element; and

(E) not more than $822,018,000 shall be available for programs, projects, and activities within the Research and Support Activities program element.

(3) ENVIRONMENTAL IMPACT STATEMENT.—Of the amount appropriated pursuant to paragraph (2)(A)—

(A) up to $5,000,000 may be obligated and expended to carry out an expeditious site-specific Environmental Impact Statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) up to $40,000,000 may be obligated and expended to conduct refurbishment studies, site surveys, and technical assessments and analyses related to removing the Grand Forks ABM site from its deactivated status. The Congress expressly waives any and all requirements to evaluate alternative sites to the site at Grand Forks.

(4) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1992. The report shall specify the amount of such funds allocated for each program, project, and activity of the Strategic Defense Initiative and shall list each program, project, and activity under the appropriate program element.

(5) BRILLIANT PEBBLES.—Funds may be obligated for programs, projects, and activities which have as their primary purpose the support of the Brilliant Pebbles space-based interceptor system and associated sensors only through programs, projects, and activities within the Space-Based Interceptors program element.

(g) LIMITATION ON FULL SCALE DEVELOPMENT AND INITIAL LOW RATE PRODUCTION.—Before the Secretary of Defense proceeds with full-scale development and with initial low-rate production on the ABM Treaty-compliant system described in subsection (b)(2)(B), the President shall certify to Congress that such full-scale development or production is in the best interests of the United States and will not undermine strategic stability with the Soviet Union.

(h) REVIEW OF PROGRESS ON NEGOTIATIONS.—As deployment at the ABM site described in subsection (b)(2)(B) draws near to the deployment date of fiscal year 1996, the President and the Congress shall assess the progress in the ABM Treaty amendments negotiations. If the negotiations, in which the United States seeks to achieve the goal of subsection (a), have not been concluded, the President and the Congress shall consider the options available to the United States. To assist in this review process, the President shall submit to the Congress not later than May 1, 1994, an interim report on the progress of the negotiations.

(i) DEFINITION.—In this section, the term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

Mr. BINGAMAN. Mr. President, this amendment is being offered on behalf of myself and Senator WIRTH, and also Senator BAUCUS. The purpose of the amendment is very straightforward, and I do not think requires a tremendous amount of explanation to the Members of the Senate.

Mr. WIRTH. Mr. President, the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. There are conversations taking place in the Chamber, which will have to cease before the Chair allows the Senator to proceed.

The Senator from New Mexico.

Mr. BINGAMAN. I thank the Chair.

Mr. President, the purpose of our amendment is to clarify what the Senate is voting to do in this legislation with regard to the SDI program. In clarifying our goals and our objectives, the amendment tries to establish——

The PRESIDING OFFICER. The Chair will now wait until all conversations have completely ceased. The Chair will be patient. There will be no further discussion on the floor.

The Senator may proceed.

Mr. BINGAMAN. I thank the Chair.

Our amendment tries to make three points very clear for anybody who would want to read the language that the Senate will be passing upon. The first objective of the amendment is to establish the maintenance of strategic stability as the overriding goal, and maintain that as the overriding goal for our country in our arms negotiations and our activities in this strategic area.

Second, we want to clarify that the Senate here is acting only to move ahead with deployment at a single site; that any additional activity, any additional sites would have to be a result of negotiations in the future and not unilateral action by the United States.

The third point we want to make, and make as clearly as possible, is that what we are proposing here has to be treaty compliance, totally in compliance with the ABM Treaty.

Mr. President, I think when you hear the debate that we have had this afternoon it is clear that we have some major disagreement among those who support the committee position. I think that is also reflected in some of the writing that has been done on it.

The chairman has expressed his views very eloquently in the New York Times today on the op-ed page of that newspaper.

The Republican ranking member of the committee, the Senator from Virginia, has expressed his opinion in the Washington Post on the same very same language.

The PRESIDING OFFICER. If the Senator will suspend, the Chair will please ask the Senate to act as if it were the Senate. The Chair will remain awaiting the silence of everybody on the floor of the Senate, everybody. This is an important debate.

The Senator may proceed.

Mr. BINGAMAN. I thank the Chair.

The difference of opinion I do think is reflected in those two op-ed pieces that I referred to. I think the Senator from Georgia makes it clear that he sees the negotiations to amend the ABM Treaty as central, and he intends that we would pursue modest changes in the treaty regime to deal with the limited ballistic missile threats. That is the view of the Senator from Georgia.

The Senator from Virginia, on the other hand, seems to see the negotia-

tions imposing more significant changes in the treaty with the Soviets. And if the Soviets do not agree to those changes, he sees the United States as being in the position to move ahead under the treaty or to withdraw from it and proceed on a unilateral basis.

My position, and I believe the position of my cosponsors on this amendment, is that we agree with the Senator from Georgia and his interpretation. We do not agree with the alternative interpretation.

Our amendment makes clear that the United States does not intend to ignite a new arms race with the Soviet Union. We will deploy a treaty compliance system at Grand Forks, but we will go beyond Grand Forks only if the Soviets and ourselves mutually determine that we can do so without upsetting strategic stability.

We also make clear that we envision only modest changes to the treaty to allow for more effective defenses against accidental and unauthorized launches or Third World threats.

We do not seek to throw out the core concept of the treaty, namely preserving strategic stability in which neither side is given incentives to launch a nuclear first strike. That is language which the Senator from Georgia used in his article that I have already referred to.

Today, this Nation concluded a START agreement, a significant achievement, for which I think we all commend President Bush.

Today we should not be taking any action that would threaten the Soviets in a unilateral manner, in an area particularly where they have repeatedly said that they would be forced, or could be potentially forced to withdraw from that treaty.

I am convinced that if we take a confrontational approach to these ABM Treaty amendment negotiations with the Soviets, if we overreach in those negotiations, we will hurt our security and not enhance it.

About the only comparative advantage that the Soviet economy enjoys over ours is in the production of ballistic missiles. It would be futile and costly to make them the target of our SDI Program.

The chairman of the committee, whose activities I have supported and continue to, does not believe that the committee provision leads us in this direction. I respect his views on that. But I would like to make as clear as language permits that that is not the path the Senate seeks.

Mr. President, in summary, our amendment makes preservation of strategic stability our overriding goal. It makes clear that we will go beyond the existing ABM Treaty only by mutual agreement with the Soviets. I hope that today as we sign the START Treaty we will vote to make absolutely clear that we do not want to undermine that achievement. I hope that we will support strategic stability as our overarching goal and adopt this amendment, Mr. President.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the following amendments be considered under the following time limitations, as indicated, and with no second-degree amendments in order:

An amendment by Senators LEVIN and BIDEN regarding treaty compliance, with 80 minutes of debate, 50 minutes under the control of Senator LEVIN, 30 minutes under the control of Senator NUNN; a Harkin-Simon amendment regarding funding, 1 hour equally divided in the usual form; a Harkin amendment regarding deployment, 30 minutes equally divided in the usual form; a Bumpers amendment regarding funding, 90 minutes equally divided in the usual form; a Bumpers amendment regarding Brilliant Pebbles, 2 minutes equally divided in the usual form.

I further ask unanimous consent that when the Senate resumes consideration of this bill at 9 a.m. tomorrow, Senator LEVIN be recognized to offer his amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I just make a few brief comments on the amendment of the Senator from New Mexico. I will not take more than a few minutes.

I want to say that the Senator from New Mexico is one of the most valuable members on the committee. He and I agree on, I think, 80 or 90 percent of the matters. We have agreed primarily on almost all of the ramifications of this overall committee position. But, on this one, we have a disagreement, and we had that disagreement in committee, and he voted for the committee position anyway. I hope that nothing I say here in any way disrupts that important support of the Senator from New Mexico in the final outcome, because his support will be very important, not just in this debate, but in the days, months, and years to come.

I also say the same thing about the Senator from Colorado, because he has also been a supporter of this overall concept. It is my understanding, as to what they are concerned about, that what this amendment addresses is what we talked about a while ago, and that is, what is a goal?

The goal in this committee amendment is to protect the United States against limited attacks. If you do not have any more than one site, and you do not say that that is even part of your plan, what you are basically saying to the people of Alaska and Hawaii, and even to some extent under certain threats, some people on each coast, is: sorry, folks, you are not part of the United States; you are not part of the United States.

It is my view that we should have the goal of protecting the entire United States against limited attacks. The fact that we have a goal does not mean that when we get down the road, if the Soviets say, absolutely no, we go charging off without considering the ramifications. It means when we sit down to negotiate with the Soviets, that we have to have a goal. I would hate to try to go to Alaska and Hawaii and try to explain to them that we are not ever going to have a goal of trying to protect them against accidental launches, unless the Soviet Union absolutely agrees to it in advance.

It seems to me that what we are saying to the Soviets, as we go into these negotiations—if we do not have a goal—"you have veto power." I refer to the July 30 letter signed by the two authors of this amendment, the Senator from Colorado and the Senator from New Mexico. They say: "We do not believe that the United States should go beyond the Grand Forks deployment, unless that is done by mutual agreement with the Soviet Union."

Mr. President, it is my hope that we will have mutual agreement with the Soviet Union. If we do not get it, then we have to make a judgment whether to go forward. We have to make that judgment; Congress has to make it, the President has to make it, and the country has to make it. I do not want to tell them in advance of sitting down to negotiate that we are not going to do anything ever, if they do not agree to it, because if we do that, we will not have a negotiating position. We will not have a chance to win any negotiation, in terms of what we want.

If they told us in advance, we would like to do a few things, but we are never going to do it, unless you completely agree with it, what you have basically done is give away any hope of achieving your negotiating goals. That is just the way the world works.

So I understand where they are coming from, and it may well be that I may agree with them at some point down the road. But I certainly do not want to make that decision now. I do not want to say to the people of Alaska and Hawaii that, from the very beginning, you are out of the picture. We are not going to do anything, no matter what, to protect you against limited attacks.

So the reason we laid out the goal is because you have to have a goal. If you do not have a goal, you do not know what you are negotiating. If you do not

know what you are negotiating, you are not going to get anywhere.

That has been the problem all along in this whole dilemma. Congress has never had a concept, but we have critiqued the administration's concept. I have been one of those critiquing it. The administration has had a concept, but we have not had one agreed on by both branches of Government.

I think it is important for us to focus a moment on what is a goal. President Kennedy set a national goal of landing a man on the Moon by the end of the 1960's. He did not say we are going to land a man on the Moon, no matter what. He did not say, if the Saturn rockets do not work, or if they are going to blow up, we are going to shoot them up there anyway, because I set this goal. He basically set a goal for the Nation, and we went forth to try to meet that goal, understanding that the technology, funding, and all of that had to be there.

Mr. President, it seems to me that that is what we are doing. We are setting a goal. But every year the administration has to come back and report what they are doing, and not only that, they have to get funding. We are setting a goal that has to be funded every year.

We are talking about a system that is going to take at least 5 years in the first stage of that, and that is the initial ABM compliant part. If we achieve success in the negotiations, the right to have more than one ABM site, we are talking about at least a decade to be able to achieve this. Every year, we are going to have a checkpoint, and a place where we can pause and reflect.

The administration is going to have to get funding from the Congress, and I think it would be inappropriate to set forth a goal, as we will do if we adopt the Bingaman-Wirth amendment that says we are not going to protect a large and very important part of the United States. It would say we do not even have it in our plan, or in our architecture, or even our beginning negotiating position.

I am not willing to do that, and I hope the Senate will agree with the committee and not adopt the Bingaman-Wirth amendment.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. BINGAMAN. Mr. President, I yield 7 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator may proceed.

Mr. WIRTH. Mr. President, I join with the Senator from New Mexico in offering this amendment to the defense authorization bill. During markup in the Armed Services Committee, Senator BINGAMAN, I supported the committee amendment, yet I did so with significant reservations about the potential impact of that provision on the ABM Treaty. This amendment seeks to clarify that we do not intend to overthrow the ABM Treaty as we consider a limited defense against accidential or third-country ballistic missiles aimed at the United States.

The additional security the United States may gain by defenses against limited strikes is certainly not worth a return to a nuclear arms race with the Soviet Union.

Accordingly, this amendment emphasizes the central importance of mutual deterrence and strategic stability in United States-Soviet relations by making clear that these concepts must remain the foundation of our strategic relationship with the Soviet Union—not ancillary or transitional considerations. Senator GORE and others spoke eloquently and forcefully to this point earlier in this debate.

In order to make abundantly clear that we intend to plan a treaty-compliant defense, the pending amendment stresses that this deployment shall be limited to the one site allowed under the ABM Treaty at Grand Forks and that this site must be deemed to be operationally and cost effective. We strike all references in the committee provision to initial site in order to stress that we are not in any way committed to additional sites beyond the one site permitted by the treaty.

The Bingaman-Wirth amendment also elevates the importance of joint United States-Soviet agreement on this issue by stressing "negotiations with the Soviet Union to determine whether modest changes should be made to the ABM Treaty" to permit capabilities for limited defenses not now permitted under the treaty.

Mr. President, this amendment clarifies the intention of the United States to pursue a limited defense against accidental or third country ballistic missiles in the context of United States-Soviet arms control, not at its expense.

Mr. President, I have enormous respect for the job the distinguished chairman of the Armed Services Committee has done in moving this provision and getting us to understand what I think is the extraordinary importance of this issue.

Nobody in the United States can have missed what happened in the world over the last 9 months. We saw, effectively, a madman in the Middle East, a madman who was capable of the most wanton acts of violence, including setting fire to 600 oil wells for spite. I come away from that—as I think millions of Americans do—understanding that if this individual had the capability of mass destruction, he would have used it. That is what this amendment is all about.

There are those who argue that we have to depend only on deterrence. That does not work when you are dealing with an irrational individual. The United States can always threaten to retaliate if attacked. But the fact that we could retaliate is not relevant when we are dealing with an irrational or crazy individual. Deterrence requires rationality.

We saw, only last week, the debate in the United States Senate on most-favored-nation status for China. Part of that debate was centered on the fact that the Chinese are selling, around the Middle East and around the world, missiles with ranges up to 3,000 miles.

As we look to the rest of this decade, we are dealing potentially with a situation in which a whole variety of entities can purchase on the open market missiles which can move beyond anything that we dreamed of only a short time ago.

The American people watched on CNN during the war in the Middle East, people putting on gas masks as Scuds came in, and they saw the Partiot working, and they are saying, "could that happen to us, as well." The answer is that I think we have an obligation to address that question and that challenge.

Fourth, we understand that we in the United States are working on an Arrow missile program with the Israelis and various other tactical missile defense programs. If we can defend against missiles overseas, it seems to me that we have an obligation to do it at home.

I cite those four elements, Mr. President—the notion of a madman, the sale of missiles internationally, the reality of missile attack which we watched on television, and the efforts we are making to defend against missile threats overseas—in order to outline why I think the thrust of what the distinguished chairman of the Armed Services Committee, Senator NUNN, is doing is right.

The issue in front of us is the pending amendment whether we interpret our relationship with the Soviet Union and negotiations on the ABM Treaty to be an adversarial situation, or do we believe that it is incumbent upon us to discuss with the Soviets what we might mutually agree upon within the framework of the ABM Treaty?

It would certainly be at least this Senator's hope in cosponsoring this amendment with Senator BINGAMAN to say we are not, as suggested in earlier discussions, dealing in an adversarial situation. Rather, what we are saying is that we are not going to go to the Soviets to overwhelm them, to tell them that this is one-sided only. What we are after is to sit down and negotiate with the Soviets. We do not want to start in an adversarial way with the Soviet Union. That is not the purpose.

So that is why I think the Bingaman-Wirth amendment makes sense. I would hope that we might adopt that and say very clearly this our intent. What we are after is an overall program as described in the very long and I thought, really, quite extraordinarily

good debate that we had on the previous amendment.

Why are we doing this? I think that is laid out. Do we want to limit it in a nonadversarial way? I think that is the way to do it.

I hope my colleagues will recognize the thrust of what we are doing as the right direction and vote to limit our efforts to what we can mutually agree with the Soviets.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

PRIVILEGES OF THE FLOOR

Mr. WALLOP. Mr. President, I ask unanimous consent that Brent Smith, a fellow in Senator MACK's office, be granted floor privileges during the pendency of S. 1507, the defense authorization.

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

Mr. WALLOP. I yield 2 minutes to the Senator from Maine.

Mr. COHEN. Mr. President, let me say in response to what our colleague from Colorado said that we do not want to approach these negotiations with the Soviets in an adversarial spirit. Quite to the contrary, we want to approach it in a spirit of good faith. As a matter of fact, this has been raised for several years with the Soviets. And it is interesting to note that, contrary to suggestions made on the floor earlier today, the Soviets do not see this bill as an absolute assault on the ABM Treaty.

There were statements made on Monday by the Soviet Foreign Minister that the treaty is "a sacred cow of arms control." "We ought to be careful about it," he said. But he also said that the Soviet Union would be "prepared to listen" in reference to the congressional desire to move toward a limited defensive system. Foreign Minister Bessmertnykh said that the Soviets are "prepared to listen" and "look into the relationship between all these new programs and the ABM Treaty and how they can go together." I think they are quite well aware we are not approaching this on an adversarial basis.

Let me recall the chairman's comment about the President setting out to say we are going to have one system. That may or may not be enough. We need two, not just to defend Hawaii or Alaska, but perhaps for the continental United States we may need two or possibly three, and we are prepared to negotiate that desired objective with the Soviets. They may say no.

At that point, the President can make one or two decisions. He can say, "We agree. I made a mistake, we can do it with one system and not go beyond." Or he can say, "I am sorry, but we have to consider possibly withdrawing from the treaty." I would hasten to add, though, that he can do that now.

Senator NUNN noted that when President Kennedy said we have a goal of going to the Moon, he did not say we are prepared to negotiate it with the Soviets in advance. He said that is our goal.

This ought to be our goal: To provide a defensive system for the United States, including Alaska and Hawaii, and including, I might add, our allies as well. I think we ought not to impinge on that goal with preconditions that say we have to get the Soviets to agree in advance. I think they are well aware that negotiation involves give and take, and we undoubtedly are going to make some concessions to achieve the objectives we believe will be best at that time.

I thank my friend for yielding.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator may proceed.

Mr. WALLOP. Mr. President, let me just follow along on the comments of the Senator from Maine. I confess I do not know where this thought comes from, that this is offensive to the Soviet Union. No smaller personage than Gorbachev himself agreed with President Reagan that we would negotiate defense in space and changes in the ABM Treaty in 1987, and it was reaffirmed by Secretary of Defense Carlucci and Marshall Akhromeyev.

It is inconceivable to this Senator that we try to tailor where we are going by a presumed Soviet reaction. We cannot presume such a thing. We could determine it, and we always have the option, as President of the United States and, indeed, the Congress of the United States has the option to stop the President if he is engaged in activities that alarm us. But in point of fact, these are activities which have already been endorsed by the Soviet Union.

So where do we stop and where do we begin by telling ourselves that these are things we cannot do without disturbing this tin god called stability?

I would point out to my friends on the other side of this question that we have not had stability. I would just point out that the Senator from New Mexico suggests somehow or another that we would ignite an arms race.

Mr. President, I would just point out here is the arms race. Since 1985—the miniscule figures at the bottom are American-built missiles and the black ones are Soviet-built missiles. Total Soviet production since 1985 of ICBM's are 715, total U.S. production since 1985, 68.

Mr. President, there comes a time when the people of the United States are entitled to ask us that if we can defend ourselves, why should we not? Why is it that we are willing to provide allies in the Middle East with defense but not willing to provide our own people? Why is it that we are willing to provide the concept of defense for those who joined with us in the gulf but not for allies who have joined with us since the end of World War II and the confrontation of Soviet missilery?

Mr. President, let me point out that testimony received in the Armed Services Committee indicates that by next year, 80 percent of Soviet missilery is going to be mobile—80 percent. If we learn nothing else from the gulf war, we learned that we can not find, locate, or confront mobile missilery even in the most ideal circumstance.

Mr. President, if we learned nothing else in the arms control negotiations to which we have just traveled, we learned that we were not able to confront mobile missiles there either, because it had been the goal of the United States not to have mobile missiles on either side. Now what we have is mobile missiles on the Soviet side agreed to in the arms control treaty, agreed to by ourselves, but in subsequent amendments that are coming on this floor sought to be denied to the United States entirely. We are going to have an amendment here later on that will seek to eliminate even research into rail-mobile ICBM's, the MX.

So it is not a question of the U.S. posture trying somehow or another to gain some advantage, but it is a posture of gaining some relevant stability on our own side in our own behalf.

I would say to the Senator from New Mexico that he was a party to this agreement in the Senate Armed Services Committee. We negotiated a long time, and we made concessions—I hope the Senator from New Mexico will agree—to many of the points that he wishes to have so that the Armed Services Committee could come up with a bipartisan consensus on what was called the Missile Defense Act, that portion of it. And I recall that the Senator from New Mexico voted for that, having been part of those negotiations. I am not certain why he would have voted for it now only to seek to undo it.

But I would suggest that there is something that is fundamentally wrong with the process that leads you to believe that you have achieved some level of bipartisan consensus only to find that it is not satisfactory when it reaches the floor.

But the most important part of it, Mr. President, is not the differences between members of the Armed Services Committee. The most important part of it is that the people of the United States are entitled to the technology that we can achieve to provide them protection and stability and is the question of what actually takes place in the world. And the first thing that we can say is that arms control has not brought us stability or else we would not have needed all the subsequent treaties.

Had we had stability, Mr. President, after the ABM Treaty, we would have

stopped there. Had we had stability, we would not have needed SALT II. Had we had stability, we would not have engaged in START I. Had we had stability and had we got it now we would not have the President of the United States and others talking about the follow-on treaties.

So the people of the United States are entitled to the best that their technology can give them. And these are judgments that come down the road.

I would say to the Senator from New Mexico, these are not plans to commitments to deploy anything. They are commitments to a robust research of the best technology promise that is on the horizon for the people of the United States today. That technology promise, Mr. President, the people of the United States are entitled to seek.

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

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

Mr. BINGAMAN. How much time remains on our side?

The PRESIDING OFFICER. The Senator from New Mexico has 18 minutes and 45 seconds and the opposing side has 13 minutes plus.

Mr. BINGAMAN. Mr. President, I yield 4 minutes to the Senator from Arkansas.

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

Mr. BUMPERS. Mr. President, for whatever you may think of Mikhail Gorbachev, you have to admit that he is a pretty remarkable fellow. Eastern Europe is free, the Berlin Wall is gone, the Red Army is out of Afghanistan. They are holding elections in the Soviet Union. At this very moment George Bush and Mikhail Gorbachev are toasting each other with champagne to what, in a spate of euphoria, George Bush called the new world order; the new world order being the Soviet Union joining the civilized nations of the world, and people in America began to sleep better at night.

And so how do we respond to this new world order in which Mikhail Gorbachev agreed to a new conventional forces in Europe treaty, has agreed to a START treaty that makes them cut about 2,000 more warheads from their arsenal than we cut? And our response to them is, as George Bush and Mikhail Gorbachev ink the START Treaty, 9 years in the making, today, we say, have we got good news for you, we are going to start building an anti-ballistic missile system that will torpedo one of the principle treaties that we have enjoyed with them now for 19 years. And I do not care how great Mikhail Gorbachev is, I promise you after he made all the concessions in the CFR agreement he made, all the concessions he made in the START Treaty, I promise you the Russian military is a big problem for him right now. But not half as big as it is going to be.

I want you to think for a moment, just think for a moment, if our roles were reversed, how would you as President of the United States or indeed as a Senator in the U.S. Senate go home and tell your people that you had just agreed to what Gorbachev agreed to in these treaties. Why, you would be laughed out of the U.S. Senate. You would be laughed out of the White House.

The question in this country is: Is Gorbachev going to survive? I hope to God he does. But I can tell you there is an excellent chance that he will not. And if he does not, there is an excellent chance you will have a military coup and one of the reasons for it will be because he made so many concessions.

So as they cut warheads, we say we are going to build an anti-ballistic-missile system to take care of the ones you have got. It is bizarre in the extreme. And I will tell you what we are about to do. The Senator from Wyoming mentioned a moment ago, well, they have mobile missiles. We are not talking about mobile missiles. We are talking about what the chairman of the Armed Services Committee said is a limited defense, a limited defense against unauthorized launches, accidental launches, and Third World launches. What on God's green Earth does mobile missiles have to do with that? Answer: Nothing.

We are talking about building a system across the central part of America—it does not protect the east coast, does not protect the west coast. And all the Senator from New Mexico is saying, for Pete's sake, before we start down this road which is almost certain to lead to a new escalation of the arms race which has been declining for 5 years now, we simply cannot stand it. We are trying our very best to crank up the arms race again. And if we go forward with this system without at least sitting down and talking with the Soviet Union about abrogating one of the only treaties we have in existence, the Anti-Ballistic Missile Treaty, if we torpedo that, in my opinion, it will be one of the most irresponsible things we have ever done in the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WALLOP. Mr. President I yield 3 minutes to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognize for 3 minutes.

Mr. CRAIG. I thank my colleague for yielding.

Certainly this evening I stand in opposition to the amendment of my friend from New Mexico and in support of the Armed Services Committee. We have already negotiated. That committee has spent long hours working out the difficulties of this legislation. But we have not gone to conference yet. We have not sat down with the House and it is very recalcitrant in its position in this area. We do not disarm ourselves here before we go to the conference.

And I would suggest to my colleague from Arkansas, that Mikhail Gorbachev in the last 24 hours has most assuredly not disarmed the Soviet Union. There are still a good number of warheads pointed in our direction. And for us to say to the citizens of this country that we will not avail them of the protection that comes from the technological capability of this country is really a farce; nothing more, nothing less.

They are entitled to the security that is our constitutional responsibility to provide them, and that is what the Armed Services Committee is about this evening. They brought to this floor a very, very difficult compromise. A lot of give-and-take has already gone into this legislation. The best we can do tonight, and the least we can do, is to support our committee in the work they have done and to send them to a conference in which the House has said, we are not going to support this position. It says to us we probably will not get all that we would like to have. But we are going to assure that we will continue to drive the process that allowed START in the first place.

I seriously doubt that our President would have been able to put ink to the agreement, have even gotten to the table, have accomplished anything that has gone on in the last 48 hours in the Soviet Union—if in the last decade this body, and certainly the other body, and our Presidents, had not shown and demonstrated the resolve that the American people expected them to demonstrate in the funding of the necessary programs that brings us to this hour.

We are all proud that we can say to the rest of the world that we lead in peace, but we lead in a peace that is secure in recognizing that we can and will defend our citizens above everything else. In so doing, we will offer them what we constitutionally are responsible for offering, and that is continued peace through security and stability offered by the defenses of this country.

Mr. President, to reiterate, I support the committee's recommendations to enhance our collective security against the threat of ballistic missiles.

The actions taken by the Armed Services Committee are a correct and positive move to protect American citizens, our forward-deployed and expeditionary forces, and our allies around the world. The countless hours spent by a number of our colleagues to bring about this consensus is quite an accomplishment. I have long believed the future of the strategic defense initiative would be in grave danger without bipartisan support in Congress and capable leadership in the White House.

So, I compliment the members of the committee on their tremendous efforts.

However, Mr. President, I caution all my colleagues on any attempt to weaken this bill in any way. As some Senators have stated, the provisions under the Missile Defense Act and the committee-authorized funding level—set at $4.6 billion—is the minimum this body should support. Indeed, this bill, as passed by the Armed Services Committee, is what should be presented to the President for his signature. Yet we must still vote on this damaging amendment, not to mention our requirement to go to conference with the House of Representatives.

As my colleagues know, the House version is significantly different than that which we are debating today. The House has virtually gutted SDI and other strategic programs. They have eliminated all funding for phase 1 defenses and have approved only $2.7 billion for SDI. While the Senate Armed Services Committee has taken a historic step to expand upon the success of the policy to defend against ballistic missile attacks, as proven in Desert Storm, a majority in the House of Representatives have chosen to ignore it.

Mr. President, if we are to send to President Bush a defense package that takes a reasonable and cost-effective approach to protect against ballistic missile attacks, then it is imperative that we support the committee's missile defense provision.

I realize some Senators will offer amendments to strip away at the program or reaffirm our commitment to the 1972 ABM Treaty or the mutual assured destruction doctrine. Clearly, it is within their rights. However, as a strong supporter of SDI and a strong supporter of defending citizens rather than threatening them with certain nuclear annihilation, I urge Members to resist these attempts.

It is quite simple, Mr. President. As elected officials, it is our constitutional duty to protect U.S. citizens from various threats. I ask my colleagues what threat of greater magnitude could there be than our vulnerability as a Nation to a nuclear, chemical or biological missile attack—deliberate or not—with absolutely no means to protect ourselves.

The cost of this program will be argued. But what cost could be greater than the human toll lost to even one accidental launch of a nuclear missile.

Mr. President, we have struggled over the years to decrease this vulnerability and increase our overall safety and stability. The Missile Defense Act, as contained in S. 1507, will move us further in the right direction and it deserves our overwhelming support.

I yield the remainder of my time.

Mr. WALLOP. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, let me suggest there was a time on this floor when we thought and argued only about costs and the probability of such things. There was the "gee whiz" factor, typified by calling these programs star wars, trying to move it into the realm of the movies, if not into the realm of the reach of technology. But the desert showed Americans that technology does exist, and gave it credibility. And the advance of technology has made the cost comparable and rational when compared to other strategic systems that provide the same level of defense and security to Americans.

So what we have now apparently devolved into is argument over whether or not the ABM Treaty is an icon which somehow or another is beyond the judgment of modern man. I suggest that the President of the Soviet Union, Gorbachev himself, has already said that it is not beyond the judgment of modern man. He said let us in fact negotiate the changes that may be necessary for our countries' mutual survival.

So, Mr. President, it is my hope the Senate tonight will reject this amendment from the Senator from New Mexico.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I yield 4 minutes to the Senator from Tennessee.

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

Mr. GORE. Mr. President, I compliment my colleagues, Senator BINGAMAN and Senator WIRTH, for proposing this amendment. Several people who supported the last amendment have, frankly, been in a quandry about whether or not to support this one. I wish to urge them to cast their votes in favor of the Bingaman-Wirth amendment.

I have to say it is the lesser of two evils, but really that is kind of the way I think about it. If the choice were between conducting research only and pursuing ATBM's vigorously, which the amendment which I proposed a few hours ago would have authorized the program to do, and this amendment, then I would vote against this amendment.

If the choice were between this amendment and not having a deployment decision now, I would say vote against this amendment.

But the choice we are confronted with now is between this amendment and the committee bill. Given that choice, this amendment represents a lesser evil, a better choice, and a clear yes vote.

The issue raised by the Bingaman-Wirth amendment is very basic. Do we really believe that one site in compliance with the ABM treaty might turn out to be sufficient? One site with the 100 interceptors. Anything more than that breaches the treaty.

Should we negotiate to see whether or not that is feasible and conduct the research to see what kinds of benefits we would get from taking the risk of breaking the treaty before we make the commitment to go down that road? I think clearly we should.

Should we, in the meantime, deploy one site at Grand Forks? Well, in a perfect world I would say no. But if that is the only alternative before us to the committee bill, I would say yes, we should support the Bingaman amendment.

But it is very interesting to listen to the reaction to the Bingaman-Wirth amendment from the supporters of the committee bill. Because now they are very clear about the fact that one site is not adequate. It will not defend Alaska and Hawaii, for example. It will not defend the coastal areas, either along the Atlantic or the Pacific.

So the real purpose of the underlying language in the committee bill is stripped bare. The "or" is really an "and". It is not one or an adequate number of additional sites, it is one and additional sites. That is what they want. That is what the real meaning of the committee language is.

The arguments that have been made against the Bingaman-Wirth amendment show that that is the case.

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

Mr. BINGAMAN. Mr. President, I yield 4 minutes to the Senator from Louisiana.

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

Mr. JOHNSTON. Mr. President, here we go again; $24 billion ago we started a program that did not have a goal, did not have an architecture. We did not know where we were going, how much it would cost, whether it would violate the treaty. And here we are again tonight, Mr. President. We do not know what this program is.

Is it one site or is it more sites? The amendment says one or more. Is it the arrow machine that is going to knock down these rockets when they come in? We do not know. We do not know what the architecture is.

Is it Brilliant Pebbles? Well, not to start with; not to start with. There are only $650 million in this bill—$650 million—for Brilliant Pebbles. But we are told Brilliant Pebbles is not part of it.

Are we supposed to believe that? Look at this floor. We have the most ardent believers in Brilliant Pebbles who are supporting the committee. We have those who says this does not include Brilliant Pebbles, and we do not want Brilliant Pebbles, supporting the committee.

Which is it? It is all things to all people. It is the old flimflam; it is the old

velvet fog. We used to call the head of SDIO the velvet fog man because you could not get a straight answer to anything.

If my colleagues believe that this program can cost $10 to $12 billion—Mr. President, I have some bridges to sell them.

It runs counter to our intuition, to know what these weapon systems cost, to think you can put this program in place for $10 to $12 billion.

We ought to know before we make this decision what it is we are buying. We have been told we ought to fly before we buy. We are told that all the time. At least when we went to the Moon—as the distinguished Senator from Georgia says—we knew what the destination was. We do not know what the destination is here. Is it Grand Forks for one site? Or is it one site for the east coast, one for the west coast, one for Hawaii, and one for Alaska? And how about Brilliant Pebbles? If it is not Brilliant Pebbles, why the $650-odd million?

We should have agreed to the Gore amendment. We ought to agree to this amendment. If we cannot agree to that, we ought to agree to the Bumpers amendment.

Because all of these amendments basically say, let us try to bring this program down to something we can understand, that we know what it is, that we know reasonably within the nearest $10 billion what it might cost. How can you know what it would cost until you know what it is, what it consists of, how many sites, whether it is up in the air or down on the ground or just what it is.

Mr. President, before we go again and spend another $24 billion without having any more idea what we are doing than what we had in the past, let us stop. I think that is what the Bingaman-Wirth amendment says. It says let us put some reasonable limits on this program.

Mr. President, it is time that we decided what it is we want to do before we do it. It is time that we decided what it costs to the nearest $10 or $50 billion before we spend it. It is time that we know whether it violates the treaty before we irrevocably take this step. We ought to vote for the Bingaman-Wirth amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 6 minutes, 52 seconds remaining on his time.

Mr. BINGAMAN. Mr. President, I yield 2 additional minutes to the Senator from Tennessee.

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

Mr. GORE. Mr. President, in 1988 when the distinguished chairman of the committee, Senator NUNN, first proposed the accidental launch protection system, he was challenged by the Senator from Wyoming [Mr. WALLOP] who explained why we should not go beyond a single site when we deployed the system. He said:

> * * * if ALPS is seen by the Soviets as a stepping stone to a far more extensive phase one SDI deployment, Soviet actions may attempt to counter the system in which case we have to reexamine the technical feasibility.

Quoting from another part of the speech by Senator NUNN in first proposing the ALPS system:

> This limited capability, however in terms of a fourth emerging theme might be significantly eroded, or perhaps even negated, by Soviet decoys or other penetration aids—penaids.
>
> In other words, if the Soviet Union takes steps to counter an accidental system by putting penaids or decoys on their missiles, and they viewed this as a beginning of a much larger system, then we would have to change significantly our assessment about the capability of protection based on current technology.

Mr. President, one missile equipped with penetration aids and decoys and chaff might be more than an accidental launch protection system could stop. It might not even be able to stop one missile from the Soviet Union accidentally launched if it was so equipped. Why would they equip it with decoys and penetration aids?

If they thought it was the initial step toward a larger system, that in the view of many analysts would be the impetus for equipping their missiles with the decoys and penaids and chaff they do not have now, thus making the initial purpose of the first site ineffective and moot.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, I will yield myself the remainder of our time.

The PRESIDING OFFICER. The Senator has 4½ minutes.

Mr. BINGAMAN. Mr. President, the Senator from Georgia, the chairman of our committee, whose efforts I want to commend because I certainly do respect the enormous effort that he has put into trying to provide some direction to the SDI Program. I totally agree with the statements made by the Senator from Louisiana that the SDI Program to date has been a program in search of a mission; that we have gone from one effort to another effort to another and clearly having redefined the program virtually every year during the period that we have tried to fund it.

In the amendment that we have offered, we tried to make the Senate speak with a clear voice as to what we are agreeing to or what we are doing at this time. We say it is a goal of the United States to maintain strategic stability with the Soviet Union while deploying an ABM system, including one or possibly more ground-based anti-ballistic-missile sites.

Mr. President, we then go on to indicate that if we are going beyond that one site, which is permitted in the existing treaty, we must do so pursuant to negotiation with the Soviet Union to determine whether modest changes should be made in that treaty.

The Senator from Georgia made the point in his comments that you have to have a goal, just as we had a goal in going to the Moon. I agree we have to have a goal. I think we have clearly defined a goal here. But I do not believe that goal should go beyond what is permitted under the ABM Treaty at this time. I do not believe that goal should go beyond what we can mutually agree with the Soviets is in our own interest jointly in maintaining strategic stability. Going to the Moon, as the Senator from Georgia referred to, is not the same as maintaining strategic stability. Maintaining strategic stability involves a sort of a contract, a sort of an implicit agreement between two superpowers, two powers with tremendous capability strategically.

We need to worry about what the Soviet Union reaction is. If the Soviet Union, in fact, is in favor of modifying the treaty and agreeing to go forward with additional modest changes, then fine; our amendment permits that. But if there is a serious problem from their perspective and if the danger of reigniting an arms race presents itself, I think it would be foolhardy for us to proceed down that road.

Mr. President, I think our amendment does a great deal to clarify what I believe we should be doing tonight and what I believe the cosponsors of this amendment think we should be doing tonight. I think it provides the flexibility the President needs, but at the same time it eliminates much of the ambiguity which is in the present language that has come out of the committee.

I did not vote for the committee language and I do not now seek to undo it, as the Senator from Wyoming suggested. I do seek to improve it. I do seek to clarify it, and I think the amendment we are offering tonight has that effect. So I urge my colleagues to support the amendment.

Mr. President, I reserve the remainder of my time unless the other side is ready to yield back time, in which case I am willing to do that.

Mr. WALLOP. Mr. President, I yield 2 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I thank the Senator from Colorado. He really did capture the appropriate image, at least in my mind's eye, when he referred to the Scuds raining down on Israel and also on Riyadh and other places. All of us were struck with the horror of the Israeli citizens rushing to

their shelters, putting on the gas masks, praying, "Send us a Patriot. Have we got enough Patriots to knock out these incoming missiles?" That is an image we ought not to allow to lapse from our memory.

We are not talking about Patriots and Scuds. We are talking about something much more powerful and much more destructive, something that can obliterate entire cities and their populations. We are saying not, as some have stated, let us adopt a plan now let us negotiate later. What we are saying is that we have a goal and we should negotiate now. Our goal is that we are determined to provide a defensive system against limited types of attack. That is the goal.

It has been suggested we look at what Mikhail Gorbachev has given up. We have asymmetrical reductions. Why is that? We had asymmetrical inventories. They gave up more in the way of ICBM's and tanks because they had more to give up. What we tried is to get a sound relative parity in our strategic systems and in our conventional forces.

It has been suggested that if we pass the committee bill we are going to destroy Mikhail Gorbachev. We are not going to destroy Mikhail Gorbachev. What will destroy Mikhail Gorbachev is an inability to produce an effective economic recovery plan for his country.

Second, we are not destroying the ABM Treaty. We are complying with the ABM Treaty. We are saying we are going to, as a goal, deploy one land-based system, and we are going to ask our President to sit down with the Soviets and negotiate whether or not we need one, two, three or more or less. And then the President will come back and report to us whether or not it is in our interest to proceed or not to proceed, whether to maintain or withdraw from the ABM Treaty.

It seems to me that is the appropriate course to follow and the committee's recommendation is not in need of clarification or amendment. I hope we reject the amendment of the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from Wyoming has 6½ minutes remaining and the Senator from New Mexico has 49 seconds.

Mr. WALLOP. Mr. President, I am certain we will be able to yield back some of that time. I just make two quick points.

First, I say to the Senator from Louisiana, he made an argument against the Bingaman amendment because, in fact, he said that we should not have one site and that amendment calls for the one site. He said we should not have Brilliant Pebbles and that amendment calls for it, albeit in a different way than the committee position.

He also suggested that we ought to fly before we buy, and I would say that the opponents of SDI from the very beginning have been the ones who have made it impossible for us to determine whether we could fly before we buy by denying us the ability to fly, just simply saying you cannot test these things.

I say to the Senator from Tennessee that I wish to God we could persuade the Soviets to put penaids, decoys, and chaff on their missiles because we would have achieved more than the START Treaty has achieved by way of reducing their ability to deliver warheads. Those do not come without a cost and deliverability.

So, Mr. President, let me just say and then yield to the Senator from Georgia, I genuinely hope the Senate rejects this amendment. The committee position is both bipartisan and well reasoned, and it does not deny us the ABM Treaty but, quite importantly, recognizes what the ABM Treaty authorizes the United States to do in its own self-interest. And we once and finally, Mr. President, ought to operate in our own self-interest. That can be a judgment and will be a judgment made by both the President of the United States and the Senate and the Congress as it goes along. But at least it ought to be a judgment that we allow ourselves to make and not deny to ourselves at this time of night.

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

Mr. NUNN. I think we may yield back time and vote.

Mr. SYMMS. Mr. President, in 1983, President Reagan offered the Nation a vision of the future. A vision that addressed the problems posed by the world's nuclear arsenals. He offered a world where "people's security did not rest upon the threat of instant United States retaliation to deter a Soviet attack; that we could destroy strategic ballistic missiles before they reached our soil or that of our allies."

So began, Mr. President, the strategic defense initiative. However, over the years, critics of SDI have labeled the President's vision as an expensive pipe dream, and remain determined to ensure that it will not come true.

Today, this body stands at a historic crossroad. We have reached, through the bipartisan effort of several members on the Armed Services Committee, a step in the right direction toward fulfilling President Reagan's vision.

I want to express my support, albeit guarded, for the committee's actions contained in the Defense authorization bill, regarding the Missile Defense Act of 1991.

Through efforts from both sides of the aisle, the legislation outlines our goals to promote security against ballistic missile threats of our troops, our allies, and the citizens of the United States.

While I compliment the members of the Armed Services Committee for the agreement they have reached, I believe it is imperative that this body—during the bill's floor consideration—must not accept anything less than what is provided for in the legislation. Because, with all due respect to my colleagues on the committee, it is the minimum required to implement a credible policy to protect against potential ballistic missile threats.

To recap the missile defense provision in the legislation, it would provide for a single site, ABM Treaty-compliant anti-ballistic-missile system to be deployable by fiscal year 1996. It would urge the President to immediately pursue negotiations to amend the ABM Treaty, and would allow for continued research and development of space-based systems, including Brilliant Pebbles, as follow-on technology.

That may sound well and good, Mr. President, but in some ways it is a simple restatement of existing law. As I said earlier, the ABM Treaty already allows for a single site, 100 ground-based interceptor system. Yet, unlike the Soviets, we have chosen not to pursue this effort—until now. Despite the committee's recommendation to develop such a system, such a limited number will do little to protect a significant portion of the United States, particularly our seaboard States where most of the U.S. population lives.

Furthermore, Mr. President, we are continuing our research to develop space-based systems. However, you could argue that, under this language, we could go no further. In this Senator's mind, Brilliant Pebbles is probably the most appropriate space-based defensive system. Yet this legislation excludes deployment of this technology from the initial plan.

This Senator would argue that to truly provide for our defenses, the commitment to deploy Brilliant Pebbles, as the technology develops, is imperative and should be included in the initial architecture.

At issue, too, is our renegotiation of the 1972 ABM Treaty. This Senator has long believed the treaty is outdated in its true intent, as well as the policy of mutual assured destruction, appropriately referred to as MAD. As my colleagues know, MAD was developed by the Kennedy administration in the early 1960's to prevent the United States and the Soviet Union from engaging in nuclear war. It was based on the assumption that each side can deter the other by maintaining sufficient retaliatory capability to destroy the attacker. The MAD policy holds the civilian population of the United States and the Soviet Union hostage.

However, the previous decades have seen the significant increase in the proliferation of ballistic missile technology. The threat of ballistic missile attack is not solely from the Soviet Union. Former CIA Director William Colby testified that in the next few

years, 15 to 20 developed countries will possess ballistic missile capabilities. As noted by a number of the minority members on the Armed Services Committee, upward to six countries will have ballistic missiles with a range of 1,800 miles and at least three of these countries may develop systems with ranges of 3,300 miles. This clearly puts the United States at risk.

Nonetheless, Mr. President, we should not forget the Soviet Union still has over 10,000 nuclear warheads targeted on the United States.

Despite the rhetoric of glasnost and perestroika, the Soviets continue to expand and modernize their offensive strategic systems. While we engage in the debate over the Missile Defense Act, they continue to vigorously promote their own defense system, whether or not its in compliance with the ABM Treaty. I'd like to simply remind my colleagues the Soviet violations of the 1972 treaty.

Soviet surface-to-air missile testing in the ABM mode;

Soviet deployment of ABM battle management radars;

Soviet ABM camouflage;

Soviet falsification of ABM deactivation;

Soviet creation of a new ABM test range without prior notification; and

Soviet development of a rapidly deployable, mobile ABM.

In this Senator's opinion, the ABM Treaty has truly undermined U.S. national security interests. Quite clearly, adherence to the treaty and the policy of MAD has stopped the United States from seeking a defense system. On the other hand, the Soviets have developed defensive systems to protect both their population and strategic resources from nuclear attack and have surpassed the United States in offensive first strike weapons.

I urge my colleagues to support the committee's recommendations. Though not entirely perfect in this Senator's opinion, it outlines the necessary steps to counter Soviet defense research and deployment, enhances our security, that of our forward-deployed troops, and the security of our friends and allies. In short, it refocuses our efforts on protecting, rather than threatening, the citizens of the world.

President Reagan's vision launched an effort with the purpose of changing the course of human history. We cannot afford to miss the opportunity provided, nor can we afford to let the Soviets, or the detractors of SDI win this—perhaps final—arms race. The strategic defense initiative and the Missile Defense Act of 1991 is a progressive proposal. It deserves support not only in Congress, but from the American people whose lives and country it will protect.

Mr. BINGAMAN. Mr. President, I yield back the remainder of our time. I ask for the yeas and nays on the amendment.

The NUNN. Mr. President, I yield back the remainder of our time.

The PRESIDING OFFICER. All time has been yielded back. The yeas and nays have been requested. 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. PRYOR] is absent because of illness.

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

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—43

Adams	Fowler	Mitchell
Baucus	Gore	Moynihan
Biden	Graham	Pell
Bingaman	Harkin	Reid
Bradley	Jeffords	Riegle
Breaux	Johnston	Rockefeller
Bryan	Kennedy	Sanford
Bumpers	Kerrey	Sarbanes
Burdick	Kerry	Sasser
Chafee	Kohl	Simon
Conrad	Lautenberg	Wellstone
Cranston	Levin	Wirth
Daschle	Lieberman	Wofford
DeConcini	Metzenbaum	
Dodd	Mikulski	

NAYS—56

Akaka	Garn	Murkowski
Bentsen	Glenn	Nickles
Bond	Gorton	Nunn
Boren	Gramm	Packwood
Brown	Grassley	Pressler
Burns	Hatch	Robb
Byrd	Hatfield	Roth
Coats	Heflin	Rudman
Cochran	Helms	Seymour
Cohen	Hollings	Shelby
Craig	Inouye	Simpson
D'Amato	Kassebaum	Smith
Danforth	Kasten	Specter
Dixon	Leahy	Stevens
Dole	Lott	Symms
Domenici	Lugar	Thurmond
Durenberger	Mack	Wallop
Exon	McCain	Warner
Ford	McConnell	

NOT VOTING—1

Pryor

So, the amendment (No. 957) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LEVIN. 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. WARNER. 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. WARNER. Mr. President, if it is agreeable to the acting chairman, I would suggest that we now proceed with a series of amendments which have been agreed to on both sides. I am prepared to forward an amendment to the desk.

Mr. LEVIN. I thank my friend from Virginia.

AMENDMENT NO. 959

(Purpose: To require the Secretary of Defense to prepare an environmental restoration and cleanup plan for the Jefferson Proving Ground, IN)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. COATS, proposes an amendment numbered 959.

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

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

The amendment is as follows:

On page 378, between lines 3 and 4, insert the following new section:

SEC. 2804. ENVIRONMENTAL PLAN FOR JEFFERSON PROVING GROUND, INDIANA.

(a) PLAN REQUIRED.—The Secretary of Defense shall prepare a plan for the environmental restoration and cleanup of the entire 55,000 acres of the Jefferson Proving Ground, Indiana (including all areas north and south of the firing line).

(b) CONTENT OF PLAN.—The plan shall include the following matters:

(1) An identification of the categories of potential alternative uses, including unrestricted use, for the entire installation following closure.

(2) For each of the potential use categories identified pursuant to paragraph (1), the following:

(A) An identification and detailed description of the activities necessary for environmental restoration and cleanup of the installation to a condition suitable for the uses in such category.

(B) A schedule (including milestones) for completing such environmental restoration and cleanup activities.

(C) The total estimated cost of completing such activities and the estimated cost of such activities for each fiscal year through fiscal year 1998.

(D) A description of any impediments to achieving successful environmental restoration and cleanup.

(c) PROPOSED PLAN.—Within 180 days after the date of the enactment of this Act, the Secretary shall—

(1) prepare a proposed plan;

(2) publish simultaneously in the Federal Register and in at least 2 newspapers of general circulation in Madison, Indiana, and the surrounding area a notice of the availability of the proposed plan, including the Secretary's request for comments on the proposed plan from the public; and

(3) provide copies of the proposed plan to appropriate State and local agencies authorized to develop and enforce environmental standards.

(d) OPPORTUNITIES FOR PUBLIC COMMENT.—(1) There shall be a period of at least 60 days for public comment on the proposed plan.

(2) The Secretary shall hold at least 1 public meeting on the proposed plan in the area

of the Jefferson Proving Ground no sooner than 45 days after the date of the publication of the notice in the Federal Register required by subsection (c). The public may submit comments on the proposed plan at the meeting. The comments may be in either oral or written form.

(e) AVAILABILITY OF PUBLIC COMMENTS.—The Secretary shall make available to the public all comments received by the Secretary on the proposed plan.

(f) FINAL PLAN.—(1) At the same time that the President submits the budget to Congress for fiscal year 1994 pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees the final plan required by subsection (a).

(2) The final plan shall include the Secretary's recommendations for uses of the Jefferson Proving Ground, the environmental restoration and cleanup actions necessary for such uses, and the Secretary's specific responses to each comment received on the proposed plan pursuant to subsection (d).

Mr. COATS. Mr. President, this amendment would require the Secretary of Defense to prepare a plan for the environmental restoration and cleanup of the Jefferson Proving Ground in southern Indiana. I offer this amendment for two reasons. First, to address a serious problem in my State caused by an anomaly in the 1988 round of base closures; and second, to alert the Congress and the American people to this dilemma so that it will not be repeated.

Mr. President, the Jefferson Proving Ground is a 55,000-acre Army facility in southern Indiana, which has been used since 1941 to test a wide range of munitions and ordnance. It was included in the 1988 base closure package and is now scheduled to close in fiscal year 1995.

JPG's records indicate that since 1941 some 23 million rounds have been fired and that today over 6 million unexploded rounds remain on or beneath the surface of the ground. While most of these munitions are ordinary high explosive tank and artillery rounds, JPG also is contaminated with depleted uranium armor penetrators and other types of special ordnance. In one 2-square-mile area, for example, over 130,000 pounds of depleted uranium penetrator rounds have been fired over the years, most of which remain on or near the surface of the ground. The presence of white phosphorous munitions under the ground, which would ignite on contact with the air, is another complicating factor. Although the various forms of unexpended ordnance at JPG are for the most part concentrated in designated impact areas, there is some degree of contamination over the entire 52,000 acres beyond the firing line.

The magnitude of this environmental restoration problem is readily apparent. What is not so clear is the course of action the Department of Defense will or must take to deal with this situation. My amendment, therefore, merely directs the Secretary of Defense to create a comprehensive plan for cleanup of JPG, including a range of reuse options and their accompanying costs. It does not require any specific course of aciton, merely that all relevant information be laid out for public assessment.

My colleagues may wonder why we need to direct the Secretary to provide a plan for cleanup of a closed base. After all, it is fair to assume that DOD is obligated to do this on its own. Well, I am here to tell you that this is not always the case. In most cases, it is true, when a base is closed the DOD is required by law to clean up the property. The land is then available to be sold or otherwise turned over for civilian purposes.

Most closed bases, and indeed those that remain open, will eventually be cleaned through DOD compliance with the Resource Conservation and Recovery Act of 1976 [RCRA] and the Comprehensive Environmental Reponse, Compensation, and Liability Act of 1980 [CERCLA] or superfund. Within the overall framework of these environmental statutes, the DOD established the Defense Environmental Restoration Program [DERP] in 1984, which includes the Installation Restoration Program [IRP]. In addition, DOD directly funds base closure related cleanup through the base closure account.

Despite this elaborate system of Federal environmental law, and DOD environmental restoration policy, there are cases that fall through the cracks. Jefferson Proving Ground just happens to be one of these cases. Although DOD retains the liability for the contamination at JPG, they are not compelled by law to clean this facility. As I will describe shortly, the Army and the DOD have shown little inclination to even attempt to document what cleanup of JPG would entail.

The root of the problem is that unexpended ordnance is not considered hazardous waste, or indeed waste at all under RCRA and CERCLA. By law DOD is required to manage such ordnance to ensure that it does not violate RCRA by contaminating ground water or otherwise damaging the environment. However, as long as ordnance does not create such contamination it is not legally regarded as waste per se. For purposes of JPG, therefore, DOD remains responsible for the mess it created in southern Indiana but is only legally required to clean landfills, asbestos, and other common forms of solid and hazardous waste. They merely need to manage the ordnance. Thus it is perfectly legal for them to fence off a 52,000 acre mine field in southern Indiana and merely post a guard.

JPG's situation is even more complicated than this, however. In the original decision to close JPG, the Commission assumed that the land at JPG would be sold for $25 million. This assumed sale was factored into the Commissions calculations for payback—a leading criterion in the closure decision. The Commission assumed that this payback would begin 6 years after closure. In its November 1989 report on the Base Closure Commission's recommendations, the General Accounting Office reported that in the case of JPG it would actually take from 38 to 200 years to recover the closure costs. Even with no costs for cleanup and no sale of land, GAO found that it would take 38 years for payback. With minimal cleanup for use as a wildlife preserve, the payback period would be extended to 200 years. Hardly what I would describe as a cost-effective closure decision.

The Army estimates that it would cost approximately $5 billion to clean JPG for unrestricted use. This would require that 10 feet of earth be removed and examined, turning JPG into the largest strip mine in history. Since JPG is a wooded area that is the home to considerable wildlife and vegetation, including a number of endangered species, this is hardly realistic or desirable. Nevertheless, this figure further illustrates the magnitude of the cleanup problem.

Mr. President, let me summarize my dilemma: JPG is required to be closed and this requirement was justified in terms of cost savings; however, at best it will take 38 years before any savings are realized and then only if no cleanup is conducted; if any degree of cleanup is conducted it will cost hundreds of millions, if not billions of dollars, thus making it hundreds of years before any savings will be realized.

Given this complex and unpleasant situation, the Army has refused to even examine the option of partial cleanup, violating the expectations included in the Base Closure Commission report that the land would eventually be available for other uses. Thus, my amendment would require that the Secretary of Defense put together a plan that would detail options for cleanup and reuse, including unrestricted reuse, and the associated costs.

To date the DOD has not been willing to do this. In its April 1991 report to the Armed Services Committee, which is required by law, the DOD stated that "since the area north of the firing line—52,000 acres—will not be available in the near future for public sale or access and since the property does not pose an imminent or substantial endangerment to human health and the environment, an RI/FS has not been scheduled." In addition, the April 1991 draft environmental impact statement on JPG, prepared by the Army Corps of Engineers, proposes to create a caretaker status for JPG after closure. The draft EIS, however, does not go into any detail regarding environmental cleanup requirements for the largest

portion of JPG. In commenting on the draft EIS, the Environmental Protection Agency was highly critical of this incomplete assessment. According to EPA: "The final EIS should include a full range of cleanup alternatives necessary for levels of reuse and anticipated reuse at JPG and the environmental impacts associated with each cleanup alternative." EPA's suggestion is precisely what my amendment would require.

Mr. President, for the last 3 years I have attempted to get the Army and the DOD to do one of two things: Either to find a way to keep JPG in operation without violating the base closure act, or to provide a specific plan for dealing with the environmental dilemma that they have created. The one thing that is not acceptable is to fence off 55,000 acres of contaminated land in southern Indiana and simply let it sit in perpetuity. At a very minimum, the DOD must document options for reuse, which is what my amendment requires.

Before I close, Mr. President, I would simply like to say that I had considered other approaches before deciding to offer the amendment that is before the Senate today. My initial inclination was to force the DOD to clean the entire JPG to a level that would be acceptable to the community. During the markup of the defense authorization bill, I even discussed an amendment to authorize $5 billion for complete cleanup. Clearly these approaches would have been extremely controversial and not successful, at least at this time. After close consultation and cooperation with Armed Services Committee staff, I agreed to what in effect is a reporting requirement. I agreed to this report for one reason: It will force the DOD to finally document the environmental problems at JPG and define alternatives for dealing with them. It does not require a specific outcome so it is certainly possible for DOD to come back and say that the problem is too big to solve. I would like to say for the RECORD now, however, that I will not accept this outcome. If DOD does not devise a solution to this problem that is satisfactory to the community, I will revisit the issue again and again, until an acceptable solution is found.

Mr. President, the dilemma of Jefferson Proving Ground may be unique today, but in the future any site with ordnance contamination could have a similar experience. I believe that it is in the interest of the entire Congress to force the Department of Defense to face the facts and not simply walk away from this problem. After all, it is not merely an Indiana problem.

I urge my colleagues to support this amendment.

Mr. WARNER. Mr. President, I see no desire to have further debate on this.

Mr. LEVIN. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 959) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 960

(Purpose: Relating to cooperation between the military departments and Big Brothers and Big Sisters organizations)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. COATS, for himself, and Mr. GLENN, proposes an amendment numbered 960.

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

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

The amendment is as follows:

On page 297, between lines 18 and 19, insert the following new section:

SEC. 1125. SENSE OF CONGRESS RELATING TO COOPERATION BETWEEN THE MILITARY DEPARTMENTS AND BIG BROTHERS AND BIG SISTERS ORGANIZATIONS.

(a) FINDINGS.—Congress finds the following:

(1) The Big Brothers and Big Sisters consist of 499 independent organizations located across the United States that assist at-risk children and the families of such children by establishing mentor programs that foster one-to-one relationships between such children and concerned adult mentors.

(2) The Big Brothers and Big Sisters organizations annually assist approximately 110,000 such children.

(3) As a result of cooperation between the Department of Defense and Big Brothers and Big Sisters organizations, successful mentor programs have been established at several military installations located in the United States and overseas.

(4) There are an estimated 80,000 single-parent families, containing at least 80,000 at-risk youth, that are headed by members of the Armed Forces.

(5) Appropriately trained members of the Armed Forces are exceptionally qualified to serve as concerned adult mentors of at-risk youths in Big Brothers and Big Sisters mentor programs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) additional cooperation between the military departments and the Big Brothers and Big Sisters organizations located in communities near military installations under the jurisdiction of such departments will assist members of the Armed Forces who serve at such installations and such communities in responding to the family support needs of such members and communities; and

(2) the military departments should take all practicable steps necessary to encourage such cooperation at military installations located in the United States and to promote the establishment of additional Big Brothers and Big Sisters organizations at such installations located overseas.

In section 2(b), amend the table of contents by inserting after the item relating to section 1124 the following new item:

1125. Sense of Congress relating to cooperation between the military departments and Big Brothers and Big Sisters organizations.

Mr. COATS. Mr. President, I rise to offer a sense-of-the-Senate resolution as an amendment to S. 1507, the fiscal year 1992 Department of Defense Authorization Act.

Prior to entering public service I was pleased to serve as a big brother for several years to several boys and also as the president of the Big Brothers/Big Sisters Agency of Fort Wayne, IN. In that position I learned the value of the services provided by the Big Brothers/Big Sisters movement. Nationally this movement provides one-to-one mentoring programs to an estimated 110,000 at-risk children and their families.

The beneficiaries of the Big Brothers/Big Sisters movement are not only the at-risk children and their families but the volunteers as well. Being a volunteer in the movement is one of the most rewarding experiences an individual may have in his or her lifetime.

During the past several years, Big Brothers/Big Sisters of America, the national organization which serves as an umbrella for the 495 Big Brothers/Big Sisters agencies nationwide, has received requests for technical assistance from military bases across the United States and overseas. I ask unanimous consent to have printed in the RECORD at this point a number of those requests, along with the results of a survey I will explain shortly.

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

NAVAL AIR STATION,
Keflavik, Iceland, January 18, 1991.

BIG BROTHER/BIG SISTER OF AMERICA,
Philadelphia, PA.
(Attn: Director)

SIR: I would like to request information on establishing a Big Brother/Big Sister Chapter onboard this command. We have approximately 5,000 personnel and families living on the U.S. Naval Base in Keflavik, Iceland. A large percentage are single parent families. As a former member of the Big Brother Program in Charleston, SC and Norfolk, VA, I have found a great need for role models or at least something to help the children learn the difference between right and wrong. In the past I have seen the program help not only my own little but a lot of others as well.

If a chapter is not possible I would appreciate any assistance in establishing a viable program. Information on screening personnel and if possible posters or handouts to encourage personnel to participate.

Any assistance is greatly appreciated. Thank you for your cooperation and prompt attention.

Respectfully,

WILLIAM A. PAETZ.

475TH MEDICAL GROUP (PACAF),
March 14, 1991.

Big Brothers/Big Sisters of America, Attn: Director,
Littleton, CO.

DEAR DIRECTOR: Yokota Air Base, Japan, is extremely interested in starting a Big Broth-

er/Big Sister Program in the very near future. Please provide the Yokota Family Advocacy Program with all applicable information and materials reference your program's objectives and structure, obtaining a charter, and volunteer application screening.

Your cooperation and assistance will be very appreciated in helping us initiate a much needed program in this overseas American military community. Thank you.

LAWRENCE C. WARREN, MAJ, USAF, BSC,
Family Advocacy Program Director.

HEADQUARTERS
47TH AIR BASE GROUP (ATC),
Laughlin Air Force Base, TX, August 8, 1990.
Big Brothers & Big Sisters of America,
Philadelphia, PA.

TO WHOM IT MAY CONCERN: The Family Support Center at Laughlin AFB is looking into the possibility of establishing a Big Brother and Big Sister program. We are requesting an information packet so that we can investigate the requirements and procedures. This will facilitate a final determinate being made as soon as possible.

Thank you for your time and consideration.

Sincerely,

ROBERTO BARRERA,
Director, Family Support Center.

APRIL 11, 1990
Big Brothers/Big Sisters of America,
Philadelphia, PA.

TO WHOM IT CONCERNS: I am currently living in Darmstadt, W. Germany and interested in the possibility of setting up a Big Brothers/Big Sisters Program. This is an Army Installation and does not have a program close to what you offer.

Can you send me information regarding a new "branch" of BB/BS and if we can do BB/BS here in Europe as part of your overall program? Also, do you have any operating branches in Germany that I could contact for information? I work in the Family Support Division of the Army and this program would be a part of that division.

Please respond as soon as possible as we have an almost desperate need in the military with many single parents. Thank you for your time.

Sincerely,

TRISH WRIGHTSMAN,
Commander, USMCA Darmstadt.

APRIL 12, 1990.
BIG BROTHERS AND SISTERS OF AMERICA,
230 N. 13th Street, Philadelphia, PA.

TO WHOM IT MAY CONCERN: I am writing to your organization primarily for information. I work for the Youth Services Division of a U.S. Military installation in Munich, West Germany. Our Community contains approximately 1000 children. A great majority of these children live in a single parent environment. I, and others feel there is a great need for a program such as yours here at USMCA Munich.

Is it possible to perhaps begin a chapter of your organization here? Could you please send me as much information as possible on your organization and program.

Any literature and or information would be of great help.

Thank you for your time,

ERIN C. COGLEY,
Pre-Teen Director,
Munich Youth Services.

GARRY OWEN RECREATION CENTER,
HHT, 5/17 CAV, 2ND INF DIV,
May 11, 1989.
Director, Garry Owen Recreation Center
BIG BROTHERS/BIG SISTERS OF AMERICA,
117 S. 17th St., Suite 1200, Philadelphia, PA.

TO WHOM IT MAY CONCERN: We are writing to tell you about a special group of men in Korea. These men are United States soldiers and they are from many states. These soldiers are away from their family. Some are away from home for the first time.

We at Garry Owen are located five miles from the North Korean Demilitarized Zone. Because of our remote location the Recreation Center is their "home away from home" during this time. Our soldiers are on an unaccompanied tour and therefore have no family members here. With this in mind as a program planner, I have to be creative and offer a wide variety of activities. I also inform my soldiers on the latest thing in the world. If you could send information, programs, activities, or anything to help bring a little cheer to our United States soldiers, it would be appreciated.

Thank you for your help in keeping up the morale of our soldiers. Any care package would help bring a little more home to Korea.

Sincerely,

CHRISTOPHER E. KITT,
Director, Garry Owen Recreation Center.

SEPTEMBER 20, 1989.

TO WHOM IT CONCERNS: I recently saw your ad for "Big Brothers/Big Sisters" in a Newsweek magazine. I was a Big Brother in Ft. Walton Beach, Florida. I'm currently serving a three year tour in the Philippines and I would like information about your program.

Since there is no such program I would appreciate any information on starting a chapter on Clark Air Base.

I would appreciate any information and assistance possible.

Thank you,

MICHEAL R. WRIGHT.

MARCH 29, 1989.
Big Brothers/Big Sisters of America,
230 N. 13 St., Philadelphia, PA.

I am currently stationed on Spangdahlem AB in Germany where we have a large single parent population. The sons and daughters of these parents have very little to do with their spare time and are in need of father/son and daugher/mother relationships. I am quite familiar with your program as I was a volunteer Big Brother in Kansas. Your program, I feel, is just what children on Spangdahlem need to help them thru the hard and lonely times of their lives and I would very much like to establish a Big Brother/Big Sister program here. Could you please send me the information I will need to set up this program and to establish an official chapter here on Spang. Your help and cooperation is and will be greatly appreciated by all the members of the Spangdahlem community. Please forward the requested information to the above listed address.

DAVID W. LOVETT, SSGT, USAF.

U.S. MILITARY COMMUNITY WUERZBURG,
March 2, 1989
Big Brothers/Sisters of America,
230 N. 13th Street, Philadelphia, PA.

DEAR MR. MCKENNA, Working as a Community Coordinator for the Army Family Advocacy Program (AFAP) I am faced daily with problem families. As of late, there has been some interest in starting a Big Brother/Big Sister Program. Although we are located in West Germany, many "American" family problems arise; the Army has a substantial number of single parents.

Being a single parent in the States is a giant responsibility, even with the help of parents, family and friends, but being a single parent in a foreign country presents other problems: there is no support group for these families. The parent must go to work, in many cases pulling a twenty-four shift, and leave the child with a caregiver. The availability of qualified care givers is limited and the cost for twenty-four hour care is exorbitant. Upon the soldiers return, entertainment for the child can be the last consideration.

For many of these families the only alternative is to return the dependent child to the States. The end result being, a child with one parent becomes a child with no parent.

The people of this small community, Giebelstadt, West Germany, located near Wuerzburg, have shown an interest and a need in developing a program to assist with single parent families. A program such as yours, would alleviate some of the stress placed on the single parent and enable the family to work better as a unit.

As the coordinator for this area, I would be interested in any background material available as well as rules and regulations that govern your organization. Any information that you have would be very helpful.

Thank you for your time and cooperation. Any response may be directed to my address as listed.

Sincerely,

ANNE C. MCPHILLIPS,
Army Family Advocacy Coordinator.

ANSBACK MILITARY COMMUNITY,
February 6, 1989.
Big Brother/Big Sisters of America,
230 North 13 Street, Philadelphia, PA.

DEAR MR. MCKENNA: As Army Community Services Officer for the Ansbach Military Community, I am interested in developing a chapter of Big Brother/Big Sisters in our Military Community here in Germany. As you may know, with increasing career opportunities for women in the military there is also an increasing number of single parent families in the military needing the support of a Big Brother or Big Sister.

I am a former Big Brother/Big Sister Volunteer myself and thought it would be a valuable program here, however with incoming soldiers inquiring about the program, I decided to look into the possibilities of starting a chapter here.

I would appreciate any information you could provide in the area of initiating a Big Brother/Big Sister Program in the Ansbach Military Community.

Sincerely,

GLADYS W. STITH, ACSW, LCSW, BCCSW,
ACS Officer.

REPORT OF BIG BROTHERS/BIG SISTERS OF AMERICA, APRIL 1, 1991

Summary of Data Collected in a 1991 Survey of BB/BS Agencies (based on 164 of 490 agencies reporting from 44 states).

Estimated number of Big Brother or Big Sister volunteers serving in the military: 3000

Estimated number of children of military personnel now receiving services from BB/BS agencies: 850

Estimated number of matches interrupted since August 1990 operations in the Persian Gulf: 1500

Estimated number of BB/BS agencies receiving additional requests for service from military bases: 60

Examples of Existing Relationships Between BB/BS Agency and Military Bases.

The BB/BS agency in South Dakota has a strong relationship with Ellsworth AFB. The agency makes presentations on volunteering in the Big Brothers/Big Sisters program every two weeks at the base to newly arrived personnel. This is part of the formal orientation provided.

A Marine Corps general has served on the board of directors of BB/BS of Orange County, CA, for over 20 years.

Langley AFB, Fort Eustice and Fort Monroe are very supportive of the agency in Norfolk, VA, where over 200 military personnel serve as "Bigs."

The 32nd Street Naval Base in San Diego, CA has actively helped the BB/BS agency to recruit volunteers from among officers and chiefs, where 60 now volunteer.

Wright Patterson AFB has 85 personnel serving as Bigs at BB/BS of Dayton, OH. The BB/BS agency in Honolulu works with 7 military bases and a major Army Hospital. It provides newly stationed military personnel with information on volunteering as part of the official orientation kit.

Fourty-eight cadets from West Point are volunteering in a unique program with 62 children from New York State. This monthly program schedules recreational activities, educational trips and outings for the group that fosters one-to-one role modeling interactions.

At Big Brothers/Big Sisters of America, one special relationship involves a unique group of veterans, the Tuskegee Airmen, who are helping to meet a critical nationwide need to recruit Black volunteers to serve as Bigs. Large numbers of African American children at BB/BS agencies are waiting to be matched with a Big Brother. These children need strong, positive Black male role models. Blacks comprise approximately 20 percent of the armed services, and could be a rich source of volunteers for the many African American children waiting to be matched in the Big Brothers/Big Sisters program.

Volunteers from the AFB in Fairbanks, AK, drive long distances every week to meet their Little Brothers and Little Sisters.

BB/BS of Delaware's extensive relationship with Dover AFB includes: materials distributed to incoming officers and enlisted personnel; PSA's in base newspapers; officer's club sponsorship of the annual Halloween party for children; officer's wives club annual donation.

At the BB/BS agency serving the area around San Antonio, TX, 120 active military personnel are Bigs, and over 65 military families are receiving services from the agency.

Although no formal recruitment effort has been arranged, a majority of the volunteers in the BB/BS program in Abilene, TX, are from the Dyess Air Force base.

Mr. COATS. During Operations Desert Shield and Desert Storm, the Big Brothers/Big Sisters movement learned that a significant number of military personnel were participating as volunteers and that a significant number of at-risk children in military families were being served by Big Brothers/Big Sisters programs. The movement promptly adapted to the relocation of our military personnel resulting from Operation Desert Shield. With little or no advance notice, these agencies quickly prepared to meet the dramatic increase in demand for their services that helped our Armed Forces to become operationally ready overseas. Meeting the increased demand for services due to Operations Desert Shield and Desert Storm, however, meant that the movement was unable to serve the needs of many nonmilitary families.

At the conclusion of Operations Desert Shield and Desert Storm, Big Brothers/Big Sisters of America began to explore the possibility of developing a closer working relationship with the military departments in order to meet the demand from local bases. To learn more about existing cooperation between local agencies and local military bases, Big Brothers/Big Sisters of America surveyed all of its affiliate agencies.

As the survey results indicate, there exist several examples of successful collaboration at the local level between Big Brothers/Big Sisters agencies and military facilities. As the survey results also indicate, there is tremendous potential to expand that collaboration to better serve the needs of at-risk children in military families and to attract trained military personnel to serve as volunteers in the Big Brothers/Big Sisters movement.

During the spring of this year, Big Brothers/Big Sisters of America met with several senior officials in the Department to discuss methods of fostering local collaboration between the military departments and the movement. During these meetings it was discovered that each organization has a great deal to gain by working together. The Big Brothers/Big Sisters movement can help serve the needs of the military's 80,000 single parent families, and the military can help encourage its personnel to serve as role models for needy children across the United States.

The difficulty facing the military departments is that decisions about family services alternatives are made locally. The difficulty facing the Big Brothers/Big Sisters movement is that decisions about service needs and volunteer recruitment are also made locally.

It is Congress' role, therefore, to encourage and facilitate collaboration between these two highly decentralized organizations, and this is the purpose of the resolution I offer today. With the understanding that resources are limited, it is my sincere hope that the military departments will take advantage of the substantial contribution that Big Brothers/Big Sisters programs can make. My hope is that the military departments will allocate the necessary resources to develop Big Brothers/Big Sisters programs at all military facilities.

The Sense of the Senate Resolution which I offer today is intended to send a message to each and every commanding officer and family support director at each and every military base, domestic and overseas. The message that Congress is sending is that the Big Brothers/Big Sisters program works. Because the program is volunteer-based it is a highly cost-effective one-to-one service that uniquely meets the needs of single parent families. Because the program provides such a valuable service to our Nation's youth it should be utilized by each military department.

Mr. President, I deliberately chose to offer this amendment in the form of a resolution rather than to earmark a specific funding level to institute Big Brothers/Big Sisters program at facilities within one military department. I have chosen not to earmark a specific funding level because of my interest in implementing this program in all military departments.

At the same time, however, I expect that as a result of this resolution the military departments will recognize and act on Congress' interest in establishing Big Brothers/Big Sisters programs on military bases. I am confident that the Senate Appropriations Subcommittee on Defense will provide the necessary funding to enable the military departments to establish these programs.

Please join me today, Mr. President, in supporting this resolution calling on the military departments to institute Big Brothers/Big Sisters programs.

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

The amendment (No. 960) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 961

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. CONRAD, (for himself, Mr. DASCHLE, Mr. EXON, Mr. DIXON, and Mr. HARKIN), proposes an amendment numbered 961.

Mr. LEVIN. 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 Title VIII add the following:

SEC. . REQUIREMENT FOR PURCHASE OF GASOHOL IN FEDERAL FUEL PROCUREMENTS WHEN PRICE IS COMPARABLE.

"(a) REQUIREMENT.—Section 2398 of title 10, United States Code, is amended—

(1) by inserting "(a) DOD MOTOR VEHICLES.—"before 'To the maximum extent'; and

(2) by adding at the end the following two new subsections:

"(b) OTHER FEDERAL FUEL PROCUREMENTS.—Consistent with the vehicle management practices prescribed by the heads of affected departments and agencies of the government and consistent with their obligation under Executive Order Number 12261 to use gasohol to the maximum extent possible, whenever the Secretary of Defense enters into a contract for the procurement of unleaded gasoline that is subject to tax under section 4081 of title 26, United States Code, for motor vehicles of a department or agency of the Federal Government other than the Department of Defense, the Secretary shall buy alcohol-gasoline blends containing at least 10 percent domestically produced alcohol in any case in which the price of such fuel is the same as, or lower than, the price of unleaded gasoline.

"(c) SOLICITATIONS.—Whenever the Secretary solicits bids to procure unleaded gasoline under subsection (b), the Secretary shall expressly include in such solicitation a request for bids on alcohol-gasoline blends containing at least 10 percent domestically produced alcohol."

"(b) EFFECTIVE DATE.—Section 2398(b) of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts awarded pursuant to solicitations issued after the expiration of the 180-day period beginning on the date of the enactment of this Act.

"(c) REPORT ON EXEMPTIONS.—The Secretary of Defense shall review all exemptions granted with respect to the Department of Defense, and the Administrator of the General Services Administration shall review all exemptions granted to federal agencies and departments, to the requirements of section 2398 of title 10, United States Code, and section 271 of the Energy Security Act (Public Law 96-294; 42 U.S.C. 8871). The Secretary and the Administrator shall terminate any exemptions granted under these laws that the Secretary and the Administrator determines are no longer appropriate. Not later than 90 days after the date of the enactment of this Act, the Secretary and the Administrator shall submit to Congress a report on the results of the review, with a justification for the exemptions that remain in effect under those provisions of law.

"(d) SENSE OF CONGRESS.—It is the sense of Congress that whenever any motor vehicle capable of operating on gasoline or alcohol-gasoline blends that is owned or operated by the Department of Defense or any other department or agency of the Federal Government is refueled, it shall be refueled with an alcohol-gasoline blend containing at least 10 percent domestically produced alcohol if available along the normal travel route of the vehicle at the same or lower price than unleaded gasoline."

Mr. CONRAD. Mr. President, the amendment we offer will increase the use of domestically produced gasohol in this country's federal fleets.

The Senate will soon consider a comprehensive energy strategy bill, which contains many provisions to address our growing energy demand and our dependence on foreign oil. It is the result of some very difficult choices. While we are making these choices, we should not forget that there is much that we can do rather easily. Purchasing domestic alternative fuels for our own Government vehicles is something we can do right now to help with our energy problems.

In spite of existing law and regulations, the amount of alcohol-gasoline blends—gasohol—used by the Federal Government is negligible. Last year, of 160 million gallons of gasoline purchased for Federal vehicles, only 60,000 gallons was gasohol. Gasohol was solicited for only 10 million gallons of these purchases. The existing law is clearly not working.

The Federal Government currently operates almost one-half million vehicles. This represents a tremendous opportunity to set an example for the rest of the country. We should be leading the way in the use of renewable, domestic fuels. We are missing this opportunity.

In practice, the Department of Defense acts as the purchasing agent for almost all gasoline used by the Federal Government. The amendment we are offering today would extend the requirement for the Department of Defense to purchase alcohol-gasoline blends to cover purchases for all Government agencies, whenever the price of gasohol is equal to, or less than, gasoline. It would also require exemptions of entire agencies or departments and other broad exemptions under existing law to be reviewed. A report of all exemptions remaining after this review will be delivered to Congress within 90 days.

This is similar to an amendment which was successfully added in the House of Representatives by my colleague BYRON DORGAN of North Dakota. I would also like to thank the Senate Armed Services Committee and the Senate Governmental Affairs Committee for their advice and counsel and their help in passing this amendment.

I urge the Senate to support this amendment. Every gallon of alternative fuels we substitute for gasoline helps reduce our growing dependence on foreign oil. To the extent that these purchases consist of domestically produced ethanol, we use the products of our farms and promote energy independence.

Mr. DASCHLE. Mr. President, I rise today with my colleague from North Dakota, Senator CONRAD, and Senators EXON, DIXON and HARKIN, to offer an amendment to tighten up existing law that requires the use of ethanol-blended gasoline in the vehicles of the Federal Government. This amendment is very similar to a provision in the House bill that was offered by Representative DORGAN, and I am told it has been accepted by both sides.

A decision was made at the end of the 1970's that the Federal Government should take the lead in promoting sound energy policy. Aggressive programs were established to showcase energy conservation and the promise of alternative and renewable fuels. In two laws passed in the early 1980's, Congress required that Federal agencies use ethanol-blended gasoline, commonly known as gasohol, as an alternative to straight hydrocarbon gasoline.

The first law, Public Law 96-294, resulted in Executive Order 12261, signed by President Carter in January 1981. The Executive order directed all agencies to use ethanol blends where possible and practical. The second law—Public Law 97-295—focused more directly on the Department of Defense, which has a large fleet of its own and through which other Federal agencies contract to purchase fuel. The obvious goal of the laws was for the Federal agencies to showcase the promise of ethanol as a domestic, renewable high octane gasoline extender.

But like so many of the laudable energy policy goals of the late 1970's, the promise has remained unfulfilled. Using what, in hindsight, was far too liberal exemption criteria, the Federal Government exempted the life out of these programs.

The Department of Defense is the purchasing agent for almost all the gasoline used by Federal agencies. Gasoline is either purchased in bulk for Government-owned pumps and storage, or it is purchased from commerical gas stations using a government credit card. According to data from the GSA, 160 million gallons of fuel were purchased in bulk by DOD last year. Of this, only 60,000 gallons were gasohol. As gasohol is only 10 percent ethanol, this means that only 6,000 gallons of ethanol were consumed. The 60,000 gallons of gasohol purchased by DOD represents less than 0.04 percent of the Federal gasoline pool. This compares to the national average of about 8 percent of all fuel sold being ethanol blends—in South Dakota the figure is more than 30 percent. While data on the credit card program is vague, it is obvious that, in this program, also the average for Federal vehicle use of ethanol is far below the national average.

This is a disgraceful situation. Instead of taking the lead, the Federal Government has dragged its feet. Even in the wake of recent announcements by some agencies that they would use ethanol blends, the response has often been abysmal. For example, last September the Secretary of Agriculture, Clayton Yeutter, announced USDA would use ethanol blends where possible. But according to the Office of the Inspector General, 6 months after the directive, only 785 of the Department's 33,000 vehicles were using the fuel regularly.

The purpose of the amendment we are offering tonight is to: First, require that all Federal agencies purchase ethanol blends where they are the same price as, or less expensive than, conventional gasoline; and second, to require the GSA to review all exemptions to existing law and report to Congress within 90 days after enactment. This law should not be necessary, but, sadly,

it is, due to the poor performance of the agencies over the last decade.

I hope that all our colleagues will support this amendment.

Mr. EXON. Mr. President, this amendment includes provisions which I have cosponsored requiring the Department of Defense and the General Services Administration to get serious about buying ethanol for use in Federal vehicles.

As it is now there are loose requirements that Federal agencies use ethanol. Unfortunately, exemptions and waivers from that policy are almost routine. This amendment would tighten the requirement that ethanol be purchased whenever it is cost-effective. It would also require a complete review of the waivers and exemptions currently in place.

There is a great deal of talk these days about improving our energy security. One of the first things we must do is get our own house in order. This amendment is a good place to start, and I encourage its adoption.

Mr. LEVIN. Mr. President, this amendment would require that whenever the Department of Defense buys unleaded gasoline for motor vehicles—or any department or agency of the Federal Government other than the DOD—DOD should buy alcohol gasoline blends containing at least 10 percent domestically produced alcohol in any case in which the price of these blends is equal to or lower than the price of unleaded gasoline. This requirement to buy gasohol must be consistent with the vehicle management practices prescribed by the heads of affected agencies or departments.

I understand this has been cleared on the other side.

Mr. WARNER. Mr. President, we have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 961) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 962

Mr. LEVIN. Mr. President, I send to the desk an amendment on behalf of Senators DASCHLE and WOFFORD.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. DASCHLE, for himself and Mr. WOFFORD, proposes an amendment numbered 962.

Mr. LEVIN. 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 part B of title XI insert the following:

SEC. 1125. DEFENSE COST-SHARING AGREEMENTS, ACCOUNTING, AND REPORTING.

(a) DEFENSE COST-SHARING AGREEMENTS.—The President shall consult with foreign nations to seek to achieve, within 12 months after the date of the enactment of this act, an agreement on appropriate defense cost-sharing with each foreign nation in which the United States has permanently stationed U.S. combat units. Each such defense cost-sharing agreement should provide that such nation agrees to share equitably with the United States, through cash compensation or in-kind contributions, or a combination thereof, the costs to the United States of maintaining military personnel or equipment in that nation.

(b) EXCEPTION.—The provisions of subsection (a) shall not apply to those countries which are eligible for Foreign Military Financing (FMF) assistance or Economic Support Fund (ESF) assistance.

(c) CONSULTATIONS.—In the consultations conducted under subsection (a), the President should make maximum feasible use of the Department of Defense and of the post of Ambassador at Large created by section 8125(c) of the Department of Defense Appropriations Act, 1989 (10 USC 113 note).

(d) ALLIES MUTUAL DEFENSE PAYMENTS ACCOUNTING.—The Secretary of Defense shall maintain an accounting for defense cost-sharing under each agreement entered into with a foreign nation pursuant to subsection (a). Such accounting shall show for such nation—

(1) the amount and nature of cost-sharing contributions agreed to;

(2) the amount of cost-sharing contributions delivered to date;

(3) the amount of additional contributions of such nation to any commonly funded multilateral programs providing for United States participation in the common defense;

(4) the amount of contributions made by the United States to any such commonly funded multilateral programs;

(5) the amount of the contributions of all other nations to any such commonly funded multilateral programs; and

(6) the cost to the United States of maintaining military personnel or equipment in that nation.

(e) REPORTING REQUIREMENTS.—(1) The annual Report on Allied Contributions to the Common Defense (required by Section 1003, P.L. 98-525, Department of Defense Authorization Act, 1985) shall include information on efforts and progress in carrying out the provisions of subsections (a) and (c).

(2) The report shall also contain the accounting of defense cost-sharing contributions maintained pursuant to subsection (d).

Mr. LEVIN. Mr. President, this amendment would require the President to negotiate agreements on appropriate defense cost-sharing with foreign nations in which the United States has permanently stationed combat units. It would also require the Secretary of Defense to maintain an accounting of and reporting of defense cost-sharing under such agreements.

I understand the other side has no objection.

DEFENSE BURDEN SHARING

Mr. DASCHLE. Mr. President, this amendment asks America's military allies to share in the cost of their own defense. Joining me today in offering this amendment is my colleague from Pennsylvania, Senator WOFFORD.

This amendment is similar to an amendment authored by my friend, Congressman BYRON DORGAN, and adopted by the House of Representatives in May. The idea is based on S. 1438, legislation introduced on July 9.

SUMMARY OF PROVISIONS

Simply put, this amendment asks just three things: First that the President negotiate cost-sharing agreements with our military allies to offset American tax dollars spent for their defense; Second, that a fund be established into which other nations may contribute if the President is able to negotiate burden-sharing agreements with them; and third, that the administration provide Congress with an accounting of allied contributions—whether in cash or in kind—to that fund.

At the request of the bill managers, I have made some technical changes to my amendment. I agreed to these changes because I do not believe they change the goal or the mechanism of my original proposal. The essential elements are intact as passed by the House and as introduced in S. 1438.

First, I have changed from 6 months to 1 year the time the President has to seek negotiations on burden sharing. Although I intend for this amendment to make a strong statement on Congress' desire for more burden-sharing arrangements, I do not intend for this to be an unworkable requirement. I understand the nature of negotiation and the time that negotiation requires. Thus, I also agreed to change the mechanism that the President report on his burden-sharing efforts every 6 months to every year. I am hopeful that this extended time period will prove easier to administer.

One other change that I agreed to make addresses those countries that the United States has recognized already as needing greater defense assistance. In recognition of their situation, this amendment does not require the President to seek to negotiate with those countries that receive United States assistance through either the foreign military financing program or the economic support fund. Effectively, this exclusion rules out countries such as Turkey, Portugal, and the Philippines who would not otherwise be able to provide payments regardless of their desire to do so. The Armed Services Committee raised concerns that negotiations with these countries would be fruitless, given their need for financial assistance from the United States. Although I had preferred to leave the question of which countries should be approached up to the President, I agreed to include this exception in an effort to reach agreement on the substance of the amendment.

EQUITABLE DEFENSE ARRANGEMENTS

Mr. President, this amendment asks that our allies who are able to pay their fair share of our mutual defense costs do so. It asks of the President that he initiate negotiations designed to achieve a more equitable distribution of those costs. And, finally, it asks that we in Congress and the American public be given a clear accounting of allied contributions to this effort.

Surely, this is not too much to ask of our allies. In fact, I believe our allies would welcome a more equal partnership in our defense relationships. It has been over 40 years since the American people helped to rebuild Europe and Japan. Now, it is American workers and their government who are sorely pressed. It is logical, then, that Japan and the European Community, those nations we have defended and supported in the past, be asked to contribute more to the common defense.

This legislation is not intended to derail any negotiations currently underway between the NATO countries and our allies. Nor does the amendment target specific countries or amounts. It simply gives the President the authority and, frankly, the motivation to move forward and negotiate agreements to provide for the defense of those nations in a more realistic and equitable manner. It is merely one tool that the President can utilize in his discussions with our partners overseas.

Throughout the 20th century, the United States has demonstrated its willingness to assert a leadership role in the world in defense of liberty and democratic principles. In turn, our allies have enjoyed the security of the U.S. defense umbrella. While this arrangement has served the interest of freedom and democracy well, the changing international environment dictates a fundamental reassessment of the nature of our Nation's defense relationships with our allies.

MILITARY AND FINANCIAL BURDEN OF OUR ALLIANCES

The United States has 395 bases in 35 different countries. We spend $28 billion per year overseas in direct costs for the defense of our allies. The indirect cost of that defense has been estimated at well over $100 billion.

Clearly, helping our allies is sometimes in our own best defense and international interests. However, the pertinent issue is equity. The European members of NATO collectively have a gross national product greater than that of the United States. Despite that economic power, which will undoubtedly grow after the European Community is formally united in 1992, the people of the United States continue to spend more on NATO defenses than the other 15 alliance members combined.

Is that fair?

During Operation Desert Shield/Storm, President Bush and Secretary Baker skillfully constructed an alliance that included not only joint forces and a unified command, but also payments from the members of that alliance to a mutual defense fund that was used to pay a portion of the costs of the gulf war. This cooperation clearly proves that burden sharing can work. It is time to build on that success and carry the mechanism into peacetime. It is time to establish a more formal mechanism to promote such burden-sharing arrangements for the ongoing costs of stability and security. Without such a mechanism and a clear statement of the need for continued cooperation in this area, burden sharing will remain more rhetoric than reality.

America will never shirk its international responsibilities. We believe too strongly in freedom and in peace. We do not intend to abandon our allies in tough or in good times. But America must now ask those to whom we have given so freely for so long to begin to share in the responsibility.

In fact, to grow and prosper, our alliance must recognize the changing international environment and the mutual burden that a regional defense pact should entail. We can no longer ignore the difference between economic conditions in 1945 and in 1991. We must recognize the need for greater equity in our military commitments. The United States can no longer afford to defend the world alone. We have borne that burden for longer than any people should. It has cost us dearly, and it cannot continue.

CONCLUSION

What this amendment requires is movement toward a more equal partnership with our allies and a better understanding of the level of commitment that friends have toward each other. It establishes a framework for the future and sends a message to the American people about the future. It points us in a positive direction in hopes of relieving the economic pressure the overseas defense responsibility has created in our budget. It is the least we can ask from our allies and for the American taxpayer.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 962) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 963

(Purpose: Relating to the contributions to Operation Desert Storm made by the defense-related industries of the United States)

Mr. LEVIN. Mr. President, on behalf of Senator DIXON and 17 cosponsors, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendnent.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. DIXON for himself and Mr. AKAKA, Mr. BOND, Mr. BOREN, Mr. D'AMATO, Mr. FORD, Mr. GLENN, Mr. GORE, Mr. GRAMM, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSTON, Mr. LIEBERMAN, Mr. MCCAIN, Mr. MURKOWSKI, Mr. SHELBY, Mr. THURMOND, and Mr. WARNER, proposes an amendment numbered 963.

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

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

The amendment is as follows:

On page 297, between lines 18 and 19, insert the following new section:

SEC. 1125. SENSE OF CONGRESS RELATING TO THE CONTRIBUTIONS TO OPERATION DESERT STORM MADE BY THE DEFENSE-RELATED INDUSTRIES OF THE UNITED STATES.

(a) FINDINGS.—Congress finds the following:

(1) The success of the Armed Forces of the United States in the prosecution of Operation Desert Storm is without parallel in the history of warfare.

(2) This success was due in great measure to the ready availability of weapons and weapon systems exhibiting remarkable accuracy through advanced technological design.

(3) These weapons and weapon systems were designed and produced by the defense-related industries of the United States.

(4) The Commander in Chief, United States Central Command, formulated a battle plan for Operation Desert Storm that relied on the availability and performance of these weapons and weapon systems.

(5) The successful use of these weapons and weapon systems in accordance with this plan resulted in astonishingly small numbers of killed and wounded among the Armed Forces of the United States and of the allied coalition.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the defense-related industries of the United States, and the men and women who work for such industries, deserve the gratitude and appreciation of the Congress and of the United States for the design and production of the technologically-advanced weapons and weapon systems that ensured victory by the United States and its international coalition allies in Operation Desert Storm;

(2) future decisions relating to the national security of the United States must take into account the need to maintain strong defense-related industries in the United States; and

(3) it is vitally important to the United States that the defense-related industries of the United States be capable of responding to the national security requirements of the United States.

In section 2(b), the table of contents, insert after the item relating to section 1124 the following new item:

Sec. 1125. Sense of Congress relating to the contributions to Operation Desert Storm made by the defense-related industries of the United States.

Mr. LEVIN. Mr. President, the amendment would express the sense of the Congress that the U.S. defense industries and its employees should be commended for their contributions to Operation Desert Storm.

I understand this amendment has been cleared on the other side.

Mr. WARNER. That is correct. The Senator from Virginia is a cosponsor of this amendment.

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

The amendment (No. 963) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 964

(Purpose: To provide for the disposition of certain improvements and land in connection with base closures)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Senators THURMOND, DIXON, COATS, and CRANSTON, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND (for himself, Mr. DIXON, Mr. COATS, and Mr. CRANSTON), proposes an amendment numbered 964.

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

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

The amendment is as follows:

On page 378, between lines 3 and 4, insert the following new section:

SEC. 2804. DISPOSITION OF CREDIT UNION FACILITIES ON MILITARY INSTALLATIONS TO BE CLOSED.

(a) GENERAL AUTHORITY.—Subject to subsection (b) and notwithstanding any other provision of law, on the date of the closure of a military installation pursuant to a base closure law the Secretary of the military department having jurisdiction over the installation—

(1) may convey to any credit union which conducts business in a facility located on such installation and constructed using funds of the credit union all right, title, and interest of the United States in and to that facility; and

(2) in the event of such conveyance, shall permit the credit union to purchase (for an amount determined by that Secretary) the land upon which that facility was constructed before offering such land for sale or other disposition to any other entity.

(b) LIMITATION.—The Secretary may not convey a facility to a credit union under subsection (a)(1) if the Secretary determines that the operation of a credit union business at such facility is inconsistent with the plan for the reuse of the installation developed in coordination with the community in which the facility is located.

(c) DEFINITION.—In this section, the term "base closure law" means the following:

(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 104 Stat. 1808; 10 U.S.C. 2687 note).

(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(3) Section 2687 of title 10, United States Code.

(4) Any other similar law enacted after the date of the enactment of this Act.

In section 2(b), amend the table of contents by inserting after the item relating to section 2803 the following new item:

Sec. 2804. Disposition of credit union facilities on military installations to be closed.

Mr. WARNER. Mr. President, Senators DIXON, CRANSTON, COATS, and THURMOND propose an amendment which would authorize the Secretary of the military departments to transfer title to credit union facilities on closing military bases. This provision would apply if the credit union had financed such facilities, and the continued presence of the credit union on the former base is consistent with the community reuse plan. In these cases, the credit unions would also have the right of first refusal to purchase the underlying land at a price determined by the Secretary involved.

This provision is cleared on both sides and I urge its adoption.

THE DISPOSITION OF CREDIT UNIONS DURING THE BASE CLOSURE PROCESS

Mr. THURMOND. Mr. President, the amendment that Senator DIXON, Senator CRANSTON, and I are proposing clarifies the disposition of credit union facilities of military bases which will be closed under the provisions of the Defense Base Closure and Realignment Act of 1990 and Public Law 100-526.

Mr. President, despite the efforts of the Congress to craft legislation which anticipates all contingencies, there are a few instances in which a small detail is overlooked. This legislation corrects one such issue which surfaced as the services begin closing military installations.

As many of my colleagues know, our military installations offer a wide variety of services to our service members and civilian employees. Among these services are the credit unions.

The majority of these credit unions lease office space on the bases. However, in several instances, such as Myrtle Beach Air Force Base and eight or nine other bases, the credit unions built a facility on the base in an effort to better serve its membership. Since these facilities were built on government land, the credit unions were required under Department of Defense Instruction 1000.10 to quitclaim title of the building to the appropriate branch of the military, and then lease the facility at no cost.

Now that we are closing military bases, credit unions, such as the Myrtle Beach Air Force Base Credit Union, are faced with an uncompensated loss of an asset worth, in most cases, between $400,000 and $500,000. Unlike other private enterprises, such as McDonalds and bank branches, which also built facilities on these bases, the nonprofit credit unions can not write off the loss of the facilities on their taxes.

Mr. President, many of these displaced credit unions intend to pursue community charters in order to continue to serve civilian personnel and retirees who remain in the area after the bases are closed. If the credit unions are forced to give up their facilities, as the Department of Defense interprets the law, they would not only lose the construction cost of the existing building, but would also be required to expend additional funds for a new facility.

Our amendment corrects this situation in an equitable manner. It has been coordinated with the Department of Defense and is consistent with its wishes.

Specifically, the amendment permits the Secretary of the military department having jurisdiction over the installation to convey to any credit union which constructed its own facility all rights, title, and interest of the United States in that facility. The amendment further provides that where the credit union is conveyed such a facility it shall have right of first refusal to purchase the land upon which the facility is built.

To ensure these actions are in the best interest of the local community, the amendment contains a limitation which precludes the transfer of the facility to the credit union if the service Secretary determines that the operation of a credit union at the former military base is inconsistent with the plan for the conversion of the military installation developed in coordination with the community in which the base is located.

Although the language in our amendment is permissive rather than mandatory, we expect the Department of Defense to be responsive to the requests of the credit unions impacted by this provision.

Mr. President, this amendment is a fair and equitable resolution to the problem facing these credit unions and its members. We urge its adoption.

Thank you, Mr. President.

The PRESIDING OFFICER. Is there further debate on the amendment? If there is none, the question is on agreeing to the amendment.

The amendment (No. 964) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 965

(Purpose: To authorize the furnishing of assistance for the next Presidential inauguration)

Mr. LEVIN. Mr. President, on behalf of Senator FORD, I send to the desk an amendment sponsored by Senator FORD for himself and Senator STEVENS.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. FORD (for himself and Mr. STEVENS) proposes an amendment numbered 965.

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

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

The amendment is as follows:

On page 72, between lines 16 and 17, insert the following new section:

SEC. 322. INAUGURATION ASSISTANCE.

(a) FURNISHING OF MATERIALS, SUPPLIES, AND SERVICES.—During fiscal years 1991 and 1993, the Secretary of Defense may, as the Secretary determines to be appropriate and under such conditions as the Secretary may prescribe, lend materials or supplies and provide materials, supplies, or services of personnel to the Inaugural Committee established under the first section of the Presidential Inaugural Ceremonies Act (36 U.S.C. 721 et seq.) or to the joint committee described in section 9 of that Act.

(b) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by section 2543 of title 10, United States Code.

Mr. LEVIN. The amendment, Mr. President, authorizes the Department of Defense to provide assistance for the next Presidential inauguration. This is the same authority that we enacted prior to the January 1989 inaugural, and establishes a means of authorizing and controlling the types of assistance that traditionally has been provided by the Department of Defense for the inaugural.

Mr. WARNER. Mr. President, we support the amendment.

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

The amendment (No. 965) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 966

(Purpose: To authorize foreign post differentials for certain Federal civilian employees who performed service in connection with Operation Desert Storm, and for other purposes)

Mr. LEVIN. Mr. President, on behalf of Senator GLENN, I now send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. GLENN, proposes an amendment numbered 966.

Mr. LEVIN. 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:

In section 2(b) amend the table of contents by inserting after the item relating to section 626 the following new item:

Sec. 627. Extension of foreign post differentials to certain Federal employees who served in connection with Operation Desert Storm.

On page 147, insert between lines 12 and 13 the following new section:

SEC. 627. EXTENSION OF FOREIGN POST DIFFERENTIALS TO CERTAIN FEDERAL EMPLOYEES WHO SERVED IN CONNECTION WITH OPERATION DESERT STORM.

(a) AUTHORIZATION OF PAYMENT OF FOREIGN POST DIFFERENTIALS.—Civilian employees of the Department of Defense and the Department of State who served on temporary duty in connection with Operation Desert Storm during the Persian Gulf conflict for a period of more than 41 days in that area designated by the President in Executive Order 12744 as a combat zone are authorized payment of the foreign post differential established under section 5925(a) of title 5, United States Code. This section shall apply only with regard to service performed before the date of the enactment of this Act.

(b) DEFINITIONS.—For the purpose of this section the terms "Operation Desert Storm" and "Persian Gulf conflict" shall have the same meaning as such terms are defined under section 3(1) and (3) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (10 U.S.C. 101 note), respectively.

Mr. GLENN. Mr. President, the amendment I am offering today would amend the Department of Defense reauthorization bill, to authorize the retroactive payment of any foreign post differential [FPD] established under section 5925 of title 5, United States Code, to all U.S. civilian employees serving in Operation Desert Storm. This authority applies to individuals who have served and are serving on temporary duty beyond 42 days and is retroactive to the first day of arrival but not prior to August 1, 1990. Currently, there is no authority to make retroactive payments of overseas differentials and allowances. In both of the above situations, employees should be compensated for time served in the combat zone under wartime conditions.

On February 24, 1991, the State Department authorized foreign post differential payment from the first day the civilian entered those designated combat zones in the Arabian Peninsula if their time of duty was 42 days or more. However, the modification did not provide these civilians retroactive pay to August 2, 1990 because the General Accounting Office [GAO] determined that benefits and allowances could not be adjusted retroactively without specific legislation.

Our military received imminent/hostile fire pay retroactive to August 2, 1990 for their hard work in the gulf. But while our civilians supported and worked side by side with the military, they did not receive any additional compensation until February 24, 1991.

Retroactive payment of the foreign post differential to August 2, 1990 would eliminate this inequity. It is essential that our civilian employees receive equitable treatment when they performed the same great job as our soldiers.

The Department of Defense and Department of State support this amendment and want to pay their civilian employees expeditiously for a job well done. The two agencies also see retroactive payment as important for retention purposes. Foreign pay differential was created in the first place as an incentive for retention of personnel in locations where unusual hardship conditions exist. It is important that we promptly reward these civilian employees for their duties in the gulf so that we may improve our ability to retain civilians with the critical skills necessary to continue support to this and future operations.

Mr. President, I am not asking for appropriations of funding. I am asking for the statutory authority allowing the Department of Defense and Department of State to use their funds to pay these 2,747 and 75 civilian employees, respectively, for their excellent work.

I stand here today in the unique position of wearing two hats, as chairman of the Armed Services Manpower Subcommittee, and chairman of the Committee on Governmental Affairs. I would ask my colleagues from both committees to join me in support of this amendment.

Mr. LEVIN. Mr. President, this amendment would make the foreign post differential pay to civilian personnel in the Persian Gulf area of operation retroactive to August 2, 1990, which was the start of the Persian Gulf conflict.

The amendment would treat civilian personnel who served or are serving in the Persian Gulf on the same basis as military personnel whose Persian Gulf benefits were made retroactive to the start of the Persian Gulf conflict.

Mr. WARNER. We support the amendment.

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

The amendment (No. 966) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 967

(Purpose: To require a comprehensive study of the military health-care system)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senators MCCAIN and GLENN.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN (for himself and Mr. GLENN), proposes an amendment numbered 967.

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

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

The amendment is as follows:

On page 177, between lines 2 and 3, insert the following new section:

SEC. 713. COMPREHENSIVE STUDY OF THE MILITARY HEALTH-CARE SYSTEM.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Secretary of Defense shall conduct a comprehensive study of the military medical care system and shall, not later than December 15, 1992, submit to the congressional defense committees a report on the study.

(b) CONDUCT OF STUDY.—The Secretary shall include as part of the study the following:

(1) A survey of members of the Armed Forces (including retired members), retired former members of the Armed Forces, and their dependents in order to—

(A) determine their attitudes regarding—

(i) the quality and availability of health and dental care under the military medical care system; and

(ii) the premiums, fees, copayments, and other charges imposed under that system; and

(B) identify other major areas of concern to such persons regarding the military medical care system.

(2) A comprehensive review of the existing methods of providing health and dental care through civilian health and dental care programs that are available as alternatives to the methods for providing such care through the existing military medical care system, including the results of experimental use of such alternative methods by the Department and the level of satisfaction of the persons who have received health or dental care pursuant to the experimental use of such alternative methods.

(c) CONTENT OF REPORT.—The report required by subsection (a) shall include the following:

(1) With respect to the military medical care system, the following:

(A) The costs of the system during fiscal year 1992 and the projected costs of such system during each of the five fiscal years following such fiscal year.

(B) The Department's policies regarding the imposition of premiums, fees, copayments, and other charges under the system.

(C) Any plans of the Department to increase or reduce such premiums, fees, copayments, or other charges, stated by the category of the services for which the charge is imposed and by the status as a current member of the Armed Forces, dependent of a member, retired member or former member of the Armed Forces, or dependent of a retired member or former member.

(D) An evaluation (organized by armed force and by State and foreign country) of the availability of health and dental care to the members of the Armed Forces (including retired members), retired former members of the Armed Forces, and their dependents, including any deficiency in the availability of such care.

(E) A comparison (stated by armed force and by State and foreign country) of the availability of health and dental care in facilities of the uniformed services to dependents of members of the Armed Forces with the availability of such care to such dependents pursuant to contract plans, including the average delay in gaining access to such care.

(F) A comparison of the costs of providing such care in facilities of the uniformed services with the costs of providing such care pursuant to regional indemnity contract plans and health maintenance organization contract plans, stated in terms of cost per member of the Armed Forces and cost per family of such members.

(G) An evaluation of the quality and availability of preventive health and dental care.

(H) An evaluation of the adequacy of existing regulations to ensure that the existing and future availability of appropriate health care for disabled active and reserve members of the Armed Forces is adequate.

(I) An assessment of the quality and availability of mental health services for members of the Armed Forces and their dependents.

(J) An assessment of the qualifications of the personnel involved in the Department of Defense review of the utilization of mental health benefits provided under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).

(K) An evaluation of the efficacy of the actions taken by the Department to ensure that individuals carrying out medical or financial evaluations under the system make such disclosures of personal financial matters as are necessary to ensure that financial considerations do not improperly affect such evaluations.

(L) An evaluation of the adequacy of the existing appeals process and of existing procedures to ensure the protection of patient rights.

(M) Any other information that the Secretary determines appropriate.

(2) The results of the survey conducted pursuant to subsection (b)(1).

(3) With respect to the review conducted pursuant to subsection (b)(2), the following matters:

(A) The results of the review.

(B) A discussion of the existing methods available for providing health and dental care to retired members and former members of the Armed Forces and their dependents, including through Medicare risk contractors, as alternatives to the existing methods of providing health and dental care to such persons under the military medical care system.

(C) A description of any plans of the Department to use any alternative methods referred to in subparagraph (B) to ensure that suitable health and dental care is available to dependents of members of the Armed Forces (including dependents of retired members) and to retired former members of the Armed Forces and their dependents.

(D) A proposal for purchasing health care for persons referred to in subparagraph (C) through private sector managed care programs, together with a discussion of the cost-effectiveness and practicality of doing so within the military medical care system.

(E) Any other information that the Secretary determines appropriate.

(d) DEFINITION.—In this section, the term "military medical care system" means the program of medical and dental care provided for under chapter 55 of title 10, United States Code.

In section 2(b), amend the table of contents by inserting after the item relating to section 712 the following new item:

Sec. 713. Comprehensive study of the military health-care system.

Mr. WARNER. Mr. President, this amendment requires the Secretary of Defense to conduct a comprehensive study, and to report on the military health care benefit. This amendment is timely because although active duty military strength will be reduced over the next few years, the number of military health care beneficiaries is projected to remain relatively stable. At the same time, planned base closures will reduce the number of military medical treatment facilities. A study like this would give us a long-term plan for dealing with this matter before it turns into a serious problem.

I understand the amendment has been cleared on both sides, and I urge adoption of the amendment.

Mr. President, seeing no further debate on the amendment, I ask for the vote.

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

The amendment (No. 967) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 968

(Purpose: To authorize the extension of the CHAMPUS reform initiative)

Mr. LEVIN. Mr. President, on behalf of Senator GLENN, I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. GLENN (for himself and Mr. MCCAIN) proposes an amendment numbered 968.

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

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

The amendment is as follows:

On page 177, between lines 2 and 3, insert the following new section:

SEC. 713. AUTHORITY TO EXTEND CHAMPUS REFORM INITIATIVE.

(a) AUTHORITY.—Upon the termination (for any reason) of the contract of the Department of Defense in effect on the date of the enactment of this Act under the CHAMPUS reform initiative established under section 702 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 1073 note), the Secretary of Defense may enter into a replacement or successor contract, with the same or a different contractor, and for such amount, as may be determined in accordance with applicable procurement laws and regulations and without regard to any limitation (enacted before, on, or after the date of the enactment of this Act) on the availability of funds for that purpose.

(b) TREATMENT OF LIMITATION ON FUNDS FOR PROGRAM.—No provision of law stated as a limitation on the availability of funds may be treated as constituting the extension of, or as requiring the extension of, any contract under the CHAMPUS reform initiative that would otherwise expire in accordance with its terms.

In section 2(b), amend the table of contents by inserting after the item relating to section 712 the following new item:

Sec. 713. Authority to extend CHAMPUS reform initiative.

Mr. LEVIN. Mr. President, the amendment would require that any future extension or expansion of the current CHAMPUS reform initiative contract for delivery of medical services in California and Hawaii be made on a competitive basis.

I understand the amendment is acceptable.

Mr. WARNER. Mr. President, we accept the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If there is none, the question is on agreeing to the amendment.

The amendment (No. 968) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 969

(Purpose: To amend the provisions of title 31, United States Code, to modify the process of bid protest in Government contracts, and for other purposes)

Mr. LEVIN. Mr. President, on behalf of myself and Senator COHEN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. COHEN, and Mr. GLENN proposes an amendment numbered 969.

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

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

The amendment is as follows:

On page , insert between lines and the following new section:

SEC. . RECOMMENDATIONS OF COMPTROLLER GENERAL IN BID PROTESTS OF GOVERNMENT CONTRACTS.

(a) BID PROTESTS.—Section 3554 of title 31, United States Code is amended—

(1) in subsection (c)—

(A) by striking out "may declare an appropriate interested party to be entitled to the costs of—" in paragraph (1) and inserting in lieu thereof "may recommend to the Federal agency issuing the solicitation, proposing the contract award, or awarding the contract, as the case may be, that such agency pay to the appropriate interested party reimbursement of the costs of—"; and

(B) by striking out "Monetary awards to which a party is declared to be entitled under paragraph (1) of this subsection shall be paid promptly" in paragraph (2) and inserting in lieu thereof "A payment of costs recommended by the Comptroller General under paragraph (1) of this subsection may be paid"; and

(2) in subsection (e)(1) by striking out "those recommendations within 60 days of the receipt of the Comptroller General's recommendations under subsection (b) of this section." and inserting in lieu thereof "the recommendations of the Comptroller General under subsection (b) or (c) of this section within 60 days after the head of such procuring activity receives those recommendations.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall not be applicable to any declarations made by the Comptroller General under section 3554(c) of title 31, United States Code, before the date of the enactment of this Act. All such declarations are valid and all monetary awards to which a party has been declared to be entitled by such declarations shall be paid promptly by the Federal agency concerned out of funds available to or for the use of the Federal agency for the procurement of property and services.

Mr. LEVIN. Mr. President, this amendment would modify the bid protest cost award provisions of the Competition in Contracting Act to remove constitutional concerns that have been raised about the provision in light of the Supreme Court decision in Bowsher versus Synar.

Under the amendment, the Comptroller General's decision on protest costs would be changed from an "award" to a "recommendation."

Mr. President, this amendment would modify one section of the bid protest provisions in the Competition in Contracting Act [CICA] to bring it in line with the rest of the act and remove constitutional concerns that have been raised about the section in light of the Supreme Court's decision in Bosher versus Synar.

In CICA, Congress established a bid protest procedure to protect the integrity of the Government procurement process. The central feature of the bid protest procedure is a carefully circumscribed role for the Comptroller General in receiving bid protests and in issuing recommendations, but not binding orders, to Government agencies on remedies to redress unlawful procurement actions.

Under CICA, an agency is required to suspend a procurement upon the filing of a bid protest and, absent urgent circumstances which significantly affect the interests of the United States, continue the suspension until the Comptroller General issues a recommendation. In addition, if the Comptroller General determines that a Government procurement action does not comply with law, the Comptroller General may award costs, including attorneys' fees and bid or proposal costs, to be paid to an aggrieved bid protester by the procuring agency.

The executive branch unsuccessfully challenged the constitutionality of the Comptroller General's authority to suspend a procurement action. Two U.S. courts of appeals, for the third and ninth circuits, upheld the constitutionality of CICA's suspension or "stay" requirement. In one of those cases, Ameron versus U.S. Army Corps of Engineers, the Solicitor General applied for and obtained a writ of certiorari to review the case in the Supreme Court, focusing on the provision of CICA giving the Comptroller General the authority to extend the initial suspension beyond the statutory 90-day period.

While the case was pending in the Court in 1988, Congress amended CICA by removing the Comptroller General's power to extend the time for issuing recommendations on protests beyond the 90-day period. On the basis of the amendment, which assured that procurement stays would not last beyond 90 working days, the Solicitor General moved to dismiss the writ of certiorari, which the Court did in October 1988.

Last month, after several years of successful and, as far as the Congress has been advised, noncontentious operation under the law, the Attorney General notified the Congress that he had concluded that the provision of CICA empowering the Comptroller General to award costs was unconstitutional and that the Department of Justice intended to seek a prompt judicial resolution of the issue. Within a week of this notification to the Congress, the Department of Justice brought a novel action in the U.S. District Court for the District of Columbia against two companies that had been awarded fees by the Comptroller General following their successful challenges to the lawfulness of a Department of Commerce procurement. The action seeks a declaratory judgment that the fee provision of CICA is unconstitutional and that the Commerce Department is under no legal duty to pay the awards.

It is not certain that the constitutional question will be resolved in this case. One of the companies has asked the district court to dismiss the complaint on the ground that Government acquisition regulations, adopted in 1985 and in effect as of the time of the awards and of the filing of the motion, independently commit the Government to pay costs awarded by the Comptroller General. In substance, the company is making the point that, whatever may be the executive's interest in ending its compliance with the CICA, it cannot change the rules in midstream for bidders who have legitimately depended on the Government's faithfulness to its own regulations.

The decision of the Department of Justice to initiate a court challenge to the constitutionality of an act of Congress has been the subject of critical commentary in the House. We share the concern that the executive branch has failed to pursue a solution within the political process and instead has filed a questionable action in the courts. Notwithstanding the Senate's willingness to find a legislative resolution for this issue, as demonstrated by our previous effort to amend the provision at issue in 1988, we have heard no expression of interest by officials of

the executive branch in the 3 years since then, that we renew our effort to amend the law. Nevertheless, amending the law is warranted now, as it was when the Senate passed the same amendment in 1988, to assure stability in the system created by Congress to promote lawfulness in the Government procurement process.

The first part of the amendment would extend to CICA's fee award provision the same premise underlying the bid protest provision; namely, that the Comptroller General's expertise should be brought to bear through recommendations to agencies and that the accountability of agencies should be promoted through reporting, including to the Congress. Thus, the amendment would provide that if the Comptroller General determines that a protested procurement violated a law or regulation, that the Comptroller General may recommend that the agency reimburse the protester's costs, including reasonable attorneys' fees. The agency would be required to report to the Comptroller General if it has not fully complied with a recommendation for the payment of costs and fees, and the Comptroller General would report annually to the Congress on each instance in which an agency did not implement fully the recommendation.

The second section of the amendment would make sure that this statutory change is prospective only, and would prevent the unfair treatment of bid protesters who have properly relied on the present statute and the executive branch regulations for their implementation. Specifically, the amendment would validate all fee awards by the Comptroller General prior to the date of the enactment of this Defense Appropriation Act, and mandate their prompt payment by agencies. Bidders who have relied upon the statute and regulations should not be required to bear the burden of any differences between the executive and legislative branches, either over the authority that may be vested in the Comptroller General or over the method by which the two branches should resolve this matter.

The PRESIDING OFFICER. Is there further debate on the amendment? Hearing none, the question is on agreeing to the amendment.

The amendment (No. 969) was agreed to.

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

Mr. LEVIN. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 970

(Purpose: To express the findings and sense of Congress regarding the strategic framework and distribution of responsibilities for the security of Asia and the Pacific and to require the President to submit to Congress a report on the strategic posture and military force structure of the United States in Asia and the Pacific)

Mr. WARNER. Mr. President, on behalf of the Senator from Arizona [Mr. MCCAIN] I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, proposes an amendment numbered 970.

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

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

The amendment is as follows:

On page 297, between lines 18 and 19, insert the following:

SEC. 1125. STRATEGIC FRAMEWORK AND DISTRIBUTION OF RESPONSIBILITIES FOR THE SECURITY OF ASIA AND THE PACIFIC.

(a) FINDINGS.—Congress makes the following findings:

(1) The alliance between the United States and its allies in East Asia contributes greatly to the security of that region.

(2) It is in the national interest of the United States to maintain a forward military and naval presence in East Asia.

(3) The pace of economic, political, and social advances in many of the East Asian countries, particularly Japan and South Korea, continues to accelerate.

(4) As a result of such advances the capacity of those countries to contribute to the responsibilities for their own defense has increased dramatically.

(5) While the level of defense burdensharing by Japan and South Korea has increased, continued acceleration of the rate of transfer of that burden is desirable.

(6) The United States remains committed to the security of its friends and allies in Asia and the Pacific Rim region.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should regularly review the missions, force structure, and locations of its military forces in Asia and the Pacific, including Hawaii;

(2) the United States should also regularly review its basing structure in the Pacific and Asia, with special attention to developments in the Philippines, Japan, and South Korea, and determine basing, forward deployments, maritime and land base pre-positioning, amphibious forces, and strategic lift to meet evolving strategic needs;

(3) the United States should regularly review the threats and potential threats to regional peace, the United States, and its friends and allies;

(4) the United States should continue to assess the feasibility and desirability of the ongoing partial, gradual reduction of military forces in Asia and the Pacific;

(5) in view of the advances referred to in subsection (a)(3), Japan and South Korea should continue to assume increased responsibility for their own security and the security of the region;

(6) Japan and South Korea should continue to offset the direct costs incurred by the United States in deploying military forces for the defense of those countries including costs related to the presence of United States military forces in those countries; and

(7) Japan should continue to contribute to improvements to global stability by contributing to countries in regions of importance to world stability through the Official Development Assistance Program of Japan.

(c) REPORT REQUIRED.—(1) Not later than April 1, 1992, the President shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the strategic posture and military force structure of the United States in Asia and the Pacific, including the forces in Hawaii. The President shall include in such report a strategic plan relating to the continued United States presence in that region.

(2) The report shall specifically include the following matters:

(A) An assessment of the trends in the regional military balance involving potential threats to the United States and its allies and friends in Asia and the Pacific, with special attention to (i) the implications of recent developments in the Soviet Union and the People's Republic of China for United States and allied security planning in Asia and the Pacific, and (ii) such regional conflicts as the struggle in Cambodia.

(B) An assessment of the trends in acquiring and deploying nuclear, biological, and chemical weapons and long range missiles and other delivery systems and other destabilizing transfers of arms and technology.

(C) An assessment of the extent to which a requirement continues to exist for a regional security role for the United States in East Asia.

(D) Identification of (i) any changes in the missions, force structure, and locations of United States military forces in Asia and the Pacific that could strengthen the capabilities of such forces and lower the cost of maintaining such forces, and (ii) changes in contingency and reserve armed forces in the United States and other areas.

(E) A review of the United States basing structure in the Pacific and Asia with special attention to developments in the Philippines, Japan, and South Korea, including a review of the implications for basing, forward deployments, maritime, and land base prepositioning, amphibious forces, and strategic lift to meet evolving strategic needs.

(F) A discussion of the strategic implications of the departure of United States forces from Clark Air Force Base and of the remaining facilities in the Philippines.

(G) A discussion of the need for expanding the United States access to facilites in Singapore and other states in East Asia that are friendly to the United States.

(H) A discussion of the recent trends in the contributions to burdensharing and the common defense being made by the friends and allies of the United States in Asia and the ways in which increased defense responsibilities and costs presently borne by the United States can be transferred to the friends and allies of the United States in Asia and the Pacific.

(I) An assessment of the feasibility of relocating United States military personnel and facilities in Japan and South Korea to reduce friction between such personnel and the people of those countries.

(J) Changes in bilateral command arrangements that would facilitate a transfer of

military missions and command to allies of the United States in East Asia.

(K) A discussion of the changes in (i) the flow of arms and military technology between the United States and its friends and allies, (ii) the balance of trade in arms and technology, and (iii) the dependence and interdependence between the United States and its friends and allies in military technology.

Mr. WARNER. Mr. President, the amendment would express the sense of Congress regarding the importance of United States forward basing and increased support from Japan and South Korea for the region's security. It would also require a report from the administation on U.S. strategic posture and force structure in Asia and the Pacific.

It is my understanding that this amendment has been cleared on both sides. I urge its adoption.

STRATEGIC FRAMEWORK AND DISTRIBUTION OF RESPONSIBILITIES FOR THE SECURITY OF ASIA AND THE PACIFIC

Mr. McCAIN. Mr. President, the amendment that I am presenting requires an annual report on our security posture in Asia, and on the efforts of the administration to reduce our forces to the minimum level required to ensure regional stability and the security of our allies. It would also assess the progress our allies are making in sharing the burden of regional defense. Such an assessment is absolutely essential to the continuing restructuring of the U.S. military in a changing world.

Over the past 2 years we have found that similar reporting has been extremely useful in publicizing the need for added burdensharing, and in helping the administration make it clear to our wealthier allies that they must pay their fair share of the cost of the common defense. Equally important, it has helped us negotiate limited cuts in our forces, and to develop a clear strategy for our presence in Asia.

The proposed amendment would consolidate existing reporting, and alter it in several areas to cover points raised by the Department of Defense.

Mr. President, the amendment I am presenting has been agreed to by both sides and has been coordinated with the Office of the Secretary of Defense. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to the amendment.

The amendment (No. 970) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 971

(Purpose: To provide procurement flexibility for small purchases made in connection with contingency operations)

Mr. LEVIN. Mr. President, I send to the desk an amendment sponsored by Senator BINGAMAN, for himself and Senator COATS.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BINGAMAN (for himself and Mr. COATS) proposes an amendment numbered 971.

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

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

The amendment is as follows:

On page 249, between lines 3 and 4, insert the following:

SEC. 835. PROCUREMENT FLEXIBILITY FOR SMALL PURCHASES DURING CONTINGENCY OPERATIONS.

Section 2302(7) of title 10, United States Code, is amended by inserting before the period the following: ", except that in the case of any contract to be awarded and performed, or purchase to be made, outside the United States in support of a contingency operation the term means $100,000".

Mr. LEVIN. Mr. President, this amendment would allow the Department of Defense to use simplified procurement procedures for contracts to be awarded and performed outside the United States in support of military contingency operations that may arise in the future.

It is my understanding that this amendment has been cleared.

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

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 971) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 972

(Purpose: To amend chapter 67 of title 18, United States Code, to protect keys, keyblanks, or keyways used in security applications by the Department of Defense)

Mr. LEVIN. Mr. President, I now send to the desk an amendment sponsored by Sentor NUNN and Senator WARNER. It would provide the Department of Defense with the same statutory authority as is now provided to the Postal Service to prevent unauthorized duplication of keys used by the Department of Defense for certain security purposes. This provision was requested by the administration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. NUNN (for himself and Mr. WARNER) proposes an amendment numbered 972.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 297, between lines 18 and 19, insert the following:

SEC. 1125. PROTECTION OF KEYS AND KEYWAYS USED IN SECURITY APPLICATIONS BY THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

"§1386. Keys and keyways used in security applications by the Department of Defense

"(a)(1) Whoever steals, purloins, embezzles, or obtains by false pretense any lock or key to any lock, knowing that such lock or key has been adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment shall be punished as provided in subsection (b).

"(2) Whoever—

"(A) knowingly and unlawfully makes, forges, or counterfeits any key, knowing that such key has been adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment; or

"(B) knowing that any lock or key has been adopted by any part of the Department of Defense, including all Departments of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment, possesses any such lock or key with the intent to unlawfully or improperly use, sell, or otherwise dispose of such lock or key or cause the same to be unlawfully or improperly used, sold, or otherwise disposed of,

shall be punished as provided in subsection (b).

"(3) Whoever, being engaged as a contractor or otherwise in the manufacture of any lock or key knowing that such lock or key has been adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition of explosives, special weapons, and classified information or classified equipment, delivers any such finished or unfinished lock or any such key to any person not duly authorized by the Secretary of Defense or his designated representative to receive the same, unless the person receiving it is the contractor for furnishing the same or engaged in the manufacture thereof in the manner authorized by the contract, or the agent of such manufacturer, shall be punished as provided in subsection (b).

"(b) Whoever commits an offense under subsection (a) shall be fined under this title or imprisoned not more than 10 years, or both.

"(c) As used in this section, the term 'key' means any key, keyblank, or keyway adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment."

(b) AMENDMENT TO THE CHAPTER ANALYSIS.—The chapter analysis for chapter 67 of title 18, United States Code, is amended by adding after the item referring to section 1385 the following:

"1386. Keys and keyways used in security applications by the Department of Defense.".

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

If not, the question is on agreeing to the amendment.

The amendment (No. 972) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 973

(Purpose: To provide for the transfer of funds to the Air National Guard for procurement of modular control equipment)

Mr. LEVIN. Mr. President, on behalf of Senator WIRTH and Senator MCCAIN, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. WIRTH (for himself and Mr. MCCAIN), proposes an amendment numbered 973.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 15, line 2, strike out "$10,374,839,000" and insert in lieu thereof "$10,324,839,000".

On page 16, line 4, strike out "$309,800,000" and insert in lieu thereof "$359,800,000".

Mr. LEVIN. Mr. President, this amendment would provide $50 million for the Air National Guard to procure modular control equipment. This equipment is designed to replace obsolete command and control equipment in the Air National Guard. I believe it has been cleared.

Mr. WIRTH. Mr. President, I am offering an amendment to add $50 million for procurement for the Air National Guard to buy modular control equipment.

Mr. President, for the past five years the Air Force and the Marine Corps have been buying new modularized, automated command and control equipment for forward deployed fighter squadrons. This equipment, called modular control equipment, was developed to replace obsolete command and control equipment being operated by the Air Force and the Marine Corps. Modular control equipment supports the full range of command and control requirements, including receiving and correlating surveillance information, identifying, tracking and classifying hostile aircraft and communicating tasking assignments to friendly forces.

The Air Force and the Marine Corps jointly developed this new modern command and control system. The Air Force has procured the systems it needs to update its tactical control squadrons, and was supposed to now buy equipment to modernize tactical control squadrons in the Air National Guard. Unfortunately, the Air Force decided to terminate further procurement of the equipment, forcing 22 tactical control squadrons in the Air National Guard to continue to operate 1960s-vintage command and control systems. Over half of the Air National Guard tactical control squadrons will not be modernized.

Mr. President, we are entering a new phase of our national security that will place greater reliance on Guard and Reserve forces. The Air National Guard and the Air Force Reserve are among the most effective of the reserve components. They will be equipped with modern fighters and missiles. It makes no sense to strand them with technologically obsolete command and control systems. We must modernize these units.

This amendment does not increase the spending totals of the bill because my amendment eliminates $50 million from Air Force procurement. The committee voted to terminate procurement of the F-16 fighter, but the committee did not cut out all of the spare parts funds that were tied to the last 48 aircraft that were eliminated. Therefore, this $50 million is not needed to buy those spare parts and is available for the MCE.

I believe this amendment has been coordinated with both sides and is acceptable and I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 973) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 974

(Purpose: To make a technical correction to the partnership intermediary provision of the Stevenson-Wydler Technology Innovation Act of 1980)

Mr. LEVIN. Mr. President, on behalf of Senator BINGAMAN I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BINGAMAN proposes an amendment numbered 974.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 249, between lines 3 and 4, insert the following:

SEC. 835. TECHNICAL CORRECTION RELATING TO PARTNERSHIP INTERMEDIARIES.

Section 21(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3715) is amended by inserting after "federally funded research and development center", the following: "that is not a laboratory (as defined in section 12(d)(2))".

Mr. BINGAMAN. Mr. President, this amendment clarifies a provision in last year's Defense authorization bill.

Section 827(a) of last year's defense bill created a new section 21 of the Stevenson-Wydler Technology Innovation Act of 1980. The new section gave Federal laboratories, subject to the approval of the relevant department Secretary, the authority to enter into contracts with certain government or nonprofit entities which serve as intermediaries for tech transfer between the labs and small businesses.

Specifically, the language gave this authority to the director of each laboratory, "or in the case of a federally funded research and development center, the Federal employee who is the contract officer." Section 4(6) of the Stevenson-Wydler Act defines a "Federal laboratory" to include both laboratories federally funded research and development centers [FFRDC's]. So the intent of the language in the new section 21 was to provide a signatory for an FFRDC which did not have a "laboratory director" at its head.

Unfortunately, some lawyers are interpreting the language of section 21 to mean that where a Federal laboratory is both a bona fide laboratory and also an FFRDC, the Government contracting officer and not the laboratory's director must enter into the agreement. So according to this interpretation, Bruce Twining, the contract officer with DOE in Albuquerque, and not Sig Hecker, the director of Los Alamos National Laboratory, must enter into an agreement with a New Mexico small business development center [SBDC] even though the SBDC will execute the contract, working daily not with the DOE field office but with the laboratory.

This result makes no sense. Section 12 of the Stevenson-Wydler Act gives all laboratory directors, whether the labs are also FFRDC's or not the power to enter cooperative research and development agreements [CRADA's] directly with businesses. But this

strange interpretation of section 827(a) would say that the same laboratory director could not enter into an agreement with an intermediary whose purpose would be help to get the lab and that same business into negotiations regarding a possible CRADA.

Those individuals familiar with the legislative history of section 827(a)—the new section 21 of the Stevenson-Wydler Act—know of no discussion of this issue during the congressional deliberations leading to its enactment. They also know of no policy reason why such a distinction should exist. No matter who executes the agreement, and in all events, the Secretary of the department must give his prior approval to the contract. This new interpretation only inserts a third party right into the middle of both the negotiations and implementation of the contract between the intermediary, slowing and complicating the process.

Therefore, the proposed amendment clarifies the language to avoid such an anomalous interpretation. It simply says that when an entity which meets the more specific definition of a laboratory in section 12(d)(2) of the act, laboratory's director can enter into an agreement with an intermediary, even though the laboratory also happens to be an FFRDC.

Mr. President, I believe the amendment has been cleared on both sides, and I urge its adoption.

Mr. LEVIN. Mr. President, this amendment authorizes a technical correction to the partnership intermediary provision of the Stevenson-Wydler Technology Innovation Act of 1980. The amendment would provide clarification to assure that in those instances where a federally funded research and development center is also a laboratory, that the laboratory director be authorized to enter into technology transfer agreements from the laboratory to small businesses. The current situation is unclear as to whether the laboratory director or the Department of Energy contracting officer is the designated individual to enter into those agreements in these situations. This amendment seeks to clarify the intent of Congress on that point.

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

The amendment (No. 974) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 975

(Purpose: To correct and clarify certain provisions of law relating to the pilot Mentor-Protege Program)

Mr. LEVIN. Mr. President, I send to the desk an amendment on behalf of Senator NUNN for himself and Senator WARNER.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. NUNN, for himself and Mr. WARNER, proposes an amendment numbered 975.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 249, between lines 3 and 4, insert the following:

SEC. 835. CORRECTION AND CLARIFICATION RELATING TO PILOT MENTOR-PROTEGE PROGRAM.

(a) CORRECTION TO SECTION HEADING.—The section heading of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1607; 10 U.S.C. 3201 note) is amended to read as follows:

"SEC. 831. PILOT MENTOR-PROTEGE PROGRAM".

(b) REGULATIONS.—Section 831(k) of such Act (104 Stat. 1611) is amended—

(1) in the first sentence, by inserting before the period the following: "and the Department of Defense policy regarding such program (dated July 30, 1991, or any successor policy) in the Department of Defense Supplement to the Federal Acquisition Regulation"; and

(2) by inserting "and policy" after "regulations" each place it appears in the second, third, and fourth sentences.

In section 2(b), amend the table of sections by inserting after the item relating to section 834 the following new item:

Sec. 835. Correction and clarification relating to the pilot Mentor-Protege Program.

Mr. LEVIN. Mr. President, this amendment would require the Department of Defense to publish in the Defense Federal Acquisition Regulation the policy guidance and regulations that implement the Mentor-Protege Program. It is my understanding that it has been cleared on both sides.

I urge the adoption of the amendment.

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

The amendment (No. 975) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 976

(Purpose: To require the Secretary of Defense to study the advisability of the construction of tornado shelters at military installations located in areas that are prone to tornadoes)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Kansas, Mr. DOLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. DOLE, (for himself, Mrs. KASSEBAUM, Mr. NICKLES, and Mr. BOREN), proposes an amendment numbered 966.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 394, between lines 3 and 4, insert the following new section:

SEC. 2836. STUDY OF CONSTRUCTION OF TORNADO SHELTERS AT INSTALLATIONS LOCATED IN AREAS THAT ARE PRONE TO TORNADOES.

Not later than April 15, 1992, the Secretary of Defense shall study the advisability of constructing tornado shelters at military installations that are located in areas prone to tornadoes and submit to the congressional defense committees a report on the results of the study. If the Secretary determines that such construction is advisable, the report shall contain the Secretary's proposed schedule for the construction of such shelters.

In section 2(b), amend the table of contents by inserting after the item relating to section 2835 the following new item:

Sec. 2836. Study of construction of tornado shelters at installations located in areas that are prone to tornadoes.

Mr. WARNER. Mr. President, this amendment would direct the Secretary of Defense to provide the Defense Committees no later than April 15, 1992, a study concerning the advisability of constructing tornado shelters at military installations which are prone to experiencing tornadoes. This amendment results from the destruction of a substantial portion of McConnell Air Force Base, Kansas, earlier this year, when military personnel and their families were trapped in facilities which had been constructed without basements. This study will determine whether common use shelters are appropriate, and if so provide a schedule for their construction.

Mr. DOLE. Mr. President, 3 months ago, on April 26, a devastating tornado with winds approaching 300-miles per hour ripped across Kansas. As many of you saw in the dramatic news tape of this awesome twister, homes, and businesses were destroyed and tragically, lives were lost. After touring the tornado area, I called President Bush to tell him how serious the damage was, and I was grateful for his response: The President quickly declared a state of emergency and Federal officials were on their way to assist in the rebuilding effort.

The tornado's path also went directly through Wichita's McConnell Air Force Base, causing more than $70 million in damage. The hospital, gym, and recreation center were total losses. In addition, more than 100 units of family housing were destroyed. Yet, despite this devastation—which occurred around 6 o'clock in the evening when

many military families were at home—not a single life was lost. Was that because the occupants took refuge in their basements or in special tornado shelters? No. It was sheer luck. These houses don't have basements, nor does this housing complex even have a tornado shelter. When the tornado sirens went off, the people who live there sought shelter in the small closets under the stairs, or wherever else they could. And, miraculously, these people escaped harm.

Mr. President, this time we were lucky. Real lucky. But, we can't afford to take that chance the next time a tornado strikes. We need to make certain that our military installations are safe to work at and live on. That is why I am offering this amendment today, requiring the Secretary of Defense to assess the need for tornado shelters at military installations in tornado-prone States.

I don't know if McConnell Air Force Base is the only installation without adequate protection against tornadoes for its civilian employees, military personnel and their dependents. What I do know, is that McConnell could have been a tragedy.

This amendment simply requires that the Secretary of Defense assess the need for tornado shelters at military installations in tornado-prone States, and report this information to the Congress by April 15 of next year. In addition, the amendment requires an outline of his plans to build such shelters where he determines them to be necessary.

Mr. President, we know that McConnell Air Force Base needs such shelters, but this amendment will ensure that other installations with such a requirement will not be overlooked. This amendment will also ensure that we have a plan from the Secretary of Defense to address this need for tornado shelters on military installations, wherever they are located. I urge my colleagues to support this amendment.

Congress can't control where tornadoes go, but we can provide safe shelter for our military personnel and their families.

Mr. WARNER. Mr. President, I understand the amendment has been cleared on both sides.

Mr. LEVIN. Mr. President, we have no objection to the amendment. It is a good amendment.

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

The amendment (No. 976) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 977

(Purpose: To make technical corrections)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] for Mr. NUNN (for himself and Mr. WARNER) proposes an amendment numbered 977.

Mr. LEVIN. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 15, line 8, strike out "$7,929,482,00" and insert in lieu thereof "$7,939,282,000".

On page 18, line 18, strike out "The" and insert in lieu thereof "To the extent provided in appropriations Acts, the ".

On page 21, line 14, strike out "The" and insert in lieu thereof "To the extent provided in appropriations Acts, the".

On page 31, beginning on line 12, strike out "for fiscal year 1992".

On page 45, line 18, strike out "The" and insert in lieu thereof "To the extent provided in appropriations Acts, the".

On page 49, line 19, after "many" insert ", to the extent provided in appropriations Acts,".

On page 53, line 12, strike out "1991" and insert in lieu thereof "1990".

On page 120, strike out lines 6 through 8, and insert in lieu thereof "with respect to members of the uniformed services who are not entitled to receive the basic allowance for quarters under such section on the day before that date.".

On page 440, beginning on line 17, strike out "the availability of appropriations for the fiscal year for that purpose" and insert in lieu thereof "appropriations being provided specifically for the fiscal year and specifically for that procurement in advance of the obligation of funds for that fiscal year for that procurement".

On page 448, strike out lines 19 though 22 and insert in lieu thereof the following:

SEC. 3136. WORKED PROTECTION AT NUCLEAR WEAPONS FACILITIES.

On page 449, beginning on line 2, strike out "whose duties are" and all that follows through "similar emergencies" and insert in lieu thereof "who are or may engaged in hazardous substance response or emergency response".

On page 449, beginning on line 15, strike out "response to hazardous substance releases or similar emergencies" and insert in lieu thereof "hazardous substance response or emergency response".

On page 450, beginning on line 8, strike out "to respond to hazardous substance releases or other similar emergencies" and insert in lieu thereof "who are engaged in hazardous substance response or emergency response".

On page 450, beginning on line 12, strike out "to respond to such releases or other emergencies" and insert in lieu thereof "to carry out such hazardous substance response".

On page 450, line 25, insert "and mixed radioactive and hazardous waste" before the period.

On page 452, line 9, strike out "(g)" and insert in lieu thereof "(h)".

On page 453, line 17, insert before the period the following: ", and under subsection (c) of section 2518 of such title (as added by section 803 of this Act) in the case of the establishment of advanced manufacturing partnerships under that section".

On page 453, line 23, strike out "four" and insert in lieu thereof "two".

On page 454, line 13, strike out "(g)" and insert in lieu thereof "(h)".

In section 2(b), amend the table of contents by striking out the item relating to section 3136 and inserting in lieu thereof the following:

Sec. 3136. Worker protection at nuclear weapons facilities.

On page 70, strike out line 4 and all that follows through page 72, line 3, and insert in lieu thereof the following:

States Code, is amended by adding at the end the following:

"(h) SURETY-CONTRACTOR RELATIONSHIP.—Any surety which provides a bid, performance, or payment bond in connection with any direct Federal procurement contract for a response action under the Defense Environmental Restoration Program and begins activities to meet its obligations under such bond, shall, in connection with such activities or obligations, be entitled to any indemnification and standard of liability to which its principal was entitled under the contract or under any applicable law or regulation.

"(1) SURETY BONDS.—

"(1) APPLICABILITY OF MILLER ACT.—If under the Act of August 24, 1935 (40 U.S.C. 270a–270d), commonly referred to as the 'Miller Act', surety bonds are required for any direct Federal procurement of a contract for a response action under the Defense Environmental Restoration Program and are not waived pursuant to the Act of April 29, 1941 (40 U.S.C. 270e–270f), the surety bonds shall be issued in accordance with such Act of August 24, 1935.

"(2) LIMITATION OF ACCRUAL OF RIGHTS OF ACTION UNDER BONDS.—If, under applicable Federal law, surety bonds are required for any direct Federal procurement of any contract for a response action under the Defense Environmental Restoration Program, no right of action shall accrue on the performance bond issued on such contract to or for the use of any person other than an obligee named in the bond.

"(3) LIABILITY OF SURETIES UNDER BONDS.—If, under applicable Federal law, surety bonds are required for any direct Federal procurement of any contract for a response action under the Defense Environmental Restoration Program, unless otherwise provided for by the Secretary in the bond, in the event of a default, the surety's liability on a performance bond shall be only for the cost of completion of the contract work in accordance with the plans and specifications of the contract less the balance of funds remaining to be paid under the contract, up to the sum of the bond. The surety shall in no event be liable on bonds to indemnify or compensate the obligee for loss or liability arising from personal injury or property damage whether or not caused by a breach of the bonded contract.

"(4) NONPREEMPTION.—Nothing in this section shall be construed as preempting, limiting, superseding, affecting, applying to, or modifying any State laws, regulations, requirements, rules, practices, or procedures. Nothing in this section shall be construed as affecting, applying to, modifying limiting, superseding, or preempting any rights, authorities, liabilities, demands, actions, causes of action, losses, judgment, claims, statues of limitation, or obligations under Federal or State law, which do not arise on or under the bond.

"(j) APPLICABILITY.—Subsections (h) and (i) shall not apply to bonds executed before October 1, 1991, or after December 31, 1992.".

On page 416, line 25, strike out "appropriated" and insert in lieu thereof "authorized to be appropriated".

On page 443, between lines 14 and 15, insert the following:

"(f) LIMITATION.—Funds appropriated pursuant to this or any other act enacted after the date of enactment of this Act may be obligated for a contract under this section only—

(1) to the extent or in such amounts as are provided for such contracts in advance in an appropriation act, and

(2) if such contract contains the following provisions:

(A) a statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that contract;

(B) a commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for such contract for such fiscal year; and

(C) a statement that such a commitment given under the authority of this section does not constitute an obligation of the United States."

Mr. LEVIN. Mr. President, during review of the bill since it was reported on July 19, a number of items have been noted in which technical or conforming changes were required. This amendment would make those changes. None of the items would result in a substantive change in the bill.

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

If not the question is on agreeing to the amendment.

The amendment (No. 977) was agreed to.

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

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

The motion to lay on the table was agreed to.

MILITARY HOUSING NEEDS

Mr. INOUYE. Mr. President, I would like to engage the distinguished senior Senator from Georgia in a colloquy at this time.

Mr. President, I rise at this time to discuss the grave situation facing military families stationed on the Island of Oahu, HI. The number of Government-owned quarters falls far short of the required housing needs.

At present, families are placed on waiting lists and moved into units as soon as they become available. The long waiting time, ranging from 12 to 24 months, forces the military families to seek housing in the local economy. Unfortunately, there is also a severe shortage of adequate, affordable housing units in the local economy. The State of Hawaii has projected the deficit for the civilian sector alone will exceed 40,000 units within the next 5 years.

The island of Oahu has experienced continuing escalation of rental rates, making much of the rental housing beyond the affordable limit of military personnel. To be able to rent quarters, families must expend 40 to 55 percent of their total monthly household income. As a result, many simply cannot afford to live without additional assistance. You may be shocked to learn, as I was, that the most numerous user-group of food stamps on Oahu is comprised of the families of junior enlisted personnel.

The lack of affordable housing to accommodate the force levels supporting CINCPAC seriously undermines our military services' abilities to perform their mission. The rising cost of rentals, exorbitant costs to purchase homes in the private sector, and the competition with the local populace causes financial hardships, family stress, and for many of our enlisted personnel, an inability to cope and plan for a stable living environment. The results affect the quality of life of our military families, service member retention, and the mission effectiveness and capabilities of the forces supporting the Commander in Chief, Pacific.

I know that my esteemed colleague from Georgia will agree that these factors make the case for additional military housing in Hawaii unique and compelling. We do an injustice to our service men and women, if we continue to authorize and fund inadequate numbers of family housing units.

Mr. NUNN. I agree with the distinguished Senator from Hawaii. We must place a greater priority on addressing the housing and associated quality-of-life issues facing military personnel in Oahu.

I am aware that the Department of Defense has been pursuing a variety of initiatives to provide safe, affordable housing for its personnel around the world. This initiative has been the most challenging in high-cost urban areas where the commercial market has been unwilling or unable to provide affordable housing for military families. Nowhere is this problem more acute than in Oahu, HI. A recent segmented housing market analysis concluded that, using a guideline of the military family housing allowances plus 15 percent out-of-pocket expense, there was a programming deficit of over 6,000 family housing units on the island for personnel of all the military services.

I believe that, as a matter of priority, the Department of Defense needs to develop a multiyear plan to address the housing shortfall on the Island of Oahu.

Mr. INOUYE. I note that the committee language directs the Department to program substantial increments of additional family housing on Oahu. Is it the committee's intention to resolve the longstanding family housing problem on Oahu?

Mr. NUNN. Yes, that is the intention. The committee believes that substantial progress must be made in reducing the deficit of affordable housing on Oahu through a combination of military construction and third-party financing initiatives. In order to give effect to this intention, I expect the Department to submit a multiyear housing development plan for Oahu, HI, with its amended fiscal year 1993 budget submission. I expect that the Department's amended fiscal year 1993 budget request will include a significant increment of construction to substantially reduce this deficit, consistent with its ability to develop cost-effective site improvement and construction plans. It would be my intention to use this multiyear plan as the basis for recommending annual authorizations for appropriation of construction of family housing and associated facilities on Oahu.

Mr. INOUYE. I thank the Senator.

NAVY TACAMO AIRCRAFT BASING

Mr. BOREN. I thank my good friends from Georgia and Nebraska for their excellent leadership in the Armed Services Committee. I rely on your guidance in defense issues and I also know that you are very helpful in resolving problems.

Oklahoma is proudly awaiting the arrival of the Navy's E–6 take charge and move out [TACAMO] aircraft fleet in 1992. About $75 million of military construction is nearing completion at Tinker Air Force Base on about 50 of the 80 acres of land available to the Navy.

The collocation of the E–6 with the Air Force AWACS, which have a high degree of commonality, and combining E–6 basing with training, operations, and maintenance is a significant step forward, I believe, toward sensible joint efforts by the services.

I commend the Armed Services Committee for recognizing that changes in the threat and TACAMO's high-power communications transmitter make it possible for the E–6 aircraft to assume an important additional mission. In addition to providing survivable, assured communications to our strategic submarines, the E–6 Fleet also can serve as the mid-CONUS link between the Strategic Air Command and its operating forces. This will allow the retirement of up to 27 of the 39 aging EC–135's used for command-and-control of theater and strategic nuclear forces. It is my understanding that the Navy and the Air Force are already studying how to accomplish this new tasking and the AWACS alert facility at Tinker could support the Navy's needs.

While I support this additional mission, my concern is in clarifying the report language in the authorization bill about another study of the basing of the E–6 Fleet.

I believe the committee's report language could be construed in ways that the committee did not intend. The committee's report carries great weight within the Department of Defense. For this reason, I think it is important to be clear that the committee never intended that the TACAMO mission be moved from Tinker.

Mr. EXON. I am pleased to respond to my good friend from Oklahoma.

Based on the committee's direction to the Department of Defense to add a new mission to the Navy's E-6 Fleet—namely, supporting the CINCSAC's airborne command control operations—it seems reasonable that these TACAMO planes would periodically perform operational-alert duty at SAC headquarters in the same manner as the alert aircraft will be forward-deployed on each coast in support of strategic submarine communications.

The committee was not aware when it prepared the bill that DOD has already been studying this basing question. In light of this information, the investment in facilities at Tinker, and the proximity of Tinker to SAC headquarters, Tinker is the logical choice for the home base of the E-6 Fleet.

Mr. NUNN. I, too, thank Senator BOREN for bringing this information to our attention. I want to focus first on the cost savings that will be made possible by this new mission for the TACAMO Fleet. It will be possible to retire up to 27 of the fleet of aging EC-135's. It will reduce military construction and support requirements for the EC-135's since they are being retired. Since there is a reduction in the TACAMO SSBN communications mission, this change will make solid use of the fleet of 16 TACAMO airplanes.

The new mission we have assigned to the E-6 aircraft may require some presence at Offutt Air Force Base to support CINCSAC, at least when the AWACS facility at Tinker is being used to support AWACS alert operations.

For all the reasons and facts cited by Senator BOREN and Senator EXON, I fully expect the E-6 Fleet, its crews, their families, their training, and the aircraft's operation and maintenance to remain at Tinker. Tinker has already made a substantial investment for this purpose.

I hope this clarifies the intentions and expectations of the Armed Services Committee.

Mr. MACK. Mr. President, we bring the Defense authorization to the floor today after a long and spirited debate within the Armed Services Committee. As one of the committee's newest members, I was taken with the range of issues we were asked to consider, with the vital importance of these matters to the future of our country and of our children, and with the intensity and consideration they were given. In the end, I was by no means entirely satisfied with our final products. Not only are some vital programs cut or underfunded, the overall level of defense spending agreed to puts us on a path that may well lead to a less effective American military.

An excellent example of what I am talking about is the architecture we have come up with for strategic defense. The need for a viable defense against ballistic missiles is undeniable. Millions of Americans watched this winter as Patriot missiles rocketed into the night skies over Israel and Saudi Arabia to knock down incoming Iraqi Scud missiles. I do not think there is anything radical in the notion that we must guarantee the citizens of our own country in their homes the same kind of protection we were able to provide Israelis, Saudis, and our fighting men and women in the gulf during Desert Storm. That is right. The United States currently possesses no defense againsst any kind of ballistic missile fired against us—including Scuds.

Who may launch these deadly missiles? The answer to that question is a lot more complicated than it was even a decade ago. In years past, the Soviet Union, and to a lesser degree, China, were the only enemies of the United States with long-ranmge ballistic missile capability. We could rely on complicated balances in nuclear missiles to deter either side from attack. Unfortunately, the number of countries which pose a threat to our security is growing at an alarming rate.

CIA Director, William Webster, estimates that in the next 10 years 15 to 20 developing countries will have ballistic missiles with ranges up to 3,300 miles. Many of these nations are working hard to develop chemical, biologicial, and even nuclear warheads for their missiles. Why are they doing this? If we had solid answers to that question, we might be able to effectively deter both this proliferation and their possible use. But these new members of the ballistic missile club have a different agenda than the traditional cold war adversaries.

The war in the Persian Gulf clearly demonstrated that a weaker aggressor will not necessarily be deterred from using its ballistic missiles against a stronger, nuclear-armed enemy. Saddam Hussein launched his terrorist Scud attacks against Israeli population centers, knowing that coalition forces would continue to hit his country hard in return. Remember, also that after the 1986 American air raid on Libya, Mu'ammar Qadhafi said that if he had a ballistic missile capable of reaching the United States he would have used it. Can anyone today seriously argue that there will be no future Saddam or Qadhafi who will both want to attack America with ballistic missiles, and have the capability to do so?

This is not to say that the threat from our traditional enemies is fully passed. Even as Eastern Europe finds itself poised on the brink of a new world order, one in which democracy and market economies are the goal, the Soviet Union is locked in mortal combat with itself. The Baltic States, southern Republics, and even Russia itself are pressing their legitimate claims for independence. The iron fist which rules the Soviet empire also controlled the ICBM's. As centralized control of the U.S.S.R. becomes ever more tenuous, wisdom demands that we prepare, as best as we can, for challenges to the control of those missiles.

The need for an effective strategic defense for the United States is crystal clear. I welcome the action of the Armed Services Committee in deciding to finally deploy America's first ballistic missile defense. I am gravely concerned, however, that no commitment was made to deploy space-based interceptors. These will be the only way to provide the entire United States with protection against large-scale ballistic missile attacks, and will provide the first step along the path to making these terrible weapons practically obsolete. I am pleased that the committee saw fit to fund a robust R&D program for Brilliant Pebbles, but look forward to making this dream a reality.

The final piece in this strategic puzzle is the recognition that blindly continuing with the ABM Treaty is no longer in the best interest of the United States. We must renegotiate it, or exercise our right under its terms to unilaterally withdraw. I am puzzled and concerned by the words of those who seem to hold compliance with the existing treaty as the primary goal of our national defense. Certainly, the Soviets can see the handwriting on the wall as clearly as we can. An initial defensive system to protect us against limited strikes is hardly a challenge to what some call the strategic stability which now exists between us. Developing nations not bound by the existing treaties between the nuclear superpowers offer a serious new challenge to growth. The only effect such an American defense will have on the Soviet Union is knocking down missiles launched against us in error, or by a madman acting outside the Soviet chain of command. It is inconceivable that either side would begrudge the other such protection. The only interest of the United States in any arms control negotiation is expressly what is best for us. The existing ABM Treaty is no longer in our best interest. It is time to move on.

Some have argued that antiballistic missile systems will not and cannot work, and that they are too expensive for today's limited resources. The answer to the first objection is that these systems do work. Just look at the Patriot missile doing the impossible in the Persian Gulf: hitting a bullet with

a bullet. This is just a taste of what is to come. The answer to the second objection, that they cost too much, depends on the currency you are using: Dollars or American lives. There is no more central responsibility of any government than to provide for the common defense. Our people are at risk, and we must do whatever it takes to defend them.

I am interested, though, by the comments of those who don't think our technology is up to the challenge. They call strategic defense Star Wars and a fool's dream. This is nothing new. For years, opponents of our Nation's Armed Forces have hammered away at what they call the gross waste of money on unworkable systems. However, let us consider, for a moment, the recent performance of many of these same systems in the Persian Gulf, and the criticisms that were leveled at them while they were being developed.

On January 21, 1983, the New York Times ran an article on the effectiveness of high-technology systems in general. Their arguments:

> Many are not effective, their high technology procures advantages that look impressive on paper, but are only marginally useful in battle * * * simple weapons perform better than complex systems * * * fighter aircraft [are becoming] too delicate for battle and equipped with missiles too expensive to test * * * the other problem with complex weapons is that they cost more, so that fewer can be bought, and they break down more often, so that fewer still are available at any time for combat.

This is utter nonsense. The United States won an overwhelming victory in Desert Storm precisely because we had better weapons and better people than our enemy. Saddam was ready to fight again his previous war against Iran, while we were ready to fight the highest technology war ever waged. Our losses, while tragic, were few, and the conflict was ended quickly.

THE TOMAHAWK CRUISE MISSILE

In 1984, congressional opponents proposed an amendment to block deployment of nuclear-armed Tomahawks because it supposedly would hinder arms control with the Soviet Union. Such a move would have seriously hurt the conventional Tomahawk arsenal as well, and could very well have killed the program outright. However, in Desert Storm the Tomahawk proved highly successful against high-value targets in high-threat areas including command and control headquarters, power-generating facilities, and strategic infrastructure. Tomahawks helped reduce the allied casualty rate and permitted coalition aircraft to be used for other important missions. Furthermore, the failure rate of Tomahawks in the gulf was less than the Navy had experienced in testing.

THE BRADLEY FIGHTING VEHICLE

In 1983, congressional opponents wanted to cancel the program, saying it was insufficiently armored to serve as a fighting vehicle, and that its gun was too small to fight tanks and too large to fight infantry. However, in Desert Storm the Bradley killed a still-to-be-determined number of Iraqi tanks. Of the 2,200 Bradleys that were deployed in theater, only 3 were disabled. Readiness rates for Bradleys remained above 90 percent throughout the conflict.

THE APACHE AH-64 HELICOPTER

In 1983, congressional opponents said that because of fragility and lack of maneuverability, the program should be terminated. Others claimed that the Apache was unnecessary because it duplicated Air Force close air support aircraft. However, in Desert Storm the Apache conducted the very first strikes of the war, destroying early warning sites and paving a corridor for subsequent airstrikes.

ATACMS

In 1990, opponents, including the House Armed Services Committee, said the program should be terminated because the withdrawal of significant portions of Soviet armored forces from Europe would eliminate the need for a system capable of striking large concentrations of armored vehicles. However, in Desert Storm, ATACMS destroyed or rendered inoperable all of its targets including SAM sites, logistics sites, Scud positions, howitzer and rocket batteries. ATACMS was viewed as a precious asset by the troops who used it.

JSTARS

In 1983, opponents in Congress called its very concept seriously flawed, and recommended that the program be terminated. And just last year the House Armed Services Committee said, "Given the changes in Eastern Europe and the Soviet Union * * * the requirement for JSTARS is no longer valid." However, in Desert Storm senior commanders were overwhelmingly pleased with JSTARS. It let American Marines in Khafji know that there were no approaching enemy forces, was used to locate and track Scuds, and targeted attacking aircraft. All this from a system which is still in research and development, and whose two prototypes were rushed to the gulf.

THE F/A-18 HORNET

In 1983, congressional opponents said, "the F/A-18 has proven at least second-rate and sometimes an outright failure in every role for which it was designed * * * the F/A-18 should be terminated." However, in Desert Storm the Hornet's versatility was demonstrated on the first day of the war. Two Hornets shot down two Iraqi Mig-21's, and then continued on their assigned bombing mission, destroying an enemy airfield.

THE F-15 EAGLE

In 1983, opponents in Congress recommended the cancellation of the F-15 fighter program, saying, "its only advantage over the F-16 is that it carries the radar-guided AIM-7 Sparrow air-to-air missile, however the Sparrow was generally proven ineffective in combat both in Vietnam and the Middle East." However, in Desert Storm the Eagle guaranteed air superiority for coalition forces, the key to a quick, decisive victory. F-15E was a key contributor to the bombing campaign, attacking Scud sites, C^3 positions, and airfields.

THE PATRIOT MISSILE

Even the Patriot missile, the star of Desert Storm, came under attack when congressional opponents called for termination of the program in 1983, saying "its combat utility is doubtful * * * it has a poor probability of a kill." The House Armed Services Committee voted to zero funding of the Patriot as an antimissile system, and others wanted to cancel the program outright. However, in Desert Storm the Patriot successfully intercepted 45 of the 47 Scuds against which it fired, and was utterly critical to defeating Saddam's strategy of splitting up the coalition by goading Israel into retaliation. In spite of what doubters may say about the dangers of ballistic missile defenses to strategic stability, by keeping the Persian Gulf war from spreading, Patriot was proven to be a stabilizing system.

Clearly, given the opportunity, American technology is the best in the world and can achieve the vital goals we set. We must exercise patience, provide adequate funding for our new systems, and cultivate those who produce them. We must not make Saddam's mistake of assuming that what we have already will be enough to win next time. We must never send our brave fighting men and women into harm's way with anything less than the very best American ingenuity has to offer. We realized the benefit of some very fortunate circumstances during Desert Storm. Our allies in Saudi Arabia were able not only to invite us in, but they provided our forces with world-class ports and airstrips, built to U.S. specifications, as well as unlimited supplies of fuel at no cost. And we didn't have to start fighting before we were ready.

We are now embroiled in the process of drastically reducing our force structure: trying to make do with less. Cutting our forces to the bone will severely limit our options in future conflicts. The next time around, we may have to worry about more than one adversary at a time, the Soviets may not be with us, and allied support of our action may not be nearly so unanimous. Any deterrence that our victory may have provided against future Saddams is surely lessened as they see us cut the very forces which won so handily.

Nor is the Soviet threat dead and buried. Last year, they built eight new submarines to our one. They now have five new ICBM's in development, and, frankly, our defense experts do not

know what they will do with all of them. By the year 2000, 80 percent of the Soviet ICBM force will be mobile, reminding us of how difficult it was to locate and destroy crude, mobile Scuds in the desert. Finally, the U.S.S.R. has just deployed a new aircraft carrier, their first in many years, which raises serious questions about their power projection motives.

The primary lesson we should take away from Desert Storm is that we were ready to fight and fight better than our enemy when called upon to do so. However, we should not lose sight of what got us there. The war in the Persian Gulf was fought at the pinnacle of strength of our armed services built up under President Ronald Reagan. I am gravely concerned that decisions about the necessary size of our Armed Forces are now being based more on affordability than the threats we must meet. The peace dividend is just that—peace. That peace was made possible because we decided to become strong once again. Now is not the time to make these kinds of cuts in our national defense. Our strength brought the Soviets seriously to the negotiating table for the first time in many years. Our strength brought about a change in the Soviet leadership from Stalinist hardliners to those who offer some hope of a better future. Our strength won us a remarkable victory in the gulf. We must build on that strength to build a better world.

FUNDING THE AX

Mr. D'AMATO. Mr. President, I had intended to offer an amendment prohibiting the expenditure of funds for the design, development, production, or operation of the AX, follow-on to the terminated A-12, until the Secretary of Defense certifies that the AX can carry weapons, attack targets, and fly missions that the B-2 cannot.

We can ill afford duplicative efforts in these times of austere defense budgets, and the AX is exactly that: a baby B-2 painted Navy colors.

The country is already groaning under the burden of funding the B-2. This year, as every year since the B-2 came out of the black, Congress will wrestle with the question of whether or not to terminate the program. Few have argued with the merits of either the technology or the mission, but all have questioned the cost.

Now, as a surprise to many, the Navy is attempting to launch their own B-2 program. The AX, successor to the failed A-12, has already begun a 10-year development cycle conservatively estimated to cost $11 billion. Production, assuming the AX ever makes it that far, will cost tens of billions of dollars more. Where is this money to come from?

More importantly, how confident can we be that funds will be well spent? It is difficult to imagine a more disastrous series of failures than those that marked naval aviation development in the 1980's. The P-7 and A-12, the latter the Navy's No. 1 aviation priority, were terminated for default. The V-22 and F-14D, the development bill already having been paid for, were canceled for budgetary reasons, and only survive due to congressional interest in recouping some benefit from the investment.

Meanwhile, as development dollars poured down a sinkhole, naval aircraft procurement dwindled to a trickle and aircraft shortfalls and average age rose ominously. If the AX goes unchallenged, this pattern will be repeated. The Navy will introduce no new aircraft into the fleet in the 1990's and shortfalls and aging will worsen. If we are to concentrate all of our eggs in one basket, just what are we getting for our money?

According to the Navy, survivability. Range, payload, and night/all-weather capability can all be found in other, already-funded conventional designs such as rewinged A-6E's, the F-14D Quick Strike, and the F/A-18E/F, but none offer the survivability of the planned AX.

This, however, begs a series of questions: Is a stealthy bomber the only solution to the threat? And if it is, do both the Air Force and the Navy need a very low-observable bomber? And, finally, can the Nation afford outfitting the Navy with a stealthy bomber in the next decade, if it cannot afford to provide the Air Force with a stealthy bomber in this decade?

As far as the threat is concerned, United States forces did a spectacular job of suppressing Iraqi air defenses with a combination of Tomahawk cruise missiles, jamming, decoys, standoff weapons, and precision-guided munitions. It was only over Baghdad that the density and sophistication of antiaircraft defenses—rated tougher than those around Warsaw Pact capitals—required stealthy strikes by F-117's.

In 10 years' time, all of our suppression of enemy air defense capabilities will have improved. Has the Navy studied the tradeoffs between the systems cited above and the AX? Does a more capable, cost-effective solution exist?

Concerning the duplication of stealthy efforts in the Air Force and Navy, is the AX program mission driven or service driven? If there are targets that rewinged A-6's, F/A-18E/F's, or Quick Strike F-14D's cannot reach and hit, is the logical solution AX? Just how big a target set are we talking about? How many nations will be able to afford the kind of weapons necessary to defend these targets and render any aircraft but a very low-observable one vulnerable?

It may be heresy, but the Air Force and Navy do serve one master, and perhaps it is time that their assets were pooled. Is it unreasonable to expect the Navy to call on the Air Force for help against the tiny number of targets that only the most stealthy of aircraft can destroy?

I do not suggest this merely to advance the fortunes of one service at the expense of another. This country is on the brink of financial ruin. We can no longer afford, if we ever could, service rivalry. Requirements unique to the services should shape the capabilities of their systems, not interservice jockeying for increasingly scarce defense dollars.

We have a stealthy bomber: the B-2. Like it or not, it is up, it is flying, and, by all accounts, the signature reduction we have paid for has been achieved. Hopefully, we in Congress can settle on a plan that both assures the security of the Nation and the judicious application of extremely precious resources. The AX, no matter what shape it eventually takes, is unlikely to add enough to our security to justify the enormous expense involved.

For that reason, I had intended to offer an amendment to prohibit spending on the AX unless and until the Secretary of Defense can certify that this aircraft will make some unique, vital contribution to our defense. As it happens, the Armed Services Committee, in language spelling out certain report requirements associated with the B-2, addressed my concern head on. I applaud the committee's efforts, and commend this language to my colleagues.

DOVER AIR FORCE BASE CHILD CARE CENTER

Mr. BIDEN. I would like to bring to the attention of the chairman of the Committee on Armed Services the status of the child care center at Dover Air Force Base in Delaware. As the chairman well knows, the care that the military provides to dependents its critical to service members' satisfaction with their careers, and the performance of their duties. The provision of adequate and reliable child care has been of increasing importance, as the number of two-career households and single parent families grows.

Mr. NUNN. I certainly agree that the provision of strong dependent services is of great importance, and a major responsibility of the military.

Mr. BIDEN. Dover Air Force Base is trying energetically to provide adequate child care, but at this time needs additional funds to improve the existing child care center. The facility is simply inadequate to meet the demand for its services. It is currently forced to deny care to more than 230 children daily because they cannot be accommodated at the small facility. The center's kitchen, which prepares approximately 4,500 meals monthly, is more appropriate to a private home than a public facility. The center has only one washer and dryer to handle all the bedclothes and other cleaning requirements of the roughly 350 children who are there daily.

In view of this great need, the House of Representatives authorized and appropriated $2.6 million for fiscal year 1992 for the improvement of the child care center.

I recognize the constraints the committee operated under in developing this bill and I would note that this will be an issue for the conferees because of the House's action. I hope the chairman and other Senate conferees will keep the need for a new child care center at Dover in mind as the conference discusses this issue.

Mr. NUNN. I understand the desire to improve the Dover child care center, and will keep the Senator's interest in mind when we are in conference.

Mr. BIDEN. I thank the Senator for his consideration.

TOO FAR, TOO FAST

Mr. SMITH. Mr. President, I rise in support of S. 1507, the defense authorization bill reported by the Armed Services Committee. Amidst an era of declining defense budgets and evolving security threats, I believe the committee bill represents a responsible attempt to address our military and national security requirements. Importantly, the legislation builds upon lessons learned in the Persian Gulf war to more effectively balance fiscal imperatives with contingency requirements.

I am concerned, however, that the United States is embarking on unilateral defense reductions that go too far, too fast. Last year's budget summit agreement, which was negotiated prior to the Persian Gulf war and premised on an illusory peace dividend, set the framework for a 24-percent reduction in defense spending by fiscal year 1995. These substantial reductions, combined with previous congressional budget cuts, will entail an approximate ⅓ reduction in overall defense spending between 1985 and 1995.

Moreover, Congress has mandated that U.S. troop levels decline by approximately 500,000 during the 5-year plan. These end strength reductions may seem pennywise but they are clearly pound foolish. In hearing after hearing this year, when asked whether the U.S. would be able to perform a desert storm type operation in 1995, witnesses from Secretary Cheney down to the unified commanders testified they simply could not. The end strength and force structure reductions now being implemented will so profoundly impact our military posture, that we will need to develop new doctrine to meet future contingency threats. And even then, our readiness and operational capabilities will be strained.

I also question the equity of laying off military personnel in an All Volunteer Force. The Army and Air Force have testified that meeting the personnel ceilings will require involuntary separations. While the bill before us provides some near term relief, it is clear that this problem will exacerbate in the outyears. We have a moral obligation to the brave men and women who served in the gulf, and their families, to ensure fairness. In my view, involuntary reductions would be extremely damaging to morale and reflect poorly on our national character.

Mr. President, in preparing the fiscal 1992 defense budget, Congress must focus on projected security threats of the future. The Persian Gulf conflict provided an invaluable opportunity to evaluate the training and combat effectiveness of our existing forces. Indeed, the results were impressive. Yet, I would caution my colleagues against falling into a trap of complacence. Because just as we benefited from lessons learned in the gulf, so did our adversaries. The United States must be prepared to fight the wars of the future, not the past. The challenge for Congress is to synthesize these lessons and translate them into responsive, evolutionary policy guidance.

Foremost among lessons learned in the Persian Gulf is the immense value of ballistic missile defense. With the success of the Patriot missile, the American people saw first-hand that missile defense works, and it saves lives. To its credit, the Senate Armed Services Committee recognized this fact and, in a show of strong bipartisan consensus, endorsed the goal of deploying an antiballistic missile system to protect the American people. The committee debate on SDI, which lasted more than 10 hours through portions of 2 weeks, was thoughtful, constructive, and notable in its intensity.

Specifically, the committee bill:

Establishes a goal to deploy an ABM system capable of providing a highly effective defense of the United States, our forward deployed and expeditionary forces, our friends and allies against limited missile attacks;

Sets a fiscal year 1996 deployment date for the initial, and I emphasize initial, treaty compliant ABM system at a single site, including 100 ground-based interceptors, ground-based radar, and space-based sensors;

Accelerates development of theater missile defense systems, with the objective of deployment by the mid-1990's, and

Urges the President to immediately pursue negotiations with the Soviet Union, within a limited timeframe, to amend the ABM Treaty.

I share the objective set forth in the bill and believe the committee action lays the long overdue groundwork to transition away from the dangerous policy of mutual assured destruction to a deterrent posture which integrates both offensive and defensive forces. However, while I supported the amendment in committee, I am concerned that the legislation includes no specific commitment to deployment of brilliant pebbles in the initial architecture. Space-based defenses complement ground-based systems and offer the best hope for effectively defending America against the full range of ballistic missile threats. We must not abandon this critically important capability.

I am also disturbed by the committee's decision to cut a half billion dollars from the President's SDI budget request. At a time when an overwhelming majority of the committee is advocating accelerated development of ABM defenses, it is inconsistent and counterproductive to withhold these funds. The $4.6 billion included in the bill should be viewed as a bare minimum necessary to sustain a viable program. I would urge my colleagues to oppose any effort to further reduce SDI funding.

Mr. President, with these caveats, I support the defense authorization bill reported by the Armed Services Committee. Within today's restrictive budgetary environment, the bill represents an honest effort to enhance conventional and strategic capabilities, and to sustain the industrial base that supports our national defense.

BASING OF THE E-6 TACAMO AIRCRAFT

Mr. NICKLES. Mr. President, I rise to express my concern with language found in the DOD authorization report that directs the Department of Defense to conduct a reassessment of basing options for the TACAMO E-6 naval communications aircraft. While we all know that report language is not considered law, directives found in the committee report are often a guide to action by the Department of Defense.

This is why I would like to ask the distinguished Senator from South Carolina, the ranking member of the Strategic Forces Subcommittee, to clarify for me that nothing in this report can be construed as requiring the Department of Defense to reassess basing of the TACAMO E-6 aircraft, even if it is given an expanded mission, as recommended by the Armed Services Committee. In addition, I would like the Senator to confirm that no TACAMO aircraft will be transferred out of Tinker Air Base in Oklahoma.

I ask for this clarification, and bring my concerns to the floor, for several reasons. First, we've addressed the basing issue in the past, spending precious money and resources on analyzing where the E-6 should be based. The recommendation was that TACAMO be based in Oklahoma, at Tinker Air Base. There is no reason to revisit the basing issue again.

Even if the E-6 mission is expanded, the supporting facilities needed to meet the special requirements of the E-6 is already 90 percent completed. It makes little sense to spend any more of our tight dollars and resources to send the Department of Defense on a wild goose chase when the most sensible solution is right in front of our noses.

The operational, training, and maintenance facilities at Tinker could very well support any additional mission E-6 aircraft.

Second, strategically, to ensure the survivability of our entire command, control, and communications network—the lifeline to our retaliatory forces—it makes sense to keep quite a few of these asserts available for dispersal during a crisis and have more than one base in peacetime. The committee report, however, contends that, "the entire E-6 fleet, or the E-6 aircraft performing the command and control mission could be based at SAC headquarters." But this action would put all our eggs in one basket, since our command, control, and communication assets, called EC-135's, are already deployed at SAC headquarters.

Finally, as my colleague from South Carolina knows, the Department of Defense is currently reviewing strategic command, control, and communications programs and spending. I'm sure he would agree when I say another study of basing options at this point would merely duplicate an ongoing effort. I think all Senators who believe in fiscal responsibility will agree with me when I say we can find better things to spend our money on than analysis upon analysis of similar subjects.

Mr. THURMOND. Mr. President, I understand the Senator from Oklahoma, Senator NICKLES' concerns on this issue. It was never the intention of this committee to move TACAMO from Tinker Air Base in Oklahoma.

The Senator is absolutely correct that the basing issue has already been analyzed. While there is no reason to revisit it, we felt that given the committee's restructuring of the E-6 TACAMO and EC-135 programs that we would give the Department the option to review their analysis and then reevaluate its previous conclusions. Nonetheless, the recommendation that TACAMO be based in Oklahoma is sound. And it would certainly make sense to base any expanded mission E-6's at Tinker as well.

As the Senator correctly notes, the Department of Defense is currently assessing the gamut of strategic command and control issues. And I say to the Senator from Oklahoma, that the committee is looking forward to the Defense Department's recommendations, and hopes it provides some direction for future command and control options. But again I am confident that any such report would assume that the basing of the E-6's remain at Tinker.

It is for all of these reasons that I can assure the Senator that the committee never intended to require the Department of Defense to reassess the basing of TACAMO. I agree with the Senator—studies that duplicate work already done or in the process of being analyzed merely wastes taxpayers' money. In the final analysis, it makes strategic, operational, and fiscal sense to keep TACAMO in Oklahoma.

Mr. BAUCUS. Mr. President, I rise today to address the important issue of strategic defense. After considerable thought, I have decided to support the construction of a single antimissile site at Grand Forks, ND. At the same time, I reaffirm my support for the Antiballistic Missile Treaty. In support of both of these objectives, I have cosponsored the amendment of Senators BINGAMAN and WIRTH.

THE FLAWS OF SPACE-BASED SYSTEMS

Like most Americans, I have been extremely skeptical about farfetched notions of an exotic star wars system of missile defense. My opinion of expensive, space-based systems has not changed. I cannot justify spending hundreds of billions of dollars on a system that most scientists do not even believe will work. The idea of a protective umbrella against a massive nuclear attack may be appealing, but I have seen no evidence that such a system could be build at an acceptable cost.

Recent developments in United States-Soviet relations demonstrate that the chance of a massive Soviet attack has diminished. The START Treaty signed today by the United States and the Soviet Union is evidence of the new nature of our relationship with the Soviets.

CONTINUING DANGERS

While the odds of an all out nuclear war have diminished, the world remains a dangerous place. The gulf war gave us a frightening glimpse of our lack of knowledge about the development of nuclear weapons in unstable countries.

CIA Director Webster has testified that 15 Third World countries will produce ballistic missiles by the year 2000, and that at least three of them will produce missiles with a range greater than 5,500 kilometers. We all remember the horror if Saddam Hussein's missile attacks against Israel. Imagine the situation if Saddam Hussein had possessed nuclear bombs and long-range missiles. How do we defend against the Saddam Husseins of the future?

While the risk of a nuclear war with the Soviets has decreased, Soviet forces continue to pose dangers. In the 1980's a nuclear missile was accidentally fired from a Soviet submarine. Fourtunately, it traveled only a few hundred yards and did not explode. But what if it had continued its flight to its ultimate objective? The United States needs protection from such an incident. A limited ground-based systems could provide such defense at an acceptable cost.

THE IMPORTANCE OF THE ABM TREATY

I am aware of the concerns of many of my colleagues regarding the impact of missile defense on the ABM Treaty. Let me be clear: I support the Bingaman amendment because I share those concerns. The ABM Treaty allows us to deploy one antimissile site. In fact, the Soviets have deployed missile defense sites around the city of Moscow. The antimissile site at Grand Forks would constitute the single site permitted the United States under the ABM Treaty—it would not violate the treaty. This amendment would not preclude the United States from renegotiating the ABM Treaty with the Soviets, should we decide at a later date that such action is warranted.

CONCLUSION

We all recognize the enormous complexity of strategic defense issues. I am skeptical of anyone who has a simple answer to a complex question. but the amendment offered by Senators BINGAMAN, WIRTH and myself offers a sound approach. It responds to the very real dangers that America continues to face, while at the same time affirming the importance of the ABM Treaty.

MAINTAINING TECHNOLOGICAL SUPERIORITY

Mr. BINGAMAN. Mr. President, I rise in support of S. 1507, the fiscal year 1992 Defense Authorization Act. I want to commend the chairman of the Armed Services Committee, Senator NUNN, and the ranking minority member, Senator WARNER, for their work this year. It is no easy task to frame a defense authorization bill that responds to the sweeping changes the world has seen over the past few years. While we have not addressed every issue that these changes suggest, we have made great strides, and we have developed a bill which deserves our strong support.

Mr. President, I would now like to take a few minutes to outline for my colleagues the actions taken this year by the Defense Industry and Technology Subcommittee in marking up the fiscal year 1992 Defense Authorization Act.

I would first like to commend the ranking minority member of the subcommittee, Senator COATS, for his work on the bill. While we do not agree on every provision included in the bill, I believe that we had a very open and fruitful relationship on the subcommittee this year, Senator COATS' first year as the ranking member, and I commend Senator COATS for his contributions and hard work.

I would also like to thank the staff of the Armed Services Committee, and in particular, Bill Smith, Andy Effron, Geary Burton, Rick Finn, David Lyles, Jon Etherton, Les Brownlee, Judy Freedman, and Camden Flick who support the work of the subcommittee. Their work was, as always, exemplary.

OVERVIEW

The guiding principle of the Defense Industry and Technology Subcommittee's markup this year was the vital

need to maintain and strengthen our technological and industrial infrastructure as defense budgets decrease. The Armed Services Committee historically has strongly supported research and development activities in the belief that maintaining technological superiority is a critical component of maintaining defense superiority.

But the job of maintaining technological superiority has been made more challenging by the increasing convergence of military and commercial technologies, by the fact that the much larger commercial sector, not the defense sector, increasingly drives dual-use technology development, and by the globalization of high technology industry. According to the most recent DOD critical technologies plan, Japan has significant capabilities in 11 of the 21 technologies identified as critical, and leads us in 5 of those 11, despite a defense research investment only 2 percent of our own. Japan has done this by focusing its research efforts and capital investments on the much larger and more dynamic commercial marketplace and reaping spin-ons of military significance.

The Department of Defense must make fundamental changes in its technology policy and acquisition system to accommodate these new realities. On the technology side, we are recommending closer coordination of DOD's and DOE's defense program efforts with those of the civilian agencies and with industry. In this bill, we have paid particular attention to maintaining a strong technology base and to enhancing DOD's manufacturing technology and extension programs in partnership with industry. We are also recommending that a concerted effort be made at tapping our allies' technological capabilities in critical technologies using the DOD critical technologies plan as a roadmap for collaborative activities.

It is essential that DOD recognize that the industrial base which supports defense is and should be broadly rooted in industry. At a time of declining defense budgets this is a key means of maintaining industrial responsiveness to future contingencies. The DOD acquisition system needs to foster, not impede as it currently does, ths integration of our commercial and military sectors. We can no longer afford to reinvent within specialized defense firms technologies available in commercial markets. We have recommended that DOD undertake internal regulatory changes to foster commercial-military integration, for example by sharply reducing use of military specifications wherever possible. The committee would welcome a legislative proposal to effect changes in the acquisition statutes needed to encourage commercial-military integration.

MAJOR PROVISIONS

Mr. President, I would now like to briefly highlight a few of the more significant provisions we included in this year's bill. Most of these provisions derive from two bills on which I collaborated with Senators NUNN, HOLLINGS, and GORE and which we introduced in June. The National Critical Technologies Act—S. 1327—and the Advanced Manufacturing Technology Act—S. 1328—were designed to provide a comprehensive national strategy for maintaining U.S. leadership in at least those technologies deemed by government and the private sector to be most critical to our security and economic prosperity in the long run.

Many of the programs we propose involve close collaboration between the Department of Defense and the civilian agencies, particularly the Department of Commerce. The increasing convergence of military and commercial technologies, the degree to which the much larger commercial sector has taken over as the driver of dual-use technologies, and the globalization of high-technology industry all are working to force an integration of our defense technology policy with our civilian technology policy.

Our approach is consistent with the administration's technology policy submitted to Congress last September, but is quite different from their current policy, at least as reflected in the fiscal year 1992 budget request. The request would slash funding for DARPA, for the DOD manufacturing technology program, and for DOD education efforts by over $500 million from the fiscal year 1991 appropriation. We essentially propose to restore that funding.

DEFENSE DUAL-USE CRITICAL TECHNOLOGIES PARTNERSHIPS

The growing convergence of commercial and military technologies demands greater cooperation between DOD and DOE's defense programs and industry in the development of generic dual-use critical technologies at a precompetitive stage in their development. Such cooperation will allow both Government and industry to leverage limited R&D resources, thereby enhancing industry's ability both to support defense programs, and to complete effectively in the global marketplace. I should note that if our industry cannot compete effectively, they will not be there to support our defense.

To achieve this, our main focus in the technology area is on pre-competitive development of critical dual-use technologies through jointly funded partnerships with the private sector. These would be competitively selected and each partnership would have at least two private sector firms to insure competition in applying the results of the partnership in the marketplace and in defense systems.

The United States often tends to underinvest in such dual-use technologies because national security requirements alone do not justify major DOD support and market prospects alone appear too long-term or high-risk for U.S. industry to carry the entire burden of development. The National Critical Technology Panel pointed to this problem as a reason for the poor showing of U.S. industry in high-definition imaging and displays.

Last year we initiated a DARPA program to pursue critical technology partnerships with industry. The committee has been impressed by industry's response and by DARPA's initial choices, and we have proposed to formalize this program this year and have included statutory language to effect this. Under the provision both DARPA and the military services will seek cooperative arrangements with industry to develop dual-use critical technologies. The committee provides $100 million to DARPA, $70 million to the military services, and $15 million to the Department of Energy's defense programs to pursue such partnerships.

ADVANCED MATERIALS PARTNERSHIPS

We also propose two advanced materials programs. The first would allocate $15 million in the Department of Defense and $10 million in the Department of Energy's defense programs for advanced materials synthesis and processing partnerships with the private sector. This and a similar program in the Department of Energy are designed to respond to numerous recent reports, most notably by the National Academy of Sciences, which have found that we still lead the world in inventing new materials, but fail short in being able to produce them. The administration is working on an advanced materials processing initiative for the fiscal year 1993 request. We would jump-start that initiative in fiscal year 1992.

The second materials program has a different purpose. For the first time we would permanently authorize the use of the National Defense Stockpile Transaction Fund to fund materials research related to the stockpile. We would make $25 million available for this purpose in the coming fiscal year. The DOD has just submitted a report calling for sharp reductions in the stockpile requirements. That almost inevitably will be the trend in coming years. I believe that our national security will be better served by a smaller stockpile coupled with a robust program designed to keep this country at the forefront of materials research and development.

CRITICAL TECHNOLOGY APPLICATION CENTERS

Another technology initiative we included in the bill calls for spending $50 million on regional critical technology application centers [CTAC's]. The idea for the CTAC's derives both from my travels to Japan and from Michael Porter's book "The Competitive Advantages of Nations," which describes similar centers in Europe. Organized

around geographic concentrations of firms, CTAC's will conduct applied R&D and provide a range of infrastructural technology services to firms specializing in critical defense technologies. Regional governments would have to provide at least 30 percent of the funds and industry at least 40 percent of the funds for each CTAC.

FOREIGN TECHNOLOGY MONITORING

DOD's current foreign technology monitoring efforts leave much to be desired. A clearinghouse in the office of the Director of Defense Research and Engineering would provide a focal point for the current large, but ill-coordinated and relatively unproductive efforts across the Department. If this office is successful, it will save us money by streamlining these activities and still provide more timely information to DOD research managers and policymakers. We also believe DOD would benefit by utilizing the private sector more in monitoring foreign technology and propose a grant program for that purpose. Finally, we continue to be convinced that DOD must find ways to better tap into the $90 billion annual Japanese R&D enterprise, and we set aside $10 million in research funds to be used only for cooperation with Japan.

ADVANCED MANUFACTURING TECHNOLOGY

Manufacturing technologies offer some of the greatest opportunities for the mutual leveraging of DOD and industry R&D resources. The technologies involved are generally dual-use and lend themselves to development by consortia. Indeed, DOD currently supports two advanced manufacturing technology consortia. Sematech and the National Center for Manufacturing Sciences. DOE's defense programs also support NCMS through Secretary Watkins' Advanced Manufacturing Initiative.

In the manufacturing area, we propose to consolidate DOD's manufacturing technology efforts under the Secretary's office and restore most of the cut made in the request. We have set aside $50 million of the $250 million proposed for manufacturing technology development to be used to support at least three more advanced manufacturing technology partnerships with industry. We have set aside $15 million in the DOE's defense programs budget, in addition to the $10 million requested for the advanced manufacturing initiative for additional DOE defense program partnerships in manufacturing technology. The partnerships would administratively be almost identical to the dual-use critical technology partnerships I discussed earlier. An additional selection criterion, the degree to which the advanced manufacturing technology proposed for development will help reduce health, safety, and environmental hazards associated with existing technology, is mandated. We also propose that $5 million be spent on international cooperative activities in developing manufacturing technology.

DEFENSE MANUFACTURING EXTENSION

We have proposed a $50 million manufacturing extension program aimed at small- and medium-sized sub-tier defense manufacturing firms to be carried out in cooperation with the Secretary of Commerce. These firms can not afford large R&D expenditures and are often unaware of existing manufacturing technology and practices from which they could benefit. We have long deemed it appropriate to deal with the same problem in the agricultural sector by providing massive extension services. The program we are advocating would provide a far more modest level of service to defense sub-tier firms to ensure that we have a defense industrial base of the highest quality in the future, despite the large cuts in procurement funding that we will experience in the coming years.

EDUCATION INITIATIVES

In the education area, we propose $30 million to enhance university programs in manufacturing engineering education and to bring people with practical manufacturing experience to the classroom. We propose to extend the Nunn-Hatfield graduate fellowship and the United States-Japan management training programs at the same levels as last year, $20 million and $10 million respectively. Finally, we propose an additional $20 million for the university research initiative to be spent on manufacturing-related R&D, $15 million for science and engineering education support at historically black colleges and minority institutions, and $10 million to enhance DOD's program to support innovative science and math education programs for elementary and secondary schools.

Senator NUNN, deserves credit for many of these proposals, and in particular, the provisions dealing with manufacturing engineering education and support for HCBU's and minority institutions. The future of America's defenses rests in the hands of today's students, and Senator NUNN has had the foresight over the last few years to support a number of important educational initiatives that bear directly on national security. I would like to commend him for his dedication to this important set of issues.

CONCLUSION

Mr. President, this package of provisions represents a significant restructuring of the DOD research and development request. I believe that they address critical shortcomings in that request. I was disappointed that my Republican colleagues have characterized these initiatives in their additional views to the committee report as having "virtually no definition and, in some cases, only tangential relationship to national defense." I do not believe that this is the case, and I do not believe that the statement by my Republican colleagues can be supported. It reflects a very narrow view of our national security, one that is inconsistent with the role DOD has exercised through its research programs throughout the postwar era.

Mentioned specifically in the additional views are items such as a $153 million increase for manufacturing technology. This is not a new or ill-defined program. The DOD ManTech Program is a very well defined, long-term program that the administration proposes to significantly underfund. ManTech has been an effective and vital program for the U.S. defense industry, and we propose to restore funding for these programs to a level that is unfortunately still somewhat short of last year's appropriations.

Dual-use technology partnerships, another program cited by the minority in their additional views, is a well defined means of tapping private sector strengths in dual-use technology. The overwhelming majority of critical defense technologies identified by DOD are dual-use technologies. Unless we find a way to tap into the commercial marketplace, where many of the important advances in dual-use technologies are being made, we run the risk of losing capabilities and surrendering technological superiority. There is a very clear relationship between critical dual-use technologies and national defense, and partnerships provide an efficient mechanism for developing these technologies.

Some of our proposals do initiate new programs, for instance in manufacturing engineering education. This is a totally appropriate role for the legislative branch. We have defined those programs in our bill and report language at an appropriate level of detail so that they could be promptly implemented by the executive branch. In this statement I have outlined the initiatives we have proposed and their relationship to our security. I would be happy to go into greater detail on any of these programs during the debate on the bill.

Mr. President, maintaining our technological and industrial infrastructure is a significantly different challenge today than it was 30 years ago, when U.S. technology led the world in every important area and DOD research led the way for the United States. America's leadership in technology is now being challenged, and DOD is no longer the final word in R&D. The committee's package of technology, manufacturing, and education programs is a totally appropriate and much needed response to the trends affecting our security today. I hope next year all of these programs would be endorsed both by the administration and my Republican colleagues on the committee.

I would conclude by saying that there is much more in this bill on which my Republican colleagues and I

agree than disagree. I greatly appreciate the work and contributions of Senator COATS and his staff this year, as well as the other members of the subcommittee. I urge my colleagues to support this bill.

I yield the floor.

RECOMMENDATIONS OF THE CONVENTIONAL FORCES AND ALLIANCE DEFENSE SUBCOMMITTEE

Mr. LEVIN. Mr. President, I have the pleasure of serving as the chairman of the Subcommittee on Conventional Forces and Alliance Defense. This subcommittee has responsibility for reviewing our major conventional defense commitment—the conventional defense of Europe and Northeast Asia, and oversees the unified commands assigned those responsibilities. The subcommittee reviews the development and procurement proposals for the conventional weapon systems required to meet those military requirements. The committee has jurisdiction over all land combat systems in the Army, tactical aircraft in the Army, Navy, and Air Force, missile systems launched from these aircraft and ground combat systems, as well as related other procurement programs.

We are faced with the situation where the Department of Defense is reducing its conventional force capabilities in light of the changes in the world situation and the budget pressure at home, at the same time that it has waged an extremely successful Operation Desert Shield/Desert Storm.

This presents the committee with opportunities and challenges. On the opportunity side, the subcommittee placed a priority on fixing some problems that came up during Operation Desert Storm.

At the outset let me say that it was relatively easy to emphasize fixes to problems that came up in Desert Storm because in general terms the operation was very successful. The equipment performed effectively. Nonetheless, there were areas where improvement was needed.

For example, one of the problems we had in Desert Storm was in the area of mine warfare. This has historically been a low priority item for the services. They haven't paid much attention to it. The subcommittee recommended that funds be added to develop new advanced technology methods for locating and destroying mines.

Another problem experienced in Desert Storm was in the area of casualties caused by so-called friendly fire. One of the major challenges on the modern battlefield is identifying targets and distinguishing them as friendly or hostile forces. In too many instances, we attacked our own forces because we mistook them for being enemy units.

To deal with this problem, the committee took two specific actions. We directed that the 5,000 identification systems developed on an emergency basis during Desert Shield by the Defense Advanced Research Projects Agency be distributed to Army units on a priority basis. These units would then have a first generation system. We also directed that the Army evaluate this system in order to determine what approach to take for the longer term and added funds for several advanced concepts.

Another lesson learned from Desert Storm was the deficiency of our tactical reconnaissance capabilities. In this regard, the subcommittee recommended a comprehensive set of changes and additions. We recommended that the Air Force buy two additional JSTARS aircraft, and we directed the Army to start the development of light weight JSTARS terminals, so that JSTARS information is available more widely on the battlefield. We accelerated the joint Advanced Tactical Airborne Reconnaissance System Program, and directed that the Air Force install an interim reconnaissance capability on the F-117 Stealth fighter/bomber. The committee also directed a management realignment for the fleet of TR-1 reconnaissance aircraft that will substantially strengthen its planning and use.

A second major challenge facing the subcommittee was in the area of the industrial base.

The committee is concerned that the budget as proposed would have serious negative effects on the Nation's defense industrial base. The committee recognizes that most industries that do business with the Defense Department have substantial non-defense activity, and that these firms can often offset some of their lost defense-related business with increased civilian sector sales. Nevertheless, the committee believes that the impact of lower defense spending, especially in reduced spending for weapons system procurement, could result in a future loss of U.S. capability to reconstitute its defense capabilities in certain areas.

The committee notes that in the area of acquisition, the underlying Defense Department philosophy in the current budget request, and its associated Future Year Defense Program, is to terminate existing weapons systems to live with shrinking budgets and to simultaneously press ahead with major new development efforts that will produce replacement weapon systems or product improvements in the next decade. Consistently, the department has terminated, or proposed to terminate, those weapons that represented the primary modernization thrust for conventional forces in the 1980's. These terminated weapons are being replaced by new development systems that will not be available generally until the next decade.

Secretary Cheney addressed this situation directly in his posture statement when he said, "my overall acquisition approach for the 1990's differs markedly from the past. This will be a decade of development, more than of production." This approach has raised serious concerns, even within the Department. Will there be an industrial base at the end of the 1990's to produce the weapons that are developed during the decade?

The Joint Chiefs of Staff military net assessment highlighted this problem with remarkable candor:

> The United States presently has a significant industrial base potential for force reconstitution. However, there are concerns about the continued vitality and responsiveness of our resource base and the ability to compete with foreign countries.* * *
>
> Because of commercial demands, the missile, electronics, and aircraft industries, while reduced in size, will continue to maintain a supply base and production capability. In the future, the number of major contractors for shipbuilding, nuclear power propulsion units, and combat vehicles may shrink to unacceptably low levels.

These are alarming observations. The committee is deeply concerned over the health of the industrial base. During hearings on the subject, it became clear that there was no clear understanding in the Department on the scope and seriousness of this problem. Neither is there a clear sense of responsibility in the Department for protecting the industrial base.

The committee has taken such steps as are feasible this year to retain the industrial base in key areas. For instance, the committee accelerated a service life extension program for the Army's AH-64 attack helicopter, which will sustain vital industrial base elements of this sector. This bill authorizes additional M2 Bradley fighting vehicles and Multiple Launch Rocket System launchers in fiscal year 1993. It authorizes $200 million for a bridge production of Patriot missiles and $342 million for conventional ammunition over the budget request. The bill adds $225 million to upgrade early model M1 tanks.

But the long-term solution to this problem rests with a candid and constructive assessment by the Department in cooperation with Congress to determine what aspects of the industrial base that needs to be protected.

The subcommittee also continued the simulator initiative it launched last year. As we enter a period of reduced tension and tighter budgets, we will need to find ways to maintain combat proficiency. The committee is convinced that the use of modern generation simulators is a key to doing this. Last year the committee directed the Department to establish a Simulation and Modeling Office in DOD to coordinate the activities of the individual services. The Department has done that and it is, I believe, a major step forward in this area. The committee provided additional resources to promote this effort.

The committee also added funds to bring advance simulation technology to bear to improve the training and mobilization potential of our reserve forces, and specifically of the roundout brigades. The development of distributed simulator technology opens entire new opportunities for training reserve forces which are spread out all over a State.

These are just a few of the highlights of the subcommittee's actions this year.

I would like to take this opportunity to thank members of the subcommittee for their contributions during the past year. I especially want to thank Senator WALLOP, the ranking Republican member. He has been a strong and effective leader and has set a tone of cooperation for the work of this subcommittee. The strength of our recommendations is directly attributable to these constructive efforts during markup and throughout the year.

Mr. President, I also want to highlight another very important provision of this bill, regarding environmental cleanup at military bases around the country.

The base closure process has been a very difficult one for many Senators, and for many communities around the country, including my home State of Michigan. But I want to ensure that whatever bases are closed, there is a full and speedy cleanup of toxic contamination problems at those facilities, so the local communities can have access to the bases for useful purposes.

The committee strongly agrees. I worked with several Senators very closely, especially the chairman of the Readiness, Sustainability and Support Subcommittee, Mr. DIXON, and the Senator from Arizona, Mr. MCCAIN to make sure that environmental cleanup of bases being closed is fully funded. I want to thank those Senators for their efforts.

The administration provided the committee with its most up-to-date estimates of the funding needed for fiscal year 1992, which were significantly higher than the figures provided in the original budget request submitted in February.

The committee bill provides $216 million for environmental cleanup at bases being closed under the 1988 law, and $197 million for bases proposed for closure under the current commission recommendations, which are still subject to final approval. Many of these bases contain multiple contaminated sites, including many on the Superfund national priorities list. In some cases contamination is threatening to migrate beyond base boundaries to expose surrounding communities.

The committee also took steps to ensure close monitoring and full accountability regarding the expenditure of these funds, with semiannual reports required from the Secretary of Defense citing the progress being made at each base. We want to make certain that sufficient funds are provided in separate accounts for cleanup at bases being closed, as well as for still-operating bases where significant environmental restoration and compliance efforts are also required.

Congress will continue to monitor this activity very closely. We all have a responsibility to make sure that cleanup at any base being closed is fully funded and completed expeditiously.

On one other matter, I am very pleased that the committee is authorizing $20 million for fiscal year 1992 for the Defense Department to support work force training programs.

For several years, I have been working with Focus: Hope of Michigan to help provide Federal assistance for the Center for Advanced Technologies, which Focus: Hope is sponsoring. This center, which has already received support from the Federal and State governments and from the private sector, has the goal of training people to build, operate and repair the high-technology machinery that will become increasingly essential to the production processes of the 1990's and beyond. Given the nature of the defense-related equipment of the future, this goal of a highly skilled work force is particularly important for the defense industrial base. In addition to defense, this project is extremely worthwhile from the perspectives of international competitiveness, education and expanding job opportunities.

I'm glad the $20 million that the committee is recommending for work force training programs is a most useful action.

Programs like the center for Advanced Technologies can utilize it in a way which could serve as a model in other efforts throughout the Nation.

MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection it is so ordered.

NAACP LEADERSHIP: OUT OF THE MAINSTREAM

Mr. DOLE. Mr. President, earlier today, the NAACP leadership took a nosedive into the credibility gap by publicly opposing the nomination of Judge Clarence Thomas to the Supreme Court.

Unbelievably, the NAACP leadership claimed that Judge Thomas' philosophy was reactionary and detrimental to the interests of black Americans.

Mr. President, is it reactionary to oppose quotas and other unfair preferences?

Is it reactionary to promote a message of self-help and responsibility?

Is it reactionary to transform the Equal Employment Opportunity Commission from a back water Federal agency to a hardnosed enforcer of our Nation's antidiscrimination laws?

And is it reactionary to be a black American, who also happens to be a Republican and conservative?

Mr. President, it's not Judge Thomas who is out of the mainstream.

It's the NAACP leadership.

The NAACP leadership should come back to America, where equal opportunity and hard work are values embraced not only by Judge Thomas, but by the overwhelming majority of Americans, both white and black.

The NAACP leadership may oppose Judge Thomas, but I have no doubt that the rank-and-file view Judge Thomas quite differently—with the respect and admiration he has earned through a life of determined achievement.

IN SUPPORT OF HONOLULU'S ASSETS SCHOOL FOR DYSLEXIC CHILDREN

Mr. AKAKA. Mr. President, I rise today to bring to the attention of my colleagues one of Hawaii's most valuable assets. That is, ASSETS school in Honolulu, HI. This school serves a special population of dyslexic students, as well as gifted and dyslexic/gifted students in my State.

ASSETS school has been teaching the hidden achiever for 36 years. It began in 1955 with three teachers and two students. The school has grown to 300 students and a full-time staff of nearly 60 dedicated professionals. Today, it is the largest school of its kind in the Nation and has became a nationally recognized resource.

ASSETS is unique in another way, because it represents a special partnership between the private sector and the Federal Government. When the school started 36 years ago, it was the U.S. Navy at Pearl Harbor that provided ASSETS' home in the form of a quonset hut.

Today, the Navy has come to the rescue again by providing ASSETS with a site for its new campus. This unique relationship between the Navy and the civilian community has made it possible for Hawaii to offer one of the finest schools for the learning disabled and gifted children in the United States.

In addition to its regular kindergarten through eighth grade day school, ASSETS has an Outreach Program, summer school, summer science academies, and adult night school courses for both public and private school students and their families. In addition, the testing and diagnostic capabilities at ASSETS are the most comprehensive in the State of Hawaii.

ASSETS goal is the return of its students to mainstream classrooms with their newly acquired skills for coping and success. The annual return rate of 30 to 35 percent of its students back into mainstream schools is evidence of the success and strength of its programs.

Mr. President, I point out this success story and urge my colleagues to visit this example of public private partnership when they travel to Hawaii. ASSETS can serve as a model for the development of similar facilities around the Nation.

SUPPORT OF THE NATIONAL TRAINING AND INFORMATION CENTER OF CHICAGO—FISCAL YEAR 1992 COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Mr. DIXON. Mr. President, I rise today in support of the National Training and Information Center NTIC of Chicago.

The NTIC is a nonprofit resource center for community organizations throughout the United States during the last 20 years the NTIC has helped local groups revitalize their neighborhoods by developing innovative partnerships, involving community groups, and working with public and private sector agencies.

For the last few years, the NTIC has expanded its efforts by developing a community-based program to battle the impact of drugs in our neighborhoods. With NTIC's assistance, local residents are developing programs that best fit their community's needs to fight the drug war. The folks that are directly impacted are the ones identifying the problems and finding the solutions to rid their neighborhoods of the drug problems that exist.

Let me tell my colleagues—it works. Communities are coming together to fight this drug problem. Concerned citizens and local police groups are working with school, business and government officials in a united and coordinated effort to attack the drug issue at the grass-roots level.

The NTIC has had such success with the war on drugs it received national recognition from President Bush March 7, 1990, at the White House.

Let me tell you, Mr. President, this program not only benefits the neighborhoods in my State of Illinois, but has also benefited local groups in Iowa, New York, Pennsylvania, Georgia, Minnesota, Oregon, Connecticut, and Texas. The NTIC's innovative community-based approach can be utilized in neighborhoods throughout our entire country to help combat the drug issue that has invaded our society.

Mr. President, the NTIC is committed to the preservation of America's neighborhoods, and its antidrug efforts should be expanded into more of our country's communities.

The House, in the fiscal year 1992 Commerce, Justice, State and judiciary appropriations bill, recommended that the Bureau of Justice Assistance provided funds to allow the NTIC to continue and expand its programs.

When this bill is considered in conference, I urge my colleagues to support the continuation of this important program which has had such a tremendous impact on the drug war.

THE ADMINISTRATION'S DETERMINATION WITH RESPECT TO HUMAN RIGHTS VIOLATIONS IN PERU

Mr. KENNEDY. Mr. President, the Bush administration's continued indifference to human rights was demonstrated again yesterday when the State Department issued a determination that Peru's military and police forces are not engaged in a consistent pattern of gross violations of human rights.

The administration's action is a serious blow to the cause of human rights and democracy in Peru. By ignoring the plain facts of flagrant abuses by the Peruvian security forces, the administration is giving a green light to those who perpetrate these crimes and undermining the courageous Peruvian citizens who are willing to stand up for these basic rights.

All of us understand the Administration's determination to wage the war on drugs. But that is no justification for ignoring the requirements of U.S. law and pretending that gross abuses of human rights do not exist. The State Department action sends the wrong signal at the wrong time to the authorities in Peru.

I ask unanimous consent to include in the RECORD a letter to President Bush, signed by 25 Members of Congress, expressing our concern over these human rights violations, along with a recent article by the directors of Human Rights Watch, which underscores the brutality of the violations and the fact that the security forces are not under civilian control.

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

CONGRESS OF THE UNITED STATES,
Washington, DC, July 23, 1991.

Hon. GEORGE BUSH,
President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are writing to express our concern about the egregious human rights conditions in Peru and to urge you to recognize the pattern of gross violations of internationally recognized human rights by the Peruvian military and police forces in considering whether to provide military aid.

Although we are supportive of President Alberto Fujimori, and are sympathetic to his government's struggle against the violent and ruthless Shining Path guerrillas, we are concerned that the police and military are holding themselves above both civilian rule and the rule of the law. It is the importance that we attach to human rights and to civilian control over all parts of the government that prompts us to write this letter.

As you know, the United States and Peruvian governments signed an anti-narcotics agreement in May 1991. This agreement provides for increased U.S. aid and training for Peru's police and armed forces for anti-narcotics and related counterinsurgency efforts. The State Department intends to provide $34.9 million in such aid to Peru during fiscal year 1991, and has requested an additional $39.9 million in aid for fiscal year 1992.

Before additional assistance can be delivered, however, a determination must be made that Peru has met the human rights standards set forth in the International Narcotics Control Act of 1990. Pursuant to this law, U.S. security assistance can be provided only if: (1) Peru's military and police forces are not engaged in a "consistent pattern of gross violations of internationally recognized human rights"; and (2) the civilian government has "effective control over police and military operations related to anti-narcotics and counterinsurgency activities."

We believe that the Peruvian military and police forces have prohibited the Fujimori government from meeting these conditions. For the fourth year in a row, the United Nations' Commission on Human Rights has received more reports of "disappearances" following detention by security forces in Peru than from any other country in the world. Last year alone, nearly 3,400 Peruvians died as the result of political violence—almost equally divided between the Shining Path guerrillas and Peruvian security forces—and over 300 were reported missing or disappeared after forcible detention by security forces. According to the most recent State Department human rights report, in 1990 there was an overall rise in political deaths and summary executions in Peru.

Recently, the legal impunity of the army and the police force has been reinforced. Limits on habeas corpus have been decreed which reduce judicial authority in human rights cases and severely limit the legal recourse of individuals seeking justice for relatives who have disappeared or been imprisoned. A presidential decree has been issued mandating that all cases against security personnel operating in security zones be tried in military courts.

According to human rights groups, no military officer has ever been convicted of a human rights violation in Peru.

During the past year, the number of provinces deemed "emergency zones" has been expanded to include over 40 percent of the national territory and over 56 percent of the Peruvian population. In these zones, where civilian authority is subordinated to military control, human rights abuses are most concentrated.

In addition, the Narcotics Control Act states that Peru must make significant progress in permitting "unimpeded investigation of alleged violations of internationally recognized human rights, including access to places of detention by appropriate international organizations." Yet, international organizations are typically denied access into these emergency zones and have in no cases that we know of been permitted access to military barracks, where torture is reportedly commonplace.

Moreover, human rights activists and organizations have themselves become the target of violent attacks. Dr. Angel Escobar, a prominent human rights lawyer, disappeared last year, and a letter bomb attack against another highly-respected human rights law-

yer, Augusto Zunigo, severed his forearm. In addition, the offices of the Andean Commission of Jurists, Amnesty International, and the Red Cross have been attacked.

Human rights violations committed by police and military forces in their counterinsurgency efforts against the Shining Path guerrillas are well-documented. The 1990 State Department human rights report notes "widespread credible reports of summary executions, arbitrary detentions, torture and rape by the military."

Just last month, a Peruvian television channel filmed policemen shoving two brothers into the trunk of their car. They were later found dead of multiple gunshots fired at close range. This blatant police brutality—an anomaly only because it was captured on camera—caused a national outcry.

Such unrestrained violence reflects the clear inability of the civilian government to control the military and police forces. Although the Shining Path guerrillas also have been responsible for gross and inexcusable abuses in their effort to undermine President Fujimori's democratic government, their abuses do not excuse security forces from their obligation to operate within the jurisdictions of Peruvian and international laws.

We believe that additional U.S. aid to the Peruvian security forces has the great potential for misuse.

Increasing aid to Peru's police and armed forces would send a signal that the United States is willing to tolerate their dismal human rights record. Such a signal would clearly diminish efforts designed to encourage the military and police to use self-restraint and would reduce the incentive of President Fujimori's civilian government to insist on accountability from the armed forces. These security forces more firmly demonstrate a commitment to holding those responsible for disappearances, torture, and extrajudicial executions and to ending the impunity with which those crimes are committed before they receive more military aid.

If the Andean Drug Initiative is to be effective, it must promote respect for human rights, democratic institutions, and political stability. At this point, additional funding for Peru's police and armed forces pursuant to the anti-narcotics effort would only undercut our long-term goal of preserving civilian control over Peru's fragile democracy and troubled economy.

Holding Peru's security forces accountable for their deplorable human rights record is consistent with the Administration's stated goal of improving human rights conditions throughout the world. We strongly encourage you to recognize that Peru has not met the requirements of the Narcotics Control Act. Before further military aid is provided to Peru, it must demonstrate its respect for fundamental human rights.

Sincerely,

Edward M. Kennedy, Alan Cranston, Christopher Dodd, Ted Weiss, Sam Gejdenson, Howard Berman, Daniel P. Moynihan, Paul Simon, John F. Kerry, Brock Adams, Alan J. Dixon, Daniel Akaka, Paul Wellstone.

Nancy Pelosi, Gerry Studds, Peter Kostmayer, Donald Payne, Jim McDermott, John Conyers, Jim Moody, Bob Mrazek, Eliot Engel, James Oberstar, Wayne Owens, and Estaban Torres.

$94 MILLION FOR A DRUG WAR RUN BY THUGS

(By Holly Burkhalter and Juan E. Mendez)

In the past two weeks, extraordinarily vicious abuses by the police and military in Peru have exploded onto the front pages of the country's newspapers, and Peruvian political leaders are clamoring for a complete overhaul of the security forces.

The Bush Administration has picked this inopportune moment to certify that Peru complies with the strict human-rights conditions that Congress attached to anti-narcotics assistance for and Andean countries, and thus is eligible for a whopping $94 million in anti-narcotics aid, $34 million of its for the military. The gesture is a slap in the face of Congress and a body blow to Peruvian human rights advocates struggling desperately to rescue their country from political violence.

In an effort to combat a violent guerrilla insurgency, Sendero Luminoso, and a flourishing narcotics industry, the army and police have become a law unto themselves. In the 40% of the country currently under military rule, killings of innocent noncombatants by Sendero and the army are the norm; thousands have died since the insurgency began in 1980, and thousands more have been arrested arbitrarily in mass roundups of "disappeared." Peruvian human-rights monitors report that June of this year was the worst month to date for political violence from all sides.

Army executions of suspected "subversives"—that is, anyone viewed by the military as potentially sympathetic to Sendero—have spread into new areas. Junin and the Upper Huallaga Valley are now plagued with such abuses, which have long characterized counterinsurgency operations in Ayacucho and Apurimac.

During the visit of an Americas Watch representative to Peru last week, a TV reporter revealed a secret army document that ordered military units to kill "subversives" and dispose of their bodies clandestinely. Defense Minister Gen. Jorge Torres Aciego confirmed the authenticity of the order, but blamed it on a subordinate, who, he said, would be punished. First, the program for which the reporter worked was ordered off the air.

Many of the worst human-rights abuses occur in areas where the Peruvian police and security forces are deployed to counter the drug trade. On July 9, for example, drunken members of a police unit in the Upper Huallaga Valley town of Bellavista, in the heart of the anti-narcotics campaign, shot a commercial plane out of the sky after the pilot refused to let them board and shake down the passengers for money. All 15 people aboard died in the crash; underterred, the police scavenged through the wreckage and robbed the dead.

In June, police in the Lima suburb of Callao were videotaped as they abducted a medical student and two teen-agers and stuffed them into the trunk of a police cruiser. Their bullet-ridden bodies turned up hours later in the city morgue.

The airline incident and the murder of the three young people have created a sensation in Peruvian political circles. The widely respected vice president of the Peruvian Senate, Enrique Bernales, (who is also the current president of the U.N. Human Rights Commission) has called for the creation of a national commission to reform the police, the evaluation of every member of the force and the firing of many, and an upgrading of qualifications for new recruits.

The United States has taken a markedly different tack. The Administration sent its assistant secretary of state for human rights, Richard Schifter, to visit Peru last week, but rather than issuing a public statement of concern about abuses, which might have boosted reform efforts, Schifter remained silent. Worse, as he returned to Washington, the State Department signaled its intent to issue a formal determination (with its Human Rights Bureau's imprimatur) to Congress, stating that the Peruvian army and police are under effective civilian control and are not engaged in a consistent pattern of gross abuses of human rights.

Few in the Bush Administration actually believe that Peru qualifies for aid under current law, given the spectacular thuggery of the police and army. But State Department officials have admitted privately that they would rather issue a bogus human-rights finding—betting that Congress will be distracted in the last hectic week before the August recess—than withhold anti-narcotics assistance from the Peruvians.

This is outrageous. Human-rights conditions were attached to U.S. assistance precisely because Congress knows that army and police violence against innocent civilians is no way to combat the narcotics trade. At a minimum, Congress should prohibit disbursement of the aid until Sen. Bernales' recommendations have been adopted and the Peruvian police and army have been brought to heel.

175th ANNIVERSARY OF THE BOROUGH OF INDIANA, PA

Mr. SPECTER. Mr. President, today I wish to call to the attention of the Senate the 175th anniversary of the Borough of Indiana, PA. I am confident that my colleagues will join me in commemorating this momentous occasion.

Indiana has come a long way from its humble beginnings as a rural farming center. While agriculture still is an important activity in the area, it has been joined in importance by a thriving manufacturing sector and a world renowned educational institution, Indiana University of Pennsylvania.

Indiana also is noted as the birthplace of one of our Nation's best known and best loved actors, Jimmy Stewart, a popular symbol for generations of Americans.

Indiana, set as it is in the beautiful rolling countryside of Pennsylvania, is famed for its quality of life and the friendliness of its people. The citizens of Indiana are extremely proud of their borough and work very hard to maintain it as a wonderful place to live and visit.

I have always enjoyed my visits to Indiana. In fact, I expect to be there in the near future and am looking forward to meeting again with the wonderful people of Indiana.

I congratulate the Borough of Indiana, PA on its anniversary, send my best to its citizens, and express my wish for many happy returns.

I thank the Senate and yield the floor.

GADSDEN, AN ALL-AMERICAN CITY

Mr. HEFLIN. Mr. President, I am delighted to rise today to congratulate

the city of Gadsden, AL, on being named 1 of 10 All-American Cities by the National Civic League. This is the most prestigious award a city can receive and demonstrates how concerned citizens, working together, can shape the destiny of their city for generations to come.

The All-American City Award is highly competitive with over 90 municipalities considered for the award. Gadsden was the only city, out of 30 finalists, to be chosen immediately and unanimously by the jury. At the White House on August 6, 1991, President Bush will recognize Gadsden as a shining example of a city with a clear vision for the future.

Gadsden has a rich tradition of community spirit which can be traced back to the early 1800's when it was established by rugged men and women settling new territories. These individuals faced many obstacles in their day and overcame them with the same sacrificial determination of the people who follow in their steps today. In my judgment, the challenges we face in our cities today demand the kind of community involvement that this all-American city has shown.

The problems Gadsden faced several years ago are not uncommon to many cities across America. Unemployment rose to over 13 percent due to plant closings and layoffs. Drug and alcohol abuse was increasing along with crime while youth gangs began to infiltrate the city. Gadsden became unattractive to visitors and new businesses because of abandoned property and litter. The lack of cultural arts facilities and programs further detracted from the community's quality of life.

Gadsden was recognized for three projects in which citizens from all segments of the community worked together with government, business, and nonprofit agencies to solve significant problems with practical solutions. These projects were judged on the basis of citizen participation, community leadership, government performance, volunteerism and philanthropy, intergroup relations, civil education, community vision and pride, and intercommunity cooperation.

First, the Quest for Excellence Project recognized that the young people were the future of Gadsden. A black, native Gadsden minister conceived Quest for Excellence as a potential solution and showed members of his congregation how they could make a difference. In turn, they persuaded others, black and white, to become involved. The project gained momentum and old racial barriers continued to tumble as citizens worked together for the common good. Before long, this youth development program united the entire community to reach out to troubled youth and literally changed the destiny of thousands of children who before had little or no direction in life.

Quest for Excellence began to see a dramatic turnaround in the self-esteem of students by motivating them to achieve their full potential. More than 250 volunteers sacrificed their time to tutor and counsel over 1,700 students after school. A task force called the Fighting Back Initiative mobilized hundreds of citizens with nonprofit agencies and public and private resources in the war against drug and alcohol abuse.

As a result, grades have risen by an average of 11 points, school dropouts have declined, and gang violence and drug abuse have been significantly reduced.

The good people of Gadsden believe that no man is an island unto himself. This philosophy is seen in Gadsden's good neighbor network, a 300-member action group that began as a citywide antilitter campaign. Based on citizen involvement, the network was so successful in reducing downtown litter that citizens saw their cooperative actions could effectively address larger problems in the community. A crime prevention program involving the citizens, law enforcement officials, and the housing authority reduced the number of police calls by 70 percent. Also, the network worked actively with the city to demolish abandoned, dilapidated housing units with a 92-percent success rate so far, thus removing them as a haven for drug dealers.

The final project Gadsden submitted for the all American City Award was the new cultural arts centers in downtown Gadsden.

After visiting this beautiful facility, I came away with a great sense of pride in the residents, businesses, city government, educators, civic clubs, and cultural organizations who worked together since 1988 to fund the center and develop the program. These groups made up the Gadsden Cultural Arts Foundation and helped to raise $2.3 million so that a vacant, two-story former department store could be purchased, renovated, equipped, and operated.

The center opened in January 1990 and stands as a landmark of renewed vision for a city with so much to offer. Gadsden's citizens and visitors now enjoy many cultural activities at the center which houses an exhibition hall, art studio, recital hall, classrooms for workshops and seminars, public meeting space, a restaurant, a large children's museum offering hands-on learning experiences, and what is believed to be the world's largest dated, site-specific model train exhibit depicting the city in the 1940's.

It is also commendable that staff support for the center is provided by 150 volunteers. This month, the Alabama Arts Council will formally recognize Gadsden's Center for Cultural Arts, in only it second year of operation, as one of 14 major arts institutions in the State.

Many have characterized Gadsden in a short phrase: "Quality living." The quality and civic spirit of the people is very evident by the selection of Gadsden as an All-American City. It is a people-oriented city and their community spirit and commitment to one another is contagious.

This occasion is a time for celebration as well as a time for reflection. It offers the citizens an opportunity to look into their past and realize how much they have accomplished by working together toward a common goal. Of course, we must not lessen the hardships their forefathers overcame. Nevertheless, I am confident that those who went before would look with pride and amazement at metropolitan Gadsden today.

Gadsden has set the stage for a bright future. Where there was once pessimism and apathy, there is now optimism and involvement. Where social barriers once prevented all persons a chance to offer their talents and abilities to the community, these walls have now tumbled in the wake of a city on the move. In the years to come, I am certain that Gadsden will make even greater strides—that it will offer even greater opportunities to its people as an All-American City. And, it is indeed an honor for me to represent each of its citizens.

I ask unanimous consent that the attachments to my written copy of my speech be printed in the RECORD.

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

GADSDEN, AN ALL-AMERICA CITY

Culminating almost two years of work, Gadsden was named one of ten All-America Cities by the National Civic League on June 8, 1991.

President George Bush recognized the accomplishments of Quest for Excellence, the Good Neighbor Network and the Cultural Arts Center by presenting the award to Mayor Steve Means and project leaders Harold Kimble and Gloria Allenstein on August 6.

This is the most prestigious award a city can receive, as mayors of other All-America Cities have commented:

"I am very pleased and surprised by the amount of national recognition and exposure that the All-America City Award has brought to our community. People and businesses that previously passed us by, now stop and look at Charlotte."

"The All-America City designation enables this community to sit down face to face with a business prospect and state that the quality of life is good in Abilene, that we have a strong community spirit, that we are united and that their employees will be happy here. We can make that statement and have credibility with the prospect because of the All-America designation."

"It tells an entire nation that Tampa, while not perfect, has taken control of its own destiny. The award indicates that our community has a well-deserved reputation for getting the job done."

This year, an independent screening committee reviewed written applications from 97

municipalities and chose the 30 best as finalists. Following field investigations to verify accuracy of the materials, community representatives made presentations and answered questions from a 12-member jury of national leaders in civic affairs.

Each application and presentation described three projects in which diverse citizens worked together with government, businesses and non-profit agencies to solve significant problems in a meaningful way. They were judged on the basis of the League's ten "Civic Index" components: citizen participation, community leadership, government performance, volunteerism and philanthropy, intergroup relations, civic education, community information sharing, capacity for cooperation and consensus building, community vision and pride and intercommunity cooperation.

Gadsden was the only finalist to be immediately and unanimously chosen by the jury as a winner. The application and presentation were made by the Gadsden Area All-America City Committee; this independent, volunteer group was created by concerned citizens in 1990 as a method for all segments of the community to join together and make a good city better, using the Civic Index as a guide.

Sponsored by The Allstate Foundation, the All-America City awards have been given annually for the past 42 years.

ALL-AMERICA CITY AWARD—OFFICIAL ENTRY, 1991

Name: The Gadsden Area All-America City Committee.

Contact name: Mike McCain.

Title: Executive Director.

Organization: Gadsden-Etowah County Industrial Development Authority.

Address: One Commerce Square.

City/State/Zip: Gadsden, Alabama 35901.

Telephone: 205/543-9423.

Date: April 5, 1991.

COMMUNITY STATISTICS

Form of government: Mayor/Council.

Population: 42,523.

Population percentage change: (1970–1990)–21.

Population density: (1990 or most recent) 1,158/sq. mile.

Percentage minority: 25%.

Median family income: $17,425.

Percentage of families below poverty level: 12.9%.

Unemployment rate: 10.7%.

Population breakdown by age group:

Below 18 years: 26%.

18–25: 9%.

26–35: 16%.

36–50: 25%.

51–65: 10%.

Over 65: 14%.

Workforce distribution by industry:

Manufacturing: 30.

Trade (retail/wholesale): 24.

Agriculture: 2.

Services: 20.

Age of housing stock: 19% (Etowah County).

Number of voluntary organizations: 100+.

1. Set the background for your community's story. Summarize your community situation, not necessarily the three specific projects described in subsequent application questions, but events which contributed to and/or resulted from these undertakings.

A. The most basic problems and concerns of the community.

B. Extent and nature of citizen participation.

C. Degree of success attained.

D. Emphasize activity since 1988.

The outlook in Gadsden was not bright. Unemployment exceeded 13% due to plant closings and layoffs. Drug and alcohol abuse were increasing, as were school dropouts and crime, while youth gangs began to infilate the city. Abandoned property and litter lessened the area's appeal as a place to live and invest. The lack of cultural arts facilities and programs further detracted from the community's quality of life. In public meetings, citizens expressed these issues as being their primary concerns and they began work to address them.

For example, a volunteer-directed industrial development authority was formed to diversify the economy. From January 1988 to March 1991, this public/private partnership recruited 30 new industries (employing 1,502) to Gadsden, and was chosen one of the ten best development efforts in the U.S. by Site Selection Handbook. A beautification commission with 200 members and 4,000 volunteers, created in March 1988, won second place in the nation in Keep America Beautiful's 1990 awards competition. Also, an education commission formed in January 1990 by educators, business, labor and government worked with area school systems to establish and implement the state's first "Tech-Prep" curricula to better prepare students for high technology training and jobs.

The following three projects in particular show how citizens banded together, initiated programs on their own, recruited others (male and female, black and white, young and old, and rich and poor) and involved business, government and non-profit agencies in successful, continuing efforts to solve these problems.

Quest for Excellence was conceived in November 1987 and began operating in April 1988. This youth development organization has tutored 1,758 students with more than 250 volunteers, provided motivational role models to influence 9,000 students, involved 2,190 boys and girls in sports programs, helped 324 students develop creative writing and music skills, and mobilized 252 citizens in a task force to fight substance abuse. Grades have risen, school dropouts have declined, gang participation has been reduced and drug abuse has fallen.

The Good Neighbor Network, formed in mid-1988, is a 300-member action group in a downtown district where many of these problems were concentrated. Specific undertakings resulted in diminished gang activities, a 70% drop in reported crimes, a 92% success rate in getting abandoned houses demolished and a 50% reduction of litter. Each resident is systematically included in the process.

Gadsden's 44,000-square-foot Cultural Arts Center opened in January 1990, due to the work of more than 2,000 persons. They raised $1.5 million in private contributions and obtained an $800,000 allocation from the city to acquire, restore and equip this former department store; 131,692 visitors participated in activities at the Center as of March 1991, assisted by 150 volunteers.

With these problems being addressed, optimism and involvement are replacing pessimism and apathy. Following Gadsden's selection as an AAC Finalist last year, a bi-racial All-America City Committee was formed to exchange ideas and, using the Civic Index as a guide, formally work toward making a good city even better. This application is only one of many mechanisms to achieve that goal.

2A. Briefly describe the first of the three main projects (Project A) that citizens have accomplished in the community since 1988 to merit an All-America City Award.

Quest for Excellence is a youth development organization, helping children (particularly disadvantaged ones) raise their self-esteem and motivating them to achieve their full potential. It unites diverse elements of the community by involving multiple sectors and volunteers and has had a positive, direct impact on 12% of the county's 17,000 students. More than half the participants have increased their grades, by an average of 11 points, and none have dropped out of school. The deputy chief of the Gadsden Police Department says the project also has reduced gang violence and drug abuse.

In the academic core program, 250 volunteers provide after-school tutoring and counseling. Business, celebrity, community and motivational role models are used to broaden student horizons and to inspire loftier goals. Sports programs conducted by other volunteers develop teamwork, responsibility and character. The discovery and development of individual gifts is fostered by exposure in talent shows, music classes and creative writing. A jobs program promotes a positive work ethic and the wise handling of spending money. And the "Fighting Back Initiative" mobilizes 252 citizens with non-profit agencies and public and private resources in a winnable war against drug and alcohol abuse.

2B. What prompted these actions and how were they organized?

Youth gangs from other cities began infiltrating Gadsden. Street violence and crime were on the rise, as were alcohol and drug abuse, while students dropped out of school with increasing frequency. A local minister who personally dealt with these problems conceived Quest for Excellence as a way to help solve them, secured support from congregation members, solicited the involvement of residents, contacted elected officials and resource agencies, and persuaded volunteers to tutor and counsel children free of charge. His church donated start-up space and seed money, and the initial programs were implemented.

As more individuals began participating, they developed the other referenced programs. Business men and women, professionals and elected officials joined the effort. They formed a non-profit corporation and raised public and private funds to ensure programmatic continuity. It has since become a comprehensive youth self-development initiative involving a broad spectrum of residents, the city, churches, schools, businesses, labor unions, health care providers, service agencies, attorneys, youth organizations and related support groups.

2C. What attempts were made to involve the citizens directly affected by the projects and to what extent were they successful?

Door-to-door conversations were held with citizens in the area. Personal contacts were made with gang members and children at risk. Newspaper, radio and television interviews were conducted; newsletters were mailed and flyers distributed; meetings were held with many civic groups, social organizations, churches and elected officials; parents were involved, a parenting skills class was formed and a student tutoring program was begun. In spite of initial doubts, residents and other parties were persuaded to join together for this common cause. They established the programs and children began participating.

The first steps were communicating what Quest for Excellence was intended to accomplish and actively soliciting citizen support and involvement. The next step was program implementation to prove it could make a dif-

ference, thereby establishing credibility and garnering even greater involvement. A "bandwagon effect" was created and people began jumping on it. A representative board of directors ensures that those who are affected by the program control it.

3A. Briefly describe the second main project (Project B) that citizens have accomplished in the community since 1988 to merit an All-America City Award.

The Good Neighbor Network is a broadly based action group formed by downtown citizens to address quality-of-life issues affecting them. It has 300 active, working volunteers with many others involved on a project-specific basis. The Network includes representatives from all geographic districts in the neighborhood, as well as all segments of the populace: black and white, high and low income, young adults and elderly, males and females, and single and married. Frequent individual contacts, group meetings and newsletters inform citizens about community issues, provide a mechanism for involvement and cooperative action and help instill a common sense of pride and unity. People in other districts are duplicating the Network to encompass the entire city.

Since being organized, the Network reduced downtown litter by 50%, measured by a KAB photometric index. A crime prevention program involving the citizens, law enforcement officials and the housing authority reduced the number of police calls by 70%, from 169 in 1989 to 52 in 1990. Also, the Network has actively worked with the city to demolish abandoned, dilapidated housing units with a 92% success rate so far, thus removing them as havens for drug dealers; 22 additional units have been condemned or classified for repair or removal.

3B. What prompted these actions and how were they organized?

The area has 6,613 residents, encompassing upper-income homeowners in a small historic district, a large group of elderly residents, a growing number of renters and low-income single mothers in public housing. This project began during the summer of 1988 as part of a citywide anti-litter campaign; through door-to-door visits and phone calls, a group of interested residents developed an all-inclusive network to foster communications and to initiate collective clean-up activities. This system was effective. Citizens saw that their organized, cooperative actions could actually make a difference and decided to keep it in place to work on abandoned housing, crime and other problems.

One person on each block serves as a block captain, tells his or her neighbors about community activities and steers them to the Network's volunteer director when they have concerns, questions, suggestions or complaints. Issues then are addressed through community meetings, plus door-to-door visits, telephone calls and a quarterly newsletter. Once agreements are reached, collaborative projects are undertaken with governmental agencies, non-profit organizations, businesses and other parties. Literally everyone is urged to become involved.

3C. What attempts were made to involve the citizens directly affected by the projects and to what extent were they successful?

Citizen involvement created the Good Neighbor Network and is the basis for its existence. Each resident is asked to participate by one of 300 block captains. Regular community meetings are held and are widely publicized through phone calls and newsletters. Physically handicapped, bedridden and elderly residents who are unable to attend the meetings are visited in person.

Door-to-door interviews in a housing project generated information and participation which enabled the Network to obtain funds from the city and the housing authority for overtime police protection. Foot patrols helped develop personal relationships with residents; they formed a Neighborhood Watch and pressured a youth gang responsible for drugs and crime into leaving the area. Organized citizen testimony about abandoned housing resulted in the city's adoption of the West Gadsden Housing Inspection Program. Also, meetings, newsletters and personal contacts prompted about 50% of able residents to become involved in two campaigns which halved the measured amount of litter.

4A. Briefly describe the third main project (Project C) that citizens have accomplished in the community since 1988 to merit an All-America City Award.

The Gadsden Cultural Arts Foundation was established to fund, construct, equip and operate a new Center for Cultural Arts in downtown Gadsden, in response to citizen surveys and public meetings. More than 2,000 people, including residents, businesses, city government, educators, civic clubs and arts and cultural organizations worked to fund the facility and to develop programs, activities and events to be housed there. Contributions totaling $2.3 million were raised and a vacant, two-story former department store in the central business district was purchased, renovated and equipped. The foundation has a 120-member board of directors, and specific efforts are made to ensure broad input and participation by race, sex, income, geography and area of interest.

The Center opened in January 1990. It houses an exhibition hall, art studio, recital hall, classrooms for workshops and seminars, public meeting space, a restaurant, a large children's museum offering hands-on learning experiences, and what is believed to be the world's largest dated, site-specific model train exhibit depicting the city in the 1940's. Center visitors and activity participants totaled 131,692 as of March 1991; also, 12,800 students have benefited by outreach programs. Staff support is provided by 150 volunteers.

4B. What prompted these actions and how were they organized?

A senior citizen, who for decades had been a leader in cultural affairs, invited a dozen people to her home. They agreed the community needed expanded arts and cultural events and concluded that citizens would participate more if the activities were housed in a centrally located facility. A newspaper reader survey confirmed their beliefs. They secured a $5,000 grant from the city, hired a firm to poll businesses and residents to see if a capital fund drive would be successful and conducted a survey to find out what amenities citizens and prospective users wanted in a new cultural arts center.

The group recruited other volunteers and formed the Cultural Arts Foundation as a 501(c)3 non-profit corporation to fund, build, equip and operate a new center and to develop programs, events and educational opportunities meeting the desires of citizens and user groups. A truly representative cross-section of the city was organized on a 120-member board and in many working committees to make it a reality. In August 1991, the Alabama Arts Council will formally recognize Gadsden's Center for Cultural Arts, in only its second year of operation, as one of 14 major arts institutions in the state.

4C. What attempts were made to involve the citizens directly affected by the projects and to what extent were they successful?

The Foundation recruited people from all walks of life to serve on its board, including low-income residents. A specific goal was to ensure that blacks are represented in numbers at least equal to the county's population percentage. Business men and women, physicians, educators, attorneys, cultural and arts groups, civic leaders and elected officials were asked to join the effort. The Center was planned from the outset to be an attraction that everyone would want to experience, not just a place for exhibits and displays. Citizens were invited to become part of it as board members, committee members or advisors.

Besides one-on-one contacts, volunteers spoke to small groups in living rooms and large groups in meeting rooms; thousands of newsletters were mailed each quarter; news articles, television interviews and radio talk shows helped explain the plans and solicit involvement; and a booth staffed by volunteers was set up at the Gadsden mall with a scale model of the proposed facility to inform the public and garner participation.

5A. For Project A, list the principal groups and organizations and the number of members actively involved in these efforts. Include community action groups organized around the specific issues.

Name, Active Membership, and Contribution:

Area churches, 2,000; Seed money, offices, role models.

Alabama A&M University, 30; Grantsmanship, strategic planning.

Alabama Education Association, 469; Grant funding, tutors.

Etowah Retired Teacher Assoc., 75; Tutors, counseling, role models.

Gadsden State Commun. College, 410; Tutors, counseling.

Jacksonville State University, 38; Student practicum tutors.

Gadsden City School System, 650; Equipment, classrooms, books.

Attalla City School System, 300; Equipment, classrooms, books.

Fighting Back Task Force, 252; Volunteer support, role models.

City of Gadsden, N/A; Funding, permanent office space.

Area community centers, N/A; Sports fields, equipment.

Area busineses, N/A; Financial contributions.

Area non-profit agencies, N/A; Support for individual programs.

Gadsden Mall, N/A; Program space and facilities.

5B. For Project A, identify three individuals who were active leaders. (Include leaders from the public, private, and nonprofit sectors.)

Name/Title, Organization/Address, and Phone:

Harold Kimble, Director, Quest for Excellence, 420 Valley Street, 543-7117.

Dianne Cylar, R.N., Baptist Hospital, 1007 Goodyear Ave., 492-7516.

Archie Bone, Asst. Sup., Gadsden City Schools, 1026 Chestnut St., 543-3512.

(All addresses are Gadsden, Alabama 35901; the telephone area code is 205)

5C. For Project A, what was the nature of any obstacles to the efforts and from what segments of the community did obstacles originate? How were the specific obstacles overcome?

The primary obstacles were feelings of despair and apathy, since people didn't see how these widespread problems could be overcome. A black, Gadsden-native minister conceived Quest for Excellence as a potential so-

lution and showed members of his congregation how they could make a difference. In turn, they persuaded others, black and white, to become part of it and the initial group of volunteers thus was created. Involvement increased as participants successfully implemented the described programs. At the same time, old racial barriers continued to tumble as citizens worked together for the common good.

At first, there was a general lack of understanding about what the project was intended to accomplish. It was explained and more participation was garnered through personal meetings with parents and children, gangs, elected officials, schools and businesses; speeches to community groups; newspaper interviews; radio and television talk shows; and distributing flyers and newsletters.

Resources were needed to implement the programs. Individuals donated seed funds and volunteers wrote grant proposals. Businesses and governing bodies contributed money, and a church provided start-up space until the present location was secured from the city. Finally, children had to be convinced to participate, disadvantaged ones in particular. A parenting skills class was formed. Retired teachers and others began tutoring and counseling sessions; students are required to maintain at least a "C" grade average in order to take part in the more "fun" components of the project.

6A. For Project B, list the principal groups and organizations and the number of members actively involved in these efforts. Include community action groups organized around the specific issues.

Name, Active Membership, and Contribution:

Good Neighbor Network, 300; Block captains, coordination, community meetings, newsletters.

Chamber of Commerce, 1,200; Meeting space, refreshments, supplies, program support.

Clean & Beautiful Commission, 225; Provides environmental officer, help with anti-litter initiatives.

City of Gadsden, N/A; Helps fund solutions; police foot patrols, housing inspections.

Gadsden Printing Company, N/A; Paper, typesetting for newsletter.

6B. For Project B, identify three individuals who were active leaders. (Include leaders from the public, private, and nonprofit sectors.)

Name/Title, Organization/Address; and Phone:

Anna Mullin, Director, Good Neighbor Net., 259 So. 9th Street, 546-3693.

Gloria Allenstein, Pres., Ramah House, Inc., 510 So. 10th Street, 547-1563.

Holley Arbery, Past Pres., Gad. City Council, 212 Argyle Circle, 547-2746.

(All addresses are Gadsden, Alabama 35901; the telephone area code is 205)

6C. For Project B, what was the nature of any obstacles to the efforts and from what segments of the community did obstacles originate? How were the specific obstacles overcome?

Major obstacles were a predominantly poor, black populace comprising 24% of downtown residents, who were suspicious of and felt disenfranchised from the activities of white neighbors; a large elderly population that felt trapped within their homes as crimes escalated with the emergence of gangs; and a growing number of renters who felt little connection with the community.

Besides meetings, newsletters and phone calls, the volunteer director visited neighbors door-to-door to solicit their involvement as block captains or program participants. During trips to a housing project, she was intimidated by packs of young men who were smoking dope by resident's doors, under street lights they shot out. Most of the residents were single mothers and older, retired women. No one had ever tried to involve them in community activities before, or to find out their needs.

As they became involved, a broad-based citizen network developed, providing a mechanism for every person to communicate, meet, talk about problems and agree on solutions, as well as to include governing bodies, businesses, non-profit agencies and related parties in the process. The people saw how effective their organized actions were on an initial project; mutual understanding and a shared sense of pride and unity replaced the feelings of isolation and initial doubts that many had experienced before, and they expanded their joint activities to successfully address other community issues.

7A. For Project C, list the principal groups and organizations and the number of members actively involved in these efforts. Include community action groups organized around the specific issues.

Name, Active Membership; and Contribution:

Cultural Arts Foundation, 120; Planning, organizing, funding.

Cultural Arts Center, 863; Dues-paying members, volunteers.

Gadsden State Comm. College, 410; Noncredit community arts classes.

Boards of Education, 1,350; Educational programs for children.

City of Gadsden, N/A; Funding assistance, parking.

Chamber of Commerce, 1,200; Donations from member businesses.

Model Railroad Club, 30; Major exhibit construction.

Friends of the Library, 70; Educational exhibits, workshops.

2 theater groups, 60; Facility planning, design.

2 music/concert groups, 130; Facility acoustics, amenities.

5 arts organizations, 134; Displays, exhibits, workshops.

28 civic clubs, 840; Fund-raising assistance.

7B. For Project C, identify three individuals who were active leaders. (Include leaders from the public, private, and nonprofit sectors.)

Name/Title, Organization/Address, and Phone:

Jamie Sledge, Chairman, Cultural Arts Found., P.O. Box 287, 546-1656.

Mary Hardin, President, Hardin & Company, P.O. Box 69, 547-2529.

Charles Hill, Dean, Gadsden Comm. College, P.O. Box 227, 546-0484.

(All addresses are Gadsden, Alabama 35902; the telephone area code is 205)

7C. For project C, what was the nature of any obstacles to the efforts and from what segments of the community did obstacles originate? How were the specific obstacles overcome?

The initial volunteer group had the idea of establishing a new cultural arts center in the vacant, former 11th Street School, the oldest public building in the county, and formed the Cultural Arts Foundation to acquire and renovate it. The city agreed to donate it to the Foundation, but subsequent public meetings showed that although residents would like to see this historic site preserved, they also wanted a new cultural arts center to be downtown. The Foundation then contributed the school building to the Board of Education, which restored it for their offices, and identified a boarded-up department store on the city's main street. This location met citizen desires, but more than $2 million was needed to buy and renovate the structure.

A fund-raising effort of this magnitude had never been attempted and there was concern that it could not be accomplished. Volunteers quietly secured private-sector pledges of $800,000 which the city matched dollar-for-dollar. The goal then was within reach, a "can do" attitude developed and another $700,000 in individual donations (including pennies from school children) was contributed.

The key factor was involving diverse elements of the population, not just the "country club set" in the initial planning, design and implementation process. Citizens expressed the need, determined what they wanted, worked to make it a reality and were the catalyst to revitalizing downtown; the Gadsden Art Museum is renovating the abandoned store adjacent to the Center, while businesses are occupying other buildings and constructing new ones nearby.

8. On the next two pages, assess how well your community is doing, based on each of the League's ten Civic Index components (Civic Index included with application).

This is one reason why our All-American City Committee was formed last year.

A. CITIZEN PARTICIPATION

Overall, this is one of Gadsden's stronger points as evidenced by the number of persons participating in these three projects. Citizens tend to participate in governmental affairs and in non-profit agencies because these endeavors actively seek involvement, are responsive to public input and people can see that their participation matters. Nevertheless, some persons are willing to get involved only when asked or urged, and others believe it would be futile. Our goal is to create an atmosphere whereby every citizen feels comfortable in (or better yet, feels personally responsible for) taking the initiative to get involved and participate in areas where they have concerns or interests.

B. COMMUNITY LEADERSHIP

We believe Gadsden to be above average. For example, the mayor created a private-sector Commission for Economic Development to publicly recommend ways to improve the city. A non-profit Industrial development Authority, led by businesses, formed the State's only coalition with labor. And an industrialist formed an Education Commission with unions, school administrators and elected officials. In each instance, the activities are long term, results oriented, and the initiators invited historic foes to share power with them. "Leadership Gadsden" has been formed by Gadsden State Community College and the Chamber of Commerce to formally expose and educate diverse citizens on local issues.

C. GOVERNMENT PERFORMANCE

Gadsden is fortunate in this regard, since the community is small enough for the electorate to know incumbents and candidates personally. Corruption never has been a problem. The city has a full-time mayor, professional department heads, and seven part-time council members who hold frequent public meetings in their districts; all city meetings are open to the public and are covered regularly by the news media. Gadsden took the lead in forming an Elected Officials Association with surrounding cities to discuss common problems, and undertakes many improvement initiatives through local

non-profit agencies as a way to improve efficiency, facilitate teamwork and better measure results.

D. VOLUNTEERISM & PHILANTHROPY

The performance is significantly above average. Our United Way is the primary community clearinghouse and meets or exceeds its goal each year. Non-profit functions are well-supported financially for a city this size, as evidenced by substantial contributions to the Cultural Arts Foundation. Of particular note is the national recognition earned by various community non-profit agencies, which provide a focal point for volunteerism, teamwork and corporate giving; also, the city contracts with many of them to provide specific services, thus achieving the benefits of public-sector support and private-sector operational flexibility, while eliminating duplication and ensuring accountability.

E. INTERGROUP RELATIONS

This is where Gadsden is the weakest, but noticeable improvements are being made. Until recently, blacks, women and low-income residents have not been proactively and systematically included in community activities and have not specifically been recruited to assume leadership positions. That is not true for the three projects in this application, though, nor is it true for any of the other ten organizations mentioned herein. Gadsden's selection last year as an AAC Finalist prompted the creation of a permanent, bi-racial All-America City Committee to bring diverse citizens together and, using the Civic Index as a guide to formally work together toward greater improvement.

F. CIVIC EDUCATION

We are not where we need to be, although we are getting closer. Leadership Gadsden is a new program to expose younger and disadvantaged citizens to civic affairs, and prepare them for responsible positions in community activities. Schools have begun classes on citizenship, on free enterprise with the Labor-Business Coalition, and on environmental issues with the Clean and Beautiful Commission. The Cultural Arts Center places a major emphasis on this component through its children's museum, and has educational outreach programs at the schools. And, as shown herein, Quest for Excellence has achieved remarkable success in motivating children to achieve their full potential.

G. COMMUNITY INFORMATION SHARING

Due to Gadsden's relatively small size, information sharing is not difficult. Morever, the daily newspaper and news departments of broadcast media truly are excellent, providing comprehensive and detailed coverage of problems, activities and events. In particular, the Gadsden Times has conducted reader surveys about and reports extensively on local issues, and solicits citizen input through both news and editorial contexts. Non-profit groups like the Good Neighbor Network regularly communicate with citizens and conduct public meetings to share information, debate issues and agree on actions to be taken.

H. CAPACITY FOR COOPERATION AND CONSENSUS BUILDING

Of the ten Civic Index components, here is where Gadsden is the strongest. To reiterate: the mayor created a private-sector Economic Development Commission, which held public meetings on ways to improve. Citizens formed non-profit initiatives to work on solutions, jointly funded by the city and businesses, resulting in highly effective public/private partnerships comprising diverse volunteers. People from all sectors have debated issues, identified problems, resolved conflicts, reached a consensus, and worked with business and Government to implement the projects they conceived. The process is inclusive, long-range, entrepreneurial, results-oriented, cooperative and response.

I. COMMUNITY VISION AND PRIDE

From a community standpoint, the outlook is promising. From the perspective of individuals, though, we do have difficulties. Last year, a "Gadsden 2000" strategic planning committee was formed by business and civic leaders, elected officials and representatives of non-profit agencies to determine where the city needs to be by the end of the decade and how best to get there. However, there still are vocal citizens who have the attitude, "It won't do any good to try this," and "There's no way we can accomplish that." We must find better ways to get such persons involved; being selected as a 1990 AAC Finalist has been instrumental in showing that cooperative actions can make a difference.

J. INTERCOMMUNITY COOPERATION

We are about average, we suspect, and are studying other areas to find ways to be more innovative. As stated previously, Gadsden took the lead in forming an Elected Officials Association to foster cooperation. Industrial development, tourism, cultural, beautification, labor relations and education initiatives encompass all 13 municipalities in the county; these programs are successful, and information about them has been shared with neighboring cities. Gadsden and Etowah County are jointly working to solve jail and landfill problems. Regional planning is conducted in conjunction with a multi-county commission.

K. OVERALL, WHICH OF THE TEN COMPONENTS IS THE STRONGEST

Cooperation and Consensus Building Capacity.

WHICH IS THE WEAKEST

Intergroup Relations . . . but we are working to improve.

a. What lessons were learned through the implementation of the initiatives presented in the application that would prove valuable to other communities facing similar challenges? For each of the three projects, describe these lessons. Be certain to include any unique aspects of the execution of the projects, as well as suggestions of actions to be taken, and actions not to be taken.

PROJECT A

Do not hide negatives. Community promotion agencies may not like to see things like school dropout rates, drugs and gangs publicized, but people will not be motivated to work together to solve a problem unless they clearly understand that a problem exists and how it impacts them personally.

Network extensively and use every vehicle that is available (including one-on-one contacts, meetings, publicity, newsletters and speeches) to involve people in potential solutions. Capitalize on personal relationships to target relevant non-profit agencies, businesses and governmental entities. Creating a comprehensive team effort and combining available resources in unique ways is even more important when public social services to address certain problems are non-existent.

When a consensus has been reached, divide the work into multiple tasks. Ask people to assume responsibility in areas where they have special concerns or interests, delegate authority and give participants frequent, public credit.

PROJECT B

Involve those who are part of the problem and make them part of the solution. For example, a resident whose yard was strewn with aluminum cans and debris was helped with recycling by Network volunteers. He became active in anti-litter campaigns and now feels a part of and takes pride in the community.

When community groups are clamoring for a share of scant financial resources, a very effective way of gaining government support is by combining objective, statistical information; citizen eye-witness reports; and organized, broad-based testimony in public meetings. All three approaches must be utilized.

A community is constantly changing, and there must be a continuous sharing of information and a cooperative problem-solving effort to affect meaningful and positive changes. Without regular newsletters, individual contacts to solicit the involvement of all, frequent public meetings and personal visits with those unable to attend, residents would not have developed a unified vision and would dissipate once again into factions.

PROJECT C

For a project to benefit everyone, do not leave anyone or any sector out of the planning and implementation process. Since many persons (particularly minorities and low-income residents) often have been overlooked in community activities, active recruitment may be necessary for them to feel truly wanted and needed. Do so at the very beginning, not after the fact.

When a large amount of money has to be raised, quietly get advanced commitments for a major share of it. The resulting publicity about the goal being within reach helps to establish credibility and fosters a community-wide realization that the seemingly impossible is attainable.

Overlook arbitrary political subdivisions. Learn from and share information with neighboring cities. The Cultural Arts Foundation did and benefited thereby. Since the Center opened, Foundation volunteers have helped visitors from other areas plan similar facilities for their locales.

JURY PRESENTATION SCRIPT: GADSDEN, ALABAMA

Steve Means: Good morning, ladies and gentlemen. I'm Steve Means, mayor of Gadsden, Alabama. Our delegation asked me to introduce the Gadsden story to you; I'm honored to do so because it's really their story, full of pride and accomplishment. It's a story about how they, with thousand more at home, banded together to solve problems in our city.

Just a few years ago, our unemployment rate exceeded thirteen percent. School dropouts, crime and substance abuse were increasing. Drug dealers found haven in abandoned homes. Litter and graffiti were apparent. And cultural facilities where virtually non-existent. Gadsden was headed toward a reputation as being a dirty, unsophisticated, racist, sexist, blue-collar town full of social problems, with little appeal for residents or businesses. But the people of Gadsden refused to stand for that.

In public meetings and in newspaper reader surveys, our citizens said these problems were their major concerns. They resolved to do something about them.

Our three projects tell how Gadsden citizens—black, white, male, female, young, old, rich and poor—discarded prejudices and stereotypes and worked together for the common good. They initiated these projects

on their own, systematically involved other residents, reached agreements and formed collaborative, non-profit efforts to improve our city. In each case, they accomplished things government cannot do by itself.

Harold Kimble, founder and director of Quest for Excellence, will present our first project to you. Harold.* * *

Harold Kimble: The problems Steve outlined were real. Youth gangs, street violence and crime, substance abuse, student dropout rates and and illiteracy were on the rise. Many of our children had low self-esteem. They were disillusioned and in trouble. Parents threw up their hands in despair. As a minister, I dealt with the problems every day.

A group of us conceived Quest for Excellence as a way to motivate our youth and help them achieve their full potential. Our church donated start-up monies and we invited others, black and white, to join us. Street patrols, counseling programs and a parenting skills class were begun. We involved businesses, labor, schools and government, formed a non-profit corporation, raised public and private funds and in April 1988 Quest for Excellence became a reality.

Since then, 250 volunteers served as tutors for 1,758 children. Dozens of role models appeared before 9,000 students to broaden their horizons and inspire loftier goals. Talent shows, creative writing and music classes foster the development of individual gifts. Sports activities develop teamwork, responsibility and character; for 85% of the participants it was their first such experience, an experience of success.

These programs (and related ones) have had a positive, direct impact on 12% of the county's 17,000 students. More than half have improved their grades, by an average of 11 points, and not one of them has dropped out of school. According to Gadsden's deputy police chief, the programs also have helped reduce gang participation and drug abuse. Has Quest for Excellence worked? We know it has; we see the results every day.

In addressing gang and drug problems, we met with the Good Neighbor Network. Gloria Allenstein, co-founder of the Network, will present that project to you.

Gloria Allenstein (with color slides being projected): Many of these problems were concentrated downtown in Gadsden's historic district. In 1988 concerned neighbors formed the Good Neighbor Network, an all-inclusive volunteer action group that uses a system of 300 block captains to notify neighbors of community projects such as our Fourth of July Kids' Parade. Issues are discussed in community meetings, a quarterly newsletter, phone calls and door-to-door visits. Once agreement is reached, problem-solving projects are undertaken with government, businesses and non-profit agencies.

Let me cite three examples: first, a joint effort between residents in our public housing project and homeowners in the surrounding area resulted in securing overtime funds for police foot patrols, which reduced calls for help to the projects by 70% in the period of a year. Second, a cooperative effort between the Good Neighbor Network and the City Planner's office resulted in a comprehensive housing code enforcement program. To date, 92% of the dilapidated, abandoned homes reported to the city by the Network have been demolished, removing them as a haven for drug dealers. Finally, two litter campaigns and continued citizen participation with the Clean and Beautiful Commission have produced a 50% reduction of litter in our district since 1988, based on a photometric index.

The strength of the Good Neighbor Network is inclusion. Every age, race, sex, income level and geographic area of our district is represented with an equal voice.

This system works. In fact, it works so well that we're helping residents in other districts expand the Network, with hopes of encompassing the entire city. Network volunteers also worked on our third project, which Jamie Sledge, chairman of the Cultural Arts Foundation, will discuss.

Jamie Sledge (with color slides being projected): The Gadsden Cultural Arts Foundation was established to fund, construct, equip and operate a new Center for Cultural Arts in downtown Gadsden, in response to citizen surveys and public meetings. People from all walks of life were recruited to serve on our 120-member board, including minorities and low-income residents. More than 2,000 volunteers, plus businesses, government, educators, civic clubs and arts and cultural organizations, worked to fund the facility and to develop programs, activities and events to be housed there.

We raised $1.5 million in private donations, including pennies from school children, to acquire, renovate and equip a vacant department store in a declining downtown area. The city allocated another $800,000, transforming a dream into a reality and bringing our downtown back to life. This happened in a city in northeast Alabama of 43,000 which had never before tackled a project even half this size.

Our 44,000-square-foot art center opened in January 1990, with 150 trained part-time volunteers coordinating diverse activities. The Center includes an exhibition hall, recital hall, art studio and a large children's museum offering hands-on learning experiences, among numerous other amenities. To date, 132,000 people have experienced the Center, plus we have taught another 12,000 students in outreach programs presented in our schools.

International exhibits like Lowell Nesbitt's Natural Wonders, Bill Cristenberry's photography and the magic of Peter Duchin's orchestra are now available in rural northeast Alabama. And we've just hired a conductor for the youth orchesta we're forming. Classical music and painting are now enjoyed by our children, many of whose parents never finished high school nor ever considered these possibilities.

Peter Gregerson was actively involved in these activities, and helped create our All-America City Committee. He will conclude our presentation.

Peter Gregerson: More than 15% of Gadsden's population personally worked to make these projects a reality. But numbers don't tell the whole story. What's more significant is the way all this happened.

Our citizens identified the problems through opinion surveys and dialog in public meetings. They recruited others representing all elements of our population—men and women, black and white, young and old, management and labor—to share ideas. They involved the public and private sectors, reached a consensus and formed non-profit efforts to solve the problems. The process we used in Gadsden is inclusive, cooperative and responsive. And it works.

In Phoenix, some of you may remember hearing about our nationally recognized industrial development and beautification initiatives. Our involvement last year in your All-America City process inspired us, and we went home and formed a permanent All-America City Committee representing, again, every segment of our society. Now, we're using your Civic Index as our guide and we're working hard to make Gadsden even better. Our dream is to make it great and you helped us to enlarge the dream.

In fact, you need to know this. We, the people of Gadsden, Alabama want you to know that if you choose to honor us by selecting Gadsden as an All-America City we will honor you and this organization by ensuring that this event is not the end, but the beginning of a further process. We will be able to use the resulting pride and enthusiam to energize all our people, every one, to join together so that we become all that we can become. And isn't that what America is all about?

Gadsden, Alabama . . . truly an All-America City. Gadsden . . . (all 88 members of the delegation shout in unison) AN ALL-AMERICA CITY!

TRIBUTE TO JUDGE SAMMIE DANIELS

Mr. HEFLIN. Mr. President, I rise today to pay tribute to Judge Sammie Daniels for the tremendous project he is undertaking in Park City, MT. Judge Daniels resigned as the probate judge for Marengo County, AL, this past December and has moved to Montana to serve as the pastor of a church he is starting.

Sammie Daniels has been a faithful servant of the people of Marengo County and a devoted member of the Nanafalia Baptist Church and I join those people in wishing him well in his new endeavor. He has heard a higher calling and answered that call by starting the Park City Baptist Church. Sammie, his wife Peggy, and his son Tim, have committed their all into the establishment of the church.

Park City is a small, unincorporated area with about 1,000 people surrounded by rural, agricultural areas. Last summer, Sammie visited Montana and saw the great need which existed for church activity. Since that time, he has worked closely with the Montana Baptist fellowship to meet the religious needs of this community.

This move has been a leap of faith for the Daniels family and my thoughts and prayers are with them as they work to gather a congregation and establish a church facility. They have thrown all their assets into this move and I know the outcome will be rewarding.

The Daniels have gotten great support from the members of the Nanafalia Baptist Church. Several families from this church have taken the trip to Montana to help organize and run a vacation Bible school. Currently, the Daniels are renting the Community Civic Center for the Sunday morning services while they look for better facilities.

I would like to wish Judge Daniels the best of luck as he works to make his new church thrive in his new home town. I know he brings to this task the same tenacity, intelligence, devotion, and faith he brought to the bench in

Marengo County and the Nanafalia Baptist Church. I look forward to his success.

TERRY ANDERSON

Mr. MOYNIHAN. Mr. President, I rise to inform my colleagues that today marks the 2,328th day that Terry Anderson has been held captive in Lebanon.

MAJ. GEN. WILLIAM F. WARD RETIRES AFTER 40 YEARS

Mr. D'AMATO. Mr. President, I rise today to pay tribute to Maj. Gen. William F. Ward, the Chief, Army Reserve, and first commander of the U.S. Army Reserve Command who is retiring today after more than 40 years of commissioned service to the Nation as a citizen-soldier. General Ward graduated from the U.S. Military Academy in 1950 and was commissioned in the cavalry. Indeed, he is the last officer, commissioned in the cavalry, who is still on active duty. After Korean war service as an infantry platoon leader, reconnaissance platoon leader, aerial observer, and tank battalion staff officer, General Ward returned to civilian life and continued to pursue his military career in the Army Reserve as a commander and staff officer. Upon leaving the Active Army, General Ward received a master of business administration degree at the Harvard Business School and earned a law degree from LaSalle University. General Ward has served in executive positions in many major corporations including GAF, Garret Dunlap, Inc., Dun & Bradstreet Corp., Dun-Donnelley Publishing Corp., and as director for numerous banks, and other public, private, and civic institutions.

General Ward served as the commander of the 77th Army Reserve Command, Ft. Totten, NY, and as the assistant deputy commanding general (Reserve Affairs), individual mobilization augmentee at U.S. Forces Command, Ft. McPherson, GA, before being selected as chief, Army Reserve, in December 1986. On October 1, 1990, General Ward was appointed the first commander of the U.S. Army Reserve Command.

As a result of General Ward's leadership and guidance, Army Reserve mobilization readiness was significantly enhanced: personnel strength grew; skill qualification improved; and equipment on hand increased to unprecedented levels. All of these improvements paid significant dividends for the total Army and the Nation during Operation Just Cause in Panama, and Operations Desert Shield/Desert Storm in the Persian Gulf. The outstanding support provided by the Army Reserve to our troops in the desert and around the world was a major element in the victory of allied forces. General Ward's vision, dedication, inspired leadership, and immense credibility with the leaders of Congress have been factors in making the Army Reserve all that it is today. The Army Reserve and the total Army will bear General Ward's mark for years to come in increased efficiency, enhanced economy, and unprecedented readiness.

General Ward is a true citizen-soldier, a patriot, and a great American. I salute him as he enters a new state in his career. Please join me in thanking him for his dedication and commitment to the Armed Forces and wishing him well in all of the years to come.

HOW TO FIND AN EXTRA $29 BILLION

Mr. DASCHLE. Mr. President, the Washington Post on Sunday, July 14, 1991, carried a piece by John Sewell and Peter Storm about providing assistance to emerging democratic governments and redefining the international interests of the United States in the post-cold war environment. The title of the article, "How to Find an Extra $29 Billion," immediately caught my attention, and, after reading the article, I decided that I wanted to share it with my colleagues. The authors' message is a timely and important one for us to consider.

What prompted the article was Soviet President Gorbachev's attendance at the recently concluded G-7 summit meeting in London. The purpose of his trip was obvious to everyone, but the authors point out that the Soviet Union is not the only claimant for the limited budgetary resources of the United States and other G-7 countries. In fact, the list of countries seems almost endless. Many of them have needs that require our attention, not only for strategic and economic reasons but for humanitarian ones as well. Of course, our list of unmet domestic needs grows longer every day.

Yet, as Sewell and Storm go on to discuss, we have apparently convinced ourselves that budgetary pressures prevent us from providing much more than token assistance to leaders of governments such as Poland's Lech Walesa or Nicaragua's Violeta Chamorro. The authors contend that budgets are not as inflexible as many believe and that, if certain outdated cold war programs are terminated, we can find up to $29 billion over the next 5 years to support new U.S. interests abroad, or, as many of us would suggest, neglected U.S. interests at home. They also note that, thus far, the President has not articulated clearly the interests and goals of the United States in the new world order and that this has contributed to our failure to take a bold approach to redefining our budget priorities.

Among the expenditures Sewell and Storm identify as warranting reappraisal and phaseout or immediate elimination are payments for base rights in Portugal, Greece, Turkey, and the Philippines. The authors assert that Europe is prosperous enough collectively to take on a greater share of the burden of its defense and that, if the Philippine bases recently damaged by volcanic eruption are to be repaired, Asian nations should bear the cost. They also state that foreign arms sales programs and broadcasting programs aimed at Eastern Europe need to be reexamined.

These particular suggestions deserve careful study. My purpose in commending this article to my colleagues' attention is not, however, to endorse the specific cuts the authors recommend but rather to make a broader point. Mr. President, not a day goes by that we are not reminded of the many challenges that face us, from aiding emerging democracies in Eastern Europe and elsewhere to meeting our health care needs at home. Frankly, in view of our exploding budget deficits and the shortage of funds to address these pressing concerns, it is indefensible to tolerate outdated, wasteful expenditures of the type that Sewell and Storm and others have identified. We are failing not only to adapt to changing circumstances, but also to use scarce resources wisely.

There are actions that we can take, however, to get us back on track again. Burden sharing, for example, is a concept whose time has come. I have introduced legislation, S. 1438, that asks America's military allies to share in the cost of their own defense. This bill would authorize the President to negotiate cost-sharing agreements with our allies to offset American tax dollars spent for their defense; establish a fund into which other nations may contribute if the President is able to negotiate burden-sharing agreements with them; and require that Congress be provided with an accounting of allied contributions—whether in cash or in kind—to that fund. The House passed similar legislation in May, and it is time for the Senate to act as well.

We must also maintain a constant lookout for other ways to reduce waste of taxpayers' dollars. This may involve searching for fraud and abuse or reevaluating the assumptions underlying Federal programs that simply are not working effectively. Our goal should always be to maximize the potential of each dollar we spend. Only then will we be in a strong position to promote U.S. interests in a rapidly changing world and to attack pressing problems at home.

We can reduce the deficit. We can meet our needs here at home. We can help other countries that truly deserve our help. But we can achieve these goals only if we are willing to find the waste and eliminate it, and if our allies

are willing to assume their share of the burden.

I ask unanimous consent that the text of "How to Find an Extra $29 Billion" be printed in full in the RECORD.

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

[From the Washington Post, July 14, 1991]

HOW TO FIND AN EXTRA $29 BILLION—WE DON'T HAVE TO TURN A FISCAL COLD SHOULDER TO NEW DEMOCRACIES

(By John W. Sewell and Peter M. Storm)

At this week's G-7 summit meeting, Soviet President Mikhail Gorbachev may join the growing line of claimants for limited U.S. budgetary resources. At the same meeting, British Prime Minister John Majors reportedly will propose that his fellow summiteers step up debt relief for the world's poorest countries. Recently, new friends such as Albania have made a plea for aid to Secretary of State James Baker. Old friends like Israel would like $10 billion partly to build houses for newly-arrived Soviet emigrants. Lurking behind all of these opportunities are the twin specters of famine and refugees in Africa, the Middle East and elsewhere around the world.

U.S. policymakers have talked themselves into believing that inexorable budgetary pressures prevent them from aiding adequately leaders of emerging democratic governments like Poland's Lech Walesa or Nicaragua's Violeta Chamorro who still look to our democratic experience as a source of inspiration. But a closer look shows that budgets are not as inflexible as the conventional wisdom suggests. In fact, if bureaucratic inertia can be overcome and Cold War and other outdated programs ended, as much as $29 billion can be found over the next five years to support new U.S. interests without breaking current budget ceilings and without affecting aid levels for the Middle East.

In calling for a "new world order," President Bush obviously recognizes these opportunities. But the budget he submitted to Congress earlier this year for "national defense and to promote U.S. interests abroad" is at best a partial response. Congress over the last several weeks has made useful but essentially marginal changes.

The president's budget makes significant cuts in defense expenditures. Over 100 military bases are being closed, and the armed forces will shrink 25 percent by the middle of the decade. These are substantial reductions, but the ease with which the United States dispatched the world's fourth largest military power during the Gulf War has shown that a smaller military establishment can meet foreseeable threats in the developing world.

No similar moves are evident in the $34 billion requested for non-military overseas programs. That part of the budget needs the same bold cuts that have taken place in the defense budget, with the resources saved redirected to programs that address U.S. interests in the 1990s.

How can Congress and the administration save $29 billion?

First, by ending "base rights" a step long overdue. The United States maintains bases in Portugal, Greece, Turkey and the Philippines as part of a strategy based on mutual defense interests. In return for use of the bases, these countries demanded "rent" in the form of economic and military aid. The 1992 budget continues these arrangements for another five yers at a cost to the taxpayer of nearly $8 billion.

American forces were first stationed at these bases at a time when the United States dominated the world economy. Now Europe is clearly prosperous enough to collectively take on these responsibilties. If these bases are still needed, then any compensation for host countries should be funded by our NATO allies. The U.S. share will be paid "in-kind" by the presence of our troops.

Even before the fall of the Berlin Wall and the demise of the Warsaw Pact, Congress was beginning to ask why the United States should pay the costs of maintaining these bases. As Rep. David Obey (D-Wis.) told Baker during hearings last year on the foreign aid request, "these bases ought to be recognized as being in the interests of the recipient countries every bit as much as they are in the interests of the United States."

U.S. bases in the Philippines pose a different problem. The Philippines is not a rich country, has long historical ties with the United States and faces internal threats. But as the coup attempts against the Aquino government have emply demonstrated, the threat to the elected government comes as much from within the military establishment as from the new Peoples Army.

Mother Nature in the form of a volcanic eruption may already have resolved the issue by making the bases virtually inoperable. If they can be repaired, Asian nations now should jointly bear the costs of collective security in the Pacific area. The justification for aid to the Philippines in the future may have to be based on interest in supporting the existing democratic government and its successor.

Second, Foreign Military Financing (FMF) needs to be aligned with new global realities. FMF finances military equipment for some 40 countries around the world. It is the largest single program in the international-affairs account. Established as a channel for supplying military equipment to Cold War allies, these arms transfers can be severely curtailed or eliminated in the new era. In fact, the main focus of U.S. policy now should be to negotiate agreements to halt the flow of weapons into regions of tension. In the near term, however, some arms transfers may remain necessary, most notably for the Middle East. They should be transferred to the defense budget, where they can be judged against other programs designed to protect U.S. military security, thereby saving some $16.3 billion over five years.

Third, broadcasting programs aimed at Eastern Europe need to be phased out, saving $1.3 billion. Radio Free Europe, Radio Liberty and other U.S. government broadcasting activities to Eastern Europe once performed a formidable service, but now find themselves in a changed world. Journalists in Eastern Europe and even in the Soviet Union now freely report the news, and many areas have access to commercial international news services, most notably CNN.

These program reductions will not be politically easy to make. The new international interests of the United States in the post-Cold War environment have yet to be clearly articulated by the president, and there is no clear consensus among policy makers. What is emerging, however, is a much greater understanding of the need to focus on America's economic interests in the world, and on an emerging global agenda of old and new problems.

U.S. interests lie in promoting an open, growing world economy through improved trade, debt and investment policies; facilitating conflict resolution and regional reconstruction in such trouble spots as the Middle East and other areas such as Indochina and the Horn of Africa; stimulating additional contributions from newly-rich countries through expansion of the international financial institutions; and providing leadership to a global effort to address the pressing problems of poverty, environment, population, and democratization.

Used creatively and strategically, additional money can help, but more effective uses of existing resources is also critical. No programs in the budget are more in need of such attention than those currently charged with eliminating poverty, slowing population growth, promoting democracy and sustaining the environment.

The U.S. bilateral aid program should be opened to competition and direct appropriations to the Agency for International Development should be slashed saving $3.1 billion over five years. AID programs are dominated by short term political concerns and the agency is hobbled by congressional micromanagement on how and where it may use its funds. AID's technical competence has diminished considerably and its remaining strength lies in its competent field staff. It should no longer monopolize the distribution of bilateral assistance, and it should be forced to compete with other agencies—public and private—for available resources.

These proposals won't please everyone in either Congress or the administration. However, the main fear should be that opportunities are slipping away with no evidence that new thinking is in the wings.

John Sewell and Peter Storm are co-authors of "A United States Budget for a New World order," recently published by the Overseas Development Council.

S. 250, THE NATIONAL VOTER REGISTRATION ACT OF 1991

Mr. FORD. Mr. President, I rise today to bring to the attention of my colleagues two editorials, one of which appeared this past Sunday in the Los Angeles Times and the other which appeared in Monday's New York Times. These two editorials express support for S. 250, the motor voter bill. The Los Angeles Times says that this bill "is an honest and worthwhile attempt to take the United States out of last place among the major democracies in terms of national election voting rate." The New York Times says that S. 250 deserves another chance for Senate consideration because "government ought to do all it can to fight voter apathy, not accept it as a given. The motor voter bill honors representative government."

The editorials do not support the bill because it will benefit Democrats. These editorials do not support the bill because it will benefit Republicans. These editorials support the bill because it will benefit democracy. I think the concluding paragraph of the Los Angeles Times editorial is an important reminder to us all about the purpose of this bill: "It's not certain which side of the aisle would have the most to gain from the passage of this proposal. But one sure winner would be democracy."

Mr. President, I hope that my colleagues will read these editorials. I ask

unanimous consent that these editorials be printed in the RECORD.

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

[From the Los Angeles Times, July 28, 1991]

GETTING OUT THE VOTE MADE SIMPLE—DEMOCRACY WILL BE THE WINNER WHEN VOTER REGISTRATION IS MADE EASIER

By now it's a dreary and predictable chain of events: A national, state or local election is held; the voter turnout is appallingly low, and then there are the inevitable editorials decrying the downward trend in participation in democracy.

But there is a practical way to begin to address the problem: Get more Americans registered to vote.

Do newly registered voters indeed vote? Apparently. In states where voter registration is most convenient, turnout rates in 1988 were 12 to 16 percentage points higher than the national average.

Then why haven't more state legislatures, and Congress, made it easier to register to vote—perhaps through an automatic process?

Such suggestions have generated concern, which for the most part has centered on voter fraud. But the potential for fraud is great even in the current hodgepodge system, which too often relies on volunteers who are working for partisan political campaigns.

Voter registration could be made as routine as renewing your driver's license.

A bill that will be reintroduced in September in the Senate would bring what is called universal voter registration to the United States. Sponsored by Sens. Wendell H. Ford (D-Ky.) and Mark O. Hatfield (R-Ore.), it is an honest and worthwhile attempt to take the United States out of last place among the major democracies in terms of national-election voting rate.

The problem is that his bill, and earlier versions of it, got mired in partisan politics. Republicans generally liked linking registration to driver's license applications and renewals, but they balked at a provision that would make voter registration part of applications for public assistance and unemployment benefits.

In no case would voter registration be linked to actually qualifying for any benefits, and in no case would any applicant be forced to register to vote, one could simply decline to register by checking off a box on a form.

In states where such procedures are in place, the costs have been minimal, about 33 cents per person registered.

The assumption has been that new voters who are on public assistance and those who are unemployed are likely to vote Democrat. But it's not that simple. The greatest untapped potential among unregistered voters is a constituency that some strategists believe the GOP might score well with—voters 18 to 25 years old.

It's not certain which side of the aisle would have the most to gain from the passage of this proposal. But one sure winner would be democracy.

[From the New York Times, July 29, 1991]

GIVE 'MOTOR VOTER' ANOTHER CHANCE

Partly out of disgust with politics, partly out of apathy—and largely because of difficulty, only about half the electorate votes in Federal elections. Last year the House passed a sound bill to facilitate voter registration. But Republicans recently blocked action on the Senate version. The reform deserves another chance this session; to block it is to block democracy.

Only 60 percent of eligible voters are currently registered. The "motor voter" bill, sponsored by Senator Wendell Ford, Democrat of Kentucky, would increase the figure to more than 90 percent by requiring states to allow registration when a voter applies for or renews a driver's license. States would also have to permit registration by mail and at other public agencies.

Senate Republicans raise objections that obstruct more than they persuade. The bill would impose new costs on states that can't afford them, they say. Yet the cost of registering more voters as they get driver's licenses would be far less than signing them up in the traditional way.

Critics also worry that the mail registration requirement invites fraud because it is hard to verify validity of a mailed-in form. Yet voters who register a motor vehicles or other public agencies would be required to document their identify and residence far more rigorously than most registrants do now. Fraud would be reduced, not increased.

Perhaps the most offensive objection is that more registration won't increase turnout because voters are turned off by other factors. But there is good reason to believe barriers to registration remain a big factor.

In any case, government ought to do all it can to fight voter apathy, not accept it as a given. The motor voter bill honors representive government.

LONG-TERM CARE

Mr. MCCAIN. Mr. President, our Nation is greying at a phenomenal rate. Today, there are some 30.9 million Americans over the age of 65. By the year 2010, there will be 39.4 million elderly Americans.

Poll after poll, and letter after letter, indicate that the principal health care coverage concern of our Nation's elderly is any illness that requires long-term care. With the cost of an annual stay in a nursing home averaging some $33,000, this is not surprising. In fact, I believe this is where Congress really erred with regard to the now repealed Medicare Catastrophic Coverage Act. Had that Act not gone as far as it did on the acute care side, but assisted the elderly with protection from long-term care expenses, it would have faired much better because it would have dealt with the seniors' true catastrophic illness concern—long-term care.

The need for long-term care legislation is obvious, but the ideal focus of such legislation does not appear obvious to some. Given the demographics of our society, Mr. President, I believe it is irresponsible and impractical to put a wholly public-sector program in place to provide all Americans with long-term care coverage. Clearly, many Americans could afford to protect themselves—if comprehensive, affordable policies were more available in the private insurance market and they were no longer discriminated against in the tax code. I would like to briefly discuss two bills I believe start to lay the foundation for a responsible and reasonable approach to addressing this critical issue.

S. 1021, the Private Long-term Care Insurance and Accelerated Death Benefit Incentive Act of 1991, would expand the private long-term care insurance market by making the coverage more affordable and accessible to our Nation's seniors. The second bill is S. 846, the Long-Term Care Protection Act, which would establish Federal standards for long-term care insurance policies.

With regard to the issue of expanded public sector participation in long-term care, I am still working with seniors from Arizona and around the country. There are significant questions that have yet to be resolved, including, what coverage should be provided through the public sector program and who should be eligible for that coverage.

Without a doubt, the problem of long-term care is massive. Most Americans do not have adequate coverage from these often ruinous expenses. A complete approach to the problem will require the involvement of both the private and public sectors.

When people are able to afford it, however, private long-term care insurance policies should—and must—be part of the solution. The market, at this point, however, is not that attractive to most. For example, while current law provides a tax deduction for the purchase of acute care health insurance, it does not do so for long-term care policies.

Specifically, S. 1021, the Private Long-term Care Insurance and Accelerated Death Benefit Incentive Act would:

First, make premiums for long-term care policies tax deductible.

Second, give employers the ability to deduct premiums paid for employee long-term care policies and permit them to be offered under an employer's cafeteria plan.

And, third, clarify that death benefits from a life insurance policy may be paid to a terminally ill individual in the year before death, and not be taxable. I believe this provision will greatly assist a large number of people in meeting their long-term care needs in such a time of distress.

The second bill, S. 846, the Long-term Care Protection Act, is legislation which I recently joined Senator PRYOR and others in introducing. It would provide, for the first time, Federal consumer protection in the long-term care insurance market. Specifically, it focuses on cleaning up restrictive insurance policy limitations and marketing abuses. This is to the long-term care insurance market what Medigap reform was to the Medicare supplemental insurance market last year.

Its more important provisions include: assuring consumer access to in-

formation on long-term care insurance complaints; requiring that all policies include inflation protection; prohibiting high pressure sales tactics and churning; prohibiting the sale of long-term care policies to individuals eligible for Medicaid; guaranteed renewability of policies; standardization of definitions and terminology contained within policies; and, requiring companies to provide consumers with information regarding claims denials, approval of policies and refunds of premiums.

Just as was the case with the Medigap market, the LTC insurance market is troubled by illegal practices involving unscrupulous agents, fraudulent sales practices, and high pressure sales techniques. Although the LTC insurance market is relatively new, evidence points to a prevalence of these practices comparable to the Medigap market.

Mr. President, the greatest health coverage need of our Nation's seniors is protection from the incredible expense of long-term care. The cost of a year's stay in a nursing home averages $33,000. While the public sector can, and does, play a role, many of our Nation's seniors are spending their hand-earned, limited, resources to purchase private insurance coverage. It is critical that our Nation's seniors have confidence in the coverage that they are buying, and that unscrupulous salesmen are prevented from being able to prey on their understandable fears.

I believe these two bills will spur the development of the private sector long-term care insurance market, while providing consumers with the confidence that the market will be free from abuse. This will give consumers confidence about investing their hard-earned resources for their future health care needs. These two bills, in my view, are necessary to achieve the goal of assisting the millions of Americans who can afford to begin protecting themselves from the true catastrophic illness concern—long-term care.

I hope that my colleagues will give these two bills serious consideration, and consider joining as cosponsors, so that we might begin to address the critical issue of long-term care.

HERE THEY SEE AGE AS AN ASSET

Mr. HELMS. Mr. President, Senators will be interested in the cover story of Parade magazine of Sunday, July 14, recognizing the good works of the North Carolina Center for Creative Retirement in Asheville, NC.

In 1988, the University of North Carolina at Asheville, led by Dr. Ronald J. Manheimer, set up a program to make use of an untapped resources in that area—the retirement community of Asheville which Dr. Manheimer describes as "people of talent—resourceful, bright and capable." It is the North Carolina Center for Creative Retirement.

Mr. President, the center encourages retired citizens to serve their community by sharing experiences gained throughout their professional lives. For example, participants counsel college students, assist hospitals, and advise libraries on finances, to identify just a few.

In reporting on the center's volunteers, the Parade article proclaims: "The rest of the world would call them retired. Asheville calls them leaders." Mr. President, they are leaders, and I am proud that they chose to retire in North Carolina.

This is not the first time this group has received national recognition. On January 23, the North Carolina Center for Creative Retirement was recognized by President Bush as the 360th "Daily Point of Light." These volunteers are certainly a point of light in this Senator's eyes.

Mr. President, I hope retired citizens in other communities will follow the example set in Asheville.

Mr. President, I ask unanimous consent that the Parade magazine article be printed in the RECORD at the conclusion of my remarks.

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

[From Parade, July 14, 1991]

HERE, THEY SEE AGE AS AN ASSET

Recently I traveled to Asheville, N.C., and met some of the community's leading citizens. Carolyn Rosenthal found time for me in between meetings of the reading groups she runs in the area. Earl Hitchcock squeezed me in during a busy day of administering a volunteer program. I tracked down Bob Etter in his physical chemistry lab and went to an inner-city school to find Mel Hetland and Evelyn Smith. Bob and Peggy Tinker had a little more free time; they had just finished work on a grueling political campaign and were settling back into their more normal routines as college students.

This was not a collection of native Ashevilleans—nor did they have much else in common. By training, they were a dancer, a businessman, a corporate research director, two educators, an insurance man and a travel agent. Some had lived in the upper Midwest and the Northeast; one had spent his career in places like Saigon and Buenos Aires. All had, at the age of 65 or so, wound down their primary careers. The rest of the world would call them retired.

Asheville calls them leaders.

Approximately 13 percent of this country's citizens—around 32 million people—are 65 or older. Although no exact statistics are kept, experts believe that most of these individuals are in good health. Life expectancies for Americans vary by sex, race and other demographic factors, but many older people today can expect to live into their 80s. And in 30 years, as many members of the Baby Boom generation are reaching retirement age, the number of older Americans will start to rise by 50 percent.

Statistics like these led the University of North Carolina at Asheville to set up its North Carolina Center for Creative Retirement. "Until recently, most of the nation's concern for senior citizens was concentrated on the frail, the fragile and the impoverished," said Ronald J. Manheimer, the center's director. "Those people are very important. But other seniors were ignored."

With its reasonable cost of living, temperate climate and breathtaking view of the Blue Ridge Mountains, Asheville has grown increasingly popular as a place for older people: 16,000 of the city's 62,000 residents are retirees. About 1500 of those participate each year in the programs of the Center for Creative Retirement. In the center's noncredit College for Seniors, retirees can further their education. In its Senior Academy for Intergenerational Learning, they can pass on their knowledge to young people. Through Leadership Asheville Seniors, they work in the schools, hospitals and prisons of the community.

In Asheville, "retired" people are running discussion groups for adults in rural communities, helping hospitals, libraries and orchestras to organize their finances and marketing; and counseling college students on career choices. "These are people of talent—resourceful, bright and capable," said Ron Manheimer. "They had been an untapped resource."

The older people who take part in the center's programs live in their own homes and commute to their jobs and classes on- and off-campus. Some might spend as little as two hours a week taking a course in poetry or physics or arms control at the College for Seniors. Others spend all or part of almost every weekday working on center-sponsored projects. "You don't see many people withering away or floundering around for something to do around here," Bob Tinkler, 67, told me.

Earl Hitchcock, 72, certainly wasn't floundering around when I met with him. "I've got my hands full," he said cheerfully, gesturing at a thick pile of paperwork. A few years ago, Hitchcock was a businessman in New Jersey. Today, he coordinates the work of 80 volunteers in the public schools of the Asheville area. "When I retired, I didn't have anything specific in mind that I wanted to do," Hitchcock said. "I knew I wanted to play tennis—and I've done that. But my wife and I had always been active in the community—United Way, Cub Scouts, a family-counseling service—and we wanted to remain active."

Hitchcock attended the seven-week Leadership Asheville Seniors training course, in which political, educational and philanthropic leaders taught the participants about the community's needs. "They talked about drug addiction, dropouts, the usual litany of city problems. It occurred to us that every one of these problems was education-related."

Hitchcock and other members of his class worked together with area principals to bring older people into the public schools, matching them with students who needed tutors, remedial help or just an adult to talk to. One elderly volunteer tutored a young girl who had been through four foster homes in one school year. She knitted the girl a sweater, helped her with reading and gave her a shoulder to cry on. Another volunteer helped a grade-school student who had been failing math, and the child scored an 85 on a math exam. "Some people said that seniors wouldn't be interested in schools, because they don't have kids in school anymore," Hitchcock said. "But absolutely nobody we talked to felt that way.

For Mel Hetland, 70, the center offers a very special way to serve his community

while keeping his hand in the profession he loves. Hetland is one of a small group of volunteers from the center who work at Randolph Elementary School, in a downtrodden section of Asheville. Once a week, he teaches reading to first- and third-graders and devises science demonstrations for fifth-graders. "The big reward is that I'm helping some teachers develop techniques for relating to students—techniques that I had a lot of experience with during my own career as a curriculum supervisor and professor of education," he said.

In a laboratory at the University of North Carolina at Asheville, Prof. John Stevens and his students have been doing research on the Mössbauer effect—a nuclear technique that scientists use to study the structure of matter. Stevens has spent much of his career in this work and has introduced hundreds of eager undergraduates to research. Since last summer, he has been grouping his young students with people from the center. "It's been one of the most fruitful semesters I've had in 20 years of research," he said.

Bob Etter, 58, and Terri Spangler, 21, have begun a remarkable partnership. Bob, who has a Ph.D. in chemistry, retired two years ago as research vice president of Johnson's Wax; Terri is a UNC-Asheville junior. "I was expecting to be of service when I retired," Bob said. "I do a lot of volunteer things. But this is the only one I've found in which I can use my scientific background." Working as a team, Bob and Terri run painstaking analyses on specialized equipment, which they learn about as they work together.

The undergraduates in the program admit that they were apprehensive at first about having retired scientists looking over their shoulders. Now, though, Terri pays the program the ultimate compliment: "It's the kind of thing I'd like to do when I retire," she says.

You don't need to be a scientist or a business leader to benefit from the center. "Some of the smartest people in our classes only got as far as high school," said one College for Seniors participant. Carolyn Rosenthal, 67, a former librarian from New York City and Washington, D.C., has started a reading discussion group for adults in rural communities around Asheville. "At first," she recalled, "I had to convince them that they could be members of a reading group. Now, a lot of these people are candidates for courses at the College for Seniors."

Today, the scope of the North Carolina Center for Creative Retirement makes it one of a kind, but Ron Manheimer believes that other creative retirement centers could spring up around the country. With a budget of about $350,000—which comes in part from the university, foundation grants and the fees of its students—the center has relatively low costs. "The programs are replicable, if you have dedicated people," said Manheimer. Already, consultants from retirement communities and government have come to study the center. The White House named it one of President Bush's 1000 Points of Light.

Manheimer concedes that the Center for Creative Retirement is not for everyone; some people lead rich, happy retired lives just puttering in the garden, playing golf and visiting with the grandchildren. But retired people everywhere can learn an important lesson from its philosophy. As Earl Hitchcock put it: "If you can't think of anything to do when you retire, you don't have much imagination."

D.J.

Mr. MOYNIHAN. Mr. President, today I rise to observe the fatal result of easy access to certain calibers of ammunition. A young man, a 14-year-old drug runner according to an editorial in today's Washington Post, killed three people with a .32 caliber bullet. It is a story all too common in our cities.

I, along with a majority of the Senate, supported provisions establishing a waiting period before the purchase of a handgun to facilitate a background check of the purchaser. But as I have said in this chamber before, our efforts to stem gun violence must not stop there. Guns don't kill, bullets do.

On January 14, I introduced S. 51, the Violent Crime Prevention Act of 1991, banning the importation, manufacturer and transfer of .25 and .32 caliber and 9 millimeter ammunition. The .25 and .32 are used in Saturday Night Specials, small and concealable guns carried by street criminals; 9 millimeter ammunition is used in semi-automatics, the favorites of drug dealers and gangs.

Banning .25 caliber, .32 caliber and 9 millimeter ammunition might just save a few lives. It may have saved those three lives.

I urge my colleagues to support ammunition control, and ask unanimous consent that the text of the Washington Post editorial be printed in the RECORD at this point.

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

[From the Washington Post, July 31, 1991]

D.J.

"Serve the man and take his car!" That order from his drug dealer sent D.J., a 4-foot, 9-inch, 140-pound, 14-year-old drug runner, to the car of Marvin Alston with a $20 rock of crack cocaine. When Mr. Alston, a regular drug customer, refused the order to leave his late model Maxima and tried to defend himself, D.J. shot him in the head and then in the face with a .32-caliber pistol. A few hours later, D.J. got into an altercation with another man—and shot him dead. That same night, a third man was shot and killed by D.J. in another unrelated incident, authorities say.

Last Thursday, the dealer for whom D.J. worked—27-year-old Daryl Smith—was convicted in D.C. Superior Court of felony murder for ordering Mr. Alston's death. D.J. was in that courtroom last Thursday also—as a spectator. For committing those two cold-blooded murders exactly three years ago in Northeast D.C. (court-proof evidence was lacking in the third slaying), D.J. paid his debt to society by spending a total of 26 months in the District's Oak Hill youth facility. Now nearly 17, D.J. reportedly has been seen at neighborhood crime scenes, sometimes taunting the police.

What makes this so frightening and sickening is that there are more "D.J.s" on District streets, and, say prosecutors, their numbers are growing. In part it's explained by something older drug dealers know that most law-abiding citizens don't suspect: Some 14- and 15-year-old kids can be easily recruited and paid to deal drugs and commit murders, because when they are caught and "adjudicated" in the District as juveniles their sentences tend to be relatively light. These dealer/mentors also know what the juvenile justice system is starting to learn: that in the minds of some youths, the power and reputation they gain from owning and using a gun outweigh the risks of getting caught. Today, far too many "D.J.s"—with little sense of the promise of life or the horror of death and with a penchant for shooting at a heartbeat—terrorize entire city blocks.

How terribly ironic that while President Bush is in the Soviet Union making the world safer from the threat of nuclear weapons, he leaves behind a nation's capital caught in the grip of fear and insecurity caused by the threat and reality of homegrown gun violence. A story in last Sunday's Post reported that nearly once every hour someone in the District or inner Prince George's County is shot, robbed at gunpoint or killed with a gun.

Police and prosecutors are only part of the calculus for ending this horror. Clearly, the law that puts convicted murderers like D.J. back on the streets so quickly needs urgent review. But more needs to be done closer to home. Until their funerals, when family and friends in the community tearfully profess to love them so much, you would never know that these "D.J.s," who are found on the streets at all hours of the night, even have homes and loved ones. That communal show of concern for these children's irrational and criminal behavior, along with the predictable declaration of intent to change things, is meaningless—after they're gone. The community must be held accountable for doing it now.

WAIVING PROVISIONS OF THE LEGISLATIVE REORGANIZATION ACT

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Concurrent Resolution 58, a concurrent resolution waiving provisions of the legislative reorganization act submitted earlier today by Senators MITCHELL and DOLE.

The PRESIDING OFFICER. The clerk will report the concurrent resolution.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 58) to waive the provisions of the Legislative Reorganization Act of 1970 which require the adjournment of the House and Senate by July 31st.

The PRESIDING OFFICER. The concurrent resolution is privileged. The question is on agreeing to the concurrent resolution.

The Concurrent Resolution (S. Con. Res. 58) was agreed to, as follows:

S. CON. RES. 58

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198), as amended by section 461 of the Legislative Reorganization Act of 1970 (Public Law 91-510; 84 Stat. 1193), the Senate and the House of Representatives shall not adjourn for a period in excess of three days, or

adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain, or for adjournment sine die.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

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

The motion to lay on the table was agreed to.

INTELLIGENCE AUTHORIZATION ACT—FISCAL YEAR 1991—CONFERENCE REPORT

Mr. LEVIN. Mr. President, I submit a report of the committee of conference on H.R. 1455 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1455) to authorize appropriations for fiscal year 1991 for intelligence activities of the United States Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, 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 PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD OF JULY 25, 1991.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

KOREAN WAR VETERANS WAR MEMORIAL AMENDMENTS ACT OF 1991

Mr. LEVIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar 192, S. 855 an act regarding the Korean War Veterans Memorial.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 855) to amend the act entitled "An Act to authorize the erection of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in the Korean War."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 978

Mr. LEVIN. Mr. President, on behalf of Senator GLENN, I send a technical amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. GLENN (for himself and Mr. WARNER,) proposes an amendment numbered 978.

Mr. LEVIN. 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:

1. Section is amended by striking "Section 1 of the" and inserting in lieu thereof, "The".

2. Section 2 is further amended by striking "(a) by redesignating" through the end of the section, and inserting in lieu thereof the following:

"(a) in section 1, by striking 'H.R. 4378, as approved by the House of Representatives on September 29, 1986.' and inserting in lieu thereof 'Public Law 99-652 (100 Stat. 3650; 40 U.S.C. 1001 et seq.).'; and

"(b) by adding at the end thereof the following new section:

"'SEC. 4. Notwithstanding section 10(b) of Public Law 99-652 (100 Stat. 3654; 40 U.S.C. 1010(b)), the legislative authority for the memorial (including the authority of the Secretary of the Interior to issue a construction permit for the memorial pursuant to section 8 of Public Law 99-652 (100 Stat. 3652; 40 U.S.C. 1008)) shall terminate on October 28, 1993, unless the Secretary has issued a construction permit for the memorial prior to that date.'"

Mr. WARNER. Mr. President, I ask the Senator from Virginia [Mr. WARNER] be designated cosponsor of this amendment.

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

If there be no debate, the question is on agreeing to the amendment.

The amendment (No. 978) was agreed to.

Mr. GLENN. Mr. President, I am very pleased that the Senate is prepared to take up and pass S. 855, a bill to extend the authorization for the erection of a Korean War Veterans Memorial. The time sensitivity of this matter cannot be overstated. Without expeditious enactment of this bill, there is likely to be no Korean War Veterans Memorial and the veterans of the "forgotten war" will be forgotten again.

This memorial project was originally authorized in 1986, Public Law 99-572. Shortly thereafter, Congress passed the Commemorative Works Act, Public Law 99-652, whose purpose was to provide standards and procedures for the placement of commemorative works on certain Federal lands in and around the District of Columbia. One provision of this generic act governing memorials provides that legislative authority will expire after 5 years unless a construction permit has been issued. Hence the Korean War Veterans Memorial authority will expire in October of this year.

The Korean War Veterans Memorial is the first memorial project to come along governed by the new procedures and requirements of the Commemorative Works Act. I commend the American Battle Monuments Commission [ABMC], the Korean War Veterans Memorial Advisory Board, and the National Park Service for all their hard work over the past several years. Much has been accomplished. A site on the Mall has been selected and approved; as the site is in Area I, Congress had to pass a separate bill approving the site. A national design competition has been conducted and a design selected. An architecture and engineering contract has been awarded to turn the winning design into detailed drawings and specifications. An eminent sculptor has been selected to sculpt the figures which are the focal point of the design. While preliminary design approval has been received from the various commissions and agencies charged by the Commemorative Works Act with that responsibility, more work must be done on final design approval and the Advisory Board continues its efforts to shepherd the design through the lengthy approval process.

The Commemorative Works Act requires that all the money required to complete the project must be on hand before a construction permit can be obtained. To date over $13 million has been raised to finance the construction of the memorial and endow the required perpetual maintenance fund.

I list all these accomplishments to make sure that my colleagues understand that the ABMC and the Advisory Board have worked steadily to fulfill all the requirements in the authorizing legislation and the Commemorative Works Act. This extension is not needed because those responsible for this memorial project sat on their hands for the past 4½ years. On the contrary, the extension is needed to ensure that all the considerable effort already expended on this project is not for naught. Additional time is required to fulfill the remaining conditions for the issuance of a construction permit; I am confident this can be accomplished within the 2 additional years provided by S. 855.

Lastly, I have offered an amendment to S. 855 which further clarifies the language in section 2 of the bill, the section which contains the authorization for the 2-year extension of the legislative authority for the memorial. The term "legislative authority" in section 2 encompasses all the sections of Public Law 99-572, the original memorial authorization.

Mr. President, I thank my colleagues on the Energy and Natural Resources

Committee for the expeditious manner in which they have considered and acted upon S. 855 and I thank the leadership for bringing the bill up prior to the August recess.

The PRESIDING OFFICER. The bill is before the Senate and open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 855

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Korean War Veterans War Memorial Amendments Act of 1991".

SEC. 2. EXEMPTION FROM EXPIRATION OF LEGISLATIVE AUTHORITY.

The Act entitled "An Act to authorize the erection of a memorial on Federal land in the District of Columbia and its environs to honor members of the Armed Forces of the United States who served in the Korean War" (Public Law 99-572; 100 Stat. 3226) is amended—

(a) in section 1, by striking "H.R. 4378, as approved by the House of Representatives on September 29, 1986." and inserting in lieu thereof "Public Law 99-652 (100 Stat. 3650; 40 U.S.C. 1001 et seq.).."; and

(b) by adding at the end thereof the following new section:

"SEC. 4. Notwithstanding section 10(b) of Public Law 99-652 (100 Stat. 3654; 40 U.S.C. 1010(b)), the legislative authority for the memorial (including the authority of the Secretary of the Interior to issue a construction permit for the memorial pursuant to section 8 of Public Law 99-652 (100 Stat. 3652; 40 U.S.C. 1008)) shall terminate on October 28, 1993, unless the Secretary has issued a construction permit for the memorial prior to that date.".

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

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

The motion to lay on the table was agreed to.

AUTHORIZING TRANSFER OF NAVAL VESSELS TO GOVERNMENT OF GREECE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2901 regarding the transfer of ships to Greece just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2901) to authorize the transfer by lease of 4 naval vessels to the Government of Greece.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Further, Mr. President, on the matter that was considered a few minutes ago, which the Senate turned to the consideration of H.R. 2901, an act to provide for the Secretary of the Navy to lease the following naval vessels, I would like to indicate that the Senator from Virginia was on the floor at the time that was passed by the Senate, and I urge my colleagues to support this.

I express my appreciation to the Government of Greece for their work on this amendment, and in particular for the visitations to this country by the Minister of Defense. I had the privilege to meet with him in connection with this request. The Government of Greece, indeed, is a very valued ally. I am delighted to see this having taken place.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 2901) was ordered to a third reading, was read the third time, and passed.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. WARNER. I move to lay that motion on the table. The motion to lay on the table was agreed to.

NATIONAL PARKS WEEKS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Joint Resolution 179, designating "National Parks Weeks" and that the Senate then proceed to its immediate consideration: that the resolution be deemed read a third time and passed; that the motion to reconsider be laid upon the table; and that the preamble be agreed to.

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

So the joint resolution (Senate Joint Resolution 179) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. RES. 179

Whereas on August 25, 1916, the Congress established the National Park Service charged with the conservation of "the scenery and the natural and historic objects and the wildlife" of the National Park System and "to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations";

Whereas the National Park Service, now celebrating its seventy-fifth anniversary, has shown leadership in the protection of our Nation's natural, cultural, and recreational resources internationally, nationally, and locally;

Whereas today the three hundred and fifty-seven units of the National Park System preserve and interpret unique resources that shape our Nation's sense of its identity, from the scenic beauty of the great natural parks to the rich diversity of the historical and archeological areas and the varied activities of the recreational areas;

Whereas millions of Americans as well as people from foreign nations visit the national parks each year, deriving pleasure and inspiration from them;

Whereas we who have inherited this legacy and who are enriched by it, believe that the parks deserve to be kept unimpaired to ensure that future generations will continue to appreciate and enjoy them;

Whereas the National Park Service has long cooperated with the States, counties, localities, and other entities to assist in the preservation of historic resources, the management of diverse natural resources, and the increase of public recreational opportunities;

Whereas the men and women of the National Park Service charged with the protection of our parks and their visitors have steadfastly served the purposes for which the national park system was created; and

Whereas, during the year beginning August 25, 1991, the National Park Service will celebrate its diamond anniversary with programs focusing the Nation's attention on the riches of these parks and the need for their preservation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning August 25, 1991, is hereby designated as "National Park Week" and the President of the United States is authorized and requested to issue a proclamation inviting the people of the United States and the world to participate in the events commemorating the seventy-fifth anniversary of the creation of the National Park Service.

COMMUNITY-BASED AIDS RESEARCH INITIATIVE OF 1991

Mr. LEVIN. Mr. President, I ask unanimous consent that the Labor Committee be discharged from further consideration of S. 1594, a bill relating to AIDS research initiatives, and that the Senate proceed to its immediate consideration.

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

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1594) to honor and commend the efforts of Terry Beirn, to amend the Public Health Service Act to rename and make technical amendments to the community-based AIDS research initiative, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, I wish to commend the Senate for acting swiftly and affirmatively on this important legislation. The Community-Based AIDS Research Initiative of 1991 will stand as a lasting tribute to Terry Beirn—the architect and inspiration behind the creation and now the reauthorization of this innovative and life-saving program.

It is Terry's commitment and dedication to increased access to experi-

mental therapies that led to the establishment of this model program in 1988. It is in his name that the program will continue to forge ahead in its efforts to foster collaboration, cooperation, and the active participation of Government, industry, academia, community-based primary care physicians, and people living with HIV disease, working to prolong life and reduce suffering.

I ask unanimous consent that several tributes to Terry Beirn be printed the RECORD.

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

[From the Washington Post, July 18, 1991]

TERENCE U. BEIRN, AIDS POLICY ADVISER

Terence U. Beirn, 39, a senior AIDS policy adviser to the Senate Committee on Labor and Human Resources and a program director at the American Foundation for AIDS Research, died July 16 at a hospital in New York City. He had AIDS.

In 1986, he became an adviser to the Labor and Human Resources Committee and a year later organized the Senate's first hearings on the issue of access to experimental drugs for people with HIV, the virus that causes AIDS.

At the American Foundation for AIDS Research, Mr. Beirn's duties included efforts to develop a national system to coordinate clinical trials of experimental AIDS treatments, and creation of the AIDS/HIV Treatment Directory, a quarterly publication listing available medical treatments for AIDS.

Mr. Beirn, who was diagnosed as having the AIDS virus in 1984, maintained residences in Washington and New York City. He was born in New York City and grew up there and in Connecticut. He graduated cum laude from Yale University.

Before turning his efforts to AIDS-related work full time in 1986, Mr. Beirn had worked as a television reporter for WABC in New York City and KGO in San Francisco.

Survivors include his longtime companion, Paul Corser of New York City; his father, F. Kenneth Beirn of Bridgeport, Conn.; a sister, Sarah Jennings of El Paso; and a brother, Christopher Beirn of Goleta, Calif.

[From the New York Times, July 19, 1991]

TERENCE U. BEIRN, 39, AIDS FUND EXECUTIVE

Terence U. Beirn, an executive of the American Foundation for AIDS Research, died on Tuesday at Roosevelt Hospital. He was 39 years old and lived in Washington and Manhattan.

He died of AIDS-related brain cancer, said Paul Corser, his companion and a colleague at the foundation.

Mr. Beirn, a native New Yorker and a graduate of Phillips Exeter Academy and Yale College, was a news correspondent for television station KGO in San Francisco until 1984, when he tested positive for the HIV virus, which caused AIDS.

He joined in efforts to combat the AIDS epidemic, organizing fund-raising events, creating a quarterly directory of medical treatment for AIDS and helping to gain passage of legislation providing funds for research and clinical trials of experimental drugs to treat the disease. At his death, he was assistant executive director for programs at the research foundation.

He is survived by his father, F. Kenneth Beirn of Bridgeport, Conn.; a sister, Sarah Jennings of El Paso, and a brother, Christopher, of Goleta, Calif.

In a world where many men and women are working selflessly and tirelessly to solve a major health epidemic, Terry Beirn stood out as the most selfless, tireless, and visionary. His energy and wit, his honesty and candor, and his knowledge and brilliance were essential to all of us. Despite our profound loss, his inspiration drives us on to find a cure for HIV/AIDs, and his example both humbles and exhilarates us. We extend our deepest sympathies to his beloved father Kenneth, to his sister Sarah, to his brother Christopher, and to his friend and partner in life Paul Corser. Terry's herculean efforts will not be in vain, and to this end we pledge ourselves. American Foundation For AIDS (AmFar)

Elizabeth Taylor, National Founding Chairman; Mathilde Krim, Ph.D., Founding Co-Chair; Joel Weisman, D.O., Chairman; Mervyn Silverman, M.D., Pres.; and the entire Board of Directors and Staff of AmFar.

TERRY BEIRN

Terence Utquhart Beirn, who played an important role in shaping national AIDS policy, died on Tuesday, July 16, of complications associated with AIDS, at Roosevelt Hospital in New York City. He was 39.

Beirn had served as senior AIDS policy adviser to the Senate Committee on Labor and Human Resources since 1986, helping draft major AIDS/HIV legislation, including the 1988 AIDS Research and Information Act; the 1990 Ryan White CARE Act; and the 1990 Americans with Disabilities Act, which prohibits discrimination based on HIV status.

Beirn oversaw the programs of the American Foundation for AIDS Research (AmFAR), which include community-based clinical research and education. He served as AmFAR's program officer from 1985 to 1990 and as assistant executive director of programs since 1990. He also was program officer at AmFAR's predecessor, the AIDS Medical Foundation from 1984 until 1985

As AmFAR's program officer, Beirn spearheaded AmFAR's efforts to coordinate local AIDS treatment clinical trials into an integrated national system. He initiated the first major New York City AIDS benefit performance in 1985. And he also created the AIDS/HIV Directory, which contains up-to-date information on available AIDS treatment.

Beirn was born in New York City and graduate from Yale in New Haven, Conn., in 1974 with a bachelor of arts degree in English, and also attended the Phillips Exeter Academy in Exeter, N.H. Beirn worked as a news correspondent for KGO, a San Francisco television station until 1984.

"I shall always remember and admire Terry Beirn for his extraordinary energy and dedication to fighting AIDS," said AmFAR founder and cochair Dr. Mathilde Krim in a printed news release, "When the definitive history of AIDS is finally written, Terry Beirn will [be] remembered as one of our greatest heroes," Krim said.

Actress Elizabeth Taylor, AmFAR's national chair, said Beirn was "one of our finest warriors in the endless struggle against AIDS," according to the statement. "Indeed, if not for this extraordinary young man, there never would have been an AmFAR," Taylor said.

"Few individuals have been more effective in educating Congress about [AIDS/HIV] issues," said U.S. Sen. Edward Kennedy (D-Mass.), who chairs the Committee on Labor and Human Resources, in the news release. "The far-reaching legislation enacted . . . is a lasting monument to Terry Beirn's wisdom and compassion."

He leaves his friend and partner in life, Paul Corser of New York; his father, Kenneth Beirn of Bridgeport, Conn,: his sister Sarah Jennings of El Paso, Texas; and his brother, Christopher Beirn of Goleta, Calif.

Beirn's remains were cremated. A semi-private memorial service will take place at Krim's home in New York on Monday, July 29, and a private service is to be held on Tuesday, July 30, at the offices of the Senate. In lieu of flowers, contributions in his name may be made to the American Foundation for AIDS Research, 1515 Broadway, Suite 3601, New York, NY 10036-8901.

SENATOR EDWARD M. KENNEDY AND SENATOR ORRIN G. HATCH INVITE YOU TO JOIN FAMILY, FRIENDS, AND COLLEAGUES IN A TRIBUTE TO HONOR AND REMEMBER THE LIFE AND THE EXTRAORDINARY CONTRIBUTIONS OF TERRY BEIRN

(July 30, 1991, at 6 p.m., Committee on Labor and Human Resources, 430 Dirksen Senate Office Building)

We honor and remember Terry Beirn, April 23, 1952–July 16, 1991.

Welcome and Tribute: Senator Edward M. Kennedy.

Tribute: Senator Orrin G. Hatch.

Tribute: Dr. Mathilde Krim.

Tribute: Dr. Samuel Broder.

Message of Hope: Dr. June E. Osborn.

Feeding the Flame: Ms. Pat Wright.

Poetry and Songs: Nicole Leuschow.

"We Are Many—We Are One."

"That's What Friends Are For."

AIDS INITIATIVES INSPIRED BY TERRY BEIRN

AIDS legislation:

AIDS Research and Information Act of 1987, accelerates and expands AIDS research and establishes national AIDS prevention campaign, S. 1220—Public Law 100-607.

Americans With Disabilities Act, provides protection against discrimination for people with disabilities including HIV disease, S. 933—Public Law 101-331.

Ryan White Comprehensive AIDS Resources Emergency [CARE] Act of 1990, provides disaster relief to hard hit cities and all states to create community based care networks for individuals and families living with HIV disease, S. 2240—Public Law 101-381.

Committee on Labor and Human Resources AIDS Hearings:

January 16, 1987—Combating the AIDS epidemic.

May 15, 1987—AIDS research.

September 11, 1987 and November 18, 1987—AIDS Federal policy: testing, counseling, confidentiality, and protection against discrimination.

July 13, 1988—AIDS treatment research and approval: barriers to progress.

February 7, 1989—AIDS education, care, and drug development.

December 11, 1989—AIDS, drugs, and the urban health care crisis.

May 15, 1991—Edwards Commission report on the FDA.

REMARKS OF SENATOR EDWARD M. KENNEDY—TRIBUTE TO TERRY BEIRN, WASHINGTON, DC, JULY 30, 1991

Senator Hatch and I wanted to deliver these tributes to Terry Beirn here in this room—because with the exception of the Senate Floor, it is the scene of Terry's most lasting achievements.

It is easy to imagine Terry—ever the movie producer and director he might have been—slipping out of the anteroom where he had been preparing the next witness, scout-

ing the back of the hearing room to inspect the angles for the television cameras, quietly sliding behind Orrin and me into his chair on the dais, ready to pounce on the next unsuspecting Administration witness, showering us with 5 by 8 notecards in hand-written 15 second sound bites, all the while stage-whispering so loudly in our ears that we couldn't hear the witness's testimony.

It all began in January 1987. Orrin had just resumed his rightful place as ranking minority member of the Committee. I had just become the Chairman, and I asked Mathilde Krim to recommend a consultant on AIDS for the Committee—an outstanding thinker, perhaps. But Mathilde knew better—she sent us an outstanding doer.

So "Mr. Smith" Terry Beirn came to Washington to be our AIDS adviser—and "advise" he did, to put in mildly. In reality, Terry took our Committee by storm. He was more like a drill-sergeant, a General Schwarzkopf in social issues clothing—just as endearing, and just as effective.

He turned our Committee into an effective fighting force in the battle against AIDS on all fronts. Utah enlisted in Terry's army from the start. He even made a specialty of establishing beach-heads behind the lines in North Carolina.

Information was his ammunition—his silver bullet. In no time, Terry and Michael Iskowitz formed the team that began to make all the difference. They went office-to-office with other members of the staff—and their 500-page AIDS information guide. They became known as the "AIDS-Busters"—always on call for emergencies and SCUD missiles on the Senate floor.

I remember a day in December 1989. Terry organized a meeting with AIDS patients at D.C. General Hospital. Then we were off to the Whitman-Walker Clinic for a press conference and photo opportunity. I thought I was supposed to be in the picture, until Terry gently steered me to one side so the cameras could have an unobstructed view of the doctors and the safe sex poster behind me on the wall.

I remember the ten-point plan of action that Terry originally proposed. At the press conference when we first announced it, here in this room, Terry had hung sections of the AIDS quilt on the wall behind us. Mayor Dinkins, Belinda Mason, and June Osborn were here. We had more Senators present than we've ever had for any bill introduction before or since, because of one other important guest. As Terry explained, they're here to see Elizabeth Taylor, but they'll stay to learn about AIDS.

In the spring of 1987, we introduced the first comprehensive legislation—to accelerate AIDS research and create a national AIDS prevention campaign. After that measure was enacted, Terry spent the next two years on the Americans With Disabilities Act, the historic legislation to prevent discrimination against 43 million Americans with disabilities, including those with HIV disease.

Then, in 1990, Terry became the driving force behind one of the most moving measures that any of us have ever worked on, the Ryan White Emergency AIDS Care legislation. That bill is one of Terry's great monuments. Because of him, untold numbers of Americans suffering with AIDS will receive decent care, and the burden on their families will be eased.

Terry believed that the best antidote to fear is education. When young Ryan White was thrown out of school after his AIDS condition became public, when his family was literally run out of the town in which they lived, it was Terry Beirn who took a plane to Indiana. Within days, he organized an information and education campaign complete with town meetings, public service announcements and radio and television shows across the state. The fear and histeria subsided. Ryan White turned the tide, and so did Terry Beirn.

He brought boundless energy to every struggle. He was often in three or four cities a week, waging current battles while preparing for the next ones. During the Ryan White CARE conference, he was in Washington for the Senate negotiations, in Philadelphia for a clinical trial of an experimental therapy, and in AmFAR's New York and Los Angeles offices for board meetings, all in the same week.

In recent days, as Terry struggled against the final stages of his own disease from his hospital room at St. Luke's in New York City, he used his last ounces of precious time and energy to help bring sanity to the Senate floor debate over doctors and dentists with AIDS.

Terry was demanding, not only of himself, but of everyone around him. The more he got from you, the more he expected next time. Just when you thought you had done your best, Terry was there to suggest an even better idea, wondering in his gentle persuasive way why we hadn't done it yesterday. In so many ways, for the four extraordinary years he graced us with his presence, he was the 101st Senator on AIDS—and if the truth be known, he probably accomplished more than all the other hundred together.

If he were here, he would be saying "Enough already; get to the point, Senator. Where do you go from here?" The answer is that we will continue to follow the trail he blazed. We will press NIH for an AIDS vaccine. We will press NIH and FDA for better and faster approval of experimental therapies. We will press Congress and the Administration for more Ryan White funds for the care and treatment of people living with HIV disease. Above all, we will combat all those who pander to prejudice and fan the flames of fear. We will raise high again the Terry Beirn standard of humanity, decency, and compassion. We will remind and re-remind our colleagues, as long as it takes, that this battle is against AIDS, not against people with AIDS.

The only problem is, what will Orrin and I do without Terry writing the talking points and developing the second degree amendments for floor debate.

Our first AIDS bill, the Research and Information Act in 1987, included a community-based program to increase access to experimental therapies for people with HIV who are not fortunate enough to live near major research institutes.

The program is an innovative and highly successful departure from the traditional research model. It is conducted by primary care physicians working closely with their patients. It's happening on Indian reservations in New Mexico and homeless shelters in New York City. It has Terry Beirn's name written all over it, and this week Senator Hatch and I will make it official, by proposing legislation to reauthorize the program and name it for Terry Beirn.

Terry touched so many lives so deeply because he believed that all of life is about learning and growing. He dedicated his own life to breaking down barriers and building up communications. When he came to Capitol Hill, he was troubled by the hostility toward the gay community—and he worked tirelessly to change that.

He was also the ultimate pragmatist. When he first arrived, he feared that if he did not hide the fact that he was a gay man living with HIV, it might limit his ability to be effective. But as the years passed, he shared more and more of himself with those he worked with in the Senate. And as he did so, we came to admire him even more, and he became even more effective.

As Robert Kennedy told the students at Capetown in 1966, "Each time a person stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance."

When my brother spoke those words, he was thinking about people like Terry Beirn. We mourn his death, we celebrate his life, we honor his leadership, we miss his friendship—and most of all, we pledge to carry on the fight he waged so well.

TERRY BEIRN MEMORIAL SERVICES—REMARKS BY SENATOR ORRIN G. HATCH

To the friends and colleagues of Terry Beirn, I am honored to say a few words about the legacy he left upon this Earth. I had the privilege of talking with Terry while he was desperately ill. He faced his illness with guts, courage, and a strong, abiding faith.

This country owes a great debt of gratitude to Terry. Over 100,000 Americans have died because of AIDS. Terry worked diligently to find cures and treatments for these and other Americans who are infected. Legislation that Senator KENNEDY and I worked on to expand research, treatment, and prevention efforts will help resolve the AIDS issue. Terry was a large part of that effort. Terry was a good staff member.

Terry also recognized that AIDS affects every American, regardless of belief, regardless of sexual orientation, regardless of lifestyle, or community. He was one of the original founders of AMFAR, the American Foundation for AIDS Research. In that particular organization, he hoped to make people aware all over this country of the problems related to AIDS.

To Terry's father, his sister and brother, Chris, who is here, I want you to know that Terry has left the world a better place. He was hardworking and courageous. Terry, you will be missed, but not forgotten.

MEMORIAL: TERRY BEIRN, JULY 30, 1991

(By Mathilde Krim, Ph.D.)

I am Mathilde Krim, Founding Co-Chair of the American Foundation for AIDS Research (AmFAR). Terry Beirn has been my friend and co-worker for almost seven years. I loved him dearly.

Terry Beirn was born in New York City. He attended the Phillips Exeter Academy in Exeter, New Hampshire and went on to graduate cum laude from Yale University in 1974 with a B.A. degree in English. He worked as a reporter for WABC in New York and for WKGO in San Francisco.

Terry came into my life in late 1984 when his friend, Victoria Hamburg brought him back east from San Francisco where he had been ill with AIDS-related symptoms and was deeply despondent, which was most uncharacteristic for this exuberant and feisty young man. Terry and Victoria had heard of the AIDS Medical Foundation that some friends and I founded in 1983. They offered to help us by raising financial support through the production of a major theatrical event.

I accepted their offer and the result was a marvelous show called "Comic Relief," produced at the Shubert Theater in May, 1985, which brought us some $400,000 in net proceeds. This was a milestone in that, for the first time, an AIDS benefit was held in midtown Manhattan and was prominently supported by talent and resources that did not come exclusively from the gay community. With it, Terry and Victoria put the course of AIDS research on the map for all the New York public.

Terry stayed with us. Ever since, he bounced in and out of the office, always bursting with ideas, pushing and prodding and accomplishing an enormous amount of solid creative work. Terry Beirn, more than anyone else, created the structure and programs that, today, are AmFAR.

He organized and ran the first seminar on AIDS for science and medical writers invited nationwide, and also convinced me, that same year, that AMF had to merge with a Los Angeles group that had just formed another foundation with goals similar to ours. This unification resulted in the creation of the single national foundation that took the name of *American Foundation for AIDS Research* (AmFAR).

It was Terry who recruited some of the best people on our current staff, who conceptualized and created AmFAR's publications, its unique *AIDS/HIV Clinical Treatments Directory*, its scientific *AIDS Targeted Information Newsletter*, or ATIN, and its *AIDS Clinical Care* journal for physicians.

It was Terry who helped me, in 1987, sell the concept of community-based clinical trials (or CBCT) to our board and staff and who helped us build our current CBCT program into the vibrant, actively growing and already large and important mechanism it now is for the evaluation of new treatments for people with HIV/AIDS.

And, finally, it was Terry Beirn, who for the last five years, agreed to hold two demanding jobs, each in a different city.

In 1986, Senator Kennedy asked our late friend Richmond Crinkley and me to recommend to him someone who could be his senior AIDS policy advisor. He said, and I quote, "find me someone like a retired university president." Richmond and I looked at each other and instantly had the same thought: Only Terry Beirn could take such a job immediately and do it very well. But, AmFAR also needed Terry very much, so we proposed to Senator Kennedy to accept having only a part-time senior aide and to share Terry with us. The Senator agreed and Terry accepted the position. How well he did in this new job is forever embodied in the most important legislation he helped craft and pass: the *1988 AIDS Research and Information Act*, the *1990 Ryan White CARE Act* and the *1990 Americans With Disabilities Act*.

These last five years were gruelling ones for Terry. And yet, I know that he derived much gratification from his work and that it was the constant pressure and intellectual stimulation of this work that kept him well for so long.

Terry had no time for being sick during all those years and, until recently, he had more energy than anyone. His insane schedule somehow fit a man who never wanted to be tied to one desk or to one single project. His brilliant and restless mind enjoyed all the challenges he encountered, both in New York and Washington. And, because he was selfless and was fighting not only for his own survival but for that of countless others as well, he was as excited and enthusiastic about educational PSAs and about AIDS prevention in third world countries as he was about treatment developments, our community-based clinical trials program or the Congressional bills he helped craft and that he fought so hard to see enacted.

Terry was profoundly idealistic and he was also very sentimental, but he would not easily admit to either. He would just act with a dedication, a purposefulness and a sometimes touching sensitivity that made these qualities very clear. In particular, he never complained about his hardships, about his fate, or about the fact that his extraordinary contributions and very hard work were never truly and duly acknowledged and rewarded. He had no time to worry about such things, his accomplishments were reward enough. I know, however, that when he was hospitalized, he profoundly appreciated the personal expressions of concern and sympathy he received from both Senator Kennedy and Senator Hatch, and from his many Washington friends assembled here.

He had long hoped that our common efforts would save his life. When the moment came to accept the inevitable, he faced it with extraordinary dignity and grace.

I was attending the VII International Conference on AIDS in Florence when Terry entered the hospital with serious symptoms of brain lymphoma. I called him from Italy. Surprisingly, he sounded rather upbeat. As usual, he deflected my questions about his health and, as always, we talked shop at some length. Just as we were about to hang up he suddenly said, out of the blue, but loud and clear, "I love you Dr. Krim." I answered, "I love you Terry," he whispered, "thank you," and he hung up. That day, I knew immediately that with these words, we had really said good bye to each other.

This telephone call was indeed our last one.

I thank you all for being here so we can help each other accept the reality of Terry's death, remember him with love and gratitude for all he has given us, and find in the ties of friendship and work he helped forge between us, the strength to live without him and to continue to fight AIDS with a dedication equal to his, until our task is done.

TRIBUTE TO TERENCE BEIRN

(By Samuel Broder, M.D., Director, National Cancer Institute)

This is a moment for reflection on the past, and resolution for the future. Terence Beirn was an exceptional man, who will be greatly missed. He used his intellect, education, and understanding of the legislative process, to help alleviate suffering in patients with AIDS and to further the cause of AIDS research. To many of us at the National Institutes of Health, Terry was a confidant and, even when the occasion called for it, an architect for building programs. A valuable advisor to the Senate Labor and Human Resources Committee, he organized the Senate's first hearing on the issue of access to experimental drugs for AIDS. He familiarized himself with very arcane scientific issues, and then used this knowledge to stimulate scientists to do their jobs better. He fought for research funding, for fundamental fairness for AIDS patients, and for a greater understanding and acceptance of the dire suffering from AIDS. Terry was an executive of the American Foundation for AIDS Research. He was a strong force in bringing AmFAR into being and helping to make this foundation a responsible and effective force in promoting biomedical research on AIDS. The importance of AmFAR in providing an alternative to Federal support for AIDS research should be stressed, and Terry played a major role in making AmFAR a success.

Terry liked to get things done, and he was one of those very rare people, who accomplished great things without focusing on personal credit. He shared his own experience and his hard-earned information about AIDS with others, using his knowledge to make the disease real to all of those who saw it as an abstraction. We spoke of our shared commitment to the concept that ultimately effective prevention, vaccines and treatments of AIDS would be achieved, but this would occur only through science and the scientific method—all else was only temporary strategy. Terry believed passionately that reason and knowledge were the best antidotes to fear and despair.

Terry was a brave man. He worked for others, and he acted without self-pity. We mourn the loss of a friend and ally. It is often said that no one is irreplaceable; but everyone knows that this is just not true. We will not be able to replace Terry. But we can resolve here to use his memory to guide us and inspire us until AIDS is vanquished.

IN MEMORY OF TERRY BEIRN, JULY 30, 1991

(By June E. Osborn, M.D.)

I remember the first time I met Terry: it was in 1987 and I had just finished testifying to a House Committee on some aspect of the AIDS epidemic when two wonderfully warm, intense young men came up to me and introduced themselves as Terry Beirn and Michael Iskowitz. No sooner had Terry explained about the Senate Labor/Health Committee and his hope that I might work with them as well than he gave me a glorious smile and blurted out "I love you!" What a wonderful way to begin a friendship! and how characteristic of Terry, who was full of love.

I later learned that my House Committee testimony wasn't quite as inspiring as all that, for it wasn't the first time Terry felt he had "met" me. In the past few months he sometimes referred nostalgically to a speech he had heard me give at the Institute of Medicine back in 1985, in which I had tried to give voice to the essence of the tragedy of the AIDS epidemic. I noted then that we were, as a society, sustaining an intolerable loss of trained talent; that we were losing the Prousts and Tschaikowskys of an entire generation even before their gifts could fully flower. Terry told me sometimes that the comment still meant a lot to him—and I am glad it did, for now we must add his inestimable future potential to the "loss column" of these awful years.

I am so happy that I had the chance to know and work with Terry! As his day-to-day strength sometimes wavered, or as he traveled tirelessly from one place to another along the east coast, I would learn from Michael of his continued, inspiring and dedicated input. Even at times when I knew that Terry hadn't been well, there were many occasions when I arrived in the Labor/Health Office to work with Michael, only to find that Terry was there too—energetic, eager and inveterately cheerful! It was sometimes impossible to believe that anything was wrong as he infused us with his focussed dedication; and his close friendship and special synergy with Michael were easy to sense and a privilege to share. What wonderful memories—they are precious fuel to stoke the fires against discouragement and fatigue.

I was asked to say a few words about hope on this sad evening. It is a difficult assignment: to concentrate on hope when such shadows are cast by the loss of a friend and

colleague! The gloom of recent days threatens to dim our perception of what Terry was all about. But it is all the more worthwhile, for in the effort, one remembers that Terry consistently brightened his scene with sprightly, energetic involvement in his world, and his life was a lovely testament to the power of trained talent!

One is tempted, in grief, to ponder mournfully the loss of so creative a man who was not yet forty, nor was he anywhere near the heights of his potential achievement. But in fact we should celebrate a life of accomplishment, so bright and enduring in its contributions that people will be able to see his enduring light from far off and recognize the glory of human contribution to humanity * * * which means, of course, that Terry isn't really gone, for his legacy to us is everywhere manifest in his love and our inspiration.

Actually, now that I've started, it turns out that it isn't so hard to think about hope after all, for in the years I knew and worked with Terry, hope indeed was what he was all about. He embodied it in his own day-to-day, personal affirmation that there was a way out of this epidemic darkness. He lived it in his efforts at creative legislation and innovative strategies to bring care to people in need. And he instilled it in those of us who had the privilege to know and love him. How could you not be hopeful and motivated in the presence of Terry?

There is a profound difference between hope and optimism, you know. Optimism is glitsy, easy, superficial. It can be uncaring or downright cruel in its synthetic, silky effort to soothe in the face of harsh reality. But hope is constant and hardworking, tireless and committed—a very different kind of feeling that can be inspired only by genuine involvement and committed energy. Terry was the personification of hope!

The British have a nice way of wishing one well in contexts where courage and determination are in short supply: they say "Strength to your arm!" From now on we will all have an added measure of special strength to our arms, thanks to the privilege of friendship and colleagueship we enjoyed with a fine, lively, creative man who graced us for too short a while. And when I think of hope, from now on—which I will try to do often—I will always think of Terry. What a wonderful legacy—thank you!

FOR TERRY

(By Pat Wright)

Many nights throughout the last five years I have received those infamous Terry Beirn phone calls. It wasn't bad enough that it was 2:00 in the morning but we had been working side by side for the past 18 hours. He had remembered two more things that he wanted to say.

Five weeks ago I received another late night call from Terry, but this one was different. This one was about Terry and his new challenge—he was no longer HIV positive, but had his diagnosing episode. As always he methodically went through a series of questions about his condition and treatment plan. I on the other hand was mumbling, stammering and crying in between my scientific wisdom or lack thereof.

He interrupted me and asked—what was the difference between a doctor (he was talking about me) and an English major (himself)? I paused, not knowing what to say. In full Terry Beirn style, he said, "Doctors don't know English."

Throughout the following weeks, I received additional calls from Terry. Only after his death did I realize that he had been directing his death and afterlife, just as he directed his life.

Terry had AIDS. He wanted everyone to know he had AIDS and so we stand here today not just remembering a friend and a colleague but a man who even in this death wanted people to be educated.

Terry's work is not over but sits as a living memorial to his greatness, his sensitivity and his brilliance.

But most of all, the legacy that Terry Beirn leaves—is his gang of AIDS warriors—whether Democratic or Republican in New York, San Francisco, Congress and around the world.

Warriors such as Michael Iskowitz who with Terry formed the most formidable team, introducing concept after concept when other staffers said that AIDS legislation could not pass.

Some men follow—others have a vision and lead. Terry had a vision—that all people would be free from the discrimination, myths and fears that surround people with AIDS. His life was committed to this goal.

It is time to stop making public policy based upon the fears of the uneducated and the myths of the frightened.

It is time for all of us in the spirit of Terry Beirn to act and to stop making excuses for our lack of actions.

It is time for all of us—people with AIDS, the disabled community, service providers, public health officials, nurses, doctors, and especially Congress to put down the hysteria that is sweeping our nation. It is time to say no to the bigots and the martyrs hypocrisy.

It is easy to educate and vote about babies with AIDS but who will speak for the homeless, the poor, the IV drug user, the prostitute or gay man with AIDS.

Terry Beirn did and now he is asking you to.

Let it be that he did not die in vain.

"MY DEPUTY DAD, TERRY"

(By Nicole Lueschow)

My dad Terry was a very special man. He loved life. He loved work and he loved me and Fluffy. He was loving and caring, especially to me and Fluffy. Terry and I started a book about Fluffy, but we never got to finish it.

A week before Terry went to the hospital, we went to the beach. I'm glad we had time to play. One of the things we did together was to go go-carting. He was a really good go-carter. He made me laugh. He was a really good friend and a really good deputy dad.

I love and I miss him. But my deputy dad was more than a good dad. He wanted to stop AIDS so that more people wouldn't die and so more people wouldn't be sad like me. He wanted everyone to know that he died from AIDS so I'm here to tell you that AIDS are bad, but people with AIDS are not bad. It's wrong that he died and all of you have to work harder so more dads and friends don't die from AIDS. I will always remember Terry, and I hope you will too. Thank you.

WE ARE MANY, WE ARE ONE

We are many, we are one
Brothers and sisters sharing the sun,
We all beat to a different drum,
Because we are many and we are one.

THAT'S WHAT FRIENDS ARE FOR

(Dionne Warwick, with Elton John, Gladys Knight, and Stevie Wonder)

And I, never thought I'd feel this way,
And as far as I'm concerned, I'm glad I got the chance to say,
That I do believe I love you and if,
I should ever go away,
Well then close your eyes and try,
To feel the way we do today,
And then if you can remember,

Keep smiling, keep shining,
Knowing you can always count on me,
For sure, that's what friends are for.
For good times, and bad times,
I'll be on your side forevermore,
That's what friends are for.

Well you came and opened me
And now there's so much more I see,
And so by the way I thank you.

And then, for the times when we're apart,
Well then close your eyes and know
The words are coming from my heart,
And then if you can remember,

Keep smiling, keep shining,
Knowing you can always count on me,
For sure, that's what friends are for.
In good times, in bad times,
I'll be on your side forevermore,
That's what friends are for.

Keep smiling, keep shining,
Knowing you can always count on me,
For sure, that's what friends are for,
For good times, and bad times,
I'll be on your side forevermore,
That's what friends are for.

Keep smiling, keep shining,
Knowing you can always count on me,
For sure, 'cause I tell you that's what friends are for,
For good times, and for bad times, I'll be on your side forevermore,
That's what friends are for.

On me for sure,
Count on me for sure,
Count on me for sure,
That's what friends are for.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Terry Beirn Community Based AIDS Research Initiative Act of 1991".

SEC. 2. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds that—

(1) community-based clinical trials complement the National Institute of Allergy and Infectious Diseases' university-based research in order to provide increased access to experimental therapies:

(2) community-based clinical trials provide an efficient and cost-effective means to develop new HIV-related treatments, benefiting all people living with HIV disease and other illnesses; and

(3) because the community-based clinical trials model has a proven ability to conduct rapid trials that meet the very highest standards of scientific inquiry, this program should be reauthorized and significantly expanded.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, because of Terry Beirn's tireless efforts to foster a partnership among all parties invested in AIDS research (including

the National Institutes of Health university-based research system, primary care physicians practicing in the community, and patients), the community-based clinical trials program should be renamed as the "Terry Beirn Commuity-Based AIDS Research Initiative" in his honor.

SEC. 3. COMMUNITY-BASED EVALUATIONS OF EXPERIMENTAL THERAPIES.

Section 2313 of the Public Health Service Act (42 U.S.C. 300cc-13) is amended—

(1) in the section heading to read as follows:

"SEC. 2313. TERRY BEIRN COMMUNITY-BASED AIDS RESEARCH INITIATIVE.";

(2) in subsection (c)—

(A) by amending the subsection heading to read as follows: "PARTICIPATION OF PRIVATE INDUSTRY, SCHOOLS OF MEDICINE AND PRIMARY PROVIDERS"; AND

(B) by striking out "schools of medicine and osteopathic medicine" and inserting in lieu thereof "schools of medicine, osteopathic medicine, and existing consortia of primary care providers organized to conduct clinical research concerning acquired immune deficiency syndrome"; and

(3) in subsection (e)—

(A) by striking out "1991" in paragraph (1) and inserting in lieu thereof "1996"; and

(B) by striking out "1991" in paragraph (2) and inserting in lieu thereof "1996".

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

AUTHORIZING STATEMENTS TO APPEAR IN THE RECORD

Mr. LEVIN. Mr. President, I ask unanimous consent that statements on the Gramm amendment to the Commerce-State-Justice bill and statements on the bill itself appear in the RECORD just prior to the votes on these matters.

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

NUTRITION INFORMATION AND LABELING ACT

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1608, a bill relating to nutrition labeling introduced earlier today by Senators METZENBAUM and HATCH.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1608) to make technical amendments to the Nutrition Information and Labeling Act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INGREDIENT LABELING.

Section 10(c) of the Nutrition Labeling and Education Act of 1990 (21 U.S.C. 343 note) is amended to read as follows:

"(c) SECTION 7.—

"(1) Except as provided in paragraphs (2) and (3), the amendments made by section 7 shall take effect one year after the date of the enactment of this Act.

"(2)(A) If a food subject to section 403(g) of the Federal Food, Drug, and Cosmetic Act or a food with one or more colors required to be certified under section 706(c) bears a label which was printed before July 1, 1991, and which is attached to the food before May 8, 1993, such food shall not be subject to the amendments made by section 7(1) and section 7(3).

"(B) If a food described in subparagraph (A)—

"(i) bears a label which was printed after July 1, 1991, but before the date the proposed regulation described in clause (ii) takes effect as a final regulation and which was attached to the food before May 8, 1993, and

"(ii) meets the requirements of the proposed regulation of the Secretary of Health and Human Services published in 56 Fed. Reg. 28592-28636 (June 21, 1991) as it pertains to the amendments made by this Act,

such food shall not be subject to the amendments made by section 7(1) and section 7(3).

"(3) A food purported to be a beverage containing a vegetable or fruit juice which bears a label attached to the food before May 8, 1993, shall not be subject to the amendments made by section 7(2).".

SEC. 2. TECHNICAL AMENDMENTS.

(a) NUTRITION LABELING.—Section 403(q)(4)(A) of the Federal Food, Drug, and Cosmetic Act (as added by section 2(a) of the Nutrition Labeling and Education Act of 1990) is amended by striking out "(C)" and inserting in lieu thereof "(D)".

(b) UNIFORM LABELING.—Section 403A(a)(5) of the Federal Food, Drug, and Cosmetic Act (as added by section 6 of the Nutrition Labeling and Education Act of 1990) is amended by striking out "clause (B) of such section" and inserting in lieu thereof "section 403(r)(5)(B)".

(c) REFERENCES.—Section 7 of the Nutrition Labeling and Education Act of 1990 is amended—

(1) in paragraph (1), by inserting "the provisions of" after "subject to", and

(2) in paragraph (3), by inserting "the first time it appears" before "and inserting".

(d) SECTION 503.—Section 503 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353) is amended

(1) by striking out "section 503(b)" in subsections (c)(2) and (c)(3)(B)(v) and inserting in lieu thereof "subsection (b)",

(2) by striking out "section 503(c)(1)" in subsection (d)(3)(E) and inserting in lieu thereof "subsection (c)(1)",

(3) by redesignating the subsection (c) added by section 105 of the Generic Animal Drug and Patent Restoration Act (Public Law 100-670) as subsection (f), and

(4) by redesignating the subsection (f) added by section 16 of the Safe Medical Devices Act of 1990 (Public Law 101-629) as subsection (g).

(e) ANIMAL DRUGS.—Section 512(e)(1)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)(1)(B)) is amended by striking out "(H)" and inserting in lieu thereof "(I)".

(f) PUBLIC HEALTH SERVICE ACT TECHNICAL AMENDMENTS.—

SEC. 395. [280c](a)(1) after the word "if" insert the words "skilled medical services,".

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

THE CALENDAR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of Calendar Nos. 181, 182, 183, 191, and 194; that the committee amendments, where appropriate, be agreed to; that the bills be deemed read a third time and passed; that the motion to reconsider the passage of these items be laid upon the table en bloc.

I ask further, Mr. President, that any statements relating to these calendar items appear at the appropriate place in the RECORD and that the consideration of these items appear individually in the RECORD.

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

NATIONAL ATOMIC MUSEUM ACT

The Senate proceeded to consider the bill (S. 477) to afford congressional recognition of the National Atomic Museum at Kirtland Air Force Base, Albuquerque, NM, as the official atomic museum of the United States Government under the aegis of the Department of Energy, and to provide a statutory basis for its betterment, operation, maintenance, and preservation, which had been reported from the Committee on Energy and Natural Resources, with an amendment.

On page 6, strike line 9, through and including line 10 on page 7, and insert the following:

(b) VOLUNTEERS.—The following provisions govern the use of volunteers:

(1) The Department of Energy may recruit, train, and accept the services of individuals without compensation as volunteers for or in aid of interpretive functions or other services or activities of and related to the museum.

(2) The Department of Energy may provide for volunteers incidental expenses such as nominal awards, uniforms, and transportation.

(3) Except as otherwise provided in this subsection, a volunteer who is not otherwise employed by Federal Government is not subject to laws relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, because of service as a volunteer under this subsection.

(4) For the purposes of chapter 171 of title 28 of the United States Code relating to tort

claims, a volunteer under this subsection is considered a Federal employee.

(5) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation for work-related injuries, a volunteer under this subsection is considered an employee of the United States.

So as to make the bill read:

S. 477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Atomic Museum Act of 1991".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) there is a need to ensure the preservation of the National Atomic Museum, which contains and should continue to acquire items, materials, and memorabilia of singular value and great historical significance relating to nuclear science, atomic energy, and atomic weapons marking major events and milestones of American and world history;

(2) the facility comprising the museum needs to be improved and authorities and resources provided to enable proper operation and maintenance of the facility for the indefinite future so that the museum can continue to function—

(A) as a repository of information, materials, and artifacts which serves as a major attraction for large and growing numbers of visitors from all over the world;

(B) as an educational resource for the public, students, and scholars in the field of nuclear science; and

(C) in a manner and setting appropriate to the importance and historical significance of its collection;

(3)(A) there is a need to clarify and supplement the authority of the Secretary of Energy under section 652 of the Department of Energy Organization Act (42 U.S.C. 7262) regarding gifts so that there is no doubt that gifts and donations of funds earmarked for the museum (and otherwise acceptable) may be used by the museum;

(B) under section 652 of that Act the Secretary of Energy is empowered to ". . . accept, hold, administer, and utilize gifts, bequests, and devises of real and personal property for the purpose of facilitating or aiding the work of the Department" and ". . . (the gifts, etc.) shall be used as nearly as possible in accordance with the terms of the gift, bequest or devise.";

(C) the language quoted in subparagraph (B) leaves doubt concerning whether the museum can be considered the "work of the Department" and thus may properly receive and use gifts given to the Secretary even though donors intended that such gifts be used by the museum;

(D) consequently, there is need for clear statutory authority to enable gifts and donations intended for the museum to be sent to and retained and used by the museum; and

(E) the treatment of such gifts should be made as simple as possible so as to encourage donation of gifts or funds directly from individuals or via institutions and foundations; and

(4) there is a need to provide a statutory basis to authorize and encourage the use of volunteer personal services in support of the museum, it being apparent that such activities also have the potential to enhance public interest and support for the museum.

(b) PURPOSES.—The purposes of this Act are to—

(1) recognize the National Atomic Museum as this Nation's atomic museum and ensure its preservation;

(2) provide for capital improvements to the National Atomic Museum and ensure adequate resources for the operation and maintenance of the museum; and

(3) provide for such other authorities and powers as are appropriate to the management and operation of the museum including the selling of appropriate mementos and other materials to members of the public to help support the museum.

SEC. 3. RECOGNITION AND STATUS.

The museum known as the National Atomic Museum operated under the aegis of the Department of Energy and currently located at Building 20358 on Wyoming Avenue South near the corner of M street within the confines of the Kirtland Air Force Base (East), Albuquerque, New Mexico (referred to as the "museum"), is recognized as the official atomic museum of the United States with the sole right throughout the United States and its possessions to have and use the name "National Atomic Museum".

SEC. 4. MISSION.

The mission of the National Atomic Museum has been and shall continue to be to provide for the benefit and education of the public a freely available central repository of information and items reflecting the Atomic Age throughout the collection, preservation, exhibition, interpretation, display, and making available to the public of unclassified or declassified data, materials, artifacts, models, replicas, and other items pertaining to nuclear science, with special emphasis on the history of nuclear weapons and other areas of research, development, and production conducted by laboratories and facilities of the Department of Energy and its predecessor agencies.

SEC. 5. AUTHORITIES AND RESPONSIBILITIES.

(a) IN GENERAL.—The museum shall continue to be located at its present site at the Kirtland Air Force Base, Albuquerque, New Mexico, and shall continue to be managed, operated, and supported by the Department of Energy through the Manager, Albuquerque Operations Office.

(b) VOLUNTEERS.—The following provisions govern the use of volunteers:

(1) The Department of Energy may recruit, train, and accept the services of individuals without compensation as volunteers for or in aid of interpretive functions or other services or activities of and related to the museum.

(2) The Department of Energy may provide for volunteers incidental expenses such as nominal awards, uniforms, and transportation.

(3) Except as otherwise provided in this subsection, a volunteer who is not otherwise employed by the Federal Government is not subject to laws relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits, because of service as a volunteer under this subsection.

(4) For the purposes of chapter 171 of title 28 of the United States Code relating to tort claims, a volunteer under this subsection is considered a Federal employee.

(5) For the purposes of subchapter I of chapter 81 of title 5 of the United States Code, relating to compensation for work-related injuries, a volunteer under this subsection is considered an employee of the United States.

(c) ACTIVITIES.—Subject to such approvals or guidelines as are required by the Secretary of Energy, the museum may—

(1) accept and use donations of money or gifts on behalf of the Secretary of Energy pursuant to section 652 of the Department of Energy Organization Act (42 U.S.C. 7262) where such gifts or money are designated in a written document signed by the donor as intended for the museum and such donations or gifts are deemed by the museum to be suitable and beneficial for use by the museum;

(2) operate a retail outlet on the premises of the museum for the purpose of selling or distributing mementos, replicas of memorabilia, literature, materials, and other items of an informative, educational, and tasteful nature relevant to the contents of the museum, all of the net proceeds of which shall be applied to authorized activities of the museum;

(3) exhibit, perform, display, and publish information and materials concerning museum mementos, items, memorabilia, and replicas thereof in any media or place anywhere in the world, at reasonable fees or charges here feasible and appropriate to substantially cover costs, all net proceeds of which shall be applied to authorized activities of the museum;

(4) establish in association with the museum 1 or more standing or ad hoc boards or committees of knowledgeable citizens of the United States to provide studies, consultation, advice, and assistance for the museum and the Department of Energy regarding—

(A) facility improvement, operation, and maintenance;

(B) possible changes in the location, size, mission, nature, or site of the museum;

(C) assistance and coordination regarding obtaining of donations and volunteer services; and

(D) other activities of concern to the museum; and

(5) conduct any other activity reasonably pertinent to the normal and customary activities of museums, including—

(A) operation of a library;

(B) acquisition at reasonable cost of materials, memorabilia, and other items relevant to the nature of the museum;

(C) storage and preservation of museum materials and items in appropriate facilities; and

(D) preparation and distribution of literature advertising or providing information about the museum.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BUFFALO NATIONAL RIVER

The bill (S. 996) to authorize and direct the Secretary of the Interior to terminate a reservation of use and occupancy at the Buffalo National River, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) in 1979 Harold and Margaret Hedges conveyed approximately 711 acres, including a homesite, to the National Park Service for addition to the Buffalo National River;

(2) Mr. and Mrs. Hedges retained a reservation of use and occupancy for a term of twenty-five years for use of their home and approximately forty-two acres of adjacent land;

(3) on January 1, 1991, the house was destroyed by fire, apparently caused by arson;

(4) Mr. and Mrs. Hedges are now unable to use the remaining term of their use and occupancy reservation, without incurring extraordinary costs and expenses; and

(5) the most equitable resolution is to provide for the termination of their use and occupany reservation, with an appropriate refund of the unused portion of the value of the reservation.

SEC. 2. DEFINITIONS.

As used in this Act, the term—

(1) "reservation" or "reservation of use and occupancy" means the reservation of use and occupancy retained by Harold and Margaret Hedges, pursuant to Buffalo National River Deed 922, including tracts 66-104, 66-111, and 66-112, executed on October 25, 1979, and valued at $19,148;

(2) "Secretary" means the Secretary of the Interior; and

(3) "unused term" means the period of time between January 1, 1991, and October 25, 2004, inclusive.

SEC. 3. TERMINATION OF RESERVATION OF USE AND OCCUPANCY.

(a) IN GENERAL.—Upon application by Harold and Margaret Hedges of Harrison, Arkansas, the Secretary is authorized and directed to terminate the reservation of use and occupancy at the Buffalo National River described in section 2.

(b) REFUND.—Upon termination of such reservation, the Secretary shall, notwithstanding any other provision of law, refund the value of the unused term of such reservation, determined on a pro rata basis.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act.

USE OF CERTAIN FEDERAL LANDS

The bill (H.R. 1448) to amend the act of May 12, 1920 (41 Stat. 596), to allow the city of Pocatello, ID, to use certain lands for a correctional facility for women, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

BOOTS AND SADDLES HISTORIC NEW MEXICO FORTS STUDY ACT

The Senate proceeded to consider the bill (S. 628) to direct the Secretary of the Interior to conduct a study of certain historic military forts in the State of New Mexico, which had been reported form the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Boots and Saddles Historic New Mexico Forts Study Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the study and interpretation of historic cavalry forts occupied during the Civil War and Indian campaigns in New Mexico could contribute to an understanding of the American frontier;

(2) the forts are deteriorating due to natural weathering, unsupervised human visitation, and lack of maintenance and repair; and

(3) in light of the declining condition of most of these significant historic properties, it is necessary to determine, through a comprehensive study, the appropriate means to stabilize, **[**restore,**]** *preserve*, and interpret these sites.

SEC. 3. STUDY AND REPORT BY THE BUREAU OF LAND MANAGEMENT AND THE NATIONAL PARK SERVICE.

(a) STUDY.—The Secretary of the Interior, acting through the Director of the Bureau of Land Management and the Director of the National Park Service, shall conduct a study of the following historic forts in the State of New Mexico occupied during the Civil War and Indian campaigns:

(1) Fort Stanton;

(2) Fort Union;

(3) Fort Sumner;

(4) Fort Cummings;

(5) Fort Seldon;

(6) Fort Bayard; and

(7) Fort Craig.

(b) REPORT.—Not later than 1 year from the date that funds are made available for the study referred to in subsection (a), the Secretary shall transmit the study to the Committee of Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives.

(c) STUDY CONTENT.—The study shall develop alternative means of preserving and interpreting the forts referred to in subsection (a) including—

(1) the study of related historic properties;

(2) the feasibility of establishing **[***Tour routes***]** which may encompass common themes and link appropriate sites; and

(3) such other information as the Secretary may deem necessary.

SEC. 4. APPROPRIATION AUTHORIZATION.

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NEZ PERCE NATIONAL HISTORICAL PARK

The Senate proceeded to consider the bill (S. 550) to amend the Act of May 15, 1965, authorizing the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 550

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 1 of the Act entitled "An Act to authorize the Secretary of the Interior to designate the Nez Perce National Historical Park in the State of Idaho, and for other purposes", approved May 15, 1965, (79 Stat. 110) as amended (hereinafter referred to as "the Act") is amended by inserting after "the Nez Perce country of Idaho" the words "and in the States of Oregon, Washington, Montana, and Wyoming".

SEC. 2. Section 2 of the Act is amended by adding at the end the following new sentence: "Sites to be so designated shall include the following sites as described in the **[**1989**]** *1990* National Park Service **[**draft**]** *Report* "Nez Perce National Historical Park Additions Study": Tolo Lake, Idaho; Looking Glass' 1877 Campsite, Idaho; Buffalo Eddy, Washington and Idaho; Traditional Crossing Near Doug Bar, Oregon and Idaho; Camas Meadows Battle Sites, Idaho; Joseph Canyon Viewpoint, Oregon; Old Chief Joseph's Gravesite and Cemetery, Oregon **[**(limited to the portion that is, on the date of enactment of this Act, owned by the United States or held in trust by the United States for the Umatilla and Nez Perce tribes);**]** Traditional Campsite at the Fork of the Lostine and Wallowa Rivers, Oregon; Burial Site of Chief Joseph the Younger, Washington; Nez Perce Campsites, Washington; Big Hole National Battleground, Montana; Bear's Paw Battleground, Montana; **[**and**]** Canyon Creek, Montana; *and Hasotino Village, Idaho.*"

SEC. 3. (a) Section 3 of the Act is amended by replacing the colon in the first sentence with a period and striking the remainder of the sentence and by adding the following new sentence at the end thereof: "Lands and interests therein owned by a State or local political subdivision may be acquired only by donation or exchange and private lands or interests therein may be purchased only on a willing seller basis.".

(b) Section 4(a) of the Act is amended by striking the third sentence.

(c) Section 6(a) of the Act is amended by striking the words "State of Idaho, its" and inserting in lieu thereof the words "States of Idaho, Oregon, Washington, or Wyoming, their".

(d) Section 6 of the Act is amended by adding at the end a new Subsection, "(c) In order to ensure the cultural and historical accuracy of the interpretation sites of the Nez Perce country, the Secretary shall consult with officials of the Nez Perce tribe.".

SEC. 4. Section 7 of the Act is amended by striking the number "$630,000" and inserting "$2,130,000" in lieu thereof, and by striking the number "$4,100,000" and inserting the number "$9,300,000" in lieu thereof.

SEC. 5. Section 5 of the Act is amended by adding the following subsections (b) and (c) at the end thereof:

"(b) The individual and separate Federal components of the Nez Perce National Historical Park shall be administered by the respective administrative region of the National Park Service in which **[**it is**]** *such components are* located.

"(c) Cooperative agreements for the individual and separate State and private components of the Nez Perce National Historical Park shall be administered by the respective administrative region of the National Park Service in which **[**it is**]** *such components are* located.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROTECTION AND ADVOCACY FOR MENTALLY ILL INDIVIDUALS ACT OF 1986 AMENDMENTS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 178, Senate bill 1475, regarding the mentally ill.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1475) to amend the Protection and Advocacy For Mentally Ill Individuals Act of 1986 to reauthorize programs under such act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. HARKIN. Mr. President, I rise in strong support of S. 1475, legislation reauthorizing and extending for 4 years the Protection and Advocacy for Mentally Ill Individuals Act of 1986 [PAMII].

While the funding authorized under the PAMII Act is small compared to other legislation concerning persons with disabilities, the assistance made available is of critical importance in assisting States establish and operate protection and advocacy systems—P&A systems—for individuals with mental illness.

Under the PAMII Act, the P&A systems' mission includes protecting and advocating for the rights of individuals with mental illness and investigating incidents of abuse and neglect of individuals with mental illness who are residents or inpatients in facilities rendering care or treatment or who are involuntarily confined in municipal detention facilities for reasons other than serving a sentence resulting from convictions for criminal offenses.

In addition, the act authorizes the system to pursue administrative, legal, and other appropriate remedies on behalf of an individual who was mentally ill with respect to matters arising within 90 days after the client's discharge from a residential facility rendering care or treatment.

The entity operating the system is the same entity that operates the P&A system for persons with developmental disabilities under the Developmental Disabilities Assistance and Bill of Rights Act. Each system is required to establish a governing authority and an advisory board of which at least 50 percent must be individuals who have received or are receiving mental health services or family members of such individuals. The P&A system is required to maintain the confidentiality of patient records to which it gains access.

The original PAMII legislation was sponsored by Senator Weicker and signed into law on May 23, 1986 (Public Law 99-319). In 1988, I sponsored the bill reauthorizing and extending the PAMII Act for an additional 3 years (Public Law 100-509).

Currently, there are 56 P&A systems, one in each of the 50 States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. Forty-five of the P&A systems are private not-for-profit organizations; the remainder are located within State agencies or special departments which are independent of those providing mental health treatment or services.

According to the most recent data available, the PAMII systems handled almost 22,000 cases in 1990, an increase of 126 percent over 1987, the first full year of operations. The fiscal year 1991 appropriation for the program was $15.6 million.

S. 1475 is bipartisan, consensus legislation. I would like to thank Senator DURENBERGER for his leadership in bringing about a bill that has the support of all groups interested in the PAMII Act, including the National Alliance for the Mentally Ill [NAMI], National Association of Private Residential Facilities, the American Psychiatric Association, the National Association of State Mental Health Directors, the National Mental Health Association, the Mental Health Law Project, and the National Association of Protection and Advocacy Systems.

The bill reaffirms the thrust of the PAMII Act and includes several amendments that clarify and strengthen the ability of the systems to carry out their responsibilities.

The bill includes several provisions recognizing the role played by individuals who received or are receiving mental health services and family members of such individuals. First, the bill adds a new finding recognizing the role played by families in advocating for people with mental illness. Second, the bill changes the percentage representation on the advisory council from 50 to 60 percent for individuals whe received or are receiving mental health services or family members of such individuals. The bill also specifies that the chair of the advisory council—who has an automatic seat on the governing board—must be an individual who received or is receiving mental health services or family members of such an individual.

Third, the bill adds a provision clarifying that the term "members who broadly represent or are knowledgeable about the needs of the clients served by the system" includes individuals who have received or are receiving mental health services and family members of such individuals.

Fourth, the bill specifies that PAMII staff must be trained to work with family members of clients served by the system where the individuals with mental illness are minors, legally competent and do not object, and legally incompetent and the legal guardians, conservators, or other legal representatives are family members.

The bill also states that the above obligation regarding trained staff may be satisfied through the provision of training by individuals who have received or are receiving mental health services and family members of such individuals.

The bill also clarifies certain key provisions in the PAMII Act. The bill defines the term "facilities" to include hospitals, nursing homes, community facilities for individuals with mental illness, board and care facilities, homeless shelters, and jails and prisons.

In addition, the bill includes language authorizing the use of PAMII funds for representation of individuals with mental illness residing in Federal facilities.

Further, the bill includes language concerning access to records that was included in the recent reauthorization of the Protection and Advocacy Program under the Developmental Disabilities Assistance and Bill of Rights Act. A modification to the policy on monitoring was included to clarify its intent.

The bill sets the authorization at $19.5 million for fiscal year 1992 and such sums for each of fiscal years 1993 through 1995.

The bill also directs the Secretary to issue regulations within 6 months from the date of enactment.

Finally, the bill updates the terminology used in the legislation to be "people first."

I urge my colleagues to support this legislation.

Mr. DURENBERGER. Mr. President, I rise today to support S. 1475, the Protection and Advocacy for the Mentally Ill Amendments of 1991.

Not quite 10 years ago, Senator Lowell Weicker, my predecessor on the Subcommittee on Disability Policy commissioned an investigation of the situation of institutionalized mentally disabled persons and found conditions at some to be dangerous and unhealthy in several States around the country. He concluded that:

Abuse and neglect of society's most vulnerable citizens must stop. Care and treatment must be provided in an atmosphere of dignity and respect. And those to whom this care is entrusted must be held fully accountable.

The Protection and Advocacy for Mentally Ill Individuals Act [PAMII] was the product of these investigations and provides a program of protection and advocacy for the rights of people with significant mental illness or emotional impairment who reside in facilities providing care and treatment.

Mr. President, in testimony before the Labor and Human Resources Committee this year, we heard how PAMII is beginning to fulfill its purpose. Today, PAMII agencies handle over 22,000 cases a year, which is an increase

of 126 percent over 1987, the first full year of operation.

Concerns were raised, however, that family members are often ignored or disregarded by PAMII advocates and administrators. S. 1475 acknowledges that the involvement of family members is crucial to the successful care and treatment of individuals with mental illness and to the successful implementation of the PAMII Act. The bill amends the findings section to recognize the important role family members play in the care and advocacy of mentally ill individuals. In addition, the bill changes the membership on the advisory council that must be individuals who have received or are receiving mental health services or family members of such individuals form 50 percent to 60 percent and specifies that the council chair must be one or the other.

A recent GAO report reviewed the coverage of inmates in correctional facilities under PAMII. The GAO report pointed out that inmates of correctional facilities may be eligible for PAMII services under two provisions of the Act: First, a special provision that allows representation of unsentenced individuals in municipal jails; and second, a general provision covering mentally ill individuals in a "facility rendering care or treatment." The report also upheld the legality of a 1987 HHS Office of General Counsel ruling that Federal correctional and noncorrectional facilities are not covered by the act.

S. 1475 takes several steps to address the findings of the GAO report. First, it amends the act to include the policy governing Federal facilities that the Senate included in Senate Report No. 100-454 which allowed an eligible system to use its allotment under the bill to provide representation to individuals with mental illness in Federal facilities who request representation by the eligible system. In addition the bill clarifies that prisons may be considered eligible facilities if such prison meets the "care and treatment" qualification under the act.

Similar eligibility questions were raised over the coverage of homeless shelters and board and care facilities, and the bill makes corresponding clarifications for these facilities, that such facilities providing care and treatment would be eligible under the Act.

The bill clarifies the confusion over the issue of probable cause in determining access to records. However, it retains current restrictions on P&A's from going in and monitoring institutions which doesn't result from a complaint or other evidence.

Mr. President, the protection and advocacy system has proven successful in protecting the rights of some of our most vulnerable citizens. In addition, it has proven to be a valuable service in helping to keep the system more accountable. Finally, I want to thank Senator HARKIN for his leadership on this bill and urge your support of this legislation.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows.

S. 1475

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protection and Advocacy for Mentally Ill Individuals Amendments Act of 1991".

SEC. 2. REFERENCES.

Except as otherwise provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.).

SEC. 3. FINDINGS.

Section 101(a) (42 U.S.C. 10801(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1), the following new paragraph:

"(2) family members of individuals with mental illness play a crucial role in being advocates for the rights of individuals with mental illness where the individuals are minors, the individuals are legally competent and choose to involve the family members, and the individuals are legally incompetent and the legal guardians, conservators, or other legal representatives are members of the family;".

SEC. 4. DEFINITIONS.

Section 102 (42 U.S.C. 10802) is amended—

(1) by redesignating paragraphs (3) through (6) as paragraphs (4) through (7), respectively; and

(2) by inserting after paragraph (2), the following new paragraph:

"(3) The term 'facilities' may include, but need not be limited to, hospitals, nursing homes, community facilities for individuals with mental illness, board and care homes, homeless shelters, and jails and prisons.".

SEC. 5. USE OF ALLOTMENTS.

Section 104 (42 U.S.C. 10804) is amended by adding at the end thereof the following new subsection:

"(c) An eligible system may use its allotment under this title to provide representation to individuals with mental illness in Federal facilities who request representation by the eligible system. Representatives of such individuals from such system shall be accorded all the rights and authority accorded to other representatives of residents of such facilities pursuant to State law and other Federal laws.".

SEC. 6. SYSTEMS REQUIREMENTS.

(a) ACCESS TO RECORDS.—Section 105(a)(4) (42 U.S.C. 10805(a)(4)) is amended—

(1) in subparagraph (A), by striking out "and" at the end thereof;

(2) in subparagraph (B)(iii)—

(A) by inserting "as a result of monitoring or other activities (either of which result from a complaint or other evidence)" before "there is"; and

(B) by adding "and" at the end thereof; and

(3) by adding at the end thereof the following new subparagraph:

"(C) any individual with a mental illness, who has a legal guardian, conservator, or other legal representative, with respect to whom a complaint has been received by the system or with respect to whom there is probable cause to believe the health or safety of the individual is in serious and immediate jeopardy, whenever—

"(i) such representative has been contacted by such system upon receipt of the name and address of such representative;

"(ii) such system has offered assistance to such representative to resolve the situation; and

"(iii) such representative has failed or refused to act on behalf of the individual;".

(b) ADVISORY COUNCIL.—Section 105(a)(6) (42 U.S.C. 10805(a)(6)) is amended—

(1) in subparagraph (A), by striking out "and" at the end thereof;

(2) in subparagraph (B), by striking out "one-half" and inserting in lieu thereof "60 percent"; and

(3) by adding at the end thereof the following new subparagraph:

"(C) which shall be chaired by an individual who has received or is receiving mental health services or who is a family member of such an individual;".

(c) GRIEVANCE PROCEDURE.—Section 105(a)(9) (42 U.S.C. 10805(a)(9)) is amended by inserting before the period the following: "and for individuals who have received or are receiving mental health services, family members of such individuals with mental illness, or representatives of such individuals or family members to assure that the eligible system is operating in compliance with the provisions of this title and title III".

(d) GOVERNING AUTHORITY.—Section 105(c)(1)(B) (42 U.S.C. 10805(c)(1)(B)) is amended by adding at the end thereof the following new sentence: "As used in this subparagraph, the term 'members who broadly represent or are knowledgeable about the needs of the clients served by the system' shall be construed to include individuals who have received or are receiving mental health services and family members of such individuals.".

SEC. 7. TRAINING.

Section 111 (42 U.S.C. 10821) is amended—

(1) in subsection (a)(2), by inserting before the semicolon the following: "and to work with family members of clients served by the system where the individuals with mental illness are minors, legally competent and do not object, and legally incompetent and the legal guardians, conservators, or other legal representatives are family members";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a), the following new subsection:

"(b) The assurance required under subsection (a)(2) regarding trained staff may be satisfied through the provision of training by individuals who have received or are receiving mental health services and family members of such individuals.".

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

Section 117 (42 U.S.C. 10827) is amended to read as follows:

"SEC. 117. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated for allotments under this title, $19,500,000 for fiscal year 1992, and such sums as may be necessary for each of the fiscal years 1993 through 1995.".

SEC. 9. REGULATIONS.

Section 116 (42 U.S.C. 10826) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(2) by adding at the end thereof the following new subsection:

"(b) REGULATIONS.—Not later than 6 months after the date of enactment of this subsection, the Secretary shall promulgate final regulations to carry out this title and title III.

SEC. 10. TECHNICAL AMENDMENTS.

The Act (42 U.S.C. 10801 et seq.) is amended—

(1) by striking out "mentally ill individual" each place that such occurs and inserting in lieu thereof "individual with mental illness"; and

(2) by striking out "mentally ill individuals" each place that such occurs and inserting in lieu thereof "individuals with mental illness.".

Mr. LEVIN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

MODIFICATION OF ENGROSSMENT OF H.R. 1415

Mr. LEVIN. Mr. President, I ask unanimous consent that in the engrossment of the Senate amendment to H.R. 1415, the Pell-Helms amendment, No. 876, be modified to reflect the changes which I send to the desk.

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

APPRECIATION OF WILLIAM H. WEBSTER

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 164, a resolution expressing the appreciation of the U.S. Senate to William H. Webster for his exceptionally distinguished service to the Federal judiciary, the FBI, the CIA, the national intelligence community, and to the people of the United States, which was submitted earlier today by Senators BOREN, MURKOWSKI, and others.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 164) to commend William H. Webster for exceptionally distinguished service to the United States of America.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. BOREN. Mr. President, as my colleagues are aware, Judge William H. Webster had decided to retire after 4 years as Director of Central Intelligence where, as chairman of the Senate Intelligence Committee, I have had no occasion to get to know and appreciate his very substantial abilities. The vice chairman and I are here today to offer a resolution cosponsored by several of our committee members to commend the judge for his extraordinary dedication to our Nation for more than 25 years.

Judge Webster has spent the majority of his adult life serving the public and he exemplifies the high standards that often do not receive proper recognition and appreciation. To quote our colleague, Mr. DANFORTH, when he introduced the judge to the Select Committee on Intelligence in 1987: "* * * He is a person of enormous ability, of very great character, [and] of fine judgment."

This gentleman's career began as a young Navy lieutenant in World War II. Graduating from law school in 1949, Judge Webster returned to the Navy to serve 2 additional years during the Korean conflict. He then entered private law practice in St. Louis, where he remained until he was appointed to the Federal bench in 1971. Serving first as U.S. district judge, he later became a judge on the U.S. Court of Appeals for the Eighth Circuit, where he distinguished himself as a jurist.

Giving up a safe and promising judicial career, however, he agreed in 1978 to become the Director of the Federal Bureau of Investigation, at a time when that agency was sorely in need of leader of stature and integrity. Coming in the wake of the investigations of the FBI in the mid-1970's, Judge Webster's appointment brought order and calm to a troubled agency, restoring its place and its reputation among the American people during his 10-year tenure as Director.

As if this were not enough, President Reagan called upon him in 1987 as the Iran-Contra investigations were ongoing, and the CIA was facing new and intense pressures, to bring the same brand of honesty and integrity to that agency.

This was not an easy assignment for Judge Webster. His entire professional career had been spent in jurisprudence and law enforcement, removed from foreign policy concerns and international relations. But he was willing to serve as CIA Director if the President wanted him to do so. The last 4 years have been particularly difficult ones for the intelligence community, with enormous changes taking place in the Soviet Union and Eastern Europe, and with the United States becoming involved in conflicts in Panama and the Persian Gulf. History will demonstrate that he was the right man at the right time for CIA. He will be remembered as a leader whose integrity is unquestioned, whose judgment sound, who approached the Congress with seriousness and candor.

I take great pleasure today in asking my colleagues to recognize this dedicated public servant, William Hedgcock Webster, after a long and distinguished career of service to the United States.

Mr. MURKOWSKI. Mr. President, it gives me a great deal of pleasure to commend William H. Webster for his exceptionally distinguished service to the United States in his 25 years of government service. During his service to his country, he displayed honor, dedication and devotion to duty. It is extraordinary when one considers that Judge Webster began his public service as a lieutenant in the U.S. Navy in World War II, and completed his public service as the Nation's highest intelligence official. Judge Webster brought integrity to all positions he held, and his achievements as the Director of the Federal Bureau of Investigation are unparalleled. In this Senator's judgment, Judge Webster sustained and enhanced the image of the intelligence community, and he did so with fidelity to the Constitution. As Sir William Stephenson said in the foreward to the book "A Man Called Intrepid," "In the integrity of that guardianship lies the hope of free people to endure and prevail." Judge William Webster's honorable stewardship of the CIA was recently recognized by President Bush who bestowed on Bill Webster the highest civilian honor of our Nation: The Medal of Freedom. A grateful Nation has given thanks for all that Judge William Webster has done.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 164) was agreed to.

The preamble was agreed to.

The resolution and its preamble are as follows:

S. RES. 164

Whereas William H. Webster has served his Nation with exceptional dedication, honor and distinction for over 25 years and has been appointed to important federal positions by five different Presidents;

Whereas William H. Webster began his extraordinary public service as lieutenant in the United States Navy in World War II and the Korean War before becoming the United States Attorney for the Eastern District of Missouri in 1960;

Whereas William H. Webster continued his selfless devotion to public service as a Judge of the United States District Court for the Eastern District of Missouri and, subsequently, as a Judge of the United States Court of Appeals for the Eighth Circuit;

Whereas William H. Webster served with unparalleled probity and effectiveness as Director of the Federal Bureau of Investigation for nine years;

Whereas William H. Webster's commitment to competent and professional administration and his profound sense of moral and legal propriety were crucial in enabling the Federal Bureau of Investigation to make major achievements in the areas of counterintelligence and counterterrorism, and in combatting government corruption and organized crime;

Whereas William H. Webster brought an extraordinary integrity and dedication to principle and the rule of law to the Central

Intelligence Agency during a troubled period and restored public and congressional confidence in that critical institution;

Whereas William H. Webster provided the Central Intelligence Agency with outstanding direction in a period of unprecedented world change and left the Agency well-positioned to confront the challenges of the 1990's and beyond;

Whereas William H. Webster provided excellent leadership to the national intelligence community's critical contribution to the historic victory in Operation Desert Storm; and

Whereas William H. Webster has earned the deep respect, admiration, and trust of the highest officials in the executive and legislative branches of our Government, and particularly of the present and former members of the Intelligence Committees of the Senate and the House of Representatives for his unstinting honesty and integrity in the service of his country: Now therefore, be it,

Resolved, That on the occasion of his retirement from federal service, the United States express and record its deep appreciation to William H. Webster for his exceptionally distinguished service to the federal judiciary, to the Federal Bureau of Investigation, to the Central Intelligence Agency, to the national intelligence community, and to the people of the United States.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

MODIFICATION OF UNANIMOUS-CONSENT AGREEMENT

Mr. LEVIN. I ask unanimous consent that the earlier unanimous-consent agreement on certain amendments to the defense authorization bill be modified to prohibit amendments to possible language that may be stricken as well as second-degree amendments.

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

MESSAGE FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:31 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the bill (S. 1193) to make technical amendments to various Indian laws; with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the House has agreed to the concurrent resolution (S. Con. Res. 21) commending the people of Mongolia on their first multiparty elections; with an amendment, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 313. Joint resolution to provide that the Defense Base Closure and Realignment Commission shall make recommendations in 1993 and 1995 for the closure and realignment of military installations outside the United States.

At 1:24 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2506) making appropriations for the legislative branch for the fiscal year ending September 30, 1992, and for other purposes.

At 3:25 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1455) to authorize appropriations for fiscal year 1991 for intelligence activities of the U.S. Government, the Intelligence Community Staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 2031. An act to amend title I of the Employee Retirement Income Security Act of 1974 to provide for equal treatment of telephone and electric cooperative welfare plans for the purposes of preemption; and

S.J. Res. 40. Joint resolution designating the week beginning September 8, 1991, and the week beginning September 6, 1992, each as "National Historically Black Colleges Week".

The enrolled bill and joint resolution were subsequently signed by the President pro tempore (Mr. BYRD).

At 7:12 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 191. Concurrent resolution providing for an adjournment of the House from August 2, August 3, August 4, or August 5, 1991, to September 11, 1991.

MEASURES REFERRED

The following joint resolution was read the first and second times by unanimous consent, and referred as indicated:

H.J. Res. 313. Joint resolution to provide that the Defense Base Closure and Realignment Commission shall make recommendations in 1993 and 1995 for the closure and realignment of military installations outside the United States; to the Committee on Armed Services.

MEASURES PLACED ON THE CALENDAR

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1779. An act to designate the Federal building being constructed at 77 West Jackson Boulevard in Chicago, IL, as the "Ralph H. Metcalfe Federal Building".

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Select Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 291. A bill to settle certain water rights claims of the San Carlos Apache Tribe (Rept. No. 102–133).

By Mr. BURDICK, from the Committee on Environment and Public Works, without amendment:

H.R. 1779. A bill to designate the Federal building being constructed at 77 West Jackson Boulevard in Chicago, IL, as the "Ralph H. Metcalfe Federal Building."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Labor and Human Resources:

Joyce Elaine Tucker, of Illinois, to be a Member of the Equal Employment Opportunity Commission;

Carl M. Dominguez, of Maryland, to be Assistant Secretary of Labor;

Nancy Risque Rohrbach, of Virginia, to be an Assistant Secretary of Labor;

Mary Cracraft, of Kansas, to be a member of the National Labor Relations Board for the term of 5 years expiring August 27, 1996;

The following-named persons to be members of the Board of Directors of the Commission on National and Community Service for the terms indicated (new positions):

For terms of 1 year:

Gayle Edlund Wilson, of California.

George Wilcken Romney, of Michigan.

Karen Susan Young, of California.

William J. Byron, of the Distrct of Columbia.

Glen W. White, of Kansas.

For terms of 2 years:

Richard Frederick Phelps, of Indiana.

Alan Khazei, of Massachusetts.

Paul N. McCloskey, Jr., of California.

Reatha Clark King, of Minnesota.

Shirley Sachi Sagawa, of Virginia.

Wayne W. Meisel, of Minnesota.

For terms of 3 years:

Daniel J. Evans, of Washington.

Maria Hernandez Ferrier, of Texas.

Frances Hesselbein, of Pennsylvania.

Patricia Traugott Rouse, of Maryland.

Joyce M. Black, of New York.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to testify before any duly constituted committee of the Senate.)

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 101-22. Agreement With the Union of Soviet Socialist Republics on the Maritime Boundary (Exec. Rept. No. 102-13).

TEXT OF RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION REPORTED BY THE COMMITTEE ON FOREIGN RELATIONS

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to the ratification of the Agreement Between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, with Annex, signed at Washington, June 1, 1990.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 1595. A bill to preserve and enhance the ability of Alaska Natives to speak and understand their native languages; to the Select Committee on Indian Affairs.

By Mr. HATCH (for himself, Mr. DECONCINI, Mr. SIMON, Mr. SPECTER, and Mr. DURENBERGER):

S. 1596. A bill to provide for a Pilot Program of Fair Housing Testing in the Department of Justice; to the Committee on the Judiciary.

By Mr. HATFIELD:

S. 1597. A bill to amend the Public Health Service Act to provide grants to entities in rural areas that design and implement innovative approaches to improve the availability and quality of health care in such rural areas, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SASSER (for himself, Mr. MOYNIHAN, and Mr. GARN):

S. 1598. A bill to authorize the Board of Regents of the Smithsonian Institution to acquire land for watershed protection at the Smithsonian Environmental Research Center, and for other purposes; to the Committee on Rules and Administration.

By Mr. BRADLEY (for himself and Mr. RIEGLE);

S. 1599. A bill to extend nondiscriminatory (most-favored-nation) treatment to Estonia, Latvia, and Lithuania; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. PRYOR, Mr. MURKOWSKI, Mr. GRASSLEY, and Mr. D'AMATO):

S. 1600. A bill to amend title 39, United States Code, to provide for public comment on small post office closings, and for other purposes; to the Committee on Governmental Affairs.

By Mr. WIRTH:

S. 1601. A bill to amend the Atomic Energy Act of 1954 to restrict exports of nuclear items to non-nuclear-weapon states, and for other purposes; to the Committee on Foreign Relations.

By Mr. BAUCUS (for himself and Mr. INOUYE):

S. 1602. A bill to ratify a compact between the Assiniboine and Sioux Indian Tribes of the Fort Peck Reservation and the State of Montana; to the Select Committee on Indian Affairs.

By Mr. GRAMM:

S. 1603. A bill to provide incentives for work, savings, and investments in order to stimulate economic growth, job creation, and opportunity; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. COCHRAN, Mr. DOLE, Mr. DURENBERGER, Mr. GARN, Mr. HARKIN, Ms. MIKULSKI, Mr. SHELBY, Mr. SIMON, Mr. STEVENS, and Mr. SYMMS):

S. 1604. A bill to amend the Internal Revenue Code of 1986 to allow a charitable deduction for certain contributions of depreciable business property; to the Committee on Finance.

By Mr. WOFFORD:

S. 1605. A bill to amend title 18, United States Code, with respect to environmental crime; to the Committee on the Judiciary.

By Mr. DURENBERGER:

S. 1606. A bill to establish a demonstration program that encourages State educational agencies to assist teachers, parents, and communities in establishing new public schools, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BURNS (for himself, Mr. BAUCUS, and Mr. MCCAIN):

S. 1607. A bill to provide for the settlement of the water rights claims of the Northern Cheyenne Tribe, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. METZENBAUM (for himself and Mr. HATCH):

S. 1608. A bill to make technical amendments to the Nutrition Information and Labeling Act, and for other purposes; considered and passed.

By Mr. GORTON:

S. 1609. A bill to authorize certain elements of the Yakima River Basin Water Enhancement Project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. MITCHELL:

S.J. Res. 186. A joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; to the Committee on the Budget, pursuant to section 258(a)(1) of Public Law 99-177, as amended.

SUBMISSIONS OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOLE:

S. Res. 163. A resolution to amend the Standing Rules of the Senate; to the Committee on Rules and Administration.

By Mr. BOREN (for himself, Mr. MURKOWSKI, Mr. CHAFEE, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. GLENN, Mr. GORTON, Mr. RUDMAN and Mr. WARNER):

S. Res. 164. A resolution to commend William H. Webster for exceptionally distinguished service to the United States of America. Considered and agreed to.

By Mr. BOREN (for himself and Mr. DOMENICI):

S. Con. Res. 57. A concurrent resolution to establish a Joint Committee on the Organization of Congress; to the Committee on Rules and Administration.

By Mr. MITCHELL (for himself and Mr. DOLE):

S. Con. Res. 58. A resolution to waive the provisions of the Legislative Reorganization Act of 1970 which require the adjournment of the House and Senate by July 31; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 1595. A bill to preserve and enhance the ability of Alaska Natives to speak and understand their native languages; to the Select Committee on Indian Affairs.

ALASKA NATIVE LANGUAGES PRESERVATION AND ENHANCEMENT ACT

Mr. MURKOWSKI. Mr. President, I rise today to offer a bill to preserve and enhance the ability of Alaska Natives to speak and understand their native languages. Out of the 20 original native languages spoken in Alaska only two, Siberian Yupik and Central Yupik, continue to be spoken by children. The other 18 Alaska Native languages, as is estimated, face extinction by the year 2055. Eyak, the language of the Copper River Delta, is spoken by only two elderly Eyak Natives. Even the Yupik languages are endangered by the continual encroachment of English on village life.

Mr. President, this legislation would establish a grant program to be administered by the Administration for Native Americans for the purpose of enhancing, encouraging, preserving, and facilitating the ability of Alaska Natives to speak their native languages, and to preserve and expand knowledge about such languages. My bill will give Alaska Natives the chance to actively participate in the recovery of their languages.

The Native American Programs Act is a proper place for an Alaska Native Languages Preservation Program. The Administration for Native Americans, the agency responsible for administering programs under this act, is well respected by natives and Government officials as a well run agency that gets the money to the people where it belongs. The grant program in my bill was modeled on the ANA's current program to take advantage of their existing structure and expertise.

The purpose of the Native American Programs Act is to promote the goal of economic and social self-sufficiency for native Americans. The Alaska Native Languages Preservation and Enhancement Act of 1991 falls within the purpose of the Native American Programs Act because of the important relationship between language, culture and social self-sufficiency. Social self-sufficiency is not defined in the act, but it is clear that it means the establishment and maintenance of a strong, integrated community that is able to withstand and solve social problems and to enable its citizens, particularly children, to take their proper place in

the social and cultural context of the society.

Social self-sufficiency is sorely lacking in some village communities and part of the blame must be laid at misguided policies that forced Alaska Natives to give up their languages and much of their cultures to live in the modern world.

In the past, it was assumed that speaking their Native languages would prevent Native children from becoming educated and participating in the American dream. Total assimilation was the goal of the Bureau of Indian Affairs and others involved in working with Native peoples. Often this policy was pursued at the expense of the very people it was designed to assist and resulted in intimidation and humiliation of Native children.

We now know that this policy was wrong. The subsequent loss of fluency in their Native language did not improve their skills in English or in learning in English schools. Instead of improving the Native's ability to function and achieve in American culture, the loss of Native language skills reduced their ability to function in either culture. Children ceased being able to speak with parents and grandparents and lost the cultural and moral guidance they traditionally provided. Social problems never before experienced by Native peoples, such as alcoholism and suicide began to occur.

For Alaska Natives, speaking their indigenous language is a part of maintaining their integrity and pride as a people. The result of weakened cultural ties is the social disfunction of entire villages. Now, Alaska Natives are coming together to stop the disintegration of their cultures and their lives. Part of the healing will come from the social adhesive of knowing a common language that was developed and spoken by their ancestors. This is not to substitute or detract from full literacy in English. However, the goal of improving Native lives and their ability to function and compete in the larger American culture is better served by also enabling them to find strength and purpose through their own cultures.

By Mr. HATCH (for himself, Mr. DECONCINI, Mr. SIMON, Mr. SPECTER, and Mr. DURENBERGER):

S. 1596. A bill to provide for pilot program of fair housing testing in the Department of Justice; to the Committee on the Judiciary.

DEPARTMENT OF JUSTICE FAIR HOUSING TESTING ACT

• Mr. HATCH. Mr. President, today I am introducing the Department of Justice Fair Housing Testing Act of 1991 on behalf of Senators DECONCINI, SIMON, SPECTER, DURENBERGER, and myself. This act establishes a pilot program in the Department of Justice to fund testing by the Department to identify violations of various provisions of the Fair Housing Act of 1968, 42 U.S.C. 3601 et seq., which we amended in 1988.

As my colleagues know, the Fair Housing Act bans discrimination on the basis of race, color, religion, sex, handicap, familial status, or national origin in the rental and sale of housing. (Fair Housing Act, sec. 804; 42 U.S.C. 3604.) It also bans discrimination by those who lend money or provide other financial assistance for residential real estate-related transactions, such as the purchase, construction, improvement, repair, or maintenance of a dwelling. It also bans discrimination in the lending of money secured by residential real estate and the selling, brokering, and appraising of residential real estate. (Fair Housing Act, sec. 805; 42 U.S.C. 3605.)

Housing discrimination—the exclusion of individuals from housing because of their personal characteristics as listed in the Fair Housing Act—remains a serious problem in our country today. It is unacceptable for persons to be turned away from a home or apartment simply because of their color or the other irrelevant characteristics that are set forth in the Fair Housing Act. It is equally unacceptable to discriminate in residential real estate financing on such grounds. While I believe that America has made a great deal of progress in eradicating discrimination during the last 25 years, and I reject the suggestions of some doomsayers that we have slipped back in recent years, we should always seek effective strategies to combat the discrimination that remains. Now, it is true that some of our country's housing patterns do reflect the free choice of our citizens, nondiscriminatory zoning requirements, and factors such as economics. But prohibited discrimination continues to exist in the housing market, and it should be rooted out.

Testing is a means of determining whether housing discrimination is occurring. Under this method, for example, visits are made by two persons or two couples, within a reasonably short time of each other, to an apartment building, a real estate company, or a lender. They each seek to rent or buy housing or to borrow money for such purpose. They present the same or substantially the same housing or financial needs to the person with whom they are dealing. They present the same or substantially the same demographic background, with one major difference. This major difference is the characteristic for which the test is being conducted, such as race, ethnicity, or disability.

Let me give one example of how testing works. A white couple goes to the rental office of the XYZ apartment house at 9:30 a.m. They tell the rental agent in the office that they would like a two-bedroom apartment on the first of the following month. They fill out an application or simply tell the rental agent that they have a yearly income of $48,000. The rental agent tells them that there are three two-bedroom apartments available on the first of next month and proceeds to show one of them. The visit then concludes. At 10:45 a.m., a black couple arrives at the rental office of the XYZ apartment house. They tell the rental agent that they need a two-bedroom apartment on the first of the following month. They indicate that they earn $50,000 per year. The rental agent informs these black testers that no two-bedroom apartments are available and to come back after the first of the month to seek an apartment for the following month.

In this example, unless the XYZ apartment house can produce evidence that the three two-bedroom apartments available for the white testers at 9:30 a.m. had been rented between then and 10:45 a.m. when the black testers showed up, the rental agent and the owner of the apartment house have violated the Fair Housing Act. Section 804(d) makes it unlawful to represent to any person, because of race, color, religion, sex, handicap, or familial status, that housing is unavailable for inspection, sale or rental when such housing is so available. (42 U.S.C. 3604(d).) The Department of Justice could bring a case based on such evidence, properly gathered and recorded, for violation of the Fair Housing Act. Indeed, the black testers themselves would have standing to bring a lawsuit for violation of section 804(d). (*Havens Realty Corp.* v. *Coleman*, 455 U.S. 363 (1982).)

Testing, then, when properly conducted and documented, can provide reliable evidence of housing discrimination. The Department of Justice does not currently have funding to hire or retain their own testers to assist in the investigation of Fair Housing Act cases. I believe that Congress can provide a significant boost to Federal fair housing enforcement efforts by providing the Department of Justice with funding to conduct the kinds of tests I have described. Accordingly, this act provides for a modest pilot progam to fund such testing. Once we are able to see how the Department uses the funding, and we receive a report from the Attorney General on how effective it has been and how the program can be improved, Congress can then decide whether to make the program permanent.

I am pleased that this legislation has been endorsed by the National Fair Housing Alliance, an organization dedicated to achieving the national policy of fair housing, within constitutional limitations, throughout the United States. Its membership includes 60 private, not-for-profit fair housing organizations from all over the country. The

bill is also endorsed by the Leadership Council for Metropolitan Open Communities, a private, not-for-profit fair housing agency serving the Chicago, IL, area. This agency was a pioneer in the use of testing in the 1970's, has conducted thousands of tests, and initiated over 1,000 fair housing lawsuits.

Let me now describe the provisions of the bill:

SECTION 2

Section 2 directs the Attorney General to hire testers or contract with persons or qualified organizations as necessary to conduct tests. They can be used in any part of the country. For example, if the Department decides to conduct tests in New York City, or Chicago, or Los Angeles, the Department could hire testers and supervise them through the local U.S. attorneys to determine where to test and how to conduct the testing program. It would be the Attorney General's responsibility to train the testers and design a testing program best calculated to yield the most credible evidence of discrimination. In the alternative, at one or more of these locations, the Attorney General could contract with a qualified organization to conduct the tests. Indeed, the Attorney General must consider the use of such organizations if they are within a reasonable distance of the location of the tests and must document such consideration. While the Attorney General is not obligated to use such an organization, it is my expectation that he will do so to conduct at least some of the tests under the pilot program.

I would hope that the testing program would not be concentrated in one metropolitan area or one region of the country.

The testers are to test for violations of sections 804(a)–(d), 804(f)(1)–(3)(B) and 805 of the Fair Housing Act, 42 U.S.C. 3604(a)–(d). (3604(f)(1)–(3)(b).) These sections make the following unlawful:

To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny a dwelling to any person on the basis of race, color, religion, sex, national origin, handicap, or familial status (sec. 804(a));

To discriminate "in the terms, conditions or privileges of the sale or rental of a dwelling, or in the provision of services in connection therewith," because of these same factors (sec. 804(b));

To make, print, or publish, or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based" on these factors (sec. 804(c));

To represent to any person because of these factors "that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available" (sec. 804(d));

For any person or other entity engaged in residential real estate-related transactions "to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction" because of these factors (sec. 805);

To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of: that buyer or renter, any person residing or intending to reside in that dwelling or any person associated with the buyer or renter; and to discriminate in the terms, conditions, or privileges of the sale or rental of a dwelling or the provision of services or facilities in connection with such dwelling on the basis of handicap (sec. 804(f) (1)–(3)(B)).

SECTION 3

Subsection 3 requires the Attorney General to submit to Congress interim reports on the progress of the program as well as an evaluation of the effectiveness of the pilot program within 2 months of its conclusion. The evaluation must include the number and geographic location of the tests conducted under the program and the number and geographic location of cases in which the Attorney General utilized or relied upon evidence obtained through the pilot program. Congress will need this kind of information, and a general evaluation by the Attorney General, in order to determine whether and how to make this program permanent, as I fully expect we will wish to do.

SECTION 4

Subsection 4(1) defines the term "test" or "testing" to mean: a method of gathering credible evidence of violations of, and measure compliance with, sections 804 (a)–(d), 804(f) (1)–(3)(B), and 805 of title VIII wherein (A) one or more visits are undertaken in a timely manner by at least two testers to a housing rental or sales agent, management firm or owner, real estate sales or rental firm, or lender, except that two testers are not required where the use of a second tester would be unnecessary to establish that a violation has occurred or would compromise the accuracy or reliability of the test, and (B) the individual testers identify themselves as having the same or substantially equivalent housing or financial needs and pertinent characteristics as each other, except for the characteristic or status which is being tested.

Section 4(2) defines the term "testers" to mean: individuals who, without an intent to rent or purchase or finance a home or apartment, pose as renters or purchasers or borrowers for the purpose of collecting evidence of violations of sections 804 (a)–(d), 804(f) (1)–(3)(B), and 805 of title VIII.

SECTION 5

This section provides for the sunset of the pilot program on September 30, 1993.

SECTION 6

This section authorizes $650,000 for fiscal year 1992 and $750,000 for fiscal year 1993.

I believe this program will provide a concrete, measurable advance in civil rights enforcement that all Americans of goodwill can applaud. The use of irrelevant characteristics such as race, religion, or disability to block the freedom of housing choice is a scourge we must all fight.●

By Mr. HATFIELD:

S. 1597. A bill to amend the Public Health Service Act to provide grants to entities in rural areas that design and implement innovative approaches to improve the availability and quality of health care in such rural areas, and for other purposes; to the Committee on Labor and Human Resources.

RURAL HEALTH INNOVATION DEMONSTRATION ACT

● Mr. HATFIELD. Mr. President, many of my colleagues in this Chamber are aware of the frustration and dismay felt by our rural constituents over the lack of affordable, accessible, and comprehensive health care. Rural communities face difficult challenges when it comes to obtaining health care services in their often-times isolated areas. Some of these barriers include economic depression, geographic insolation, lack of retention of qualified providers, and a lack of primary care facilities.

The legislation I am introducing today, the Rural Health Innovation Act of 1991, will help our rural communities with retention and recruitment of health care professionals through organizational, economic, and educational support, and it will also help improve access to health care. My bill will create demonstration projects based on innovative ideas, directing funds to rural communities in need of better health care services.

The proposed rural health managed care cooperatives will attempt to help rural physicians with their malpractice insurance premiums and reimbursement rate nogotiations. By extending decisionmaking to local health care providers and community leaders, this bill will help extend much-needed resources to rural communities. The Mental Health Outreach Program will enhance delivery of mental health services to children and the elderly.

Finally, this bill provides for more money to the area health education centers [AHEC's] which bring health care professionals to rural settings and will also provide for stipends to health care professionals and trainees to encourage them to remain or set up practices in these areas.

Mr. President, our rural health care system is eroding. In 1988, 111 rural counties in 22 States had no physician at all. Three of those counties are in my home State of Oregon. At the same time, the physician-to-population per capia was 97 per 100,000 in rural areas compared to 225 physicians per 100,000 in urban areas. Rural areas find themselves woefully deficient in specialists. Of particular concern is the field of obstetrics. According to the Center on Budget and Policy Priorities, in 1988 there were 1,473 counties, all rural, that lacked a single obstetrician. There were also 1,488 rural counties with no pediatrician.

Over an 8-year period in the 1980's 398 community hospitals closed, half of which were located in rural areas, a 7.8-percent decline at a time when urban hospitals were only shrinking in numbers by 2.1 percent. And to add insult to injury, the Federal per capita expenditures for health services are 42 percent lower for rural residents than the U.S. average.

These statistics are staggering to all of us. As a member of the Senate Rural Health Caucus, I have devoted much of my time in the Senate to improving the quality of human life. While not comprehensive in scope, the legislation I am introducing today will undergird the innovative activity currently bubbling in the States. I believe this bill contains some creative alternatives for health care delivery in our rural areas.

My colleagues who come from agricultural States can vouch for the fact that farming cooperatives provide a critical financial help for individual farmers, allowing them to afford equipment, land, seed, and other essential items to better improve production and quality for all. Cooperatives have been a long accepted way of organizing economic activity in rural areas. My legislation seeks to adopt this model to our health care system.

The idea of health cooperatives in rural areas is not new. In 1929, the first HMO in the United States was developed in rural Elk City, OK by the Farmers' Cooperative. Since 1929, there have been several attempts to create rural health cooperatives, however they have suffered because there was no startup support. Simply stated, my bill provides matching funds for startup support of rural health cooperatives.

The Rural Health Managed Care Cooperatives, contained in my legislation, will include all types of health care providers, including hospitals, primary access hospitals, physicians, rural health clinics, nurse practitioners, and other health care professionals who choose to be part of the cooperative. The purpose of the cooperative will be to establish a structure and approach that will keep rural hospitals and health care systems financially sound and competitive with urban health care systems by giving them a way of competing equally with larger urban organizations.

By establishing an effective care management and reimbursement system designed to support rural hospitals' and health care systems' financial needs, a cooperative will provide an effective framework for negotiating contracts with payers and a framework for assuring a defined level of quality.

The cooperative will also help practitioners with their payments on malpractice premiums. We all know that malpractice insurance has become a real problem in retaining not only obstetricians but also pediatricians and a variety of other providers.

My bill will also establish the Rural Health Extension Network Initiative. The primary goal of this initiative is twofold: first, to extend the resources of urban hospitals to rural medical providers and, second, to promote the formation of networks among rural providers so that their scant resources may be shared. Extension Networks would provide education and community decisionmaking support for providers in rural areas. In addition, it would help facilitate the development of networks among rural providers and among rural and urban providers. Local autonomy will be preserved under this bill and the decisionmaking focused at the community level.

The Extension Network proposal includes three components. The first section encourages ongoing health care provider education focusing on high risk populations in rural areas. It also will support the development of an information and resource sharing system. Second, the network will help rural providers and communities develop cooperative approaches to health care and provide grant writing advice. Finally, a network linkage will be encouraged through Federal support for telecommunications projects and through consultative arrangements among providers in all tertiary centers and providers in rural areas.

My bill also creates a mutual support network to link mental health care providers of all sizes in a region, emphasizing the enhancement of mental health services delivery to the elderly and children in rural areas. The providers will be encouraged to form relationships with rural managed care cooperatives to enhance the delivery of these services. The Mental Health Outreach Program will funnel much-needed Federal funds to rural communities, creating better access to mental health services for the elderly and children.

Finally, my bill will increase the authorization level of the Area Health Education Center Program, better known as AHEC's, by $22 million and provide stipend grants to professionals and trainees in each community to be matched by the State or other appropriate sources at a 50–50 level. It is hoped that this will enhance the retention of health care providers in these rural communities.

The popular AHEC Program assists States to improve the distribution, supply, quality, utilization, and efficiency of health personnel in the health services delivery system by encouraging the regionalization of educational responsibilities of health professions schools. By linking the academic resources of the university health science centers with local planning, educational and clinical resources, the AHEC Program establishes a network of health-related institutions to provide educational services to students, faculty, and practitioners, and ultimately improves delivery of health care to rural communities.

Mr. President, it is of utmost importance that, as we get ever closer to the 21st century, we do not leave a single American behind with regard to health care. Every man, woman, and child, every Hispanic, Afro-American, every Asian and Caucasian, and every poor or wealthy person must have the opportunity to receive affordable, efficient, and effective health care.

By supporting innovative demonstration projects like these, we will be able to encourage creativity and enthusiasm in new approaches for rural America in facing health care delivery. It is my sincere hope that this bill, the Rural Health Innovations Act of 1991, will be one step, although small, in this endeavor.

I am pleased that the National Rural Health Association has endorsed this bill, as has Oregon Association of Hospitals, the Oregon Nurses Association, the Oregon Office of Rural Health, and the Oregon Mental Health and Developmental Disability Services Division. I have also been informed that I should expect the Oregon Medical Association's endorsement in September.

I ask unanimous consent to include the text of my bill and letters of support from the above organizations in the RECORD.

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

S. 1597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Health Innovation Demonstration Act of 1991."

SEC. 2. RURAL HEALTH EXTENSION NETWORKS.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) is amended by adding at the end thereof the following new section:

"SEC. 1707. RURAL HEALTH EXTENSION NETWORKS.

"(a) GRANTS.—The Secretary, acting through the Health Resources and Services Administration, may award competitive grants to eligible entities to enable such entities to facilitate the development of net-

works among rural and urban health care providers to preserve and share health care resources and enhance the quality and availability of health care in rural areas. Such networks may be statewide or regionalized in focus.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) be a rural health extension network that meets the requirements of subsection (c);

"(2) prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require; and

"(3) meets such other requirements as the Secretary determines appropriate.

"(c) NETWORKS.—For purposes of subsection (b)(1), a rural health extension network shall be an association or consortium of three or more rural health care providers, and may include one or more urban health care provider, for the purposes of applying for a grant under this section and using amounts received under such grant to provide the services described in subsection (d).

"(d) SERVICES.—

"(1) IN GENERAL.—An entity that receives a grant under subsection (a) shall use amounts received under such grant to—

"(A) provide education and community decision-making support for health care providers in the rural areas served by the network;

"(B) utilize existing health care provider education programs, including but not limited to, the program for area health education centers under section 781, to provide educational services to health care providers and trainees including, but not limited to, physicians, nurses and nursing trainees in the areas served by the network;

"(C) make appropriately trained facilitators available to health care providers located in the areas served by the network to assist such providers in developing cooperative approaches to health care in such area;

"(D) facilitate linkage building through the organization of discussion and planning groups and the dissemination of information concerning the health care resources where available, within the area served by the network;

"(E) support telecommunications and consultative projects to link rural hospitals and other health care providers, and urban or tertiary hospitals in the areas served by the network; or

"(F) carry out any other activity determined appropriate by the Secretary.

"(2) EDUCATION.—In carrying out activities under paragraph (1)(B), an entity shall support the development of an information and resource sharing system, including elements targeted towards high risk populations and focusing on health promotion, to facilitate the ability of rural health care providers to have access to needed health care information. Such activities may include the provision of training to enable individuals to serve as coordinators of health education programs in rural areas.

"(3) COLLECTION AND DISSEMINATION OF DATA.—The chief executive officer of a State shall designate a State agency that shall be responsible for collecting and regularly disseminating information concerning the activities of the rural health extension networks in that State.

"(e) MATCHING REQUIREMENT.—An entity that receives a grant under subsection (a) shall make available (directly or through donations from public or private entities), non-Federal contributions towards the costs of the operations of the network in an amount equal to the amount of the grant.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $10,000,000 for each of the fiscal years 1992 through 1997.

"(g) DEFINITION.—As used in this section and section 1708, the term 'rural health care providers' means health care professionals and hospitals located in rural areas. The Secretary shall ensure that for purposes of this definition, rural areas shall include any area that meets any applicable Federal or State definition of rural area.".

SEC. 3. RURAL MANAGED CARE COOPERATIVES.

Title XVII of the Public Health Service Act (42 U.S.C. 300u et seq.) as amended by section 2 is further amended by adding at the end thereof the following new section:

"SEC. 1708. RURAL MANAGED CARE COOPERATIVES.

"(a) GRANTS.—The Secretary, acting through the Health Resources and Services Administration, may award competitive grants to eligible entities to enable such entities to develop and administer cooperatives in rural areas that will establish an effective case management and reimbursement system designed to support the economic viability of essential public or private health services, facilities, health care systems and health care resources in such rural areas.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require, including a description of the cooperative that the entity intends to develop and operate using grant funds; and

"(2) meet such other requirements as the Secretary determines appropriate.

"(c) COOPERATIVES.—

"(1) IN GENERAL.—Amounts provided under a grant awarded under subsection (a) shall be used to establish and operate a cooperative made up of all types of health care providers, hospitals, primary access hospitals, other alternate rural health care facilities, physicians, rural health clinics, rural nurse practitioners and physician assistant practitioners, public health departments and others located in, but not restricted to, the rural areas to be served by the cooperative.

"(2) BOARD OF DIRECTORS.—A cooperative established under paragraph (1) shall be administered by a board of directors elected by the members of the cooperative, a majority of whom shall represent rural providers from the local community and include representatives from the local community. Such members shall serve at the pleasure of such members.

"(3) EXECUTIVE DIRECTOR.—The members of a cooperative established under paragraph (1) shall elect an executive director who shall serve as the chief operating officer of the cooperative. The executive director shall be responsible for conducting the day to day operation of the cooperative including—

"(A) maintaining an accounting system for the cooperative;

"(B) maintaining the business records of the cooperative;

"(C) negotiating contracts with provider members of the cooperative; and

"(D) coordinating the membership and programs of the cooperative.

"(4) REIMBURSEMENTS.—

"(A) NEGOTIATIONS.—A cooperative established under paragraph (1) shall facilitate negotiations among member health care providers and third party payors concerning the rates at which such providers will be reimbursed for services provided to individuals for which such payors may be liable.

"(B) AGREEMENTS.—Agreements reached under subparagraph (A) shall be binding on the members of the cooperative.

"(C) EMPLOYERS.—Employer entities may become members of a cooperative established under paragraph (a) in order to provide, through a member third party payor, health insurance coverage for its employees. Deductibles shall only be charged to employees covered under such insurance if such employees receive health care services from a provider that is not a member of the cooperative if similar services would have been available from a member provider.

"(D) MALPRACTICE INSURANCE.—A cooperative established under subsection (a) shall be responsible for identifying and implementing a malpractice insurance program that shall include a requirement that such cooperative assume responsibility for the payment of a portion of the malpractice insurance premium of providers members.

"(5) MANAGED CARE AND PRACTICE STANDARDS.—A cooperative established under paragraph (1) shall establish joint case management and patient care practice standards programs that health care providers that are members of such cooperative must meet to be eligible to participate in agreements entered into under paragraph (4). Such standards shall be developed by such provider members and shall be subject to the approval of a majority of the board of directors. Such programs shall include cost and quality of care guidelines including a requirement that such providers make available preadmission screening, selective case management services, joint patient care practice standards development and compliance and joint utilization review.

"(6) CONFIDENTIALITY.—Patients records, records of peer review, utilization review, and quality assurance proceedings conducted by the cooperative should be considered confidential and protected from release outside of the cooperative. The provider members of the cooperative shall be indemnified by the cooperative for the good faith participation by such members in such the required activities.

"(d) LINKAGES.—A cooperative shall create linkages among member health care providers, employers, and payors for the joint consultation and formulation of the types, rates, costs, and quality of health care provided in rural areas served by the cooperative.

"(e) MATCHING REQUIREMENT.—An entity that receives a grant under subsection (a) shall make available (directly or through donations from public or private entities), non-Federal contributions towards the costs of the operations of the network in an amount equal to the amount of the grant.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $15,000,000 for each of the fiscal years 1992 through 1997.".

SEC. 4. RURAL MENTAL HEALTH OUTREACH GRANTS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290cc-11 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 520A. RURAL MENTAL HEALTH OUTREACH GRANTS.

"(a) IN GENERAL.—The Secretary may award competitive grants to eligible entities to enable such entities to develop and imple-

ment a plan for mental health outreach programs in rural areas.

"(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (a) an entity shall—

"(1) prepare and submit to the Secretary an application at such time, in such form and containing such information as the Secretary may require, including a description of the activities that the entity intends to undertake using grant funds; and

"(2) meet such other requirements as the Secretary determines appropriate.

"(c) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to applications that place emphasis on mental health services for the elderly or children. Priority shall also be given to applications that involve relationships between the applicant and rural managed care cooperatives.

"(d) MATCHING REQUIREMENT.—An entity that receives a grant under subsection (a) shall make available (directly or through donations from public or private entities), non-Federal contributions towards the costs of the operations of the network in an amount equal to the amount of the grant.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 1992 through 1997.".

SEC. 5. AREA HEALTH EDUCATION CENTERS.

(a) STIPENDS FOR PERSONNEL.—Section 781(a) of the Public Health Service Act (42 U.S.C. 295g-1(a)) is amended by adding at the end thereof the following new paragraph:

"(3)(A) The Secretary make award grants under this section to rural communities to enable such communities to provide stipends to physicians, nurses or other health professional trainees to encourage such individuals to continue to provide health care services in such rural communities.

"(B) A community that receives a grant under subparagraph (A) shall make available (directly or through donations from public or private entities), non-Federal contributions towards the costs of the operations of the network in an amount equal to the amount of the grant.".

(b) REAUTHORIZATION.—Section 781(h)(1) of such Act (42 U.S.C. 295g-1(h)(1)) is amended by striking out "and $20,000,000 for each of the" and all that follows through "1991" and inserting in lieu thereof "$20,000,000 for each of the fiscal years 1990 and 1991, and $42,000,000 for each of the fiscal years 1992 through 1997".

NATIONAL RURAL HEALTH ASSOCIATION,
Kansas City, MO, July 18, 1991.

Hon. MARK HATFIELD,
U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: The National Rural Health Association would like to indicate its support for your efforts of the "Rural Health Innovation Demonstration Act of 1991." The proposed legislation would greatly facilitate community development, mental health outreach, and integration of systems through rural cooperatives that have been key components in improving access to quality care for rural populations.

The Rural Health Extension Networks are very much a NRHA programmatic priority and would greatly facilitate community involvement in local and state systems development. Programs of this type that have been supported by the Northwest Area Foundation and implemented by Mountain States Health Corporation have demonstrated that rural communities, with assistance, can find their own solutions to health systems problems. The NRHA endorses these efforts and encourages their integration with currently existing systems such as Area Health Education Centers where available.

The National Rural Health Association also encourages the development of rural cooperatives. Cooperatives have long been an accepted model of organizing economic activity in rural America, and the extension of cooperative principles to health care is equally desirable. Your proposal for rural managed care cooperatives are of great interest to NRHA. In fact, the first HMO in the United States was developed in rural Elk City, Oklahoma by the Farmers Cooperative in 1929. More recently, there have been several examples from the field where rural health cooperatives have been proposed or tried, but they have suffered without the kind of startup support proposed in Section 3 of your bill. This is a big issue and may require further study, but NRHA supports your proposal in principle. We offer our assistance in working with you in this effort.

The NRHA and its affiliate, the National Association of Rural Mental Health, also applaud the development of rural mental health outreach grants. The grants will assist rural communities in creating greater access to mental health services for their populations at a time when the need for mental health and substance abuse services is growing. Rural mental health has been a key issue in NRHA's program and legislative agenda.

Thank you for this opportunity to show our support in your continuing efforts to improve access to health care for rural people.

Sincerely,

ROBERT T. VAN HOOK,
Executive Director.

OREGON HEALTH SCIENCES UNIVERSITY,
Portland, OR, July 25, 1991.

Hon. MARK HATFIELD,
U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: Speaking on behalf of the OHSU Office of Rural Health, I am pleased to convey our support and appreciation for your efforts to develop a creative and effective program for rural health services. Your "Rural Health Innovation Demonstration Act of 1991" reflects a realistic and original approach to meeting the health care needs of rural Americans in the 1990s.

From our perspective, the most remarkable feature of this legislation is the emphasis on developing relationships, among providers, both rural and urban. The dichotomy between rural health and urban health has existed for too long; it is clearly time for us to extend urban capabilities to rural providers and encourage collaborations that will allow us optimal use of our limited health care resources. Moving in this direction will not only mean more efficient use of expensive technologies; it will also avoid their unnecessary duplication in many sites that can only marginally support them.

We also want to acknowledge the conscientious efforts of your staff as this bill was being drafted. Energies, expended on building consensus are well-spent. The resulting product is likely to be one that has a far more positive impact, because it will be workable.

Enactment of the Rural Health Innovation Demonstration Act would have far-reaching benefits for rural Oregonians, not the least of which include attaining a true "systems" approach to rural health care, empowering communities to seek the best health care decisions for their citizens, providing a positive environment for practitioner recruitment and retention, stabilization and preservation of essential rural hospitals and improved access to quality health care for patients.

I want to thank you for the opportunity to comment on this important piece of legislation and reiterate my confidence in its potential to foster some lasting solutions to our rural health problems.

Yours very truly,

KAREN WHITAKER,
Director.

OREGON ASSOCIATION OF HOSPITALS,
July 25, 1991.

Hon. MARK O. HATFIELD,
U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: Oregon Association of Hospitals applauds your efforts on behalf of small and rural hospitals. Nationally, and in Oregon, small and rural hospitals provide critical access the health care. With the growing migration of elderly citizens from urban to rural areas this access becomes more critical than in the past.

Oregon Association of Hospitals enthusiastically endorses the *Rural Health Innovations Demonstration Act of 1991*. This act is particularly attractive because it empowers rural areas and encourages them to innovate. Successful programs resulting from this act can help address critical health care issues nationwide.

Sincerely,

KEN RUTLEDGE,
President.

OREGON NURSES ASSOCIATION,
July 26, 1991.

Hon. MARK HATFIELD,
Hart Senate Office Bldg., Washington, DC.

DEAR SENATOR HATFIELD: The Oregon Nurses Association is pleased to support the proposed legislation currently entitled the "Rural Health Innovation Demonstration Act of 1991." As the professional society representing the state's Registered Nurses, we are concerned about access to quality health care in rural parts of the state. Reports I receive from nurses practicing in rural Oregon reveal increasing demands on providers to deal with a wide range of health problems without adequate support in terms of other providers, specialty services, emergency backup services and clinical information. Rural hospitals are faced with patient census levels which are too low to support the availability of comprehensive services. As a result, a great potential exists that health care needs of rural Oregon citizens will go unmet. This potential becomes more magnified for vulnerable segments of the population such as children, the poor and elderly who are unable to travel to areas where health care resources are more available.

We are pleased that elements of the proposed legislation have been included to address support networks of health care providers, telecommunications, educational services and economic support for providers and facilities. This legislation, together with continued funding for programs such as the Area Health Education Centers will be important solutions to a growing crisis in rural Oregon.

The Oregon Nurses Association looks forward to working with you to achieve passage of this legislation. We appreciate your inclusion of our suggestions in the language of the draft. Thank you for your continued efforts on behalf of health care in Oregon.

Sincerely,

BETH GANDARA, RN, BS,
President.

OREGON DEPARTMENT OF HUMAN RESOURCES,
Salem, OR, July 26, 1991.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: Thank you for the opportunity to review a draft copy of your proposed legislation which would provide grants to improve health care in rural areas. The rural nature of much of Oregon, the limited health care services available, and the economic distress experienced by many health care providers makes this proposed legislation of considerable interest.

I very much support the content of the bill which attacks the problem of rural health care erosion from a number of directions. The development of information sharing networks among rural and urban health care providers is an essential component in the preservation of viable health care in much of rural Oregon where driving distances preclude convenient sharing of information. Similarly, the possibility of developing managed care cooperation which include a range of both rural and urban providers is an attractive way to assure economic viability of essential services. Lastly, focusing on mental health outreach services for children and elderly in rural areas and enabling communities to provide stipends to health care workers to encourage them to remain in the community are of special interest to the Mental Health and Developmental Disability Services Division.

I am acutely aware of the difficulty of attracting essential health care workers to rural areas, particularly when experience with youth and elderly populations is important. Community mental health programs frequently experience recruitment problems as does the Eastern Oregon Psychiatric Center. These outreach and stipend provisions will assist Oregon in recruiting and retaining qualified staff in rural areas.

Again, thank you for your consideration in providing me an opportunity to review this draft bill.

Sincerely,

RICHARD C. LIPPINCOTT, M.D.,
Administrator.●

By Mr. SASSER (for himself, Mr. MOYNIHAN, and Mr. GARN):

S. 1598. A bill to authorize the Board of Regents of the Smithsonian Institution to acquire land for watershed protection at the Smithsonian Environmental Research Center, and for other purposes; to the Committee on Rules and Administration.

ACQUISITION OF CERTAIN LAND BY THE SMITHSONIAN INSTITUTION

● Mr. SASSER. Mr. President, I rise today to introduce S. 1598, a bill to authorize the Smithsonian Institution to acquire land for watershed protection at the Smithsonian Environmental Research Center [SERC] located at Edgewater, MD, on the Chesapeake Bay.

I am joined by Senators MOYNIHAN and GARN in cosponsoring this bill. A companion House measure, H.R. 2757, was introduced on June 25, 1991, by Smithsonian Regents Congressmen WHITTEN, MINETA, and MCDADE.

S. 1598 authorizes the expenditure of $500,000 for 1992 for land aquisition along the Rhode River which abuts this Smithsonian facility. This facility which has been dedicated to our former colleague, Senator Charles McC Mathias, Jr., is 1 of 25 such facilities around the world that is conducting long-range ecological research which is central to the U.S. Global Change Program.

This Center has been in existence since 1963 and now contains over 3,700 protected acres of land that provide the laboratory for the Center's extensive ecological research into the impact of climate change on the Chesapeake Bay. This legislation provides authorization for the seed money which is needed to provide for additional land acquisition that will fully protect the Rhode River watershed from untimely development that could compromise the valuable research of this Center.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1598

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACQUISITION AUTHORIZED.

The Board of Regents of the Smithsonian Institution is authorized to acquire land for watershed protection near the Smithsonian Environmental Research Center at Edgewater, Maryland.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Board of Regents of the Smithsonian Institution $500,000 for fiscal year 1992 and such sums as may be necessary for each succeeding fiscal year to carry out the provisions of this Act.

(b) AVAILABILITY.—Funds appropriated pursuant to the authority of subsection (a) shall remain available until expended.

(c) LIMITATION.—No funds may be appropriated pursuant to the authority of subsection (a) in any fiscal year unless the Board of Regents of the Smithsonian Institution provides matching funds from non-Federal sources in an amount equal to the amount of funds appropriated pursuant to such authority for such fiscal year.

SEC. 3. NATIONAL MUSEUM OF NATURAL HISTORY.

(a) IN GENERAL.—Section 2 of the Act entitled "To authorize the Board of Regents of the Smithsonian Institution to plan, design, construct, and equip space in the East Court of the National Museum of Natural History building, and for other purposes", approved October 24, 1990, (20 U.S.C. 50 note) is amended—

(1) by inserting "and succeeding fiscal years" after "1991"; and

(2) by inserting at the end thereof the following new sentence: "Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1990.●

By Mr. BRADLEY (for himself and Mr. RIEGLE):

S. 1599. A bill to extend nondiscriminatory—most - favored - nation—treatment to Estonia, Latvia, and Lithuania; to the Committee on Finance.

MOST-FAVORED-NATION TREATMENT FOR THE BALTIC STATES

Mr. BRADLEY. Mr. President, yesterday, the President announced that when he returned from Moscow, he would ask Congress to conclude the trade agreement with the Soviet Union. This agreement, negotiated more than a year ago, accepts Soviet control over Baltic States, whose illegal annexation into U.S.S.R. the United States has never recognized and whose struggle for independence from the Soviet Union we have always supported.

Last night, around 1 a.m., a Lithuanian customs post was bombed. Around 2 a.m. last night, another customs post was burned. Around 3:30 last night, six people were killed and two critically wounded in an attack on a third Lithuanian customs post.

These attacks are simply the latest effort by the Soviet security forces to use brutal—and sometimes deadly—violence to enforce the Soviet customs law. There have been more than 26 attacks on customs posts in Lithuania alone this year.

On June 27, I wrote to the President and asked him to explain his position on a trade agreement that included the Baltics in the Soviet Union to the people of America and to the people of the Baltic States. I have not gotten a reply.

Last week, I said that if the President asked Congress to approve a trade agreement that included the Baltics into the Soviet Union, I would introduce legislation that protected them.

Today, I rise to introduce that legislation.

The legislation is simple. It says the United States has MFN treaties in force with the independent nations of Estonia, Latvia, and Lithuania. Those treaties were suspended when the U.S.S.R. lost MFN status in 1951. When the Soviet Union is granted MFN, the Baltic States should be returned to the separate MFN status they had before 1951.

The administration has rejected this approach. They say we have to recognize the reality that the Baltic States are under Soviet control. I say we must recognize that reality that the Baltic States are fighting to free themselves from Soviet control and the administration approach puts the United States on the side of the Soviets.

Last night, if I may restate, the six Lithuanians died fighting to free Lithuania from Soviet control. Where did they die? At a customs post—not a bank, not near the Parliament, no, not in the military base, but at a customs post. Because the Soviets and the Lithuanians realize that the control over trade and customs we have conceded to the Soviets by this agreement will determine whether there will be an independent Lithuania.

With this all-union agreement, the administration has chosen sides in the struggle that took place last night in the customs post in Lithuania. They have chosen to support the Black Beret security forces rather than the customs officers who were gunned down.

It is clear that the extension of MFN to the Soviet Union will not have much commercial impact. Trade with the United States that is covered by MFN is less than $1 billion a year. But the political impact will be great, especially on the Baltic States. The democratic-elected leaders of those states have written to the President and to the Secretary of State calling on the United States to support them.

The evolving relationship between the United States and the Soviet Union is a complex one. It necessitates new degrees of flexibility, understanding and cooperation. The end of the cold war means fresh opportunity and different challenges.

The Soviet Union and its people are engaged in a historic transition to a destination yet undefined. All of that is true. But the barbarous attack on the Lithuanian border post this morning should remind us of American fundamentals. Above all, the United States stands for freedom and liberty, and these principles must form the foundation of our international relationships. Any conception of a new world order must reflect these principles and be guided by them. These principles are violated—not challenged, not questioned but violated—by the extension of MFN status to the Soviet Union at this time and in this manner.

Through the back door the White House has declared its acquiescence in the continued absorption of Estonia, Latvia and Lithuania by the central Soviet Government.

Mr. President, these principles are especially violated by the brutalities that continue unabated in the Baltics, white-washed by the current Soviet leadership and uncommented upon by our own President.

Yesterday, President Bush asked Mr. Gorbachev, to his words, "find a way to extend freedom to the Baltic peoples." Yet within 24 hours one Baltic customs post is bombed, another is burned and 6 people are killed at a third. The President should condemn these actions now, not remain silent. Silence is not the way. We cannot stand by while these crimes are committed, our conscience demands better.

Mr. President, I ask unanimous consent to have printed in the RECORD material pertaining to this matter.

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

U.S. SENATE,
Washington, DC, June 27, 1991.

The PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As you are aware, Estonia, Latvia and Lithuania have enjoyed most-favored-nation (MFN) status with the United States since the 1920's. The treaties granting this status are still in force, but were suspended in 1951 in order to prevent the USSR from exploiting the MFN status of the states they occupied in 1940.

The continuing validity of the Baltic MFN treaties is an important element of the long-standing United States policy of not recognizing the illegal annexation of Estonia, Latvia and Lithuania into the Soviet Union. Our non-recognition policy is especially important now, when the U.S. has made a commitment to standing with the Baltic states in their struggle for independence. As you told the representatives of the Baltic-American community on the occasion of signing the Baltic Freedom Day Proclamation on June 13, 1991, "At every opportunity I and other members of our administration have made clear to President Gorbachev and to other Soviet leaders this nation's firm belief in the legitimate aspirations of the Baltic states. The fate of freedom in the Baltics will remain high on our agenda."

It is in this context that the democratically elected leaders of Estonia, Latvia and Lithuania, with whom you have met, have warned that an MFN treaty with the U.S.S.R. that includes the Baltic states within the borders and customs territory of the Soviet Union would infringe on their sovereign rights as independent nations by compromising the validity of their existing MFN treaties. They have asked that they be excluded from the Soviet Union's MFN status, if the United States grants that status to the Soviet Union, and that their separate MFN treaties of 1925–1926 be revived by calling back the suspension letters signed in 1951. Their statements to that effect are attached.

I share these concerns. When and if the United States grants MFN status to the Soviet Union, that action must be fully consistent with our long-standing policy of recognizing the *de jure* sovereignty of the Baltic states. A trade agreement with the Soviet Union which undermines the validity of the Baltic MFN treaties or includes Estonia, Latvia and Lithuania in the borders and customs territory of the U.S.S.R. would contradict that policy.

Moreover, the Baltic states' trade treaties with the U.S. were suspended in 1951 in order to prevent Stalin from exploiting their permanent MFN status, which the United States has never extended to the U.S.S.R. When and if the Soviet Union is granted MFN, the suspension of the Baltic states' MFN treaties will no longer serve any legitimate purpose. Therefore, the suspended Baltic MFN treaties should be reactivated at the latest when the Soviet Union is granted MFN status.

In order to clarify these issues, I would appreciate a substantive explanation of your administration's position on the following specific questions:

When a trade agreement with the Soviet Union is submitted to the Congress for approval, will that agreement explicitly acknowledge the continuing validity of the MFN treaties of Estonia, Latvia, and Lithuania, or will the agreement disregard those treaties by not recognizing their in-force status?

Will that agreement with the Soviet Union include Estonia, Latvia and Lithuania in the customs territory of the U.S.S.R., or will the agreement recognize that those states are not within the territory of the U.S.S.R.?

Will your administration call back the diplomatic notes which suspended the Baltic MFN treaties and reactivate those treaties before the Soviet Union is granted MFN on a permanent basis?

I look forward to your reply.

Respectfully,

BILL BRADLEY.

BULLETIN: LITHUANIAN CUSTOMS POST ATTACKED TWICE

JULY 28, 1991.

According to the border section of the National Defense Department of the Republic of Lithuania, at 1 a.m. this morning five men dressed in civilian clothes and carrying automatic weapons attacked the Salocial customs post of Lithuania on the Lithuanian-Latvian border, forced the officers on guard to lie on the ground, took away their belts, money and three portable radio stations, set fire to a customs booth after pouring gasoline on it and drove away toward Latvia in a civilian car, model Lada, license plate number 0126, recognized by customs officers to be a car that the Soviet "Omon" has used in the past. One customs officer was beaten over the head with the butt of an automatic weapon.

At approximately 2:10 p.m. today the same customs post was attacked again, according to the National Defence Department border section, a white mini-van, a yellow army jeep and two civilian automobiles drove up to the post and approximately 17 men armed with automatic rifles and pistols got out, one in civilian clothes, two in khaki army uniform and the rest in camouflage uniform. The attack, which took approximately an hour, was led by a man wearing the stripes of a first lieutenant on his camouflage uniform. Four border patrol officers were on duty at the time, three managed to run away, although they were reportedly shot at while doing so. The fourth was mocked, had an automatic weapon pressed to his throat, and was forced to undress, lie down and do push-ups while being pinned to the ground by the boot of one of the attackers. The attackers stole four uniforms, four jackets and riot sticks from the post, money from the officer's wallet (70 rubles), as well as road signs. They then got back into the automobiles and threw hand grenades at a customs booth and nearby bus stop, where a bus was going through a customs check. None of the people in the bus was injured, but the booth, the second one today, was destroyed.

BULLETIN: SIX PEOPLE FOUND DEAD AT THE MEDININKAI CUSTOMS POST

JULY 31, 1991.

According to the information from the National Defence Department, between 3:30 and 5:00 a.m. this morning the Medininkai customs post on the Lithuanian-Byelorussian border was attacked and six people were found dead. Of these six, two were customs post workers, two "ARO" policemen, and two highway patrolmen. Also two customs post workers are presently in critical condition in the hospital. Details to follow.

SIX KILLED AT LITHUANIA BORDER POST

Moscow, July 31 (AFP).—Six Lithuanians were killed and two wounded early Wednesday at a border post in the breakway Baltic republic, Lithuanian officials said, casting a cloud over the U.S.-Soviet summit here.

The incident was the most serious at a border post since the Soviet army crackdown in January against pro-independence authorities in Vilnius, in which 16 people were killed.

It came as U.S. President George Bush and his Soviet counterpart Mikhail Gorbachev were about to resume talks on the second

day of the summit, and after Mr. Bush urged Mr. Gorbachev not to "throw into doubt" positive progress and commit himself to a "peaceful" solution for the Balts.

Three Lithuanian customs officials and three national guardsman were killed, and two people wounded by machine-gun fire at the Mediniksi crossing on the republic's border with Balorussia, Lithuanian officials in Moscow and Lithuanian radio said.

It was not known who was responsible for the overnight attack, but the Lithuanians have blamed earlier attacks on customs posts on a crack Soviet police unit, the OMON. The Soviet Interior Ministry in Moscow however has always denied responsibility.

Lithuania opened its own border posts, declared illegal by the Soviet Union, after proclaiming independence in March last year.

White House spokesman Roman Popadiuk said the U.S. delegation at the summit was "looking into" reports about the incident.

Lithuanian President Vytautas Landsbergis was meanwhile holding a news conference in Vilnius, officials there said, but there was no immediate word on his reaction.

In a speech in Moscow on Tuesday, U.S. President George Bush had urged Mr. Gorbachev to hold negotiations with the elected governments of the Baltic states seeking independence to "repudiate one of the darkest legacies of the Stalin era".

"Only good-faith negotiations with the Baltic governments can address the yearnings of their people to be free. We must not see the positive progress we have made threatened or thrown in doubt. Above all, there needs to be a clear and unqualified commitment to peaceful change," Mr. Bush said.

"Surely, men and women of reason and good will can find a way to extend freedom to the Baltic people," he went on.

Moscow annexed the independent states of Lithuania, Estonia and Latvia in 1940.

The killings came as a bitter reminder of Mr. Gorbachev's domestic problems as he took Mr. Bush to his dacha, a half-hour drive northwest of Moscow, for talks expected to focus on prospects for convening a Middle East peace conference.

On Monday, in a direct affront to control authorities, Russian President Boris Yeltsin formally recognized Lithuania in a treaty signed here with Mr. Landsbergis.

Russia is the first Soviet republic to recognize the March 11, 1990 declaration of independence adopted by the Lithuanian parliament.

SIX DEAD, TWO WOUNDED IN ATTACK ON LITHUANIAN BORDER POST

(By Thomas Ginsberg)

MOSCOW.—Armed attackers killed six Lithuanian guards and wounded two others early Wednesday in the bloodiest attack yet on a border post run by the secessionist Lithuanian government, officials said.

The attack was discovered about 5 a.m. (0200 GMT) by a Russian truck driver who crossed the border between Lithuania and Byelorussia, said Lithuanian journalist Rolandas Barysas.

The attack came on the second day of the superpower summit during which U.S. President Bush urged Soviet President Mikhail S. Gorbachev to "find a way to extend freedom to the Baltic peoples."

An explosion also rocked a Soviet Interior Ministry barracks next to an army base in the Lithuanian capital of Vilnius at 2:50 a.m. (2350 GMT), said Barysas, former director of the Lithuanian state news agency ELTA.

It was not known whether the incidents were related, he said in a telephone interview from Vilnius.

The explosion blew out all windows in the four-story building and shattered windows in nearby homes, but no one was injured, he said.

The barracks can house about 1,000 soldiers but it wasn't known how many were in the building or whether weapons also were stored there, said Lithuanian parliament spokeswoman Diva Venckus.

Barysas said investigators believe the attack on the customs post near the town of Medininkai occurred sometime after 2 a.m. (2300 GMT Tuesday) when the last vehicle was checked by the border post.

All eight men who were in the border post were shot, he said. The two wounded guards, identified as Richardas Rubavicius and Domas Tsarnas, were in critical condition and were undergoing surgery, ELTA reported.

"Six dead (guards) shows that they were expected to die as well," Barysas said.

Some of the men were Lithuanian police, some Lithuanian customs officers and some border guards, officials said, but it was unknown whether all were armed. Border guards are usually armed with light weapons.

Barysas and Dinus Shvetas of the Lithuanian parliament press office said officials did not know who was responsible for the attacks.

A Lithuanian representative in Moscow, Linas Puchinaskas, said the attack appeared to be a response to Lithuania's demand last week that all Soviet "black beret" anti-riot troops be withdrawn from the republic.

The forces were involved in the January crackdown in Lithuania and the neighboring Baltic republic of Latvia that left 22 people dead. "Black beret" troops remain in all three Baltic republics, which have been the boldest among 15 Soviet republics seeking independence from the Kremlin.

Lithuania has accused the elite forces of taking part in raids in recent months on border posts set up by Lithuania, Estonia and Latvia. The Lithuanian government says more than 20 customs posts have been seized or destroyed in the past two months, one customs guard has been killed and nine people wounded in the attacks.

Soviet officials have denied ordering the attacks and they insist the border posts are illegal.

The Baltic independence drive has focused world attention on the sovereignty demands by the restive Soviet republics. Five of the 15 republics—the three Baltic republics plus Moldavia and Georgia—have refused to sign Gorbachev's proposed new Union Treaty to hold the country together.

Bush and other world leaders condemned the January crackdown and demanded explanations from Gorbachev. The Soviet president, whose credibility was badly tarnished by the violence, insisted he did not order the attack and ordered an investigation.

The attacks also came two days after Lithuanian President Vytautas Landsbergis signed a landmark agreement with Russian Federation President Boris N. Yeltsin recognizing Lithuania's independence declaration.

SIX DEAD IN DAWN RAID ON LITHUANIAN BORDER POST

(By Jonathan Lyons)

MOSCOW, July 31, Reuter.—Six Lithuanian guards were killed and two seriously wounded in a dawn raid on their customs post on the border with Soviet Byelorussia, officials in the breakaway republic said on Wednesday.

The attack, latest in a series on Baltic border posts, seemed certain to embarrass Soviet President Mikhail Gorbachev at summit talks with U.S. President George Bush, who has already raised the issue of the republics' independence drive.

Lithuanian officials went to the border post at Medininkai, 40 km (20 miles) from the capital Vilnius, early on Wednesday after the border guards failed to report. A Lithuanian interior ministry spokesman said they found six guards dead and rushed two others seriously wounded to hospital.

It was the worst border incident since Lithuania proclaimed independence from Moscow last year.

Border posts built by the breakaway Baltic republics of Lithuania, Latvia and Estonia have been the frequent targets of Soviet "black beret" OMON troops over the last six months

Fourteen people were killed when Soviet paratroops stormed a television tower in Vilnius on January 13. Two weeks later, OMON forces in Latvia shot dead four people in a commando assault on the republic's interior Ministry.

The Lithuanian spokesman said he could not say who had carried out the Medininkai attack. At about the same time on Wednesday a bomb blew out the windows at a military camp in Vilnius but there were no reports of injuries

As word of the attacks filtered through Vilnius, one Lithuanian Journalist said. "This looks like a present for Mr. Bush."

The United States has refused to recognize the 1940 incorporation of the Baltic republics into the Soviet Union. On Tuesday Bush demanded the Kremlin and the republics settle their differences through negotiations.

The official Lithuanian news agency ELTA suggested the attacks were in response to the republic's latest demand that all OMON forces be withdrawn from its territory.

Moscow says the posts, set up to enforce local customs rules, are illegal but the Kremlin has denied ordering the attacks.

Earlier OMON raids, including one on Sunday before Bush's arrival, appeared timed to discredit Gorbachev and cast doubt on his ability to control mounting chaos across the Soviet Union.

The dead and wounded at Medininkai included officers from the republic's defence forces and the Arms police unit, made up of former OMON troops who joined the Lithuanians. Both groups usually man the sensitive border posts.

A spokeswoman for the Lithuanian parliament said the attack was apparently carried out between 2 a.m. and 4 a.m. The dead and wounded were found at around 5 a.m., she added.

The OMON, ultimately responsible to hardline Soviet Interior Minister Boris Pugo, have been involved in a number of clashes with the separatists Baltic governments over the past few months, Pugo says there are 150 OMON troops in Lithuania.

On June 26, they seized Lithuania's central telephone exchange, putting the republic off from the world for more than two hours.

Two days later, OMON commanders were summoned to Moscow and warned against excesses.

The incidents have damaged Gorbachev's reputation abroad at a time when he is seeking Western political and financial support for his economic reforms.

SIX KILLED AT LITHUANIAN CUSTOMS POST

MOSCOW (UPI).—An attack Wednesday on a customs post set up by the independence-seeking republic of Lithuania on the Byelorussian border killed six Lithuanians and wounded two.

All eight men who worked for various Lithuanian police, customs and "national defense" forces, were shot by unknown assailants, the nationalist government in Vilnius said.

Previous attacks on customs posts in the Baltic republics had been blamed on Soviet special forces, usually in civilian clothes.

The massacre was the worst bloodshed in Lithuania since 14 people were killed by Soviet forces as they took over the republic's television center Jan. 13.

The independent Russian Information Agency said the dead and wounded Lithuanians were found at the Medininkai customs post by a passing truck driver about 5 a.m.

The killings occurred in the middle of the Moscow summit between President Bush and Soviet President Mikhail Gorbachev. There was no immediate comment from neither leader on the incident.

The Baltics had not been a major issue in the talks Tuesday, although Bush voiced his support for the republics' right to democratically decide whether to remain part of the Soviet Union.

The official Soviet news agency Tass said an explosion also occurred early Wednedsay at the entrance of a building housing the Soviet Interior Ministry headquarters in Vilnius.

There were no injuries in the explosion, the latest in a series of small, mostly harmless, blasts near Soviet installations in the Baltic republics.

Newly elected nationalist governments in all three Baltic republics declared early last year they were reclaiming the independence they lost when annexed by the Soviet Union in 1940.

Gorbachev has said the declarations of independence are illegal, and has also issued decrees against moves to assert new rights, including the customs posts.

JULY 11, 1991.

To His Excellency, President of the United States.

EXCELLENCY: The Governments of the Republics of Estonia, Latvia, and Lithuania understand and appreciate the efforts of the U.S. Government to assist the process of democratization and the development of market economy in the Soviet Union. The granting of most-favored nation status to the USSR could create favorable conditions for the reconstruction of the Soviet economy.

However, we deem it necessary to point out that if the Baltic States are not specifically excluded from this treaty, good faith negotiations between the Soviet Union and the Baltic States may be delayed indefinitely. Furthermore, the de facto incorporation of the Baltic States in any U.S.-Soviet economic agreement would be understood as the beginning of the international recognition of the incorporation of the Baltics into the USSR. Such a position would be inconsistent with the long-standing U.S. policy of recognizing the de jure sovereignty of the Baltic States.

In the mid-1920's the three Baltic States entered into treaties with the United States that conferred on them most-favored-nation status. Estonia entered into such an agreement on August 1, 1925, Latvia signed a similar agreement on April 30, 1926 and Lithuania was granted this status on July 10, 1926. These three treaties remain in effect to this day.

Because we presently have MFN treaties in effect with the United States, the Republic of Estonia, the Republic of Latvia and the Republic of Lithuania hereby request that the Baltic States be specifically excluded from any trade agreements that may be concluded between the United States and the USSR. We hope that the United States will find it possible to confirm the continuity of the most-favored-nation status for the three Baltic States based on the treaties specified above.

Respectfully yours,

JAAK LEIMAUN,
Acting Prime Minister, Republic of Estonia.

IVARS GODMANIS,
Prime Minister, Republic of Latvia.

GEDIMINAS VAGNORIUS,
Prime Minister, Republic of Lithuania.

PRESIDIUM OF THE SUPREME COUNCIL,
TALLINN, KADRIORG,
Republic of Estonia, July 12, 1991.

Hon. BILL BRADLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR BRADLEY: First of all let me convey my sincere appreciation for your sustained efforts to further the cause of freedom, democratization and independence of our nations.

Inquiries have been received in Tallinn as to the position of the Republic of Estonia concerning the coming discussions on ratification of the Agreement on Trade Relations between the United States of America and the Union of Soviet Socialist Republics, signed in Washington on June 1, 1990.

The Council of the Baltic States (Statement of June 11, 1991) and the Presidium of the Supreme Council have already stated the view that Article I of the above-mentioned Treaty—Most Favored Nation and Nondiscriminatory Treatment—should be applied only to the territory which is within the boundaries of the Soviet Union as recognized by the United States of America in 1933. Since the United States executive branch has retained the old 1933 notion about the borders of the Soviet Union, and considering the emergence in Novo-Ogarevo of the new 9 + 1 Union of April 23, 1991 with a mandate of July 2, 1991 to her President to represent only the 9 at the London meeting with G7, the Agreement on Trade of June 1, 1990 can now be applied only to the territory of the 9 future members of this new Union, thus shutting out the Baltic States' territories with the seal of finality.

It is of paramount importance that the three Baltic States—Estonia, Latvia and Lithuania—be completely excluded from the Treaty and that other treaties and agreements, not operative at present between these Republics and the United States which are still valid, be fully respected.

Needless to say that the cause of Independence of the Baltic States would be greatly served, if appropriate political conditions would be attached to the above-mentioned Treaty.

I hope that this letter will clarify the position of Estonia and that it will help to avoid any infringement of the sovereign rights of my country.

Sincerely,

ARNOLD RUUTEL,
Chairman of the Supreme Council.

JAV LIETUVIU BENDRUOMENES KRASTO VALDYBA LITHUANIAN-AMERICAN COMMUNITY, INC.,
Chicago, IL, July 19, 1991.

Hon. LLOYD BENTSEN,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BENTSEN: Soon your committee will review the U.S.-U.S.S.R. Trade Agreement negotiated by the Bush Administration and the recommendation of the President to grant most favored nation treatment to the U.S.S.R. Our organization at this time does not take a position on the granting of MFN status to the Soviet Union, but we are adamantly opposed to the Bush Administration's insistence that Soviet MFN status be extended to the Soviet-occupied Baltic States. This would be both unjust and unfair to the Baltic States which are entitled to the restoration of their own MFN status. Forcing Soviet MFN status on Lithuania would reimpose Soviet authority over Lithuania's independent economy while dealing a crippling psychological blow to Lithuanian workers and entrepreneurs.

In 1925 and 1926 the three Baltic states—Estonia, Latvia and Lithuania—were granted MFN status by the United States. In 1951, that status was suspended through an exchange of diplomatic notes between the U.S. Department of State and the Legations of those three Soviet-occupied countries. The State Department acted in compliance with the Trade Agreements Extension Act of 1951 which mandated that:

"(Sec. 5) As soon as practicable, the President shall take such action as is necessary to suspend, withdraw or prevent the application of any reduction in any rate of duty, or binding of any existing customs excise treatment, or other concession contained in any trade agreement entered into under authority of section 350 of the Tariff Act of 1930, as amended and extended, to imports from the Union of Soviet Socialist Republics and to imports from any nation or area dominated or controlled by the foreign government or foreign organization controlling the world Communist movement."

The Baltic States wanting to demonstrate their good-will towards the United States agreed to the suspension so that the "cold-war enemy" USSR should not benefit from a misuse of Baltic MFN status. The Bush Administration acting under the authority of the Trade Act of 1974 has decided that the USSR can now qualify for MFN status, but intends to do nothing to restore the MFN status of the Baltic States. They have instead notified the Charge d'Affaires of independent Lithuania, Latvia and the Consul General of Estonia that the U.S. would not support the restoration of their suspended MFN status, and advised the democratically elected governments of Lithuania, Latvia and Estonia that any entrepreneur or exporter wanting to receive tariff reductions for his exports to the United States must utilize Soviet MFN status.

For fifty-one years the people of the Baltic States have suffered and endured policies which have benefitted the West. They absorbed the full force of Soviet imperialism. They were the ones who turned the slogans of "perestroika" and "glasnost" into tools for democratic change. They have resisted the impulse to engage in armed, military conflict with the USSR. They are the people who have maintained their patience in the face of USSR intransigence at the negotiating table. But instead of encouraging and supporting the people of the Baltic States, the Bush Administration is advocating poli-

cies which will stifle economic reform in the Baltics while rewarding the very country whose actions denied the Baltic States their original trading status with the United States. We consider this policy to be unfair and unjust.

Forcing Soviet MFN status on Lithuania, Latvia and Estonia would also be counterproductive for the Administration's stated goal of promoting free markets and democracy around the world. Since 1988, Soviet authority and institutions have been collapsing in the Baltic States. The vacuum has been filled by democratically elected governments. The elected parliament of Lithuania on March 11, 1990 rejected USSR authority over Lithuania and since then has made every effort to negotiate a new relationship with the USSR government. The Soviets however have chosen to stall talks preferring to impose economic, military and psychological pressure which will force Lithuania back into the USSR.

Now, the Bush Administration will give the Soviet government an additional tool to wear down the Lithuanians. Imports into the United States must bear a certificate of origin. By insisting that the Balts utilize Soviet MFN status, the Administration forces private entrepreneurs and Lithuanian factories to go to USSR institutions for those precious certificates. What kind of compliance will Soviet officials require of a Lithuanian enterprise in order to get such a certificate? Certainly conditions which would not favor the growth of private enterprise in Lithuania. Therefore, while most economic activity in Lithuania is decentralizing i.e., privatizing, the U.S. will be encouraging the recentralization of economic activity; the return of USSR government control.

And finally, one cannot ignore the psychological blow that will be inflicted on Lithuania workers and entrepreneurs if MFN status is not restored to Lithuania, while the USSR benefits from its newly bestowed status. Lithuanians already find it difficult to understand why the United States does not accept their democratically elected government as the legitimate successor to their pre-WW II government which was destroyed by the invading USSR army. Now, the United States will be seen as an active agent of sovietization requiring the fruits of Lithuanian labor to be labelled, "Made in the USSR."

This is why your Committee, Mr. Chairman should seriously consider the restoration of MFN status for the Baltic States, if you intend to give MFN status to the USSR. We have shared our concerns with other Senators and have found them sympathetic and committed to resolving this issue. We hope that you will add your considerable influence to finding a favorable solution for the Baltic States and their trade status.

If the Committee decides to hold hearings on the Soviet MFN issue we ask you to include a discussion of its impact on the Baltic States. We stand ready to answer any of the Committee's questions and would appreciate the opportunity to place our views on the record.

Sincerely,

TOMAS REMEIKIS, PH.D.,
Chairman, Public Affairs Council.

BALTIC LEADERS ASK PRESIDENT BUSH TO EXCLUDE THEM FROM U.S.-SOVIET TRADE AGREEMENT—RAISE NO OBJECTIONS TO MFN FOR USSR—ASK FOR RENEWAL OF SEPARATE BALTIC MFN

RIGA, LATVIA, July 11.—The Prime Ministers of Estonia, Latvia and Lithuania sent a letter to President Bush today, asking that the Baltic States be specifically excluded from any U.S.-Soviet trade agreement.

The letter, delivered to the Department of State in Washington, D.C. today, expresses no objections to the granting of Most Favored Nation status to the USSR, adding that such status "could create favorable conditions for the reconstruction of the Soviet economy."

The Baltic Prime Ministers, however, express concern that the inclusion of the Baltic States in any U.S.-Soviet agreement could delay good faith negotiations between the Baltic States and the Soviet Union. Last week, the Baltic governments had been advised by U.S. government officials that a proposed U.S.-Soviet trade agreement would also apply to the Baltic States.

In today's letter to President Bush, the Baltic leaders rejected this arrangement, stating, "the de facto incorporation of the Baltic States in any U.S.-Soviet economic agreement would be understood as the beginning of the international recognition of the incorporation of the Baltics into the USSR."

The Baltic leaders point out that the United States had already conferred Most Favored Nation status on the Baltic States as a result of treaties signed in 1925 and 1926. While requesting that the Baltic States be excluded from any U.S.-Soviet agreement, they added, "We hope the United States will find a possibility to confirm the continuity of the Most Favored Nation agreements" which had already been signed with the prewar independent Baltic governments. Text of the Baltic Prime Minister letter is enclosed.

LEGATION OF LATVIA,
Washington, DC, July 15, 1991.

Hon. JAMES A. BAKER III,
Secretary of State,
Washington, DC.

SIR: I have the honor to inform you of a matter of interest to this Legation.

Two treaties currently under consideration to which the United States is a party, that is, the bilateral US-USSR Trade Agreement (MFN status) and the multilateral CFE Treaty, have legal and practical implications for Latvia and the other Baltic States. These treaties have raised concerns that the inclusion of the Baltic States as an integral part of Soviet territory in both agreements could be interpreted by the Soviet Union as an implied recognition of the illegal incorporation of the Baltic States.

The Legation welcomes the improvement of US-USSR relations that the two treaties might bring about, especially as it concerns the continuation of the reform process in the USSR. But these apparently innocuous documents could both have far reaching implications in terms of economic strangulation and military occupation of Latvia. Such concerns have been raised by the Governments of Latvia, Lithuania and Estonia in their joint statements of November 9, 1990, and July 10, 1991.

Since Latvia is not party to these important agreements, it is my hope that the United States shall find a way to emphasize that said agreements do not recognize or imply Soviet hegemony over, or incorporation of, Latvia's territory into the Soviet Union.

Please accept, Mr. Secretary, the assurances of my highest consideration.

Sincerely,

V. KREICBERGS,
Chargé d'Affaires, a.i.

AMERICAN LATVIAN ASSOCIATION
IN THE UNITED STATES, INC,
Rockville, MD, July 11, 1991.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I would like to use this opportunity to express the support of the American Latvian Association, and of the American citizens of Latvian descent that it represents, for the explicit exclusion of the Baltic countries of Latvia, Estonia and Lithuania from the US-USSR Trade Agreement, and from any benefits the Soviet Union may derive from that agreement, to include the granting of unrestricted "Most-Favored-Nation" (MFN) trade status. Simultaneously, the Latvian American community supports the immediate renewal of MFN status with the Baltic governments, which was suspended in 1951, due to the illegal armed occupation of the Baltic countries and subsequent Soviet domination and control of their territories. The heroic efforts of the Baltic countries to achieve disengagement from the Soviet Union, in the face of destabilizing Soviet military actions, deserve at least this level of recognition by the United States.

The incorporation of Latvia, Estonia and Lithuania into the Soviet Union has never been recognized by the United States. As a result, diplomats representing the independent governments of the Baltic countries continue to be accredited by the United States, and the United States calls for and supports the peaceful, negotiated settlement of this issue, leading to the renewal of independence for the Baltic countries. For this reason, any agreements negotiated between the US and the USSR do not legally apply to the Baltic countries, as has been pointed out by the Foreign Ministers of all three countries in reference to the US–USSR Trade Agreement (see Attachment 1). In practice, however, the United States has treated the Baltic countries as part and parcel of the Soviet Union, concluding various treaties with the Soviet Union that have greater or lesser perceived effect on the US recognized sovereignty of the independent Baltic governments.

For many years, the United States had no choice in the matter, as the Soviet-installed occupation governments were nothing more than extensions of the central Soviet government. Since the spring of 1990, however, when pro-independence governments were elected by popular vote to lead Lithuania, Estonia and Latvia, the United States has had a viable choice. All three governments have expressed the wishes of the populations they represent in striving to renew their independence, and are looking to the United States and other leading western democracies for support of their efforts. These governments are no longer "under Soviet domination or control," which was the reason specified in 1951 for suspending trade relations between the Baltic countries and the United States. As a result, because this reason has (in large part) been resolved, the way is open for the renewal of MFN to the Baltic countries.

We, as Latvian Americans, understand the delicacy that surrounds relations between the world's two superpowers, especially as one of those superpowers prepares to undergo wrenching internal change. Purely realistic concerns also crop up, about control of borders and about issues of mutual economic concern that have yet to be resolved between the Baltic countries and the USSR. These issues, however, cannot and must not stand in the way of support for the principles on which this country is built: self-determination, private enterprise and democracy.

As a result, the American Latvian Association, and the Latvian American community it represents throughout the United States, respectfully requests that the Baltic countries of Latvia, Estonia and Lithuania be explicitly excluded from the US-USSR Trade Agreement of 1990, and that trade relations, including MFN, be reestablished with the Baltic governments.

Sincerely,

VAIRA PAEGLE,
Vice President for Public Affairs,
American Latvian Association.

MINISTRY OF FOREIGN AFFAIRS,
Tallinn, Estonia, July 11, 1991.

DEAR MR. SECRETARY: I am writing to you in connection with the forthcoming ratification of the Agreement on Trade Relations between the United States of America and the Union of Soviet Socialist Republics, signed in Washington on June 1, 1990. I have previously written to you (July 2, 1991) concerning the status of the 1925 agreement between Estonia and the USA granting Estonia unconditional Most Favored Nation treatment. At this time, I consider it appropriate to set forth in a single document, namely this letter, the legal status of the 1925 Agreement, as well as the effect on Estonia of the adoption of the 1991 USSR MFN Agreement.

The 1925 Agreement was modified in July 1951 by an exchange of letters—dated July 10, 1951 and July 15, 1951—between the U.S. Secretary of State and the acting Consul-General of Estonia in Charge of Legation in New York. This Letter of Modification had the effecti of suspending for an unspecified period of time the effectiveness of the 1925 Agreement. The Letter of Modification did not replace, supersede or otherwise terminate, in whole or in part, the 1925 Agreement. Its only aim was to prevent the USSR from exploiting the MFN status of Estonia, which was occupied by the Soviet Union in 1940.

The Letter of Modification permitted the imposition of "various controls which the Government of the United States believes it is necessary or desirable to apply to trade between the United States and various areas under Soviet domination or control, some of which will be required by the Trade Agreement Extension Act of 1951." As the said Trade Agreement Act was subsequently repealed, the basis for some of the most significant controls was automatically extinguished. However, other controls did thereafter remain in effect, including direct controls exercised through the imposition of prohibitive customs duties on Soviet products to be imported into the U.S. and, by application of the Letter of Modification, on Estonian products. With the adoption of the 1991 USSR MFN Agreement, this indirect form of control on Soviet products automatically ceases and, by application of the Letter of Modification, on Estonian products as well. The latter is the case since no special controls or duties were placed on the importation of Estonian products that had not been imposed on Soviet products.

The proposed MFN Treaty with the Soviet Union cannot, of course be construed as granting the Soviet Union rights in respect to Estonia that the Letter of Modification expressly precluded. As the United States has on numerous occasions acknowledged and insisted, the Soviet Union has no power to amend the bi-lateral treaties of Estonia, including the 1951 Letter of Modification. Nevertheless the application of the Letter of Modification is now decreased on such controls that may still remain in respect of trade between the US and USSR. We therefore do not object to the granting of US Most Favored Nation status to the USSR, since the 1991 USSR-US Agreement automatically:

(1) Significantly lessens the negative economic impact of the Letter of Modification on Estonian products and, in turn, provides an economic benefit to Estonian exporters and,

(2) Restores the 1925 Agreement to full force and effect.

It shall be noted that I have assumed that the 1991 USSR MFN Agreement does not itself define the term or concept of the customs territory of the USSR and that the said Agreement relies on the definition of such a term as is set forth in 1933 in acts recognizing the USSR by the US government and establishing diplomatic relations between the two states.

The continuing validity of the Estonian MFN treaty is an important element of the long-standing United States policy of not recognizing the illegal annexation of Estonia and the other Baltic States into the Soviet Union. It has become especially important now, when president Gorbachev has officially acknowledged that he has been authorized to represent on the forthcoming London conference a number of Soviet republics, which does not include the Republic of Estonia nor the other Baltic States. This is in total accordance with the Baltic Foreign Ministers' May 26th, 1990 Declaration as well as with the June 11th, 1991 Council of Baltic States Declaration, both reasserting that the Baltic States, having for the first time after World War II elected their democratic parliaments, do not regard themselves, and have never regarded themselves, as an integral part of the Soviet Union and are not to be represented by the Soviet Union.

In due course, we would appreciate a listing of any controls that still remain in effect in trade between the U.S. and Estonia. But for now, we express our appreciation for the restoration of the effectiveness of the 1925 Agreement.

Sincerely yours,

——— ———.

LITHUANIAN LEGATION,
Washington, DC, June 15, 1991.

Hon. BILL BRADLEY,
U.S. Senate,
Washington, DC.

DEAR SENATOR BRADLEY: Inquiries have been received by this Legation as to the position of Lithuania concerning the coming discussions on ratification of the Agreement on Trade relations between the United States of America and the Union of Soviet Socialist Republics, signed in Washington, on June 1, 1991.

This Legation as well as the proper Lithuanian Authorities have stated their view that Article I of the above-mentioned Treaty—Most Favoured Nation and Nondiscriminatory Treatment—should be applied only to the territory which is within the boundaries of the Soviet Union, as recognized by the United States of America in 1933.

It is of paramount importance that the three Baltic States, Lithuania, Lativia, and Estonia—be completely excluded from the Treaty and that treaties and agreements between these Republics and the United States which are still valid be fully respected.

Needless to say that the cause of Independence of the Baltic States would be greatly served, if appropriate political conditions would be attached to the above mentioned Treaty.

I hope that this letter will clarify the position of Lithuania and that it will help to avoid any infringement of the sovereign rights of my country.

Yours sincerely,

STASYS LOZORAITIS,
Charge d'Affaires.

June 11, 1991.

DEAR ERNST JACKSON: The Council of the Baltic States has today reconfirmed that

1. The Baltic States are not going to sign the new Union Treaty setting up a 9+1 Union or any other structure of the "Soviet Sovereign Republics".

2. The Baltic States have decided to ratify the Treaty on the Non-Proliferation of Nuclear Weapons. This must be done by the three Supreme Councils during the next week.

3. The Baltic States reassort their protest against being represented by the President and the Government of the Soviet Union. All three specifically ask for being excluded from the Most Favored Nation Treatment in trade matters and the possible aid packages, extended to the Soviet Union. If at all possible, our Provisional Commercial Arrangements and Agreements, concluded in 1925/26 in MFN matters, should be revitalized by calling back the Notes of 1951.

Please do everything possible to block through diplomatic channels all moves to bundle Estonia and other Baltic States with the Soviet Union in all forthcoming decisions about relations between United States of America and the Soviet Union. This is serious.

Cordially,

ARNOLD RÜÜTEL,
Chairman of the Supreme Council.

STATEMENT ON THE INVALIDITY OF REPRESENTATION OF THE BALTIC STATES BY THE U.S.S.R.

Affirming the position taken in the statement of the Council of Baltic Governments on September 5, 1990 on the invalidity of the representation of the Baltic states by the Union of Soviet Socialist Republics, the Latvian Republic, the Lithuanian Republic and the Estonian Republic.

Resolve, That credits and other international assistance needed for the reconstruction of their economics on the basis of private ownership and free market, if such are granted, be extended directly to the Baltic countries.

On this same topic, the structure of most favored nation status with the U.S.A. should be granted to Latvia, Lithuania and Estonia in accordance with the bilateral talks of 1925 and 1926.

The Baltic governments are not part of the USSR and request the administration and the Congress of the U.S.A., as well as all democratic countries, to consider these circumstances.

ANATOLII GORBUNOV,
President, Supreme Soviet,
Latvian Republic

VITAUTAS LANDSBERGIS,
President, Supreme Soviet,
Lithuanian Republic

ARNOLD RUUTEL,
President, Supreme Soviet,
Estonian Republic

Tallin, June 11, 1991.

[From the Journal of Commerce, June 18, 1991]

TRADE BENEFITS FOR THE BALTICS

(By Paige Sullivan and Raimo Kaasik)

After approving a $1 billion loan to Moscow for agricultural purchases, President Bush

plans to put before Congress the U.S.-Soviet trade agreement that was signed at the last summit in Washington one year ago. The trade agreement, which could reach Congress by the end of June, would extend to the Soviet Union most-favored-nation status. This would allow Soviet imports the same low-tariff treatment accorded most other U.S. trading partners.

Soviet leaders view MFN status as critical to economic recovery in their beleaguered country. But while Moscow puts on its vulnerable face for the West, it is simultaneously trying to throttle economic recovery in the Baltic states.

The Bush administration has completely passed over Moscow's acceleration of economic warfare tactics against Lithuania, Latvia and Estonia. Among these tactics, by far one of the most unfair has been the Soviet threat to deny the Baltic states (and three other republics that refuse to sign a new Union Treaty with Moscow—Moldavia, Georgia and Armenia) the benefits of future foreign credits and trade agreements, including most-favored-nation status from the United States. In effect, the Kremlin is planning to exploit its future MFN status as a potentially lethal economic weapon.

Moscow's continued policy of all-out economic warfare with the Baltics became obvious during the events this year surrounding the April "9 plus 1" agreement. At this meeting between Soviet President Mikhail Gorbachev and the leaders of nine of the Soviet Union's 15 republics, there was a clear understanding that any government electing not to participate in the Union Treaty (which so far remains an ambiguous document) would be excluded from the Soviet "common market."

Such a vague-sounding and ominous threat could portend disaster for those states that still are economically dependent on the Soviet Union, but struggling to come to an agreement with Moscow on an equal footing.

Soviet leaders are pointing with one hand to the recent passage of the freedom of emigration bill, which removes one last hurdle (as stipulated by the 1974 Jackson-Vanik Amendment) to MFN status for the Soviet Union. Meanwhile, with the other hand, they are slamming the door to U.S. economic assistance in the faces of the real democratic movements of the collapsing Russian empire.

In light of this cynical Soviet ploy, the time has come for the United States to divorce economics from politics in U.S.-Baltic relations. The United States should reextend independent MFN status to all three Baltic states.

According to Article 4 of the Trade Act of 1974, the United States is legally empowered to sign a trade agreement with any government—not only with politically sovereign nations—that control their foreign trade policy. Under such an agreement, it is normal procedure to extend MFN status.

The only real obstacle to the graduation of the Baltic republics to MFN status is political—namely, the Bush administration's desire not to cross Mr. Gorbachev. But can this political concern be truly justified when our own policy ultimately boomerangs against our long-term goal, which is the democratization and economic transformation of the Soviet Union?

During the period of Baltic independence (1920–1940), all three states entered into trade agreements with the United States. These provided for unconditional MFN treatment for Baltic exports to the United States. But after Estonia, Latvia and Lithuania were forcibly incorporated into the Soviet Union, MFN status was terminated for all of them.

The question of renewing MFN for the Baltics remained moot until November 1989. When Soviet President Mikhail Gorbachev signed a law granting economic autonomy to each of the Baltic states. This Declaration of Baltic Economic Autonomy gave each state financial and commercial independence both internally and in dealings with foreign countries.

Furthermore, the law allowed the Baltic governments to negotiate a reinstatement of their prior trade status with any state they might choose. As a result the "door" to MFN status for the Baltics was first opened by the Soviet government itself.

Since then, Estonia, Latvia and Lithuania have consistently moved forward in the independent administration of their economic affairs. In fact, the Baltic governments have taken the lead in initating market-oriented reforms. All three are actively experimenting with pricing and subsidies reforms, the conversion of state-run enterprises into private entities, the formation and encouragement of small business and the restructuring of state tax systems.

The legislatures are encouraging joint ventures with Western partners and promoting crucial hard-currency earning exports to the West. The presidents and prime ministers of these states are sounding out the chances of obtaining observer or the equivalent in international economic organizations such as the General Agreement on Tariffs and Trade, the World Bank and the International Monetary Fund.

Clearly, in light of the current degree of Baltic economic autonomy, Estonia, Latvia and Lithuania meet the statutory requirements for preferential trade treatment from the United States.

Granting independent and direct MFN status to Estonia, Latvia and Lithuania would not be tentamount to an official U.S. recognition of the independence of the Baltic states. Nevertheless, MFN status would attract hard currency into these states, which in turn they could withhold from Miscow and use as leverage for negotiating a "fair deal" with the Kremlin.

The stronger the Baltic republics become financially and commercially, the less they will be forced to submit to Soviet political blackmail on account of economic dependence. They will then be in a better position to sign equitable treaties with the Soviet Union, but on their own terms.

[From the New York Times, July 13, 1991]

WHY U.S. POLICY WORRIES ESTONIA

(By Lennart Meri)

TALLINN, ESTONIA.—Soviet hardliners, in their continued fight against the Baltics as a symbol of the peaceful aspirations of a free people, are using more than tanks, "black beret" troops and Kalashnikovs. They have learned the lessons of the Vilnius massacre of Jan. 13 and are using a far more refined weapon: economic subjugation of the Baltics.

For example, Article 23 of the union treaty, which the Supreme Soviet may ratify this month, creates a new internal Soviet market while excluding the nonsignatory republics of Estonia, Latvia and Lithuania.

With Moscow considering the Baltics economically outside the Soviet Union, the most-favored-nation trade benefits to be extended to the Soviet Union by the U.S. will not be available to us. In fact, it may jeopardize our status as a sovereign state.

The U.S. has had a separate most-favored-nation agreement with Estonia since 1925. Unless the U.S. separately reactivates this agreement as it grants most-favored-nation status to the Soviet Union, this may provide a cover under which Moscow can avoid having to recognize the inevitable: Estonia's right to self-determination.

Moscow's economic pressure should be seen as but another attempt by the Government to make it impossible for the Republic of Estonia to regain full independence.

In May, my Government was handed a decree signed by the Sovet Deputy Minister for State Planning raising the financial price for independence. All dealings between the Soviet Government and republics not willing to sign the union treaty must be carried out in hard currency and at world market prices.

Moreover, Moscow must be fully compensated for the value of all property acquired by the Soviet Union during the 50-year occupation of the Baltics, with the Soviet Union maintaining 51 percent control of all properties placed in "joint ownership." In addition, the Baltics retain an obligation to contribute to Soviet internal and external debt service, and all future trading relations must allow for "maximum possible profit" for the Soviet Union.

Despite these Draconian measures, Estonia has repeatedly voiced its willingess to enter into hard currently dealings with the Soviet Union and to pay compensation as established by an internationally recognized arbitration board. We have made it clear that to fulfill these commitments, Estonia must control its borders in order to earn hard currency so that it may act in its dealings with the Soviet Union as a foreign state.

Toward that end, we have invited the U.S. to help in establishing an internationally recognized arbitration board and to find a new approach to reactivate the 1925 trade agreement, including most-favored-nation arrangements, which remain in force to date and should be the basis for the U.S.-Estonia economic relationship.

Were we to accept trade benefits under most-favored-nations arrangements that the U.S. is expected to extend to the Soviet Union, this step might one day be misinterpreted as Estonia's ex post facto recognition of its forceful incorporation into the Soviet Union.

Should the U.S. be willing to open its doors to Estonian products on the same favorable terms offered to the Soviet Union, we might be able to cope with even this latest Soviet attempt at economic blackmail.

While we remain grateful for the long-standing U.S. policy of not recognizing the forceful incorporation of the Baltics into the Soviet Union, this policy—as applied to most-favored-nation arrangements—is increasingly becoming counterproductive and may in time turn against Estonia's national interest.

[From the New York Times, July 21, 1991]

HELP THE RUSSIANS, NOT GORBACHEV

(By Bill Bradley)

WASHINGTON.—The London economic summit meeting ended without the leaders of the Group of Seven committing massive sums of money to prop up the Soviet political system and economy. But American taxpayers should remain vigilant: the Bush and Gorbachev administrations will get together again to look for ways to finance the Soviet future. The U.S. appears more committed to Mr. Gorbachev than to a set of principles.

Before the Soviet economy can be reformed effectively, democratic values and methods must be allowed to sink deeper roots. The Gorbachev regime faces a crisis of legitimacy. It does not have popular support. Otherwise, why would President Gorbachev

avoid a vote like the one that elected Boris Yeltsin as leader of the Russian republic? Only with democratically elected leaders does the Soviet Union have a chance of taking the steps necessary to avoid catastrophe, much less to raise its people's living standard.

The old machine of party members, K.G.B. fossils, discredited bureaucrats and elements of the military still holds power, but it lacks legitimacy. Conditions worsen but it refuses to do what needs to be done, especially cutting Government spending.

Mr. Yeltsin told U.S. Senators recently that the Russian republic will reduce its payment to the central Government from 70 billion to 25 billion rubles. The result will be a bigger Soviet deficit in addition to a distribution system that has broken down and a G.N.P. in a free fall. The bloated Soviet military not only threatens us, but also the Soviet economy. Military spending has to be cut. Without action, the mammoth deficit will lead to hyperinflation.

The leadership also faces a dilemma on internal security. To obtain cooperation on economic reform and to acquire respectability in the community of nations, it must rein in the security forces that murder unarmed citizens in the Baltics and elsewhere. Repression destroys the dreams of freedom and hopes that the Soviets have changed. Citizens who are being persecuted are also unlikely to make economic sacrifices. Yet, once the totalitarian methods go, the political machine itself will be in danger.

To prevent national disaster, the old machine must yield more of its authority to the grass-roots groups—democrats, religious believers, environmentalists, independent trade unionists, entrepreneurs, nationalists and others—that have ligitimacy but no power. How quickly that transfer occurs and in what form will determine the nation's future.

The recent accord between the presidents of the central Government and the republics represents the beginning, not the end, of conflict. Who controls natural resources? Who holds power to tax? Whose laws take precedence? None of these questions has been answered. Revolutions have been fought over such issues at other times and in other places. It will not be easier for the Soviet Union.

Letting markets emerge and function with a pricing mechanism, a banking system and pay based on productivity will do more for the average Soviet family than massive Western aid. For example, the Soviet Union last year lost 100 million metric tons of grain to corruption and inefficiency in the distribution system. Yet, trade in grain is still illegal. In June, over my strong objections, the Administration guaranteed $1.5 billion in credit to the Soviet Union to buy four million metric tons of grain. Instead, if the Soviets would decriminalize trade in grain, they would recover far more grain than we give them, without cost to U.S. taxpayers.

Now Mr. Gorbachev tells the world that he considers his unelected regime "entitled" to even more aid from U.S. taxpayers. Some in the West have suggested guaranteed loans, subsidized interest rates and guaranteed investment in the Soviet Union. None of that will make much difference to the Soviet future but it will certainly drain the U.S. Treasury. It reminds me of the S. & L. scandal except that when things go bad in the Soviet Union we won't have a Resolution Trust Corporation to take control of the assets.

We could help the Soviets with technical assistance, exchange programs, and an associate membership in the International Monetary Fund, but first we own them candor. Joining the international economy means tough competition. So long as private property is not protected by law and state monopolies are preserved by force, the Soviet future will be bleak.

We should dispel the illusion that economic reform will be achieved by the shortcut of political deal-making. In an open world economy, capital flows to places with higher rates of return. No President can order U.S. businesses to lose money in the Soviet Union. Only the citizens, laws and institutions of a new society can make it attractive for investment.

Finally, we must not undercut our message about democracy with actions that jeopardize legitimate democratic movements, such as those in the Baltic states. The Administration's support for the Baltics has been limited to feebly reaffirming that the U.S. never legally recognized their annexation into the Soviet Union.

If President Bush soon sends a Soviet trade agreement to Congress, we will have a chance to test the sincerity of those words. We have most-favored-nation treaties with all three Baltic nations, but they were suspended in 1951 to prevent the special treatment from rewarding Stalin.

Now it is likely that the Administration will ask for that status for the whole Soviet Union. The longstanding agreements with the Baltics will be foregotten, out of fear of offending Moscow. If we believe what we say about the Baltics' separate status, then any trade pact with the Soviets should be accompanied by reinstitution the agreement for the Baltics.

The course ahead will be difficult for that continental nation rich in natural resources and human talent. It must be chosen freely by the Soviet people. They are in control of their own destiny. Our influence lies in our willingness to join them in reducing military spending and in the example of our economic and political values—not in the size of the check we write to Mr. Gorbachev.

By Mr. STEVENS (for himself, Mr. PRYOR, Mr. MURKOWSKI, Mr. GRASSLEY, and Mr. D'AMATO):

S. 1600. A bill to amend title 39, United States Code, to provide for public comment on small post office closings; to the Committee on Governmental Affairs.

SMALL POST OFFICE RETENTION ACT

• Mr. STEVENS. Mr. President, today I am introducing legislation that will close a loophole regarding small post office closings. Each year language is included in the Treasury/Postal Subcommittee appropriations bill to prohibit the Postal Service from closing small independent post offices on a nationwide basis. It has continued to be approved each year.

Such language shows that Congress views small post offices as an important part of the fabric of this Nation. In that regard, I ask that at the end of my remarks, a column that summarizes the role of the small post offices which appeared in the Christian Science Monitor on April 18, 1991, by Jonathan Rowe, be printed.

At present, the Postal Service must respond to the Postal Rate Commission when it has decided to close or consolidate any post office, and a patron appeals the decision. In the case where the Postal Service wishes to close a post office, it must provide the existing population with equal or better postal service, often through rural routes or nearby suburban post offices. There are circumstances in the shifting patterns of population where a post office simply ceases to be needed or serves no one. But those cases are few. The process by which the Postal Service makes a decision that can be appealed to the Rate Commission provides for public input. Thus, if local residents object strongly to a consolidation or closing, and can show cause, under the law, why a post office should not be closed or consolidated, they will have an opportunity to express their views before the Postal Rate Commission, and have those views prevail if they are legally justified.

There has, however, been a difference of opinion between Postal Service management and the Commission on the interpretation of the term "post office." Postal Service management has concluded that post office means a facility headed by an employee of the U.S. Postal Service and, in particular, does not include what are known as contract post offices. Post offices in many small communities, on college campuses, and even in the Senate are contract post offices. A contract post office is a facility operated by a nonpostal person or organization contracted to operate under postal regulations. To the postal customer, there is no distinction between the two kinds of post offices.

The dispute between the Commission and the Postal Service revolves around the interpretation of the term "post office." The Commission believes this term includes "contract post offices," or post offices that are not headed by a postal employee. But Postal Service management disagrees. The importance of the dispute is significant. If the Postal Service wishes to close a contract post office, they need not, under their interpretation, make a formal decision, and there is no appeal to the Commission. Therefore, any public objection is not considered or even heard.

My bill would resolve that interpretation by requiring that the Postal Service must follow the same procedures for closing all post offices, regardless of whether they are contract post offices or whether they are independent post offices operated by Postal Service employees. My bill clarifies the original intent of the Postal Reorganization Act to provide a process for public input should one of these post offices be considered for closing.

In recognition of the need to maintain maximum flexibility where appropriate, my bill would clarify another aspect of congressional intent. Sometimes it has not been clear whether the

moving of postal retail operations to a new site within a community—a larger building for example—constitutes a closing. This bill confirms the Rate Commission's interpretation that such a relocation within the same community does not constitute a closing.

Mr. President, I ask that the text of the bill be printed at the end of my remarks.

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

S. 1600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

Small Post Office Retention Act of 1991.

SEC. 2.

Section 404(b) of title 39, United States Code, is amended by adding at the end thereof a new paragraph (6), as follows:

"(6) In the administration of this subsection, the term 'post office' shall be understood to include the postal facility providing retail postal service in a community, without regard to the manner in which such facility is classified for other purposes or to the rank or title of the person in charge of such facility. The relocation of a post office from one point in a community to another point in the same community shall not be deemed a closing for purposes of this subsection.".

[From the Christian Science Monitor, Apr. 18, 1991]

DISAPPEARING RURAL POST OFFICES: WHY SHOULD WE CARE?

Several years ago, they moved the post office one town over from where I grew up.

It used to be on Main Street. Now it's out by the highway, in a shopping center.

For years, the Postal Service has been closing rural branches, all over the country. Efficiency, they say:

Anyone who has seen a central bulk mail facility—the numbing assembly-line, the bored and angry workers, the lost managed mail—would have to question that "efficiency" stuff right off. And is it really more efficient to make patrons drive extra miles to get their mail, as opposed to walking to a post office in town?

But the real problem goes much deeper.

The cost cutters know how to add. But they add only what they want. And they don't understand what counts.

In our town, the post office was the hub of daily life.

The town was really just a hamlet, with the post office and library at one end, the general store and garage at the other, and a smattering of houses around and between. There wasn't much happening; in winter in particular, the days could be flat and bleak.

The mail broke the monotony. It was something to look forward to, an errand to be about.

It came in twice a day, and folks would be there first thing in the morning, sipping coffee in their pickup trucks, or reading the paper, or lamenting the Red Sox or the lower grade of tourist that had come in recent years. People chatted as they turned the brass dials on their post office boxes, and as they weeded out the junk mail. Some of the friendships seemed to go back for decades.

The postmaster was second only to the telephone operator in his acquaintance with the affairs of the populace. Some called him nosy. But he was always a good source of news and gossip. And he kept an eye on things. If an older resident hadn't been in for their mail in a while, he might want to know why. Word got around pretty quickly when someone was sick or in the hospital, or needed help in some other way.

The post office provided a social ritual that was especially important to the older folks.

It was a point of connection to the life around them; it gave them business to attend to, a real reason to be up and about. They remained functioning parts of the world, along with everyone else. I couldn't tell who was retired and who wasn't.

Young people like myself got to be part of that business as well. Kids today are shunted off into ghettos like television and school. They don't have much contact with the daily working life.

But when I picked up the household mail, or bought a money order to get a basketball hoop from the Sears and Roebuck catalog, I got to overhear the gossip and the banter. I picked up bits of information about septic tanks, social security, zoning, the rental business—pieces of the puzzle that was the adult world.

Life does not provide many crossroads any more, where the generations meet and people get to chat. Those few that remain should be declared endangered social species, like traditional Main Streets, they should be protected and supported.

This is not mere nostalgia. What the post office saves, will come out of other pockets many times over.

If they do keep closing post offices, loneliness and isolation will increase. The glue that holds communities together will erode that much more. Sensing the fragmentation, from this and other causes, officials will soon be calling for "senior citizens' centers" and the life, at public expense, to replace what post offices (and small town cafes) once made a normal part of life.

People will scratch their heads and wonder why taxes are so high and why people don't seem to fend for themselves the way they used to. They will wonder why kids retreat further into their generational ghetto—why they don't know much about the world and don't seem to care.

"The children I teach are indifferent to the adult world," declared John Gatto, teacher of the year in New York City. "This defies the experience of thousands of years."

Why should they care, if they don't have any contact, or place in it?●

By Mr. WIRTH:

S. 1601. A bill to amend the Atomic Energy Act of 1954 to restrict exports of nuclear items to non-nuclear weapons states, and for other purposes; to the Committee on Foreign Relations.

NUCLEAR PROLIFERATION PREVENTION ACT

Mr. WIRTH. Mr. President, revelations about the nature and extent of Iraq's nuclear program have brought home to all of us the need to place more effective controls on the spread of nuclear materials and technology. Today, I am introducing legislation—the Nuclear Proliferation Act of 1991—which would strengthen America's leadership is stemming the spread of nuclear weapons. A companion bill was introduced in the House of Representatives last month by Representatives MARKEY, WOLPE, SOLOMON, and STARK.

This bill is necessary to close a dangerous loophole in U.S. nuclear export policy. Under existing law, nuclear facilities and fuel cannot be exported to a country which refuses full-scope safeguards, but nuclear technology is not banned. This loophole in the past allowed nuclear knowhow to be exported to Iraq and China, and could currently be exploited to allow exports to Pakistan, India, Argentina, South Africa, and others. High-speed computers, specialty metals, and nuclear-related machines and components would be restricted under this bill.

The bill would also phase out exports of highly enriched uranium for civilian nuclear application. Export of enriched uranium is unnecessary and downright dangerous. Even with international inspections, a determined country like Iraq or North Korea could fairly easily and quickly use that fissile material to build crude but powerful nuclear weapons. We must end the availability of weapons-grade material on the world market.

The bill also calls on the President to extend these U.S. proliferation goals to other nations through multilateral negotiations.

The bill also requires the President to seek negotiations to end the secrecy of IAEA inspection arrangements and results; improve IAEA access to nuclear facilities for inspections; facilitate the IAEA's efforts to meet and maintain goals for detecting diversion of nuclear materials; apply IAEA safeguards to tritium, natural uranium concentrate, and heavy water; and seek agreement to provide the IAEA with additional funds, technical assistance, and political support.

Finally, the bill would place trade sanctions on foreign individuals or companies which violate the international proliferation controls established pursuant to the bill, and any supplier nation which authorizes nuclear-related exports to nonweapons states that fail to accept full-scope IAEA safeguards.

Mr. President, when the gulf war began, Iraq possessed at least 100 pounds of highly enriched uranium [HEU] which had been purchased from France and the Soviet Union for use in Iraqi research reactors. HEU, however, can also be used to build bombs; 100 pounds is roughly enough to build two Hiroshima-sized bombs, and there is clear evidence that Iraq was undertaking a crash program to build a bomb. This despite the fact that as recently as last year, Iraq, as a signatory of the Nuclear Non-Proliferation Treaty [NPT], was subject to international safeguards and inspections of their nuclear facilities.

The IAEA inspected Iraq's nuclear facilities once or twice a year to ensure that none of the HEU had been diverted to weapons production. The problem is that given the proper technology, HEU

can be converted into a bomb in as little as 1 to 3 weeks. So the possibility of a country converting peaceful HEU into a bomb, even under the eyes of the IAEA is quite real. The Non-Proliferation Treaty is not enough to prevent a determined country from building a bomb if it possesses HEU.

Proliferation of HEU in itself is extremely dangerous and we should be ended. Our country has been a major exporter of HEU for civilian uses, but this is no longer necessary. It is now possible to convert nearly all research reactors to use low-enriched uranium, which cannot be used to build weapons. The Reduced Enrichment for Research and Test Reactor [RERTR] Program, which was recently approved by this body as part of the Department of Defense Authorization Act, is working to convert research reactors to using low-enriched uranium.

The Nuclear Proliferation Prevention Act of 1991 will achieve several nonproliferation goals. This bill will ban all exports of HEU for civilian applications, with a 4 year grace period for reactors which cannot be converted to low-enriched uranium.

It also establishes the across-the-board principle that no U.S. goods or technology which are relevant for nuclear explosive purposes or are likely to be used in nuclear facilities can be exported unless the receiving country maintains full-scope IAEA safeguards or has a nuclear cooperation treaty with the United States. Currently, this principle applies only to exports of nuclear fuel and facilities, not to related technology and equipment. By including related technology and equipment, this requirement makes our export controls uniform.

This bill also requires the President to undertake negotiations with the members of the Nuclear Suppliers Group to adopt the same limits globally on exports of HEU and equipment and technology which are relevant for nuclear explosive purposes. The negotiations with the Nuclear Suppliers Group would also seek to ban all transfers of nuclear related equipment and technology to countries which are considered to pose a threat to regional or global security, and to develop a mechanism for enforcement of these provisions.

The Nuclear Proliferation Prevention Act also enacts trade sanctions against foreign persons or countries that violate international nonproliferation controls. This will, for the first time, give real teeth to nonproliferation controls.

Nonproliferation is an area where we really can move toward a new world order. Efforts to stop the spread of nuclear arms are most effective when carried out multilaterally. If we had had a strong international agreement against sales of HEU a few years ago, Iraq would not be holding so much HEU now, and our President would not be contemplating air strikes against Iraqi nuclear facilities. A sound preventative regime of controls on nuclear exports is far more effective than military retaliation after the fact.

Under the conditions of the cold war, with the United States and the Soviet Union competing for influence in the Third World, strengthening multilateral nuclear export controls was extremely difficult. But today we are living in a different world. In the wake of the gulf war, there is a general recognition that proliferation presents a very serious security threat to everyone.

This legislation takes advantage of the new international appreciation of the dangers of proliferation. Its passage by this body would be a significant step toward strengthening international cooperation on nonproliferation.

Mr. President, I ask unanimous consent that a summary and section-by-section analysis of the bill; questions and answers relating to the provisions contained in the bill; a side-by-side comparison of this legislation in relation to other nonproliferation bills pending before Congress; a CRS letter pertaining to the bill; a New York Times article; and a list of various groups and organizations supporting this bill be included in the RECORD at this point.

SUMMARY OF NUCLEAR PROLIFERATION PREVENTION ACT OF 1991

1. Restriction on Nuclear Exports. The bill would establish the principle across-the-board that no U.S. goods or technology relevant for nuclear explosive purposes and/or likely to be used in nuclear facilities should fall into the hands of non-weapons countries which do not maintain full-scope, IAEA safeguards and do not have an agreement for cooperation with the United States. Since these requirements already apply to nuclear fuel and nuclear facilities exports, the bill's effect would be to extend the same restriction to dual-use items on the nuclear referral list, nuclear technology transfers, and exports of nuclear components—thereby making U.S. nuclear export controls uniform.

2. Prohibition on Exports of Highly-Enriched Uranium. The bill would bar all exports of highly enriched uranium (HEU) for any civilian application, subject to a limited exception (until December 31, 1995) for those few reactors which cannot feasibly convert to use of low-enriched uranium. This prohibition is particularly important because, as exemplified by the case of Iraq, possession of HEU poses immediate and high proliferation risks.

3. Negotiations to Improve Multilateral Proliferation Controls. The bill calls for the President to undertake international negotiations to ensure the adoption by the London Suppliers Group establishes multilateral nuclear non-proliferation controls which would: 1) effectively restrict exports to countries which do not adhere to a full-scope safeguards requirement; 2) prohibit commerce in highly enriched uranium, and 3) halting nuclear trade with countries that pose significant risks to regional or global security.

4. Cross-Sectoral Retaliation Against Foreign Individuals, Companies or Countries which Aid Proliferation. The bill provides for trade sanctions against: 1) foreign individuals or companies which violated the international proliferation controls established pursuant to the bill, and 2) sanctions against any supplier nation which authorizes nuclear-related exports to non-weapons states that fail to accept full-scope IAEA safeguards.

5. Negotiations to Improve the Effectiveness of International Atomic Energy Agency Safeguards. The bill requires the President to seek to negotiate with other nations and groups of nations, including the IAEA Board of Governors and the Nuclear Suppliers Group to: 1) end the unnecessary secrecy of IAEA inspection arrangements and results; 2) improve IAEA access of the IAEA to nuclear facilities for inspections; 3) facilitate the IAEA's efforts to meet and maintain goals for detecting diversion of nuclear materials; 4) apply IAEA safeguards to tritium, natural uranium concentrate, and heavy water; and 5) seek agreement to provide the IAEA with additional funds, technical assistance, and political support.

SECTION-BY-SECTION ANALYSIS OF THE NUCLEAR PROLIFERATION PREVENTION ACT OF 1991

SECTION 1. SHORT TITLE

This section sets forth the short title of the Act, the "Nuclear Proliferation Prevention Act of 1991".

SECTION 2. PURPOSE

This section states the purpose of the Bill is to strengthen both domestic and international controls over the transfer of facilities, materials, equipment, and technology which may contribute to nuclear proliferation by:

1. prohibiting nuclear commerce by the U.S. with non-nuclear-weapons states that do not maintain international safeguards on all of their nuclear facilities and have not entered into a formal agreement for cooperation with the United States;

2. curbing U.S. exports of weapons-usable highly-enriched uranium;

3. mandating the negotiation of a multilateral mechanism for assuring that no facilities, materials, equipment, or technology which may contribute to nuclear proliferation are transferred to any non-nuclear-weapons state that does not maintain international safeguards on its nuclear facilities, that exports of highly enriched uranium are curtailed, and that all nuclear commerce is halted with those non-nuclear-weapon states which pose significant threats to regional or global peace and security;

4. assuring that meaningful and appropriate trade sanctions are imposed by the U.S. on any foreign entity that engages in nuclear trade in contravention of the principles in this Act, and on any nation or group of nations which does not subscribe to such principles or which otherwise authorizes nuclear trade found by the President to be inimical to the common defense and security; and,

5. providing for the United States to enter into negotiations with other nations and groups of nations to improve significantly the effectiveness of the safeguards of the International Atomic Energy Agency.

SECTION 3. RESTRICTIONS ON NUCLEAR EXPORTS

This section amends Chapter 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2151 and following) by adding a new section 134. The new section 134 contains a number of provisions which are intended to create a more effective international nuclear non-prolifera-

tion regime, both by upgrading U.S. export requirements and providing for the imposition of trade sanctions where nuclear goods and technology are exported from other countries under less stringent criteria.

Subsection a: The purpose of subsection a of the bill is to establish the principle across-the-board that no U.S. goods or technology relevant for nuclear explosives purposes and/or likely to be used in nuclear facilities should be exported to non-weapons states unless those states maintain full-scope IAEA safeguards and have signed a nuclear cooperation agreement with the United States. Since these requirements currently apply only to nuclear fuel and facility exports (and not to exports of nuclear components, technology, and dual-use items on the nuclear referral list), its effect is to make U.S. nuclear export controls uniform.

Section a.(1) lists the existing export licensing activities which are to be subjected to the restrictions established under paragraph 2, as follows: (A) dual-use items controlled under the nuclear referral list established pursuant to the Export Administration Act of 1979 because their significance for nuclear explosive purposes or the likelihood of their being diverted for such purposes; (B) nuclear materials (e.g., plutonium) or nuclear facilities (e.g., nuclear powerplants) whose export is licensed by the NRC; (C) retransfers to any non-nuclear weapons state of dual-use items, nuclear materials, or nuclear facilities; and (D) nuclear technology transfers requiring the authorization of DOE.

Section a.(2) sets forth the conditions which must be met before the activities listed in paragraph (1) are permitted, as follows: (A) the non-nuclear-weapon state involved maintains International Atomic Energy safeguards on all its peaceful nuclear activities; (B) the export is under the terms of an agreement for cooperation arranged pursuant to the terms of Section 123 of the Atomic Energy Act of 1954; (C) notice of the proposed export, retransfer, or activity is published in the Federal Register not less than 15 days before the license, approval, or authorization becomes effective.

Section a.(3) provides that nothing in this subsection shall preclude an export, retransfer, or activity for which a general license or general authorization has been granted.

Section a.(4) defines "non-nuclear-weapon state" to mean a non-nuclear-weapon state within the meaning of the Nuclear Non-Proliferation Treaty.

Subsection b: Prohibits the issuance of any NRC license for the export of highly-enriched uranium (defined as uranium enriched to greater than 20 percent U-235), subject to a limited exception that until the end of 1995, the NRC allow such exports for use in reactors which the NRC has determined cannot feasibly be converted to use low-enriched uranium. This prohibition is particularly important because, as exemplified in the case of Iraq, possession of HEU poses immediate and high proliferation risks. The exception allows a temporary grace period for continued exports to reactors that cannot convert to use of low-enriched uranium.

Subsection c: Provides that the President shall, as soon as possible after the enactment of this Act, undertake international negotiations with those foreign nations which participate in the Nuclear Suppliers Group. These negotiations would be aimed at the adoption of multilateral controls restricting nuclear exports (including dual-use nuclear items of related technical data, nuclear materials, nuclear facilities, and nuclear technology transfers and retransfers of nuclear materials, facilities or dual-use nuclear items of related technical data) to countries which do not adhere to the full-scope safeguards requirements, prohibiting commerce in highly-enriched uranium, and halting all nuclear trade with countries which pose significant risk to regional and/or global peace and security. It also provides for negotiations to assure that the London Suppliers Group is an adequate forum in which to raise and resolve questions concerning the consistency of proposed exports with such principles. This initiative recognizes that international cooperation is essential to the ultimate effectiveness of nonproliferation efforts.

Subsection d: This subsection would subject foreign persons (e.g., foreign individuals or companies) who knowingly export nuclear facilities, materials, equipment or technology in contravention of the international nuclear non-proliferation controls adopted pursuant to subsection d to trade sanctions for a period of not less than 2 years. These sanctions would bar them from receiving any nuclear exports from the U.S. and from shipping any goods (either nuclear or non-nuclear) to the U.S. Such provisions will ensure that, for the first time, international sanctions for violations of nuclear non-proliferation norms will be meaningful.

Section d.(1) directs the President to prohibit the export from the U.S. to a foreign individuals or companies of all nuclear facilities, materials, equipment, and technology and to prohibit the importation into the U.S. of all products produced by that foreign person (both nuclear or non-nuclear) if that foreign person knowingly exports, transfers, or otherwise engages in, conspires to engage in, or facilitates the export transfer or trade of any nuclear facilities, materials, equipment, or technology in contravention of the international nuclear non-proliferation controls established pursuant to subsection d.

Section d.(2) specifies that the sanctions provided for in subsection e(1) do not apply to any export, transfer, or trading activity that is authorized by the laws of a nation participating in the Nuclear Suppliers Group and adhering to all measures adopted pursuant to the Group's international proliferation controls, unless such an authorization was obtained by misrepresentation or fraud.

Section d.(3) prevents the sanctions provided for in subsection e(1) from being applied in cases where a nation participating in the Nuclear Suppliers Group is taking judicial or other enforcement action against that person with respect to their activities or if that person has been found to be innocent of wrongdoing by the government of a nation participating in the Nuclear Suppliers Group.

Section d.(4) allows agencies to issue, in consultation with the Secretaries of Defense and State, advisory opinions to any person who requests such an option as to whether a proposed activity by that person would subject that person to sanctions. The section further provides that any person who relies in good faith upon such an advisory opinion (indicating that the proposed activity would be permissible) would not be subjected to sanctions for engaging in the activity.

Section d.(5) requires the President to notify the Congress not later than 15 days before imposing the sanctions required under this subsection.

Section d.(6) provides definitions of the terms "foreign person", "United States person", "person", and "otherwise engaged in the trade of".

Section e provides for trade sanctions against any foreign nation or group of nations (as opposed to individuals or companies), whether or not they are participants in the Nuclear Suppliers Group, if the President determines that the foreign nation or group of nations has: 1.) permitted any nuclear-related export or retransfer to, or activity in, any non-nuclear-weapon state which had failed to accept full-scope IAEA safeguards as a condition of nuclear supply, authorized the export of highly-enriched uranium under conditions less stringent than those imposed by the U.S., or 3.) has permitted any nuclear-related export or retransfer to any non-nuclear-weapon state which the President determines to be inimical to the common defense and security. The trade sanctions to be imposed would bar both nuclear trade with the offending nation and the importation into the U.S. of some or all of the articles produced or grown in the offending nation.

SECTION 4. NEGOTIATIONS

This section amends Section 203 of the Nuclear Non-Proliferation Act of 1979, which directed the President to undertake nuclear non-proliferation negotiations with other nations to mandate negotiations to significantly upgrade the International Atomic Energy Agency (IAEA) safeguards system to assure that it provides an effective mechanism for detection and deterrence of nuclear proliferation. In the wake of the Iraq war, it is clear that such an enhancement of the international safeguards regime is necessary to avoid situations in which nominal NPT parties may effectively pursue a nuclear weapons program without being subject to meaningful restraint under the IAEA system.

Section 4(1) makes certain technical and conforming changes in Section 203.

Section 4(2)(b) provides that in order to improve significantly the effectiveness of the safeguards of the IAEA, the United States shall seek to negotiate with other nations and groups of nations, including the IAEA Board of Governors and the Nuclear Suppliers Group to: 1.) end the unnecessary secrecy of inspection arrangements and results; 2.) improve the access of the IAEA within nuclear facilities that are capable of producing, processing, or fabricating weapons-capable nuclear materials; 3.) facilitate the exercise by the IAEA of its right to conduct special inspections of facilities that are capable of producing, processing, or fabricating nuclear weapons materials, including facilities in which nuclear materials may not have been introduced and declared to the IAEA; 4.) facilitate the IAEA's efforts to meet and maintain its goals for detecting diversion of nuclear materials; 5.) apply IAEA safeguards to tritium and natural uranium concentrate and increase the scope of such safeguards on heavy water; and, 6.) provide the IAEA with the additional funds, technical assistance, and political support needed to carry out this subsection.

Section 4(c) requires the President to submit a report to Congress six months after the date of enactment of this Act, and annually thereafter, on the progress that has been made and the obstacles that have been encountered in seeking to meet the objectives set forth in subsection (b).

QUESTIONS AND ANSWERS

Question: What impact will your bill have on nuclear cooperation with China?

Answer: The bill would have a minimal impact on trade with the PRC, since all nuclear cooperation with China has been on hold

since passage of the China sanctions bill last year, which included a Markey-Solomon amendment barring all nuclear cooperation with the PRC. That amendment closed the loopholes in the law which had allowed nuclear technology transfers (so-called under 57b. transfers), component transfers and retransfers, and exports of dual-use items on the nuclear referral list to the PRC.

No exports of nuclear fuel or facilities have been permitted to China since the PRC never met the non-proliferation conditions set forth in the 1985 Congressional resolution that approved nuclear cooperation with China. That resolution required China to provide the U.S. with additional information about its nuclear non-proliferation policies and practices and required the President to certify that the PRC wasn't assisting any non-weapons state in acquiring nuclear explosives.

One thing our bill will do, however, regarding China is to impose new restrictions on China's ability to retransfer any U.S.-supplied components or dual-use items that were shipped to China in the past to other countries. Such restrictions would be no different for China than for other U.S. nuclear trading partners.

Question: What impact would the bill have on exports to Israel, which hasn't signed the Non-Proliferation Treaty and doesn't have a nuclear cooperation agreement with the U.S.?

Answer: The effect of this amendment on Israel is negligible because Israel has no agreement for nuclear power or research cooperation with the United States and is not actively seeking U.S. assistance for these programs.

The principal impact of the amendment is on other nations that are not parties to the Nuclear Non-Proliferation Treaty and do not accept International Atomic Energy Agency safeguards on the full scope of their nuclear activities ("full-scope safeguards"). Five of these nations—Argentina, Brazil, India, Pakistan and South Africa—actively seek U.S. assistance for their nuclear power and research programs. Of these nations, all but Pakistan have nuclear cooperation agreements with the United States.

Relatively few items covered by the amendment are currently being sent to Israel under existing law. Under current law, nuclear reactors and fuel cannot be exported to any nation refusing to accept full-scope safeguards. The amendment would require full-scope safeguards as a condition of export (and retransfer) of nuclear components and technology as well. The amendment does not restrict exports of small quantities of by-product, source and special nuclear material for research purposes.

The controls on exports of dual-use items on the nuclear referral list affects only those items which would be for use in a facility that utilizes or produces explosive nuclear materials or those exports which, in the determination of the U.S. government, are likely to be diverted for such use. Furthermore, the most significant of these items (computers) are subject to written government-to-government assurances of "no explosive use."

Question: Won't your bill unduly constrain the President's foreign affairs powers?

Answer: Not at all. The bill makes changes in U.S. domestic export control policy by conditioning all nuclear-related exports to non-weapons states on a requirement for full-scope safeguards and the existence of a nuclear cooperation agreement. This essentially amounts to an exercise of Congressional power under the Commerce clause.

In addition, the bill provides Congressional direction to the President regarding multilateral export control negotiations. Congress' power to regulate interstate and foreign commerce provides ample basis for us to provide such direction.

Moreover, there is ample precedent for providing the President with direction on trade and export negotiations, and in the past Congress has provided direction to the President regarding the objectives to be pursued at multilateral export control organizations such as COCOM or trade negotiations such as the GATT.

The specific provisions of law that the bill's negotiating provisions amend already provide direction to the President to negotiate on nuclear non-proliferation. All our bill does is provide more specific direction regarding the objectives to be pursued at the Nuclear Suppliers Group and the IAEA.

For example, the bill's provisions regarding IAEA negotiations amends section 203 of the Nuclear Non-Proliferation Act of 1978. Section 203 provides that "the United States shall seek to negotiate with other nations and groups of nations to" achieve certain objectives, including adoption of general principles and procedures (including sanctions) to deal with nuclear proliferation. All our bill does is provide for more specific negotiating objectives.

Question: Doesn't your amendment represent a unilateralist approach to controlling nuclear proliferation?

Answer: No, our bill eliminates inconsistencies in current law that undermine U.S. nuclear non-proliferation leadership. If we are to have any influence with other nuclear supplier and customer countries, we have to set an example with regard to our own nuclear export policies.

At the same time, our bill goes beyond just U.S. domestic controls to provide for multilateral negotiations aimed at establishing international proliferation controls comparable to those established for the U.S. It will be up to the President to assure that the international controls that are agreed to are comparable to U.S. domestic controls.

Question: Would the enactment and implementation of this bill put the United States in violation of any legal supply obligations?

Answer: No. Current nuclear export control regulations specifically provide the authority to revoke, suspend or modify license.

Under the Atomic Energy Act, nuclear, technology transfers under 57b. or transfers and retransfers of nuclear components under Section 109b. can be revoked if the Atomic Energy Act is amended making the new statutory conditions would become applicable to the license.

The DOE's implementing regulations for 57b. provide that authorizations "may be revoked, suspended or modified in whole or in part" if the Secretary finds that the activities would be "inimical to the interests of the United States or would otherwise not meet the criteria specified by law for approval of such exports. . . ." (10 CFR 810.8(d)(2)).

Retransfers of nuclear materials (e.g., heavy water) pursuant to 109b. of the Atomic Energy Act are subject to the Commissions regulations, which specifically provide that "Each license is subject to amendment, suspension, revocation or incorporation by amendments of the Atomic Energy Act or other applicable law. . . ."

Similarly, export licenses issued by the Commerce Department for "dual use" items are also subject to revocation. Department of Commerce regulations provide: "Outstanding licenses may be revised, suspended or revoked, in whole or in part . . ." 15 C.F.R. S372.9(d)(7).

Thus, the revocation of any authorizations or licenses under any of the statutory provisions affected by our bill would not violate any U.S. "obligation." In fact, an authorization or license simply does not create an obligation in the contractual sense. It is settled law that a governmental license is not a contract, nor does it confer a vested right, but rather may be revoked, modified or continued, and, indeed, is accepted subject to the condition that the liability then prescribed by statute may be altered or repealed.

Question: What effect would this amendment have on the export of materials for medical research?

Answer: Any impact on medical research should be negligible. Most medical research exports involve small quantities of by-product, source and/or special nuclear material. The amendment does not affect these exports, which are covered by other provisions of the Atomic Energy Act, in any way. Moreover, the amendment would not bar the export of small quantities of heavy water for research purposes or use in medical devices. It is not the intent of the Amendment that these exports be covered. The amendment vests discretion in the Commission to determine which exports are "especially relevant from the standpoint of export control because of the their significance for nuclear explosive purposes." It is our intention that the Commission can and will be able to use this discretion to exempt medical and medical research exports by regulation from the Section 109 licensing criteria, on the grounds that they are not significant for nuclear explosive purposes.

Question: What is involved in Section 57b. transfers?

Answer: Section 57b. of the Atomic Energy Act makes it "unlawful for any person to directly or indirectly engage in the production of any special nuclear material outside of the United States" unless that activity is "specifically authorized under an agreement for cooperation" or approved by the Secretary of Energy "after a determination that such activity will not be inimical to the interest of the United States." In lay language, which this section does is control the transfer of technology. It is important because Section 57b. transfers may provide the know-how for foreign countries to duplicate U.S. technology and so proceed on their own, independent nuclear course.

The current export control system under Section 57b. is administered by the Department of Energy. Regulations governing technology transfers are set out at 10 C.F.R. Part 810. Both the statutory and regulatory standards are minimal. Under current law, no agreement for nuclear cooperation is required for approval of technology transfers, and, as long as there is a Secretarial determination that the transfer is "not inimical", the transfer can be approved. This means that a technology transfer could be approved with regard to an unsafeguarded facility or to a nation without full-scope safeguards. In addition, the most sensitive technology, i.e., for enrichment or reprocessing, can be (and indeed has been) approved for transfer.

Section 57b. has become conduit for transfers to countries which have no agreement for cooperation and do not have full scope safeguards. Since 1980, principal beneficiaries of transfer approvals under Section 57b. have included South Africa, the People's Republic of China, India and Brazil.

For the most part, approvals under Section 57b. have involved contracts between U.S. firms and foreign recipients covering such matters as the design, testing, engineering, operation, inspection, and maintenance of nuclear facilities. In addition, they often have provided for training of foreign personnel in nuclear operations. In some instances, they have called for assistance in the procurement of component parts.

Question: What is meant by "dual-use items on the nuclear referral list"? What controls does your bill place on the export of these items?

Answer: Section 309(c) of the Nuclear Non-Proliferation Act requires the President to establish procedures to the Commerce Department to control export items under its jurisdiction that, if used for purposes other than intended, could be of significance for nuclear explosive purposes.

The list of items that fit within this description is known as the "Nuclear Referral List." It consists of items such as certain high-speed computers, measuring and calibrating test equipment, lasers, certain metal compounds and alloys. All of these items have a variety of legitimate civilian purposes, but they can also be critical in fabricating a nuclear bomb.

Our bill does not affect what is put on the list. Instead, it adds additional conditions which must be met before items which are already on the list can be legally exported to a non-weapons state. Those conditions are: 1.) a requirement that the state accept full-scope safeguards of all its nuclear facilities; and 2.) that there be an nuclear cooperation agreement in effect between the country and the U.S.

Question: What kind of components can now be shipped to countries without full-scope safeguards? Are they really significant from a weapons-production standpoint?

Answer: With the exception of the reactor itself and four major component items (pressure vessels, primary coolant pumps, fuel charging and discharging machines, and control rods), all parts specially designed for nuclear reactors can be shipped to countries without full-scope safeguards.

These include items such as control rod drive parts, in-core neutron detectors, pump parts and seals. These components are essential to sustain operation of a nuclear reactor.

Perhaps even more significant from a weapons-production perspective are components for "production facilities" (plutonium production reactors, reprocessing plants and uranium enrichment plants). These components include fuel-element chopping machines, process-control instrumentation, gaseous diffusion barriers, solvent extractors (for use in a reprocessing plant). The law is ambiguous as to whether they can be sent to nations without full-scope safeguards.

Finally, there are the dual-use items licensed by the Commerce Department. "Dual use" means the item can be used either in a nuclear or a non-nuclear facility. Many of these items are quite significant to a nation with nuclear-weapons ambitions. These items include powerful industrial-process computers (the kind sent to Argentina and South Africa by American companies in the past) and hot isostatic presses (used to mold metal spheres including those in nuclear weapons).

All components subject to NRC licensing are, according to current law, "especially relevant from the standpoint of export control because of their significance for nuclear explosive purposes." Yet, current law permits these components to be exported to nations without full-scope safeguards. Commerce Department authority extends to items that "could be of significance for nuclear weapons purposes," and these, too, can be sent to nations without full-scope safeguards.

Question: Are there any nuclear items that now can be exported without any safeguards at all? How does your bill deal with them?

Answer: Under current law, there is no explicit prohibition on technology transfers to an unsafeguarded nuclear facility, nor on Commerce Department exports of dual-use components or on retransfer of NRC-licensed components to such a facility. Our amendment would close that glaring loophole in U.S. law.

Question: In simple terms, how does your bill work? Why is it necessary?

Answer: Our bill eliminates a dangerous inconsistency in U.S. nuclear export policy. Under existing law, nuclear facilities and fuel cannot be exported to a country that refuses to accept full-scope safeguards, but nuclear technology transfers and transfers and retransfers of nuclear components can be authorized to such countries.

Our bill is necessary to close this loophole—a loophole which in the past was used to export nuclear know-how to Iraq and China and which currently can be exploited to allow nuclear-related exports to countries like Pakistan, India, Argentina and South Africa.

Our bill imposes the full-scope safeguards requirement across the board, phases out HEU exports, provides tough sanctions against those who assist proliferation, and provides for international negotiations to establish a more effective nuclear proliferation control and safeguards regime.

SIDE-BY-SIDE COMPARISON OF NUCLEAR NONPROLIFERATION BILLS INTRODUCED IN 102D CONGRESS

Markey-Solomon, Wirth (H.R.—/S.—)	Glenn (S. 1128)	McCain-Gore (S. 309)	Stark (H.R. 830)
1. New restrictions on nuclear exports: No U.S. goods or technology relevant for nuclear explosive purposes and/or likely to be used in nuclear facilities can be exported to a non-weapons state unless it maintains full-scope, IAEA safeguards and has in place an agreement for nuclear cooperation with the United States.	1. New restrictions on nuclear exports: None	1. New restrictions on nuclear exports: None, but requires publication of a list of dual-use items subject to export controls under the Export Administration Act of 1979.	1. New restrictions on nuclear exports: None.
2. Prohibition on HEU exports: Bars all exports of highly enriched uranium for any civilian application, subject to the limited exception outlined below.	2. Prohibition on HEU exports: None	2. Prohibition on HEU exports: None	2. Prohibition on HEU exports: None.
3. Negotiations: Calls for the President to undertake negotiations to establish multilateral nuclear nonproliferation controls which would: (1) Effectively restrict exports to countries which don't adhere to a full-scope safeguards requirement; (2) prohibit commerce in highly enriched uranium, and (3) halting nuclear trade with countries that pose significant risks to regional or global security. Also requires the President to seek negotiations to: (1) end the secrecy of IAEA inspection arrangements and results; (2) improve IAEA access to nuclear facilities for inspections; (3) facilitate the IAEA's efforts to meet and maintain goals for detecting diversion of nuclear materials; (4) apply IAEA safeguards to tritium, natural uranium concentrate, and heavy water; and, (5) seek agreement to provide the IAEA with additional funds, technical assistance, and political support.	3. Negotiations: None	3. Negotiations: None	3. Negotiations: None.
4. Sanctions: Bans all nuclear exports to and the importation of some or all of the goods or products of: (1) foreign individuals or companies which violate the international proliferation controls established pursuant to the bill, and (2) any supplier nation which authorizes nuclear-related exports to nonweapons states that fail to accept full-scope IAEA safeguards.	4. Sanctions. Establishes trade sanctions against foreign or U.S. firms and individuals that the President determines have knowingly and materially contributed to the global spread of nuclear weapons; countries that traffic in bomb designs or specialized bomb components. Subjects these "target" entities to a ban on U.S. Government procurement; U.S. import ban; restrictions on U.S. multilateral aid; arms sales; widens Presidential authority to impose economic sanctions.	4. Sanctions: Prohibits exports to, imports from, American economic or military assistance to, or the extension of nondiscriminatory trade treatment to, any country listed under the President's report. Prohibits the U.S. Government, in addition to imposing applicable penalties under the Arms Export Control Act and the Export Administration Act of 1979, from procuring any goods or services from, transferring any technology to, and granting any security clearances to, all United States or foreign persons in violation of this act. Provides for the forfeiture to the United States of property of concerns that have violated this act.	4. Sanctions: Directs the President to prohibit the importation of any article manufactured by a foreign person that knowingly exports, transfers, or otherwise engages in the trade of nuclear equipment and technology in violation of U.S. export control laws. Sets forth provisions with respect to the termination and authorizes the President, upon request of a person, to issue an advisory opinion of whether a proposed activity of such person be subject to sanctions under this act. Also authorizes U.S. persons to file a petition with the President requesting that an investigation be conducted to determine whether sanctions are warranted under this act.

SIDE-BY-SIDE COMPARISON OF NUCLEAR NONPROLIFERATION BILLS INTRODUCED IN 102D CONGRESS—Continued

Markey-Solomon, Wirth (H.R.—/S.—)	Glenn (S. 1128)	McCain-Gore (S. 309)	Stark (H.R. 830)
5. Reports: Presidential report to Congress within 6 months (and thereafter annually) on the status of the negotiations to improve the effectiveness of the IAEA.	5. Reports. Presidential report to Congress in event of (1) any proliferation determinations; (2) issuance of any waiver; (3) annual nonproliferation compliance report; (4) one-time report on effectiveness of U.S. proliferation demarches.	5. Reports: Directs the President to report annually to the Congress on: (1) any country that acquires conventional arms or weapons of mass destruction at levels threatening to world or regional peace or U.S. or allied security; (2) any country that has used or threatened to use force or weapons of mass destruction against another country; (3) any country that supports terrorism; (4) any country which is the subject of a U.N. or U.S. blockade or embargo or is determined to threaten world peace; (5) any country that has transferred goods or technology that may be used to produce or transfer conventional arms or weapons of mass destruction to any country meeting the previously listed criteria; (6) the flow of defense articles and technology for military uses to each country meeting such criteria; (7) governments and persons involved in the transfer of such goods or technology; (8) the steps taken to enforce this act, the success of such steps, and the governments and persons sanctioned or penalized by such steps; and (9) U.S. efforts to persuade other countries to cooperate in halting the transfer of such goods or technology.	5. Reports: Requires the President to annually determine those persons who violate the provisions of this act. Authorizes such persons to appeal such determinations to the U.S. Court of International Trade.
6. Waivers: None	6. Waivers: Allows President to waive sanctions after they have been in place for 12 months if he makes determination and certification to Congress that continued imposition of the sanctions would have serious adverse effect on vital U.S. interests.	6. Waivers: Allows President to waive sanctions for national security reasons if he makes formal determination and provides notification to Congress 30 days in advance. Waiver does not apply to extension of most-favored-nation trade status.	6. Waivers: Allows Presidential national security wavier on application of sanctions to foreign persons, provided that President submits notification and report to Congress at least 20 days in advance. Additional Presidential waiver permitted if President certifies to Congress that product or service is essential to national security or person affected by the sanction is sole supplier of the product or service.
7. Exemptions: Exemption from HEU export ban until December 31, 1995, for those few reactors which cannot feasibly be converted to operation using low-enriched uranium.	7. Exemptions: Defense articles/services, sole-source items, items essential for U.S. production.	7. Exemptions: Makes procurement sanctions inapplicable to any contract entered into before the sanctioned country was listed under this act if such sanction would threaten the security of third country nationals or would involve massive and unavoidable financial losses to the penalized person or entity.	7. Exemptions: Makes sanctions inapplicable if host nation has substantially similar export controls as U.S. and its implementing them against the foreign persons; if the foreign person is sole source U.S. defense supplier; if the good or service is essential to U.S. security, is provided under preexisting contract, or is a spare part or a component essential to U.S. products or production.
	8. Other: Authorizes rewards for information useful in halting nuclear proliferation; expands sanctions in Foreign Assistance Act to cover transfers of bomb designs and specifically designed bomb components; eliminates Pakistan's exemption from Glenn-Symington amendment (retrafficking in unsafeguarded nuclear technology); requires recipients of U.S. arms exports to comply with their nonproliferation commitments.		

THE NUCLEAR PROLIFERATION PREVENTION ACT OF 1991

We, the undersigned, offer our support for the Nuclear Proliferation Act of 1991. This bill strengthens the United States' position in the critical movement toward the control of the proliferation of nuclear technology and materials.

Representatives Edward Markey and his colleagues, Representatives Solomon, Wolpe and Stark along with Senator Wirth, have designed a legislative instrument which not only improves restrictions on nuclear exports but goes on to bar exports of highly enriched uranium, backing these limits with sanctions against those who would assist would-be proliferators. In addition, negotiations called for by the bill are necessary to improve existing multilateral controls and mechanisms, particularly through strengthening the effectiveness of the International Atomic Energy Agency and the Nuclear Suppliers Group.

At a time when the entire world has been made acutely aware of the risks of nuclear proliferation and the weaknesses within the current regime, it is important for the U.S. to be taking these steps. We believe this bill can help establish U.S. leadership in developing an international consensus on these issues.

Lastly, we see this bill as making a valuable contribution to creating the international political atmosphere which will support a significant extension of the Non-Proliferation Treaty in 1995. We are hopeful that it will be followed by other strong proposals both here and abroad.

We congratulate the authors on this bill and urge its adoption.

Campaign Against Proliferation, Council for a Livable World, Union of Concerned Scientists, Sierra Club, SANE/FREEZE: Campaign for Global Security, 20/20 Vision, Physicians for Social Responsibility, Women's Action for Nuclear Disarmament, Professionals Coalition for Nuclear Arms Control, Unitarian Universalist Association, Friends Committee on National Legislation, Methodists United for Peace and Justice, Committee for National Security, Military Families Support Network, Union of American Hebrew Congregations, Church of the Brethren—Washington Office, Americans for Democratic Action.

[From the New York Times, July 15, 1991]

IRAQI ATOM EFFORT EXPOSES WEAKNESS IN WORLD CONTROLS

(By William J. Broad)

Scientists and weapons experts, surprised that Iraq secretly used a method abandoned by the West half a century ago to enrich uranium, say Iraq's feat is a blow to international efforts to stem the spread of nuclear arms.

In a single stroke, it has overturned decades of assumptions about which procedures and materials need to be safeguarded. Up to now, the control effort has focused on keeping certain techniques secret and limiting export licenses for high-technology equipment that can be used in making bombs.

But Iraq has shown that a low-tech method openly described in scientific literature can be readily used to circumvent the restrictions, making the Iraqi weapons effort far more ingenious and dangerous than believed.

ENOUGH FOR 2 BOMBS

The clandestine Iraqi method is reported by a defector to have produced about 90 pounds of highly enriched uranium, enough for two bombs. Experts say the 30 enrichment machines that Iraq has admitted to using could make enough fuel for one warhead a year.

Iraq probably has the skill to perfect an atom bomb, weapons experts say. They stress that it is unlikely that Iraq has already done so, though some suggest it might be able to build one on short notice. Before the Persian Gulf war, many intelligence analysts said Iraq's engineers might start limited production of nuclear warheads in 5 to 10 years, but not much sooner. The estimates were based on how rapidly the Iraqis might build high-technology devices for uranium enrichment.

Concern soared in May when the Iraqi defecter reportedly told American officials that Iraq used the antiquated, low-tech method to produce 90 pounds of enriched uranium. The technique uses electromagnetism in machines known as calutrons.

Under international pressure, Iraq told the United Nations last week that it had indeed used the old method, saying it produced a pound of enriched uranium. Experts believe that much more was produced, and in response to continued pressure and skepticism from abroad that it was not being completely forthcoming, Baghdad yesterday submitted to the United Nations a new document on its nuclear operations.

The fact that the Iraqis quietly used the forsaken method at all to produce weapons fuel showed great cleverness, the experts say.

"It's astonishing," said Dr. Glenn T. Seaborg, a Nobel laureate in physics and former chairman of the Atomic Energy Commission, which built most of the nation's nuclear bombs. "It represents quite a technical effort."

Dr. Edward J. Lofgren, a physicist at the Lawrence Berkeley Laboratory in California who helped develop calutrons during World War II, said Iraq's choice of enrichment method, while surprising, made eminent sense.

"The other methods are very efficient but take lots of capital and big plants," he said. "A calutron, on the other hand, in one stage enriches a large amount. It's not energy efficient. But it doesn't take a lot of capital."

Dr. J. Carson Mark, a former official of the Los Alamos National Laboratory in New Mexico who has studied the Iraqi program, said 90 pounds of highly enriched uranium might produce two bombs. He added that it was impossible to know whether the Iraqis had actually made such bombs.

SPY AGENCIES CRITICIZED

"It's conceivable," he said. "The magnitude of their effort is suggestive. If they went through all that enrichment work, it puts weight to the argument that they took further steps. But there's no way of saying, on the basis of logic, whether they have done that."

Dr. Mark also criticized the nation's intelligence agencies for apparently failing to have discovered the clandestine effort at uranium enrichment.

"Why spend all that money on intelligence when it apparently and evidently learns nothing?" he asked.

Paul L. Leventhal, president of the Nuclear Control Institute, a private group in Washington that studies the spread of nuclear technology and has worked closely with Dr. Mark, said it was unlikely that the Iraqis already had a bomb, especially in light of the disarray caused by the gulf war and Iraq's moves to hide nuclear materials around the country.

"But do they have the components there, to put one together in short order?" he asked. "I would say yes."

Mr. Leventhal added that the reemergence of the old enrichment technique would force the development of a whole new set of international safeguards and precautions.

'GENIE BACK IN THE BOTTLE'

"We can't put the genie back in the bottle," he said. "The main thing is to try to improve our intelligence-gathering ability" so that existing calutrons can be tracked down. He added that new sanctions would be needed to inhibit their use for uranium enrichment.

Leonard S. Spector, an expert on the spread of nuclear arms at the Carnegie Endowment for International Peace in Washington, said news of the Iraqi enrichment success had toppled the international program to stem weapons proliferation, which has focused on limiting advanced methods. "It's cataclysmic," he said. "All this was being done in Iraq without anybody knowing it. So who else is doing it? Everybody in the community knew this kind of thing was a possibility. But to be confronted by an example is devastating."

Though slow and costly, experts say, the electromagnetic process has many virtues from the Iraqi point of view. For one thing, it has been declassified for decades. Detailed blueprints of its workings have been published by the Federal Government and academic scientists, in contrast to the secrecy maintained around more advanced methods of uranium enrichment.

Most important, experts say, calutrons are relatively easy to build. They use few exotic materials, in principle allowing them to be largely constructed without Western aid.

APPETITE FOR POWER

The main drawback is that their bulky electromagnetic coils have a large appetite for electrical power.

But experts note that Iraq, with large oil supplies, can cheaply generate electricity for the process.

Though bulky and cumbersome, the Iraqi calutrons achieved one of the most delicate tasks of science: separation of isotopes. Isotopes are different varieties of the same element that differ only in the number of neutrons in their nuclei. U-235, the material needed for nuclear weapons, has 143 neutrons in its nucleus. U-238 has 146, making it fractionally heavier.

In natural ore, U-238 accounts for 99.283 percent of uranium, while U-235 accounts for 0.711 percent. The scientific challenge, on which untold billions have been spent, is to separate the extremely rare isotope from the common one. Uranium suitable for atomic weapons is usually enriched to contain at least 80 percent U-235 and more commonly 90 percent or more.

The person who came up with the idea for the calutron and promoted it extensively in the early 1940's was Dr. Ernest O. Lawrence, inventor of the cyclotron particle accelerator and director of a physics laboratory at the University of California at Berkeley. The name calutron derives from California University cyclotron.

Dr. Lawrence's goal was to enrich uranium with the aid of cyclotrons, large circular electromagnets used to accelerate subatomic particles.

The principle was simple: Uranium would be ionized into charged particles and fired into the powerful electromagnetic fields of a cyclotron. The lighter the ion, the tighter its circular path. At the end of the arc, two beams of ions would feed into separate collectors.

FLYING SCREWDRIVERS

The process worked experimentally at Berkeley, producing minuscule amounts of fairly pure U-235. In 1943, the Government embarked on a huge project at Oak Ridge, Tenn., to expand its scale. At its peak, the program employed nearly 25,000 people.

The electromagnetic coils were 15 feet in diameter and weighed thousands of tons. So powerful were the magnetic fields that hammers and screwdrivers flew out of workers' hands if they came too close. The U-235 produced by the calutrons helped power the bomb that destroyed Hiroshima in August 1945.

One discovery of the electromagnetic program was that separation worked more effectively if the uranium fed into calutrons was already partly enriched, to 10 percent U-235. By the end of the war, other enrichment methods were working better than the calutrons, and the costly machines were abandoned for uranium enrichment.

But a few of them were still used at Oak Ridge to separate hundreds of other isotopes, in part for medical use. The separated isotopes included thorium, americium and curium.

Over the years, the technology of electromagnetic separation has advanced. Mr. Leventhal of the Nuclear Control Institute said some 180 patents have been filed on the process over the decades, apparently for isolating tiny amounts of rare isotopes.

Scientists say the electromagnetic method may have been redefined and simplified by the Iraqis, making calutrons smaller, more competitive with advanced enrichment methods and far better producers of bomb fuel than they were in World War II.

IMPROVEMENTS OF 50 YEARS

"Anybody who would be capable of building one of these things now would be capable of improving it over what we did 50 years ago," said Dr. Lofgren, who helped develop it in World War II.

Mr. Leventhal of the Nuclear Control Institute estimated that 30 Iraqi calutrons, if they were fairly modern ones and fed uranium that had already been slightly enriched, could probably produce up to 44 pounds of bomb-grade fuel a year. That, he said, would be enough for about one bomb.

Last week, Iraq said it has been running a total of three clandestine programs to enrich uranium. In addition to the electromagnetic method, it cited a centrifuge process and a chemical one. Several experts suggested that these might have produced slightly enriched uranium to feed the calutrons.

A scientist who advises the Federal Government, who spoke on condition of anonymity, said the Iraqi claim of having 30 calutrons was widely felt to be underestimated. "We think they have many more," he said. "Therefore the production rates are much higher" than private experts have calculated.

Experts on the spread of nuclear weapons say that their field, which for decades has focused on ways to stem the spread of advanced bomb-making methods, will now have to be rethought from the bottom up to focus on calutrons.

"How are we going to find this stuff?" asked Mr. Spector of the Carnegie Endowment. "What's the nonproliferation regime going to look like?

"Maybe there are bits and pieces of this technology that we can control. But if we can't, then you've got the possibility that one of the real underpinnings for the control of nuclear weapons won't be there anymore."

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, June 24, 1991.

To: Representative Edward Markey.
From: Zachary S. Davis, Environment and Natural Resources Policy Division.
Subject: Nuclear Proliferation Prevention Act of 1991.

In response to a request from your staff for examples of U.S. exports that could have been affected by the provisions of the proposed Nuclear Proliferation Prevention Act, had it been in force at the time the exports occurred, I am forwarding the following information. If enacted, the bill would give additional statutory authority to existing federal regulations and procedures for controlling exports of nuclear-related dual-use items. [These regulations are contained in the Code of Federal Regulations, v. 15, Chapter VII, Bureau of Export Administration, Department of Commerce, part 778, Special Nuclear Controls.] The bill would establish as criterion for all nuclear-related exports that a formal agreement for nuclear cooperation with the United States, enacted pursuant to the terms of the Atomic Energy Act of 1954 as amended by the Nuclear Non-Proliferation Act of 1978, be in force. Exports of enriched uranium for use in foreign research reactors would also be restricted by the proposed legislation. Currently, the Department of Commerce may issue export licenses for certain nuclear-related dual-use items on a case-by-case basis. If the bill had been in effect in earlier years, and the regulations had statutory authority, officials at the Department of Commerce and those on inter-agency review committees would still have had considerable latitude in interpreting licensing criteria and in deciding whether to issue an export license. References to materials described in past cases are included.

Iraq: Former Commerce Department officials have testified before the Congress that from 1985 to 1990 U.S. policy towards high-

technology exports to Iraq was one of "normal trade." The Departments of Commerce, Defense, and Energy, and the inter-agency Sub-group on Nuclear Export Controls were reported to have approved licensing the sale of computer equipment to go with special high-temperature furnaces that could be used in the manufacturing of nuclear weapons and missiles from Consarc Corporation in 1990. Export licenses that permitted sales of industrial furnaces and other nuclear-related dual-use technology might have been denied under the provision of the bill that would require a formal agreement for nuclear cooperation with the United States for exports of dual-use nuclear-related commodities. Ultimately, the National Security Council blocked the sale as the furnaces were on a dock awaiting shipment to Iraq. Iraq is on the Export Administration Regulations Special Country List, and may not have satisfied requirements for exports of dual-use nuclear-related commodities under the provisions of the bill. (Inside U.S. Trade, April 12, 1991; Science, February 1, 1991, p. 251; The New York Times, 7/15/90, p. A3; The New York Times, 12/23/90, p. A1, A4; International Herald Tribune, 7/21/90; The Wall Street Journal, 12/7/90, p. A18; The Washington Post, 3/11/91, p. A1.)

India: The agreement for nuclear cooperation between the United States and India was not renegotiated pursuant to the Nuclear Non-Proliferation Act of 1978, and nuclear exports to India were subsequently suspended. Under the provision of the bill that would extend restrictions on direct-use nuclear goods and technology to certain nuclear-related dual-use exports, India may have been prevented from purchasing a Cray computer in July, 1990. India's non-proliferation credentials might have also provided grounds for prohibiting sales of nuclear-capable missile technology. (Defense and Foreign Affairs Weekly, 7/9–15/90, p. 1; Defense and Foreign Affairs Weekly, 8/13–19/90, p. 1; "India's Missiles: With a Little Help From Our Friends," The Bulletin of the Atomic Scientists, 11/89; The New York Times, 10/12/90, p. C1–C2; The New York Times, 12/15/90; Nuclear Fuel, 4/2/90; "India and United States Nonproliferation Policy," Report Prepared for the Department of Energy by Science Applications International Corporation, 2/11/91.)

Brazil: Exports of supercomputers that could be used to design nuclear weapons and nuclear-capable missiles might have been barred until Brazil implements full-scope IAEA safeguards on all of its nuclear facilities. Under the provisions of the bill, an examination of Brazil's nonproliferation credentials might have provided grounds for denying export licenses for nuclear-related dual-use technology. Brazil is currently named on the Export Administration Regulations Special Country List. (The Los Angeles Times, 9/15/90; The New York Times, 9/7/90; The New York Times, 10/17/90, p. 4; The New York Times, 12/4/90, p. A10; The New York Times, 12/15/90; The New York Times, 7/20/90, p. 19; The Washington Post, 9/22/90.)

SANCTIONS AGAINST EMERGING SUPPLIERS

Several foreign exporters of nuclear goods and technology might not have been able to make certain exports if provisions of the bill had been implemented requiring commitments from nations receiving nuclear-related imports to accept full-scope IAEA safeguards on all peaceful nuclear activities. In the past, Argentina, Brazil, China, India, France, the Federal Republic of Germany, Switzerland, and other nations have not in all cases required implementation of full-scope IAEA safeguards for nuclear or nuclear-related exports. In response to concerns about the contribution of German firms to Iraq's nuclear capabilities, Germany now requires non-nuclear weapon states to maintain full-scope IAEA safeguards on all peaceful nuclear activities. Other major nuclear suppliers have indicated their intention to adhere to the multilateral Nuclear Suppliers Guidelines.

However, a group of emerging nuclear supplier nations, including Argentina, Brazil, China, and India, have demonstrated reluctance to accept multilateral controls on their exports of nuclear and nuclear-related goods and technology. Under the provisions of the bill, a determination by the President that a "foreign person" has transferred nuclear or nuclear-related dual-use items to a non-nuclear weapons state without requiring appropriate safeguards could trigger U.S. sanctions against the exporter. (William Potter, "International Nuclear Trade and Nonproliferation," Lexington Books, 1990; Leonard Spector, "Nuclear Ambitions," Westview Press, 1990; "Eye on Supply," Emerging Nuclear Suppliers Project, Spring, 1991; Nucleonics Week, 4/26/90; "NSG to Explore Dual-Use Controls," Nuclear Fuel, 3/18/91, p. 5, "Twelve Foreign Firms Reportedly Engaged in Nuclear Weapons-Related Trade with Iraq," Report of the Emerging Nuclear Suppliers Project; Nuclear Fuel, 8/20/90; The Washington Post, 12/20/90.)

BY Mr. GRAMM:

S. 1603. A bill to provide incentives for work, savings, and investments in order to stimulate economic growth, job creation, and opportunity; to the Committee on Finance.

ECONOMIC GROWTH ACT

• Mr. GRAMM. Mr. President, I ask unanimous consent that the following tables and a general description of the bill be printed in the RECORD.

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

The Economic Growth Act

	5-yr revenue impact (billions)
Title I. Investment and job creation incentives:	
Capital gains rate reduction	+$9.5
Inflation indexing for capital gains	−4.6
Enterprise zones	−1.8
Permanent research and experimentation Tax credit	−6.2
Title II. Savings Incentive: IRA-plus plan	+13.8
Title III. Homeownership incentives:	
First-time homebuyers tax credit	−4.0
Penalty-Free IRA plus withdrawal for home purchase, higher education and health costs	−2.2
Title IV. Work incentives:	
Reduce Social Security penalty on working elderly	−4.5
Economic growth dividend	
Total	

THE ECONOMIC GROWTH ACT OUTLINE

TITLE I. INVESTMENT AND JOB CREATION INCENTIVES

The President's capital gains tax cut for individuals. Capital gains on investments held more than three years get a 30 percent exclusion from taxes, assets held more than 2 years get a 20 percent exclusion and assets held more than a year get a 10 percent exclusion. The top capital gains rate would drop to 19.6 percent. Eligible investments include homes, farms, timber, factories, stocks and other capital assets.

Expand inflation adjustment to capital gains. Investments acquired after April 15, 1991 would pay a capital gains tax only on the inflation-adjusted gain.

The President's enterprise zone proposal. Federal tax incentives for employment and investment will be provided in up to 50 designated enterprise zones, at least one third of which would be in rural areas. Zones would have Federal, state and local regulatory relief.

A permanent Research and Experimentation Tax Credit. The existing credit is set to expire at the end of 1991.

TITLE II. SAVINGS INCENTIVES

An IRA-Plus program. Individuals will be encouraged to establish and make non-deductible contributions to Individual Retirement Accounts where interest would accumulate, compound and be distributed tax-free. Contributions could be made regardless of income. Existing IRA's could be "rolled over" into the new accounts with payment of tax now, but no tax when withdrawn.

TITLE III. HOMEOWNERSHIP INCENTIVES

First-Time Homebuyer Tax Credit. Lower-income singles, working young couples and moderate-income families all will be eligible for a tax credit to help offset the down payment cost for a first-time home purchase. The largest credit would amount to $1,000 for families with incomes of $31,000 or less, and would phase-out by $41,000.

Tax and Penalty free IRA withdrawal. Tax and penalty free IRA-Plus withdrawals are allowed for first-time home purchase, higher education expenses and medical needs. After 5 years, up to 25 percent of the IRA-Plus account could be withdrawn for these purposes.

TITLE IV. WORK INCENTIVES

Raise the Social Security earnings limit. Over 5 years, raise the amount of income (from the current $9,720 to about $17,600 in 1996) that can be earned by the working elderly before they lose Social Security benefits.

An Economic Growth Dividend. Pay to working men and women an economic growth dividend when the economy grows faster than the economic growth forecast established by the budget summit agreement. Additional revenues would automatically and equally fund an increased personal exemption and a reduction in the deficit with a revision downward in the deficit targets. After 1995, all revenues resulting from real economic growth greater than 3 percent would automatically fund an increased personal exemption.

JOBS AND GROWTH RESULTING FROM THE ECONOMIC GROWTH ACT

An analysis of the Economic Growth Act has been provided by the Institute for Policy Innovation based in Dallas, Texas. The analysis shows significant job creation, economic expansion and capital stock additions resulting from the plan.

ESTIMATED IMPACT OF THE ECONOMIC GROWTH ACT

	Timeframe—	
	By 1996	By 2000
Additional jobs created	493,000	1,146,000
Additional gross national product	[1] $337.2	[1] $1,146
Additional capital stock	[1] $1,240	[1] $2,964

[1] Billions.

Notes:—The study was done by the Institute for Policy Innovation research associates Gary and Aldona Robbins, both former economists with the U.S. Treasury Department.•

By Mr. HATCH (for himself, Mr. COCHRAN, Mr. DOLE, Mr. DURENBERGER, Mr. GARN, Mr. HARKIN, Ms. MIKULSKI, Mr. SHELBY, Mr. SIMON, Mr. STEVENS, and Mr. SYMMS):

S. 1604. A bill to amend the Internal Revenue Code of 1986 to allow a charitable deduction for certain contributions of depreciable business property; to the Committee on Finance.

CHARITABLE CONTRIBUTIONS OF BUSINESS PROPERTY FOR THE DISABLED

Mr. HATCH. Mr. President, I rise today to introduce legislation that will help disadvantaged Americans become more productive employees in today's technologically advanced work environment. Senators COCHRAN, DOLE DURENBERGER, GARN, HARKIN, MIKULSKI, SHELBY, SIMON, STEVENS, and SYMMS are joining with me to introduce this legislation.

Unfortunately, Mr. President, millions of Americans today are finding themselves unemployed or underemployed. This situation is often the result of the individual's lacking the necessary skills to qualify for work in our technologically changing workplace. In the next decade, the Nation will be faced with an increasing shortage of skilled labor. In addition, many citizens who are disabled or disadvantaged will find themselves locked out of the job market because of the lack of necessary skills. Each person in our society needs and deserves a chance to better himself or herself through meaningful job training. This bill will help make that job training available to more of our disadvantaged citizens.

During the 1990's, over 40 million computers will become commercially obsolete long before they cease to function properly. Furthermore, it is estimated that by 1995 the replacement rate of business computers will equal that of new installations. Most of these computers, still fully functional, will be liquidated, banished to indefinite storage, or even scrapped. Why? Because there is no tax incentive for businesses to donate their obsolete, fully depreciated business equipment to charitable organizations.

This legislation will provide an income tax deduction for business equipment donated to charitable organizations that use the equipment to train disabled or needy individuals. This tax deduction will be equal to the lesser of the fair market value or the original cost.

Let me give you an example, Mr. President, of the effect of this bill. Suppose a corporation decided to replace a computer system, which it has had for 8 years and is technologically obsolete, though still fully functional. This equipment, which cost $6,000 when new, now has a fair market value of $500. Under the current tax law, the corporation would receive no tax deduction for donating this equipment to charity, even though it is worth $500. This is because the equipment is fully depreciated, and the donation of fully depreciated equipment does not give rise to a tax deduction. Therefore, there is little incentive for the corporation to make such a donation. This legislation would allow the corporation to take a charitable contribution deduction of $500 if the computer is donated to an organization that uses the machine in the training of the disabled or needy. This increases the incentive to donate and should greatly increase the availability of machines to organizations that are engaged in training such individuals.

As my colleagues are aware, by the turn of the century this country will be facing a shortage of properly skilled workers. In the year 2000 it is estimated that 9 out of 10 new jobs will require computer skills in one degree or another. Currently, only one in five jobs require such skills. Many of these jobs will be data entry or similar jobs. Others will require programming skills and years of training. One thing that all of these jobs will have in common, though, is the necessity of a computer to train the jobseeker.

For persons with disabilities, as well as for the disadvantaged, technology is capable of providing new opportunities, powers, and freedoms. Technology will provide millions with the chance to learn more effectively, to function more independently, and to meet the demands of a broader range of career goals. The key to this power, however, is training. Training the disabled or the disadvantaged for computer skills requires several things. Foremost, it requires access to a computer. For persons with special needs, funding for the acquisition of computers is one of the biggest barriers to the opportunities that technology offers. Unfortunately, the disabled and disadvantaged are often the last in our society to gain access to this important tool. This is why a special incentive to donate obsolete equipment is needed. We need to get this equipment into the hands of these people so they can begin to learn the skills they need to advance in the workplace of today and of the future.

It is important to recognize, Mr. President, that although most of the property that this legislation targets is technologically obsolete, this equipment still has great value as a training tool. Computer technology has greatly changed over the past few years, yet the basic concepts underlying the use of these machines is still the same. A 10-year-old personal computer that has been replaced with a faster and more powerful machine may be considered a dinosaur in the corporate office where it once resided. But, in the hands of an unemployed welfare mother, or for a teenager who is disabled, that machine could open the door to a brighter future.

Let me emphasize that this bill does not apply only to computers. The bill would allow a deduction for the donation of any business property to an organization that uses the equipment in the training of the disabled or needy. This donation could be a telephone system, for example. Or it could be a copy machine, a desk, a table, a television, a video camera, or any other item that could be used to train underemployed individuals.

In considering this legislation, I urge my colleagues to view the big picture. Although I am still waiting for an official revenue estimate from the Joint Committee on Taxation, I am sure this progressive legislation will be scored as a revenue loser. I urge my colleagues not to dismiss this legislation on these grounds. I realize that the Budget Enforcement Act places severe restrictions on tax legislation that is scored as losing revenue, but I really believe that this bill will save the Treasury money—not lose it. Any revenue loss from this bill will be due to disadvantaged Americans being trained and receiving jobs. This will result in lower welfare payments and increased employment which will lead to increased tax revenues. A relatively small dollar investment in the short run will move us a long way toward helping disadvantaged Americans become productive, taxpaying employees.

This bill is very narrowly drafted, Mr. President. The restrictions on the organizations able to receive the equipment are purposefully strict. One result we want to avoid is that of the donated equipment merely being moved from the donor's warehouse to the charity's warehouse. We want these machines in the hands of trainees. Therefore, the bill contains four restrictions on the donation. In order for the donor to receive a tax deduction for the contribution: First, the donee must, as part of its basis for tax exemption, be engaged in the training of the disabled or needy; second, the property is to be so used within 90 days after donation; third, the donated property is not to be transferred by the donee for money, other property, or services; and fourth, the donee must give the donor a written statement certifying that the above qualifications will be met by the donee organization.

This legislation will also help America's businesses better meet the skilled labor shortages that, in some cases, are already upon us. One way to overcome this problem is to train individuals from previously underutilized labor pools, such as Americans with disabilities and the disadvantaged. In order to help fill the gaps, these individuals must be taught basic skills, which increasingly include computer skills. Studies have shown that workers with

disabilities perform very well when compared with nondisabled peers. Proper training is the key, and computers can be an important part of the training program. This bill will help provide the computers.

Mr. President, two-thirds of all Americans with disabilities between the ages of 16 and 64 are not working. Of these, two-thirds say they would like to work. This number accounts for approximately 8½ million people. Individuals who are now dependent and receiving Government support can become productive, taxpaying, independent citizens when meaningfully employed. Additionally, approximately 25 million Americans are functionally illiterate. Over 40 percent of our inner-city youth drop out of school. Dropouts have more than twice the rate of unemployment as those who complete high school. Early intervention for some and remedial training for others can route many of these people to a lifetime of meaningful work. What better way to help these people gain the basic job skills they need than computer training?

We can help fill our country's labor needs and provide new growth and work opportunities for our fellow citizens who are disadvantaged by encouraging corporate America to donate its old computer and other equipment to charitable organizations that use such equipment to train the needy and the disabled. Everyone will win: Businesses will gain skilled workers; the Nation will benefit from increased tax revenues and reduced welfare payments; and Americans with disadvantages will have enhanced opportunities to become more positive contributors to society.

By Mr. WOFFORD:

S. 1605. A bill to amend title 18, United States Code, with respect to environmental crime; to the Committee on the Judiciary.

ENVIRONMENTAL CRIME ACT

Mr. WOFFORD. Mr. President, today I intend to introduce legislation designed to toughen criminal sanctions for serious environmental crimes. This legislation will allow our courts to make sure that those who recklessly damage our natural environment and endanger our public health, will be held criminally liable for the full extent of the consequences.

Only a few short weeks ago, during the debate over the omnibus crime bill, many of my colleagues spoke passionately about the poisonous effect of violent crime on our communities. I submit that poisoning our natural environment—like drug violence on our streets—robs our children of their future. So we ought to punish those who poison the air we breathe, the water we drink, and the land we live on like those who commit other major crimes against society.

Clearly, it is not enough to have a policy that says "the polluter pays." Too many polluters can afford to pay. We need a punishment that really punishes. We need tougher standards and stiffer penalties for those who recklessly endanger the health and safety of our families and our communities.

Clearly, the current penalties for the most serious damage to our environment aren't tough enough to deter the offender from commiting the offense.

Under the bill I intend to introduce, those who've intentionally violated our existing environmental laws could be subject to far more severe criminal sanctions—bigger fines and stiff jail terms.

The bill creates two new environmental felonies; reckless endangerment to the environment, and a course of illegal conduct felony. It also establishes a negligent endangerment misdemeanor.

The bill calls for enhanced penalties for egregious violations of the major existing environmental statutes. And it brings many of these penalties into line with those recently enacted in the 1990 Clean Air Act.

It would increase the maximum allowable criminal fine from $2,500 to $25,000 for individuals. Environmental criminals would face up to 30 years in prison instead of the 5 years allowed under current law.

I believe that consistency among our major environmental statutes will promote better compliance. Potential offenders will know that if they commit a serious violation, regardless of the statute, the sanctions they'll face will be tough and sure.

By amending the Criminal Code itself we improve the ability to prosecute violators. So that if an employer allows his workers to handle toxic materials in a dangerous way, a reckless endangerment provision will make it easier for a prosecutor to prove that the employer should have known of the danger, and failed to do something about it.

In addition, this bill provides for a court-ordered environmental audit. This is a critical provision. The courts should have clear authority to ensure environmental disasters are cleaned up and that their causes are eliminated.

During the recent floor action on our omnibus crime bill, the Senate unanimously agreed to an amendment I offered establishing a court-ordered environmental-compliance audit as part of a felony conviction. That provision is now part of the crime bill that will go to conference with the House.

I would like to thank my colleagues for their support of that amendment; and to explain why this same language is also included in the bill which I am now offering. The reason is very simply that none of us can predict when and in what form the crime bill will finally be enacted. I believe we should move forward as quickly as possible to make these tough, new measures against corporate polluters into law.

In a recent poll conducted for Environmental Opinion Survey, 78 percent of the people favored jail terms for those who violate our environmental laws and cause serious environmental damage. Our citizens want to see polluters pay for their crimes; and not just by writing a check, but by serving jailtime.

In my own State of Pennsylvania, people are angry. And some are afraid. Afraid of the poisons they often can't see, or smell, or taste. And angry at those who dump them in our land, our water, and our air.

My bill will help deter the slow and often silent violence that's being done not only to our environment, but to our public health, our quality of life, and our children's future. I urge that we take quick action to vote this bill into law.

By Mr. DURENBERGER:

S. 1606. A bill to establish a demonstration program that encourages States' educational agencies to assist teachers, parents, and communities in establishing new public schools, and for other purposes; to the Committee on Labor and Human Resources.

PUBLIC SCHOOL REDEFINITION ACT

• Mr. DURENBERGER. Mr. President, I rise today to introduce the Public School Redefinition Act of 1991. This is not a complex piece of legislation. It runs only a dozen pages. It doesn't create any huge new Federal programs. By Washington standards, at least, it commits a relatively small amount of money.

But, if the challenge in my bill is accepted, Mr. President, this legislation has the potential to revolutionize how we define and deliver public education all across America.

Like a lot of good educational reform ideas, the genesis of this bill is not in Washington, but in the States. And the best ideas and goals in this bill come from Minnesota, where similar legislation was adpoted by the Minnesota State Legislature.

The first important goal of my bill, Mr. President, is to encourage parents, teachers, and local communities to help expand the number and diversity of school choices.

As States experiment with school choice programs, it's quickly become clear that choice can't realize its full potential without more school choices. My bill helps achieve that goal by offering startup grants to States to pass on to parents, teachers, and community groups to help start new and different schools.

The second goal of this bill, Mr. President, is to encourage States to end the exclusive franchise that now allows only local school boards to start new public schools.

We would never accept a situation in which A&P had an exclusive franchise to operate every grocery store in Wash-

ington, DC. If the owners of A&P tried to stake out that claim, they'd probably end up in jail.

So why do we insist that only a local school board is allowed the authority to start and operate public schools inside the boundaries of its district?

There's no good answer to that question, Mr. President. In fact, as long as the exclusive franchise remains we won't have the number and diversity of school choices that this country so desperately needs.

The third and final goal of my bill is to articulate specific criteria that define the essential values and components of American public education.

Public education shouldn't be defined by who owns the building or who hires the teachers.

It should be defined by outcomes, by the Constitution, by who pays, by who must be accepted, by who can't be excluded.

Within that broad framework, parents, communities, and teachers should have broad latitude to design schools that meet the particular needs of the students they serve.

There's no perfect model for teaching and learning, Mr. President. But, there are plenty of good ideas out there on how we could do both tasks better.

This legislation is an important step toward tapping those ideas by unleashing the creative energies of teachers and by empowering parents and communities all over America.

My proposal is not a long or complicated piece of legislation, Mr. President. It does just four basic things:

First, it encourages States to allow teachers, parents, and community groups to start and run new schools on their own, as long as they're under contract with a State or local or local public education agency.

Second, it provides grants to these new schools for startup expenses, including advance planning, purchase of equipment and supplies, and minor renovation of facilities needed to meet State and local codes.

Third, it establishes criteria for schools receiving grants. The schools could not discriminate on the basis of race, religion, disability, and other factors. They would have to accept all applicants they have room for. They could not charge tuition, but would be funded on the same basis as other public schools in each State. And they could not violate first amendment prohibitions on teaching religion.

Finally, Mr. President, my bill requires that schools receiving grants have an outcome-based performance contract with their public agency sponsors. These schools would then be exempt from State and Federal rules and regulations, except those governing the health and safety of students.

Mr. President, thanks largely to the leadership of President Bush and Secretary Alexander, education is now taking its rightful place at the top of our Nation's political agenda.

But, taking action on the President's initiative will also require bipartisan input and support from the Congress.

And the President's much needed initiatives will benefit from good ideas—and experience and expertise—that are drawn from the States and from local communities all across America.

This legislation, Mr. President, draws on the experience and expertise.

It addresses a number of legitimate questions and concerns that have been raised about the initiatives offered by the President and Secretary Alexander.

And it points all of us toward a new, more effective, and politically achievable definition of American public education.

I say that in part, Mr. President, because of the difficulty some of us in Washington seem to be having in breaking some of the traditional barriers to reform that States like Minnesota seem to have long ago put behind them.

The old debates about public and private school choice don't have to stand in the way of fundamental reforms, Mr. President, if we're willing to redefine public education.

And getting past that barrier has made all the difference in removing partisanship from this debate in a State like Minnesota where Democrats—in both the Governor's office and the legislature—have been our biggest champions of choice and of reform.

Those are important lessons we can learn from the States, Mr. President. And those are important lessons brought to Washington in the legislation I'm introducing here today.

Mr. President, I would ask unanimous consent that a text of my proposal be included at the conclusion of these remarks.

And I look forward to working closely with the President, with Secretary Alexander, and with my colleagues on both sides of the aisle as we work together to change and improve American education, not just for today's students, but for all those who will help shape the future.

There being no objection, the bill was order to be printed in the RECORD, as follows:

S. 1606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public School Redefinition Act of 1991".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the ability of the United States to deliver more effective educational services to citizens, especially disadvantaged citizens, is of primary importance to the national and economic security of the United States;

(2) fundamental reform is needed in our Nation's educational system in order to release the creative energies of teachers, students, parents, and communities;

(3) market forces of competition and choice can have a positive influence in promoting fundamental reform; however, choice is incomplete without the availability of more educational choices for all students, including disadvantaged students and historically underserved students;

(4) the exclusive franchise that local educational agencies have traditionally had on the creation of new public schools has served to limit the number and variety of school choices available to parents and students; and

(5) public education should be defined by outcomes and requirements that protect and promote the public interest, not solely by the ownership or control of facilities and programs by a local educational agency or other public agency.

SEC. 3. PURPOSE.

It is the purpose of this Act to—

(1) encourage States to offer teachers, parents, and local communities the opportunity to establish new and more effective public schools;

(2) provide Federal assistance and flexibility to encourage States to assist teachers, parents, and communities to develop such schools; and

(3) provide criteria for States, teachers, parents, and communities to use in establishing new and more effective public schools.

SEC. 4. DEFINITIONS.

For the purpose of this Act—

(1) the term "eligible partnership" means a partnership between—

(A) a sponsor; and

(B) an outcome-based public school;

(2) the term "local educational agency" has the meaning given such term by section 1471(12) of the Elementary and Secondary Education Act of 1965;

(3) the term "outcome-based public school" means a school that—

(A) is operated in a manner that does not violate First Amendment prohibitions against the establishment of religion in the programs, admission policies, employment practices, and all other operations of such school;

(B) has a primary focus of providing a comprehensive program of instruction for at least one grade from kindergarten to twelfth grade or one age group from 5 to 18 years of age;

(C) does not charge tuition;

(D) complies with title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and the procedural safeguards under the Individuals With Disabilities Education Act;

(E) in the event that more students apply for admission than may be accommodated, admits students on the basis of a lottery;

(F) is subject to the same Federal and State financial audits and audit procedures and requirements as any other school located in the State in which such school is located;

(G) meets all State and local health and safety requirements; and

(H) participates in an eligible partnership;

(4) the term "Secretary" means the Secretary of Education;

(5) the term "sponsor" means a—

(A) school board;

(B) local educational agency;

(C) joint board formed for educational purposes if at least one member of such board is a school board;

(D) State educational agency; or

(E) any other State or public agency; and

(6) the term "State educational agency" has the meaning given such term by section 1471(23) of the Elementary and Secondary Education Act of 1965.

SEC. 5. PROGRAM AUTHORITY.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—The Secretary is authorized to award grants to State educational agencies having applications approved pursuant to section 6 to enable such agencies to conduct an outcome-based public school program in accordance with this Act.

(2) SPECIAL RULE.—If a State elects not to participate in the program assisted under this Act, the Secretary is authorized to award a grant to an outcome-based public school that serves such State and has an application approved pursuant to section 6, as permitted by applicable State laws and regulations in the State in which the school shall operate.

(b) USE OF GRANTS.—

(1) STATE.—Each State educational agency receiving a grant under this Act shall use such grant funds to award grants to one or more outcome-based public schools in the State to enable such schools to plan and implement an outcome-based public school in accordance with this Act.

(2) OUTCOME-BASED PUBLIC SCHOOL.—Each outcome-based public school receiving a grant from the Secretary pursuant to subsection (a)(2) shall use such grant funds to plan and implement an outcome-based public school in accordance with this Act.

(3) ADMINISTRATIVE EXPENSES.—Each State educational agency receiving a grant pursuant to subsection (a)(1) may reserve not more than 5 percent of such grant funds for administrative expenses associated with the program assisted under this Act.

(c) DURATION.—An outcome-based public school shall receive a grant under this Act for a period of not more than 3 years.

(d) MATCHING REQUIREMENT.—In order for an outcome-based public school to receive a grant pursuant to subsection (a), such school shall provide matching funds in the amount of—

(1) 10 percent of the grant payment received in the first year such school receives a grant under this Act; and

(2) 25 percent of the grant payment received in the second and third such years.

(e) GEOGRAPHIC DISPERSION.—The Secretary shall ensure that grants awarded pursuant to subsection (a) benefit students in urban and rural areas.

(f) CONSTRUCTION, RENOVATION, AND REPAIR.—

(1) PROHIBITION.—Grant funds awarded under this Act shall not be used for the construction or major renovation or repair of facilities.

(2) START-UP COSTS.—Grant funds awarded under this Act may be used for planning, equipment purchases, and other start-up costs, including minor renovation of facilities necessary to meet applicable State and local health and safety requirements.

SEC. 6. APPLICATION.

(a) STATE APPLICATION.—

(1) IN GENERAL.—Each State educational agency desiring a grant under this Act shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the objectives of the State educational agency's outcome-based public school program and a description of how such objectives shall be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's outcome-based public school program and the availability of grants for the establishment of such schools;

(B) contain assurances that the State educational agency shall obtain a waiver of all State and Federal statutes and regulations applicable to a school board, local educational agency or school district that are relevant to and hindering the establishment of an outcome-based public school in such State;

(C) provide a written description of outcomes and other requirements to be included in each eligible partnership agreement between a sponsor and an outcome-based public school;

(D) provide a description of how outcome-based public schools within the State shall be required to meet the definition of an outcome-based public school as described in section 4(3);

(E) contain specific outcomes to be achieved by the students attending an outcome-based public school in accordance with the outcomes agreement described in section 7;

(F) provide an explanation of how progress in meeting the outcomes described in section 7 shall be measured; and

(G) contain a description of how teachers, parents, and community members have been, or shall be, involved in the planning, development and implementation of each outcome-based public school.

(b) ELIGIBLE PARTNERSHIP APPLICATION.—

(1) IN GENERAL.—Each outcome-based public school desiring a grant pursuant to section 5(a)(2) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall contain the same information and assurances as the information and assurances described in subparagraphs (B) through (G) of subsection (a)(2).

SEC. 7. OUTCOMES AGREEMENT.

(a) AGREEMENT.—In order to receive a grant under this Act an outcome-based public school shall enter into an outcomes agreement with the sponsor participating in the eligible partnership.

(b) CONTENTS.—Each agreement referred to in subsection (a) shall—

(1) be in the form of a written contract between the sponsor and the board of directors of the outcome-based public school participating in the eligible partnership;

(2) set forth outcomes that such school shall achieve; and

(3) include information and assurances described in subparagraphs (B) through (G) of section 6(a)(2).

SEC. 8. CONTINUATION OF FUNDING.

Each outcome-based public school receiving a grant under this Act shall be eligible to receive Federal, State, and local education revenue, grants and other aids as though such school were a local educational agency.

SEC. 9. TERMINATION.

The Secretary or a State educational agency receiving a grant under this part shall terminate grant payments under this Act if the Secretary or such State educational agency, at any time, determines that the outcome-based public school is not making acceptable progress toward meeting the outcomes described in section 7.

SEC. 10. REPORTS.

(a) STATE REPORT.—

(1) REPORTS.—Each outcome-based public school receiving a grant pursuant to section 5(a)(1) shall report at least annually to the State educational agency or other agency designated by the Governor on such school's progress in meeting the outcomes described in section 7.

(2) REPORT TO THE SECRETARY.—Each State educational agency receiving a report under subsection (a) shall annually report to the Secretary on the program assisted under this Act.

(b) SCHOOL REPORTS.—Each outcome-based public school receiving a grant pursuant to section 5(a)(2) shall at least annually report to the Secretary the outcome-based public school's progress in meeting the outcomes described in section 7.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $50,000,000 for fiscal year 1992, $75,000,000 for fiscal year 1993, and such sums as may be necessary for the 3 succeeding fiscal years to carry out the provisions of this Act.●

By Mr. BURNS (for himself, Mr. BAUCUS, and Mr. MCCAIN):

S. 1607. A bill to provide for the settlement of the water rights claims of the Northern Cheyenne Tribe, and for other purposes; to the Select Committee on Indian Affairs.

NORTHERN CHEYENNE INDIAN RESERVED WATER RIGHTS SETTLEMENT ACT

Mr. BURNS. Mr. President. I rise today to introduce legislation, cosponsored by my colleagues, Senators BAUCUS, and MCCAIN, to finally settle the longstanding water rights settlement claims that exist between the State of Montana and the Northern Cheyenne Tribe.

The critical component of this compact settlement is the repair and rehabilitation of the Tongue River Dam located upstream from the Northern Cheyenne Reservation. The Tongue River runs through the southeast Corner of our State. It enters Montana from Wyoming along our southern border and empties into the Yellowstone River at Miles City, MT. It also flows along the eastern boundary of the Northern Cheyenne Indian Reservation.

An earthen dam was built by the State of Montana on the Tongue River in the 1930's in order to create a much-needed reservoir. Water from this reservoir is essential to provide tribal water rights, as well as providing non-Indian irrigators the water they need to grow crops. This earthen dam needs to be raised and strengthened in order to store the additional water needed for the tribes water compact settlement.

This project not only settles the claims of the Northern Cheyenne Tribe, but will also mean added economic benefits for all of southeastern Montana. The jobs created by this $50 million project will mean added economic activity to the area's economy.

In addition, the irrigation portion of this project will give local irrigators a more reliable supply of essential water well into the 21st century.

Mr. President, in my State, water is more important than the land that it flows through. We live in a semiarid climate. The water flowing in the Tongue River is important to us.

The Northern Cheyenne water compact project is the No. 1 water project of the State of Montana. This settlement is supported by the State, by the Northern Cheyenne Tribe, by the water compact commission, by the State fish and wildlife service, and by the residents who live along the Tongue River in Montana.

The costs of the settlement will be borne in part by the State of Montana on a matching basis with the Federal Government.

The settlement of water rights in our State is a very delicate matter. This bill meets with the approval of the Northern Cheyenne Tribe and the reserved water rights compact commission.

Mr. President, this is a much-needed effort in Montana, and I urge its support by Members of the Senate.

Mr. BAUCUS. Mr. President, I rise in support of this bill to ratify the Northern Cheyenne-Montana reserved water rights compact. This compact will settle all tribal water claims within the State of Montana and rehabilitate the Tongue River Dam in southeastern Montana.

The compact will finalize for all time, water claims that the Northern Cheyenne could maintain against the United States and the State of Montana. It will bring the tribe, State and the Federal Government together to protect and develop the water resources of this Reservation for the benefit of all.

Most importantly, ratification of this compact will begin the process of rehabilitating and modestly enlarging the Tongue River Dam. This dam must be repaired, and quickly.

Built in the 1930's, as a WPA project, the dam has been in the first stages of failure since 1978. A catastrophic failure of this dam would result in a wall of water sweeping 100 miles North, all the way to Miles City, MT.

Mr. President, if the Tongue River Dam were to fail, the towns of Birney and Ashland, MT would likely cease to exist. Reliable estimates of damage have been placed at between $100 and $300 million. Significant portions of the Northern Cheyenne Indian Reservation would be under water.

Mr. President, while this dam has not yet been breached, this is only a matter of luck. That luck cannot be expected to hold. Federal and State estimates show that the dam's spillway could be subjected to flows of 382,000 cubic feet per second, in times of heavy rains and snow pack melt. State officials believe that flows beyond 16,000 feet per second could breach the dam. These rates have been approached twice recently. Time is running out.

Last year, Senator BURNS and I introduced a bill to authorize the rehabilitation of this dangerous dam. That was 1 year ago and still the residents of my State—particularly the Northern Cheyenne—face this hazard on a daily basis. This session of Congress we must act.

The bill being introduced today is recognition that together, tribes and the States can sort out even the most complex issues and resolve them in a constructive fashion. However, I would remind all that a grave danger—which this dam is—continues to exist. I will work together with Senator BURNS and any other Senator to see that this dam is stabilized.

By Mr. GORTON:

S. 1609. A bill to authorize certain elements of the Yakima River Basin Water Enhancement Project, and for other purposes; to the Committee on Energy and Natural Resources.

YAKIMA RIVER BASIN WATER ENHANCEMENT PROJECT

• Mr. GORTON. Mr. President, for the past several years, the Bureau of Reclamation, the Yakima Indian Nation, the State of Washington, Yakima Basin irrigators, and Congressman Sid MORRISON have met as part of the Yakima enhancement roundtable to negotiate improvements to the Yakima Basin project. I rise today to introduce the fruits of their labors, the Yakima River Basin Water Enhancement Act.

This legislation is necessary because the Yakima Basin continues to struggle with a number of issues that have existed for many years. Irrigation water supplies have often been uncertain, water quality is less than what it should be, the lack of instream flows has impacted fish and wildlife, and the prospect of Endangered Species Act listings on anadromous fish demands that further action be taken.

The legislation itself will authorize what is often referred to as phase II of the Yakima enhancement project. Phase I, which was initiated in 1983 and is essentially completed, involves the placement of fish ladders and screens at water diversion points. Phase I is already improving conditions for fish in the basin, and will protect important wild stocks of anadromous fish.

Phase II will employ creative water conservation methods to enhance instream flows for fish and improve the reliability of water supplies for irrigation. This conservation will be achieved through both structural improvements to irrigation facilities and changes in operation and management of the irrigation system. Conservation measures will be evaluated and prioritized prior to the commitment of funding for implementation, and will be required to meet all requirements of the National Environmental Policy Act. In the end, instream flows will be maintained at a higher level than achieved under present operation of the system.

Let me also tell my colleagues what this legislation does not do. It does not affect the ongoing adjudication over Yakima Basin water rights. It is not a settlement of the treaty-reserved water rights of the Yakima Indian Nation. And it does not authorize additional water storage, with the exception of an additional 3 feet at Lake Cle Ellum. These contentious issues are best left to be dealt with at another time.

Mr. President, this bill is the result of negotiations between Yakima Basin water users with frequently divergent interests. I thank the roundtable participants for their patience and persistence, and commend them for producing such a fine piece of legislation. I would especially like to commend Congressman MORRISON for bringing the roundtable together and overseeing the often contentious bargaining sessions. To produce true consensus on such a difficult issue is an exceptional achievement.

I ask my colleagues to support this bill, and ask unanimous consent that a copy of the bill be placed in the RECORD.

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

S. 1609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSES.

The purposes of this Act are—

(1) to protect, mitigate, and enhance fish and wildlife through—

(A) improved water management;

(B) improved instream flows;

(C) improved water quality;

(D) the protection, creation, and enhancement of wetlands; and

(E) other appropriate means of habitat improvement;

(2) to improve the reliability of water supply for irrigation;

(3) to authorize a Yakima River basin water conservation program that will—

(A) improve the efficiency of water delivery and use;

(B) enhance Yakima River basin water supplies;

(C) improve water quality;

(D) protect, create, and enhance wetlands; and

(E) determine the amount of Yakima River basin water needs that can be met by water conservation measures;

(4) to encourage voluntary transactions among public and private entities that result in the implementation of water conservation measures, practices, and facilities; and

(5) to provide for the implementation by the Yakima Indian Nation of—

(A) an irrigation demonstration project on the Yakima Indian Reservation using water savings from system improvements to the Wapato Irrigation Project; and

(B) a Toppenish Creek corridor enhancement project integrating agricultural, fish, wildlife, and cultural resources.

SEC. 2. DEFINITIONS.

As used in this Act:

(1) BASIN CONSERVATION PROGRAM.—The term "Basin Conservation Program" means

the Yakima River Basin Water Conservation Program established under section 3(a).

(2) CONSERVATION ADVISORY GROUP.—The term "Conservation Advisory Group" means the Yakima River Basin Conservation Advisory Group established under section 3(c).

(3) IRRIGATION DEMONSTRATION PROJECT.—The term "Irrigation Demonstration Project" means the Yakima Indian Reservation Irrigation Demonstration Project authorized by section 4(b).

(4) ON-DISTRICT STORAGE.—The term "on-district storage" means small water storage facilities located within the boundaries of an irrigation entity, including reregulating reservoirs, holding ponds, or other new storage methods that allow for efficient water use.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) TOPPENISH ENHANCEMENT PROJECT.—The term "Toppenish Enhancement Project" means the Toppenish Creek corridor enhancement project authorized by section 4(c).

(7) YAKIMA PROJECT SUPERINTENDENT.—The term "Yakima Project Superintendent" means the individual designated by the Regional Director of the Pacific Northwest Region of the Bureau of Reclamation to be responsible for the operation and management of the Yakima Federal Reclamation Project in Washington.

SEC. 3. YAKIMA RIVER BASIN WATER CONSERVATION PROGRAM.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary, in consultation with the State of Washington, the Yakima Indian Nation, Yakima River basin irrigators, and other interested and related parties, shall establish and administer a Yakima River Basin Water Conservation Program for the purpose of evaluating and implementing measures to improve the availability of water supplies for irrigation and the protection and enhancement of fish and wildlife resources, including wetlands, while improving the quality of water in the Yakima River basin.

(2) GRANTS.—The Secretary may make grants to eligible entities for the purpose of carrying out this Act under such terms and conditions as the Secretary may require.

(b) FOUR PHASES OF PROGRAM.—The Basin Conservation Program shall encourage and provide funding assistance for four phases of water conservation, which shall consist of the following:

(1) DEVELOPMENT OF PLANS.—The development of water conservation plans, consistent with guidelines developed pursuant to subsection (d), by—

(A) irrigation districts;

(B) conservation districts;

(C) water purveyors;

(D) other areawide entities; and

(E) individuals not included within an areawide entity.

(2) INVESTIGATION OF FEASIBILITY.—The investigation of the feasibility of specific potential water conservation measures identified in conservation plans.

(3) IMPLEMENTATION OF MEASURES.—The implementation of measures that have been identified in conservation plans and have been investigated for feasibility.

(4) POSTIMPLEMENTATION MONITORING.—Postimplementation monitoring and evaluation of implemented measures.

(c) CONSERVATION ADVISORY GROUP.—

(1) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the State of Washington, the Yakima Indian Nation, Yakima River basin irrigators, and other interested and related parties, shall establish the Yakima River Basin Conservation Advisory Group.

(2) MEMBERSHIP.—The Conservation Advisory Group shall be composed of five members appointed by the Secretary, of whom—

(A) two members shall be representatives of Yakima River basin irrigators;

(B) one member shall be a representative of the Yakima Indian Nation;

(C) one member shall be a representative of counties and cities in the Yakima River basin; and

(D) one member shall be a representative of environmental interests.

(3) DUTIES.—The Conservation Advisory Group shall—

(A) provide recommendations to the Secretary regarding the structure and implementation of the Basin Conservation Program;

(B) assist in the preparation of guidelines for the Basin Conservation Program, as provided for in subsection (d);

(C) structure a process to integrate specific water conservation measures into a basin conservation plan;

(D) provide annual review of the implementation of the guidelines; and

(E) provide recommendations consistent with State statutes on the rules, regulations, and administration of a process to facilitate the voluntary sale or lease of water.

(4) STAFF SUPPORT.—The Secretary shall provide and the State of Washington may provide staff support for the Conservation Advisory Group.

(5) TERMINATION.—The Conservation Advisory Group shall terminate 5 years after the date of its establishment unless extended by the Secretary.

(d) GUIDELINES.—

(1) IN GENERAL.—The Secretary, in cooperation with the State of Washington, the Yakima Indian Nation, Yakima River basin irrigators, and other related agencies, and in consultation with the Conservation Advisory Group, shall, not later than 1 year after the Conservation Advisory Group is appointed, adopt guidelines to be used in the administration of the Basin Conservation Program.

(2) REPORT.—

(A) IN GENERAL.—The Secretary shall prepare a detailed report on the guidelines and submit the report (including, as an appendix, a summary of the comments received pursuant to subparagraph (B)) to—

(i) the Committee on Energy and Natural Resources of the Senate;

(ii) the Committee on Interior and Insular Affairs of the House of Representatives; and

(iii) the Governor of the State of Washington.

(B) COMMENTS.—At least 60 days prior to the submission of the report pursuant to subparagraph (A), the Secretary shall—

(i) make a draft of the report available to—

(I) the State of Washington;

(II) the Yakima Indian Nation;

(III) Yakima River basin irrigators;

(IV) related agencies; and

(V) the public; and

(ii) establish procedures for timely comments on the report.

(3) CONTENTS.—The guidelines shall—

(A) to the extent possible, be consistent with State funding processes, regulations, and guidelines; and

(B) contain, at a minimum—

(i) standards for the scope and content of water conservation plans and for feasibility studies of specific measures;

(ii) eligibility requirements for the funding of proposals for conservation plan development, investigation of measures, and implementation of measures;

(iii) criteria for evaluating and prioritizing proposals for the development of conservation plans, and the investigation and implementation of potential measures, including—

(I) the availability of information on water diversions and water use in the area for which the measures are proposed;

(II) the information to be gained and its applicability to other areas and programs in the Yakima River basin;

(III) the cost-effectiveness and availability of non-Federal funding;

(IV) the amount of reduced diversions and the timing of reduced diversions in relation to present diversions;

(V) the extent to which each measure will contribute to improved availability and reliability of the water supply of the Yakima River basin;

(VI) postimplementation monitoring and evaluation;

(VII) a plan to mitigate adverse environmental effects;

(VIII) the extent to which proposed measures incorporate the testing of innovative water management techniques and technology;

(IX) the extent to which proposed measures contribute to the maintenance of the economic viability of agriculture;

(X) consistency with applicable laws and Federal, State, tribal, and Yakima River basin water resource policies, goals, and objectives;

(XI) the existence of or willingness of irrigation entities and other Basin Conservation Program participants to adopt procedures providing for incremental water pricing; and

(XII) the willingness of irrigation entities and other Basin Conservation Program participants to permanently restrict annual water diversions to a mutually agreed upon quantity in recognition of securing funding from and of the accomplishments of the Basin Conservation Program;

(iv) institutional and economic incentives to increase conservation and to promote more efficient use of water, including the specification of procedures for the voluntary transfer of water within the Yakima River basin;

(v) procedures for administration and allocation of funds from the Basin Conservation Program; and

(vi) requirements for the oversight of the Basin Conservation Program and for consultation.

(e) COST-SHARING.—

(1) IN GENERAL.—Costs incurred in the four phases of the Basin Conservation Program shall be shared as follows:

Program phase	Non-Federal		Federal grant
	State grant	Local	
1. Development of water conservation plans	50% but not more than $200,000 per recipient	(Residual amount if any)	50%

Program phase		Non-Federal		Federal grant
		State grant	Local	
2.	Investigation of specific water conservation measures	50% but sum of 1 and 2 not greater than $200,000 per recipient	20% after deducting State funds for Item 2	Residual amount after deducting State and local funds for Item 2
3 and 4.	Implementation and postimplementation monitoring and evaluation	35%	30%	35%

(2) IMPROVEMENTS.—

(A) IN GENERAL.—There shall be treated as non-Federal cost share expenditures under this Act for purposes of the implementation and postimplementation monitoring and evaluation phases of the Basin Conservation Program—

(i) water and water related resource improvements implemented in the Yakima River basin subsequent to and independent of this Act that utilize funding from the Bonneville Power Administration under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.) to enhance fishery resources; and

(ii) independent water related improvements of the State of Washington and other public and private entities to improve irrigation water use, water supply, and water quality.

(B) LIMITATION ON EXPENDITURES.—The non-Federal cost share expenditures shall—

(i) be limited to 50 percent of the non-Federal portion of the total costs incurred in the implementation and postimplementation monitoring and evaluation phases of the Basin Conservation Program; and

(ii) reduce the total amount of the non-Federal cost share required for the phases.

(3) INDIAN RESERVATION COSTS.—Costs of the Basin Conservation Program related to projects on the Yakima Indian Reservation are a Federal responsibility and shall be nonreimbursable and not subject to the cost-sharing provisions of this subsection.

(f) PUBLIC REVIEW.—Water conservation plans recommended for funding through the Basin Conservation Program shall be made available to the public for a period of at least 30 days for review and comment prior to submission to the Secretary. A summary of the comments shall be included with the recommendations of the Conservation Advisory Group when the recommendations are submitted to the Secretary.

(g) MEASURES.—

(1) EXISTING TECHNOLOGIES.—Measures considered for implementation in the Basin Conservation Program may include—

(A) conveyance and distribution system monitoring;

(B) automation of water conveyance systems;

(C) lining and piping of water conveyance and distribution systems;

(D) on-district storage;

(E) electrification of hydraulic turbines;

(F) tail-water recycling;

(G) consolidation of irrigation systems;

(H) irrigation scheduling; and

(I) improvement of on-farm water application systems.

(2) MITIGATION.—Basin Conservation Program funds may be used throughout all four phases of the Basin Conservation Program to mitigate the adverse impacts of Basin Conservation Program measures.

(3) INNOVATIVE MEASURES.—

(A) IN GENERAL.—In addition to implementing existing technologies, the Secretary shall encourage the testing of innovative water conservation measures.

(B) COOPERATION WITH STATE.—The Secretary shall, to the maximum extent possible under Federal and State law, cooperate with the State of Washington to facilitate—

(i) water and water right transfers;

(ii) water banking;

(iii) dry year options;

(iv) the sale and leasing of water; and

(v) other innovative allocation tools to maximize the utility of existing Yakima River basin water supplies.

(4) PURCHASES AND LEASES.—The Secretary may, consistent with State law, use funds appropriated to carry out this section for the purchase or lease of land, water, or water rights from any entity or individual willing to limit or forego water use on a temporary or permanent basis.

(5) ON-FARM WATER MANAGEMENT IMPROVEMENTS.—On-farm water management improvements shall be coordinated with programs administered by the Secretary of Agriculture and State conservation districts.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the Basin Conservation Program, plus or minus such amounts as are justified by reason of ordinary fluctuations of applicable cost indexes after September 1990—

(1) $1,000,000 for the development of water conservation plans;

(2) $4,000,000 for the investigation of specific potential water conservation measures identified in conservation plans for consideration for implementation through the Basin Conservation Program;

(3) $67,500,000 for—

(A) implementation of measures;

(B) post-implementation monitoring and evaluation of measures; and

(C) addressing of environmental impacts;

(4) $6,000,000, which shall not be subject to the cost-sharing provisions of subsection (e), for the initial acquisition of water from willing sellers or lessors specifically to provide instream flows for interim periods to facilitate the outward migration of anadromous fish; and

(5) $100,000 in each fiscal year for the establishment and support of the Conservation Advisory Group during its duration, including travel and per diem expenses, rental of meeting rooms, typing, printing, mailing, and associated administrative needs.

SEC. 4. YAKIMA INDIAN NATION.

(a) WAPATO IRRIGATION PROJECT IMPROVEMENTS AND APPROPRIATIONS.—

(1) COORDINATION WITH BIA.—Proposed system improvements to the Wapato Irrigation Project pursuant to this Act shall be coordinated with the Bureau of Indian Affairs.

(2) AUTHORIZATION OF APPROPRIATIONS.—Upon preparation of plans and investigation of measures for system improvements to the Wapato Irrigation Project, and following the Secretary's certification that the measures are consistent with the guidelines developed pursuant to section 3(d), there are authorized to be appropriated to the Secretary $10,000,000 for the implementation of the improvements. Funding for further improvements within the Wapato Irrigation Project may be acquired under the Basin Conservation Program.

(3) USE OF WATER SAVINGS.—

(A) IN GENERAL.—Water savings resulting from irrigation system improvements shall be available for—

(i) use by the Yakima Indian Nation for irrigation and other purposes on the reservation; and

(ii) protection and enhancement of fish and wildlife within the Yakima River basin.

(B) CONVEYANCE OF WATER.—The conveyance of the water savings through irrigation facilities other than the Wapato Irrigation Project shall be on a voluntary basis.

(b) IRRIGATION DEMONSTRATION PROJECT APPROPRIATIONS.—

(1) DESIGN AND CONSTRUCTION.—There are authorized to be appropriated to the Secretary $8,500,000 for the design and construction of the Yakima Indian Reservation Irrigation Demonstration Project, plus or minus such amounts as are justified by reason of ordinary fluctuations of applicable cost indexes after September 1990.

(2) OPERATION AND MAINTENANCE.—

(A) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary for the operation and maintenance of the Irrigation Demonstration Project, including funds for administration, training, equipment, materials, and supplies for the period specified by the Secretary.

(B) CONCURRENCE OF SECRETARY.—Funds may not be made available under this subsection until the Yakima Indian Nation obtains the concurrence of the Secretary in the construction, management, and administrative aspects of the Irrigation Demonstration Project.

(3) CONSTRUCTION OF FACILITIES.—The Irrigation Demonstration Project shall provide for the construction of distribution and on-farm irrigation facilities to use water savings resulting from the Wapato Irrigation Project system improvements for—

(A) demonstrating cost-effective, state-of-the-art irrigation water management and conservation;

(B) training tribal members in irrigation methods, operation, and management; and

(C) upgrading existing hydroelectric facilities and constructing additional hydroelectric facilities on the Yakima Indian Reservation to meet irrigation pumping power needs.

(c) TOPPENISH CREEK CORRIDOR ENHANCEMENT PROJECT APPROPRIATIONS.—

(1) INVESTIGATION AND IMPLEMENTATION.—There are authorized to be appropriated to the Secretary—

(A) $1,500,000 for the investigation by the Yakima Indian Nation of measures to develop a Toppenish Creek corridor enhancement project to demonstrate integration of management of agricultural, fish, wildlife, and cultural resources to meet tribal objectives; and

(B) such sums as the Secretary subsequently determines are necessary for implementation of the measures.

(2) OPERATION AND MAINTENANCE.—There are authorized to be appropriated to the Secretary such sums as are necessary for the operation and maintenance of the Toppenish Enhancement Project.

(d) REPORT.—Not later than 5 years after the implementation of the Irrigation Dem-

onstration Project and the Toppenish Enhancement Project, the Secretary, in consultation with the Yakima Indian Nation, shall report on the effectiveness of the conservation, training, mitigation, and other measures implemented to—

(1) the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Interior and Insular Affairs of the House of Representatives; and

(3) the Governor of the State of Washington.

(e) STATUS OF IMPROVEMENTS AND FACILITIES.—The Wapato Irrigation Project system improvements and any specific irrigation facility of the Irrigation Demonstration Project and the Toppenish Enhancement Project shall become features of the Wapato Irrigation Project.

(f) TREATMENT OF CERTAIN COSTS.—Costs related to Wapato Irrigation Project improvements, the Irrigation Demonstration Project, and the Toppenish Enhancement Project shall be a Federal responsibility and shall be nonreimbursable and nonreturnable.

SEC. 5. OPERATION OF YAKIMA BASIN PROJECTS.

(a) WATER SAVINGS FROM BASIN CONSERVATION PROGRAM.—

(1) SUPPLY ESTIMATES AND INSTREAM FLOWS.—

(A) IN GENERAL.—The Basin Conservation Program is intended to result in reductions in water diversions allowing for changes in the present operation of the Yakima Federal Reclamation Project to improve streamflow conditions in the Yakima River basin. The Secretary shall, through the Yakima Project Superintendent—

(i) continue to estimate the water supply that is anticipated to be available to meet water entitlements; and

(ii) provide instream flows as follows:

Water supply estimate for period:				Target flow from date of estimate through October downstream of:	
April through September	May through September	June through September	July through September	Sunnyside Diversion Dam	Prosser Diversion Dam
(Million acre feet)				(Cubic feet per second)	
(1) 3.2	2.9	2.4	1.9	600	600
(2) 2.9	2.65	2.2	1.7	500	500
(3) 2.65	2.4	2.0	1.5	400	400
Less than line 3 water supply				300	300

(B) REFERENCE.—The figures in the water supply columns in the table in subparagraph (A)(ii) are hereafter in this section referred to as "full supply".

(2) TARGET FLOWS.—The instream flows represent target flows at the respective points. Reasonable fluctuations from these target flows are anticipated in the operation of the Yakima Federal Reclamation Project.

(3) FLOW INCREASES FOR FISH.—The instream flows may be increased for interim periods during any month of April through October to facilitate the outward migration of anadromous fish. To the extent possible, increased instream flows for the interim periods shall be obtained through voluntary sale and leasing of water or water rights.

(4) REVIEW AND ADJUSTMENT OF SUPPLY.—

(A) REVIEW.—The Secretary, in cooperation with the State of Washington, the Yakima Indian Nation, and Yakima River basin irrigators, shall, not less than every 5th year after the completion of the first measure of the Basin Conservation Program, review the components that comprise the full supply.

(B) ADJUSTMENT.—If the actual supply reflects an increase in relation to the quantity required to meet irrigation water entitlements and a reduction in water diversions that is attributed to the Basin Conservation Program—

(i) the full supply figures shown in the criteria tabulation may be adjusted downward as mutually determined by the parties listed in subparagraph (A); and

(ii) the Yakima Federal Reclamation Project shall be operated by the Yakima Project Superintendent in accordance with the adjusted criteria.

(C) WATER SAVINGS.—Water savings resulting from improvements to the Wapato Irrigation Project shall be dedicated to fish, wildlife, and on-reservation irrigation.

(5) EFFECT ON JUDICIALLY IMPLEMENTED PROCEDURES.—Operational procedures and processes in the Yakima River basin that have or may be implemented through judicial actions shall not be affected by this Act.

(b) WATER FROM LAKE CLE ELUM.—

(1) ADMINISTRATION.—Water accruing in the additional storage capacity of Lake Cle Elum made available pursuant to the modifications authorized by section 6(a) shall be—

(A) administered in accordance with the laws of the State of Washington; and

(B) considered to be a part of the Yakima River basin's water supply as provided in subsection (a).

(2) AUTHORIZED RELEASES.—Releases may be made from other Yakima Federal Reclamation Project storage facilities to most effectively utilize the water described in paragraph (1), except that water deliveries to holders of existing water rights shall not be impaired.

(c) STATUS OF BASIN CONSERVATION PROGRAM FACILITIES.—

(1) IN GENERAL.—Except as provided in section 4, measures of the Basin Conservation Program that are implemented on facilities currently under the administrative jurisdiction of the Secretary shall be considered features of the Yakima River Basin Water Enhancement Project, and their operation and maintenance shall be integrated and coordinated with other features of the Yakima Federal Reclamation Project.

(2) OPERATION AND MAINTENANCE.—

(A) RESPONSIBILITY.—The responsibility for operation and maintenance and the related costs of the measures described in paragraph (1) shall remain with the current operating entity.

(B) INCORPORATION INTO AGREEMENTS.—As appropriate, the Secretary shall incorporate the operation and maintenance of the facilities referred to in paragraph (1) into existing agreements.

(C) CONSISTENCY WITH LAW AND RIGHTS.—The Secretary shall ensure that the facilities referred to in paragraph (1) are operated in a manner that is—

(i) consistent with Federal and State law; and

(ii) in accordance with water rights recognized under Federal and State law.

(d) WATER ACQUIRED BY PURCHASE AND LEASE.—Water acquired from voluntary sellers and lessors shall be administered in accordance with the laws of the State of Washington, including Chapter 90.38, Revised Code of Washington.

(e) APPROPRIATIONS FOR CHANDLER POWER CANAL OPERATIONS.—There are authorized to be appropriated to the Secretary $480,000, plus or minus such amounts as are justified by reason of ordinary fluctuations of applicable cost indexes after September 1990, for facilities to automate the headgate, wasteways, and trashrack of the Chandler Power Canal in order to maintain operating controls for the delivery of water to the Kennewick Division as subsection (a) is implemented.

SEC. 6. LAKE CLE ELUM AUTHORIZATION OF APPROPRIATIONS.

(a) MODIFICATIONS AND IMPROVEMENTS.—There are authorized to be appropriated to the Secretary—

(1) $2,934,000, plus or minus such amounts as are justified by reason of ordinary fluctuations of applicable indexes after September 1990, to—

(A) modify the radial gates at Cle Elum Dam to provide an additional 14,600 acre-feet of storage capacity in Lake Cle Elum;

(B) provide for shoreline protection of Lake Cle Elum; and

(C) construct juvenile fish passage facilities at Cle Elum Dam; and

(2) such additional amounts as are required for environmental mitigation.

(b) OPERATION AND MAINTENANCE APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the portion of the operation and maintenance of Cle Elum Dam that is determined by the Secretary to be a Federal responsibility.

SEC. 7. ENHANCEMENT OF WATER SUPPLIES FOR YAKIMA RIVER BASIN TRIBUTARIES.

(a) GENERAL PROVISIONS.—

(1) IN GENERAL.—The provisions listed in paragraph (2) shall be applicable to the investigation and implementation of measures to enhance water supplies for fish and wildlife and irrigation purposes on tributaries in the Yakima River basin.

(2) PROVISIONS.—

(A) PARTICIPATION OF WATER RIGHT OWNERS.—An enhancement program undertaken

in any tributary shall be contingent on the agreement of appropriate water right owners to participate.

(B) EFFECT ON RIGHTS AND USES.—The enhancement program shall not impair—

(i) the water rights of any water right owners in the tributary;

(ii) the ability of tributary water users to divert, convey, and apply water; and

(iii) existing water and land uses within the tributary area.

(C) APPLICABLE LAW.—The water supply for tributary enhancement shall be administered in accordance with the laws of the State of Washington.

(D) AVAILABILITY OF WATER.—Any enhancement program shall be predicated on the availability of a dependable water supply.

(b) TANEUM CREEK STUDY.—

(1) IN GENERAL.—The Secretary, following consultation with the State of Washington, the tributary water right owners, and the Yakima Indian Nation, and following agreement of appropriate water right owners to participate, shall conduct a study concerning the measures that can be implemented to enhance water supplies for fish and wildlife and irrigation purposes on Taneum Creek, including—

(A) water use efficiency improvements;

(B) conveyance of water from the Yakima Federal Reclamation Project through the facilities of any irrigation entity willing to contract with the Secretary without adverse impact to water users;

(C) construction, operation, and maintenance of ground water withdrawal facilities;

(D) contracting with any entity that is willing to voluntarily limit or forego present water use through lease or sale of water or water rights on a temporary or permanent basis;

(E) purchase of water rights from willing sellers; and

(F) other measures compatible with the purposes of this Act, including restoration of stream habitats.

(2) CONSIDERATIONS.—In conducting the Taneum Creek study, the Secretary shall consider—

(A) the hydrologic and environmental characteristics;

(B) the engineering and economic factors relating to each measure; and

(C) the potential impacts on the operations of present water users in the tributary and measures to alleviate any adverse impacts.

(3) PUBLIC COMMENT AND ACCESS.—

(A) DRAFT REPORT.—The Secretary shall make available to the public for a 45-day comment period a draft report describing in detail the findings, conclusions, and recommendations of the study.

(B) FINAL REPORT.—In developing a final report, the Secretary shall consider and include any comment made pursuant to subparagraph (A). The Secretary shall—

(i) submit the final report to—

(I) the Committee on Energy and Natural Resources of the Senate;

(II) the Committee on Interior and Insular Affairs of the House of Representatives; and

(III) the Governor of the State of Washington; and

(ii) make the final report available to the public.

(c) IMPLEMENTATION OF NONSTORAGE MEASURES.—

(1) IN GENERAL.—After securing the necessary permits, the Secretary may, in cooperation with the Department of Ecology of the State of Washington and in accordance with the laws of the State of Washington, implement nonstorage measures identified in the final report under subsection (b) on fulfillment of the conditions listed in paragraph (2).

(2) CONDITIONS.—

(A) WATER USE AND MANAGEMENT AGREEMENT.—The Secretary shall enter into an agreement with the appropriate water right owners who are willing to participate, the State of Washington, and the Yakima Indian Nation, for the use and management of the water supply to be provided by proposed tributary measures pursuant to this section.

(B) FINDING OF NO IMPAIRMENT OF RIGHTS.—The Secretary and the State of Washington find that the implementation of the proposed tributary measures will not impair the water rights of any person or entity in the affected tributary.

(d) OTHER YAKIMA RIVER BASIN TRIBUTARIES.—Enhancement programs similar to those for Taneum Creek may be investigated and implemented by the Secretary in other tributaries in the Yakima River Basin contingent on the agreement of the appropriate tributary water right owners to participate. This section shall be applicable to the programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) TANEUM CREEK STUDY AND TRIBUTARY MEASURES.—There are authorized to be appropriated to the Secretary—

(A) $500,000 for the Taneum Creek study required by subsection (b); and

(B) such sums as the Secretary determines are necessary for the implementation of tributary measures pursuant to this section.

(2) OTHER PROJECTS.—

(A) INVESTIGATION.—There are authorized to be appropriated to the Secretary such sums as the Secretary determines are necessary for the investigation of enhancement programs similar to those for Taneum Creek in other Yakima River basin tributaries, contingent on the agreement of the appropriate water right owners to participate.

(B) IMPLEMENTATION.—Funds for the implementation of any such enhancement program shall be appropriated to the Secretary following the submission of an investigation report to the appropriate congressional committees.

SEC. 8. ENVIRONMENTAL COMPLIANCE.

(a) NEPA.—Implementation of this Act is contingent on compliance by the Secretary with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $2,000,000 for environmental compliance activities including—

(1) the conduct, in cooperation with the State of Washington, of an inventory of wildlife and wetland resources in the Yakima River basin; and

(2) an investigation of measures, including "wetland banking", that could be implemented to address adverse impacts that could result from the activities taken under this Act.

SEC. 9. SAVINGS PROVISIONS.

Nothing in this Act shall be construed to—

(1) affect or modify any treaty or other right of the Yakima Indian Nation;

(2) authorize the appropriation or use of water by any Federal, State, or local agency, the Yakima Indian Nation, or any other entity or individual, except as provided under applicable laws of the State of Washington;

(3) impair the rights over waters of any river or stream or over any ground water resource of jurisdictions of—

(A) the United States;

(B) the States;

(C) the Yakima Indian Nation; or

(D) other entities;

(4) alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by the States;

(5) alter, establish, or impair the respective rights, with respect to any water or water-related right, of—

(A) the States;

(B) the United States;

(C) the Yakima Indian Nation; or

(D) any other entity or individual;

(6) alter, diminish, or abridge the rights and obligations of—

(A) any Federal, State, or local agency;

(B) the Yakima Indian Nation; or

(C) other entity, public or private;

(7) affect or modify the rights of the Yakima Indian Nation or its successors in interest to water resources arising within the external boundaries of the Yakima Indian Reservation;

(8) affect or modify the settlement agreement between the United States and the State of Washington filed in Yakima County Superior Court with regard to Federal reserved water rights, other than rights reserved by the United States for the benefit of the Yakima Indian Nation and its members; or

(9)(A) affect or modify the rights of any Federal, State, or local agency, the Yakima Indian Nation, or any other entity, public or private, with respect to any unresolved and unsettled claims in any water right adjudications, including *State against Acquavella*; or

(B) constitute evidence in any proceeding in which any water or water-related right is adjudicated.●

By Mr. MITCHELL:

S.J. Res. 186. Joint resolution suspending certain provisions of law pursuant to section 258(a)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985; pursuant to section 258(a)(2) of Public Law 99-177, as amended, referred to the Committee on the Budget.

SUSPENSION OF CERTAIN PROVISIONS OF THE BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT

Mr. MITCHELL. Mr. President, I have received a report from the Congressional Budget Office that indicates low economic growth of less than a 1 percent increase in the gross national product for the previous two quarters of this year. Under section 258 (a)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985, I am required to introduce a joint resolution in a prescribed form that would suspend the Gramm-Rudman-Hollings law and the budget enforcement procedures included therein. I ask unanimous consent that a letter I received from Mr. Robert D. Reischauer, Director of the Congressional Budget Office, that included the report that I have referenced, be printed in the RECORD following my statement and that a copy of the joint resolution that I am introducing also be included in the RECORD.

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

S.J. RES. 186

Resolved by the Senate and House of Representatives of the United States of America in

Congress assembled, That the Congress declares that the conditions specified in section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985 are met, and the implementation of the Congressional Budget and Impoundment Control Act of 1974, chapter 11 of title 31, United States Code, and part C of the Balanced Budget and Emergency Deficit Control Act of 1985 are modified as described in section 258(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 29, 1991

Hon. DAN QUAYLE,
President of the Senate,
U.S. Senate, Washington, DC.

DEAR MR. PRESIDENT: Under section 254(j) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 904(j)), the Congressional Budget Office must notify the Congress in the event of an economic slowdown. The section reads in part:

(j) LOW-GROWTH REPORT.—At any time, CBO shall notify the Congress if—

(2) the most recent of the Department of Commerce's advance preliminary or final reports of actual real economic growth indicate that the rate of real economic growth for each of the most recently reported quarter and the immediately preceding quarter is less than one percent.

This letter serves to notify the Congress that on July 26, 1991, the Department of Commerce's advance report on the growth of real Gross National Product during the second calendar quarter of advance report on the growth of real Gross National Product during the second calendar quarter of 1991 indicated that growth was less than 1.0 percent during that quarter and the preceding quarter.

Sincerely,

ROBERT D. REISCHAUER,
Director.

ADDITIONAL COSPONSORS

S. 88

At the request of Mr. DURENBERGER, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for health insurance costs for self-employed individuals.

S. 141

At the request of Mr. DASCHLE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 141, a bill to amend the Internal Revenue Code of 1986 to extend the solar and geothermal energy tax credits through 1996.

S. 447

At the request of Mr. THURMOND, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 447, a bill to recognize the organization known as The Retired Enlisted Association, Incorporated.

S. 448

At the request of Mr. SYMMS, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 448, a bill to amend the Internal Revenue Code of 1986 to allow tax-exempt organizations to establish cash and deferred pension arrangements for their employees.

S. 486

At the request of Mr. MCCONNELL, the name of the Senator from Colorado [Mr. WIRTH] was added as a cosponsor of S. 486, a bill to require Federal departments, agencies, and instrumentalities to separate certain solid waste for recycling purposes.

S. 493

At the request of Mr. KENNEDY, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Kansas [Mrs. KASSEBAUM] were added as cosponsors of S. 493, a bill to amend the Public Health Service Act to improve the health of pregnant women, infants, and children through the provision of comprehensive primary and preventive care, and for other purposes.

S. 588

At the request of Mr. DURENBERGER, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 588, a bill to amend the Internal Revenue Code of 1986 with respect to the tax treatment of certain cooperative service organizations of private and community foundations.

S. 614

At the request of Mr. DASCHLE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 614, a bill to amend title XVIII of the Social Security Act to provide coverage under such title for certain chiropractic services authorized to be performed under State law, and for other purposes.

S. 838

At the request of Mr. DODD, the names of the Senator from Illinois [Mr. SIMON], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Iowa [Mr. HARKIN], and the Senator from Ohio [Mr. METZENBAUM] were added as cosponsors of S. 838, a bill to amend the Child Abuse Prevention and Treatment Act to revise and extend programs under such act, and for other purposes.

S. 884

At the request of Mr. DOMENICI, the name of the Senator from Oklahoma [Mr. BOREN] was added as a cosponsor of S. 884, a bill to require the President to impose economic sanctions against countries that fail to eliminate large-scale drift net fishing.

S. 891

At the request of Mr. MACK, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 891, a bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for qualified cancer screening tests.

S. 1063

At the request of Mr. DOMENICI, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1063 a bill to provide education loans to students entering the teaching profession and to provide incentives for students to pursue teaching careers in areas of national significance.

S. 1245

At the request of Mr. SYMMS, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 1245, a bill to amend the Internal Revenue Code of 1986 to clarify that customer base, market share, and other similar intangible items are amortizable.

S. 1270

At the request of Mr. MCCAIN, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1270, a bill to require the heads of departments and agencies of the Federal Government to disclose information concerning U.S. personnel classified as prisoners of war or missing in action.

S. 1501

At the request of Mr. BURNS, the names of the Senator from Arkansas [Mr. PRYOR] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 1501, a bill to amend the Reclamation Reform Act of 1982, and for other purposes.

S. 1521

At the request of Mr. MCCONNELL, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1521, a bill to provide a cause of action for victims of sexual abuse, rape, and murder, against producers and distributors of hard-core pornographic material.

S. 1571

At the request of Mr. EXON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 1571, a bill to amend the Federal Railroad Safety Act of 1970 to improve railroad safety, and for other purposes.

S. 1594

At the request of Mr. KENNEDY, the names of the Senator from Wisconsin [Mr. KOHL] and the Senator from Oregon [Mr. HATFIELD] were added as cosponsors of S. 1594, a bill to honor and commend the efforts of Terry Beirn, to amend the Public Health Service Act to rename and make technical amendments to the community-based AIDS research initiative, and for other purposes.

SENATE JOINT RESOLUTION 131

At the request of Mr. LUGAR, the names of the Senator from Illinois [Mr. SIMON], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Joint Resolution 131, a joint resolution designating October 1991 as "National Down Syndrome Awareness Month."

SENATE JOINT RESOLUTION 151

At the request of Mr. RIEGLE, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of Senate Joint Resolution 151, a joint resolution to designate October 6, 1991, and October 6, 1992, as "German-American Day."

SENATE JOINT RESOLUTION 166

At the request of Mr. DOLE, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of Senate Joint Resolution 166, a joint resolution designating the week of October 6 through 12, 1991, as "National Customer Service Week."

SENATE JOINT RESOLUTION 179

At the request of Mr. DOLE, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Arkansas [Mr. BUMPERS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Hawaii [Mr. AKAKA], the Senator from Montana [Mr. BAUCUS], the Senator from New Mexico [Mr. BINGAMAN], the Senator from New Jersey [Mr. BRADLEY], the Senator from Louisiana [Mr. BREAUX], the Senator from Colorado [Mr. BROWN], the Senator from Montana [Mr. BURNS], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from North Dakota [Mr. CONRAD], the Senator from Idaho [Mr. CRAIG], the Senator from California [Mr. CRANSTON], the Senator from Missouri [Mr. DANFORTH], the Senator from Arizona [Mr. DECONCINI], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from New Mexico [Mr. DOMENICI], the Senator from Nebraska [Mr. EXON], the Senator from Kentucky [Mr. FORD], the Senator from Georgia [Mr. FOWLER], the Senator from Utah [Mr. GARN], the Senator from Washington [Mr. GORTON], the Senator from Florida [Mr. GRAHAM], the Senator from Utah [Mr. HATCH], the Senator from Oregon [Mr. HATFIELD], the Senator from Alabama [Mr. HEFLIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Massachusetts [Mr. KERRY], the Senator from Michigan [Mr. LEVIN], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. MACK], the Senator from Arizona [Mr. MCCAIN], the Senator from Oregon [Mr. PACKWOOD], the Senator from Nevada [Mr. REID], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Carolina [Mr. SANFORD], the Senator from Maryland [Mr. SARBANES], the Senator from California [Mr. SEYMOUR], the Senator from Alabama [Mr. SHELBY], the Senator from Alaska [Mr. STEVENS], the Senator from South Carolina [Mr. THURMOND], the Senator from Virginia [Mr. WARNER], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 179, a bill to designate the week beginning August 25, 1991, as "National Parks Week."

SENATE JOINT RESOLUTION 183

At the request of Mr. BIDEN, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Michigan [Mr. LEVIN], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponors of Senate Joint Resolution 183, a joint resolution to designate the week beginning September 1, 1991, as "National Campus Crime and Security Awareness Week."

SENATE CONCURRENT RESOLUTION 57—ESTABLISHING A JOINT COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

Mr. BOREN (for himself and Mr. DOMENICI) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 57

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. ESTABLISHMENT OF COMMITTEE.

(a) ESTABLISHMENT AND MEMBERSHIP.—There is established a Joint Committee on the Organization of the Congress (hereinafter referred to as the "Committee") to be composed of—

(1) 8 Members of the Senate—

(A) 4 to be appointed by the Majority Leader; and

(B) 4 to be appointed by the Minority Leader; and

(2) 8 Members of the House of Representatives—

(A) 4 to be appointed by the Speaker; and

(B) 4 to be appointed by the Minority Leader.

(b) ADVISORY MEMBERS.—The Majority Leader and the Minority Leader of the Senate and the Speaker and the Minority Leader of the House of Representatives shall each name 1 person to the Committee, to serve as an advisory, non-voting, member of the Committee. Advisory members may be former Members of Congress as well as leading private citizens.

(c) ORGANIZATION OF COMMITTEE.—(1) A chairman from each House shall be designated by the Majority Leader of the Senate and the Speaker of the House of Representatives. A vice chairman from each House shall be designated by the Minority Leader of the Senate and the Minority Leader of the House of Representatives. The Committee may establish subcommittees comprised of only Members from one House.

(2) No recommendation shall be made by the Committee except upon a majority vote of the Members representing each House, taken separately.

SEC. 2. STUDY OF ORGANIZATION AND OPERATION OF THE CONGRESS.

(a) IN GENERAL.—The Committee shall—

(1) make a full and complete study of the organization and operation of the Congress of the United States; and

(2) recommend improvements in such organization and operation with a view toward strengthening the effectiveness of the Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and improving the orderly consideration of legislation.

(b) FOCUS OF STUDY.—The study shall include an examination of—

(1) the organization and operation of each House of the Congress, including the employment of personnel by the Members and the committees of the Congress and the structure of, and the relationships between, the various standing, special, and select committees of the Congress;

(2) the relationship between the 2 Houses; and

(3) the relationship between the Congress and the Executive branch of the Government.

SEC. 3. AUTHORITY AND EMPLOYMENT AND COMPENSATION OF STAFF.

(a) AUTHORITY OF COMMITTEE.—The Committee, or any duly authorized subcommittee thereof, is authorized to—

(1) sit and act at such places and times during the sessions, recesses, and adjourned periods of the 102d Congress;

(2) require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, administer such oaths, take such testimony, procure such printing and binding; and

(3) make such expenditures,

as it deems advisable.

(b) APPOINTMENT AND COMPENSATION OF STAFF.—The Committee is empowered to appoint and fix the compensation of such experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable. The Committee may utilize such voluntary and uncompensated services as it deems necessary and is authorized to utilize the services, information, facilities, and personnel of the departments and agencies of the Government.

(c) EXPENSES.—The Committee shall spend such sums as it requires.

(d) APPROPRIATED FUNDS.—All funds necessary to carry out this section are subject to appropriations.

SEC. 4. COMMITTEE REPORT.

The Committee shall report to the Senate and the House of Representatives the result of its study, together with its recommendations, not later than the adjournment sine die of the 102d Congress. If the Senate, the House of Representatives, or both, are in recess or have adjourned, the report shall be made to the Secretary of the Senate or the Clerk of the House of Representatives, or both, as the case may be. All reports and findings of the Committee shall, when received, be referred to the Committee on Rules and Administration of the Senate and the appropriate committees of the House of Representatives.

Mr. BOREN. Mr. President, I am proud to join with three colleagues from the House and the Senate to launch a bipartisan effort to reform Congress. My colleague Senator PETE DOMENICI of New Mexico, ranking Republican on the Senate Budget Committee who also served on the Stevenson reform committee in the mid-1970's, and I will introduce legislation in the Senate to start the process, and Representative LEE HAMILTON of Indiana, Democratic vice chairman of the Joint Economic Committee and past chairman of the House Intelligence Committeee, will join with Representative BILL GRADISON of Ohio, ranking Republican member of the House Budget Committee, to introduce the companion legislation in the House of Representatives.

Congress is in trouble as an institution. No one doubts it. In poll after poll, Americans describe Congress as inefficient, wasteful, and compromised by the way it finances campaigns. In this critical decade, when America must make major changes if it is to maintain its world leadership in the next century, Congress is bogged down in detail, missing the big picture and slow to respond to our real problems. It has become so bureaucratic itself that it's no wonder that the American people doubt its ability to legislate or to oversee the bureaucracy its laws have created. Almost 50 years ago, as World War II was ending and the cold war was beginning, Congress realized that it needed to reform itself if it was to deal with the challenges it faced. Now as the cold war is ending and we face the demands of a very different world, it is time again for Congress to take a careful look at itself.

In 1944, Congress created a reform committee under the leadership of Senator Bob LaFollette and Congressman Mike Monroney. Our proposal is patterned on the Monroney-LaFollette Committee. The committee would be bipartisan with eight members coming from each House, with four members each named by the Speaker and minority leader of the House and the majority and minority leaders in the Senate. In addition, each of the leaders would name one nonvoting, advisory member. These nonvoting members could be former Members of Congress. The committee would be a temporary one, going out of existence at the end of the 102d Congress, with its report completed so that the reforms could be enacted early in the 103d. Just as in the case of the Monroney-LaFollette Committee, it would be authorized to receive help from voluntary, nonpaid staff loaned by academic and other nonpartisan institutions.

The warning signs are clear for all to read:

Staffs have mushroomed from about 2,000 in 1947 to about 12,000 today.

Large staffs tend to generate their own agendas. More bills are being introduced, clogging the process—6,973 in the last Congress with only 3 percent enacted.

The length of bills has expanded. Bills are five times longer on the average than they were in 1970 with a far greater tendency to micromanage every area of Government.

The number and size of committees has grown out of control, creating a maze of overlapping jurisdictions and spreading Members too thin. In 1947, there were only 38 House and Senate committees with parallel jurisdictions. Today there are almost 300. In 1946, there were almost no Senate subcommittees. Today there are 83 and the average Senator is a member of 12 committees and subcommittees.

Studies show that 25 percent of the time of the Senate is wasted each day in quorum calls and other delaying tactics.

It's time for us to stop ignoring the warning signs. Congress is not working. We owe it to the institution and above all to the American people to repair it.

Mr. President, I ask unanimous consent that the chapter from Senator ROBERT BYRD's book on the Monroney-LaFollette Committee, along with a summary of reform efforts since 1946 compiled by the Congressional Research Service be printed in the RECORD.

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

CONGRESSIONAL REFORM: THE LEGISLATIVE REORGANIZATION ACT OF 1946

(June 17, 1985)

Mr. President, when we think back to the nineteenth-century Senate, we can easily conjure up images of senators who enjoyed sufficient leisure to do their own research, draft their own legislation, and write their own lengthy speeches. Most members had no other office space than their desks in the Senate chamber or in their boardinghouse quarters near the Capitol Building. Today, the sites of many of those boardinghouses are covered with House and Senate office buildings where members have quarters that only barely seem to accommodate the increasing requirements of their diverse constituencies. In the middle of the last century, members who required staff assistance purchased it out of their personal funds during the usually abbreviated legislative year.

After World War I, demands on members' time and attention escalated rapidly as improved means of transportation and communication brought the electorate and the elected into greater proximity. As the national govenment assumed a greater role in the lives of everyday citizens, pressures on Congress multiplied. And, as the 1920's gave way to the Great Depression and the New Deal era of the 1930's, Congress demonstrated increasing inability to legislate with the deliberation and expertise that had characterized its course during the seemingly less complicated nineteenth century.[1]

Congress had slight opportunity to dwell on matters of internal organization and support during the depression and New Deal years. By 1940, however, many members were becoming painfully aware of the fate of representative bodies around the world at the hands of totalitarian regimes. Many reoganized that a strong, effective Congress was the best protection against executive tyranny, foreign and domestic. Later that year, House Speaker Sam Rayburn warned that the ability of our democracy to survive was directly related to the ability of Congress to balance demands for adequate discussion against demands for prompt and effective action. Rayburn stressed the necessity of independent "technical competence" as the foundation of a solid legislative program. "A great national legislature cannot safely rely on the technical assistance and advice which private interests are willing to provide."[2]

Jerry Voorhis, a Democratic representative from California, was an early and persistent critic of Congress' inability to maintain a strong and coequal role in the federal system. He warned that the future of constitutional government would be in jeopardy unless Congress insisted on exercising its traditional responsibilities with a force and vigor equal to that of the Franklin Roosevelt administration.[3]

Congress, in 1941, was ill-equipped to accept the Voorhis and Rayburn challenges. At that time, of every seven dollars it authorized the federal government to spend, Congress spent only one cent on itself. Its thirty-two-hundred-member staff was predominantly clerical and custodial, with not more than two hundred persons who could be considered legislative professionals. Senators were often required to use their office clerks as the principal staff of any committee they chaired, thus ignoring professional competence as the foundation for committee staffing.[4] This situation encouraged the traditional practice of creating additional committees as sources of prestige, office space, and extra staff for their chairmen.

On the eve of Pearl Harbor, Congress remained reluctant to supply itself with independent sources of expertise. Librarian of Congress Archibald MacLeish argued in vain for increased funding of his Legislative Reference Service. He justified his request on the assumption that the Congress had the right to "scholarly research and counsel in law, and history and economics at least equal to that of people who come before committees" from the executive branch and private interest groups.[5]

Strong opposition in the House of Representatives killed MacLeish's hopes of revitalizing his understaffed and obscure reference service. In the Senate, in June 1941, a similar fate awaited a measure introduced by Senator A.B. "Happy" Chandler of Kentucky. Chandler proposed that the Senate allow each member to hire one research expert at a competitive salary. His proposal died because many senators apparently believed it would establish a cadre of political assistants who would eventually be in a position to compete for their jobs.[6] The opposition had deep roots in the members' self-image. Congressmen feared the public would view the appropriation of tax dollars for staff experts as an open confession of members' inability to carry traditional legislative burdens.

American entry into World War II escalated the already severe pressures on Congress. During Roosevelt's first two administrations, Congress alternated between the roles of acquiescent provider and stubborn critic. Its effectiveness varied inversely with the intensity of a particular crisis. In the months after the attack on Pearl Harbor, observers became increasingly critical of what appeared to be congressional intransigence, tolerable during peacetime but unforgiveable while at war. In January 1942, a *New York Times* editorial greeted a returning Seventy-seventh Congress with the warning that it must "show itself more alert and efficient" than the previous session if the United States hopes to win the war without "needless loss of time and treasure and lives."[7]

Fragmentation of the committee structure generated particular criticism. Early in 1942, Arthur Krock, the *New York Times* columnist, expressed a common frustration at the amount of time wasted by executive branch officials in appearing repeatedly before committees the jurisdictions of which frequently overlapped or duplicated those of other committees. Commerce Secretary Jesse Jones appeared eighteen times before as many different committees to deliver his standard two-hour speech. Krock suggested in vain that the eight military oversight committees be merged into a single House-Senate

war inquiry unit. Senators tended to view these joint committees as potential threats to the Senate's "appellate" role in the legislative process. House members, too, had been traditionally wary of joint meetings, fearing that better-known and more politically secure senators would receive the lion's share of the credit while representatives would do the lion's share of the work.[8]

Early in 1942, Congress made an ill-starred effort to assert and strengthen its members' prerogatives. After minimal debate, the House and Senate passed bills extending Civil Service pension eligibility to the legislative branch. At the same time, they gave each member the option to buy unlimited gasoline at a time of strict rationing. An instant storm of protest arose over the so-called pension grab and the gasoline x-card issues. Spearheaded by the Junior Chamber of Commerce, Americans responded angrily to what they saw as a brazen act of self-aggrandizement by their elected representatives. The Jaycees instituted a Bundles for Congress program to collect old clothes, discarded shoes, and assorted trash for the apparently destitute and avaracious members. Sensitive to criticism in an election year, members quickly reversed themselves rather than argue that these "privileges" did not exceed those that executive branch employees already enjoyed.[9]

By mid-1942, Congress was in what one national magazine called a "touchy mood . . . more angry and disturbed than at any time in modern political history."[10] Members lashed out with defensive statements showing their frustration at being the public's whipping boy for wartime controls and regulations imposed by executive branch authority. Speaker Rayburn thundered that he was "damned tired of having Congress made the goat for everything."[11] Senator Joseph O'Mahoney demanded that the executive branch stop expanding its powers by "interpretation."[12] Senator Walter George of Georgia observed that "castigating Congress seems to have developed, of late, into a pernicious national pastime." Taking exception to "indiscriminate sniping and yowling," Senator George called for an end to such "thoughtless disparagement." He reminded critics that the executive, rather than Congress, had the sole responsibility for the conduct of the war. When faced with requests for huge appropriations, "all we can do is to ask, 'Do you really need all that?' Then we grant the funds."[13]

Up to this point, however, proposed remedies to these frustrations had lacked focus and detailed analysis. Early in 1941, the American Political Science Association, under pressure from its Washington members, had abandoned its traditional detachment from reform issues and established a Committee on Congress to study the operation of the legislative branch. The association appointed ten prominent political scientists and public administrators, and named Dr. George B. Galloway chairman.[14] Sixteen months later, the committee released a preliminary report, signaling a new campaign in the war for legislative reform.[15]

At the age of forty-three, George Galloway had established a solid reputation as a gifted scholar and political analyst. In 1926, he had received his doctorate from the Robert Brookings Graduate School of Economics and Government in Washington. The Brookings School was noted for its emphasis on training for research in the "practical problems of government policy." Its curriculum stressed close personal contact with federal officials.

As chairman of the Committee on Congress, Galloway set out to identify members who were sympathetic to legislative reform. In a series of off-the-record monthly dinners, the committee's members encouraged the congressional guests to express their frustrations and ideas. The committee then tried out the members' ideas on various political scientists. Finally, the committee returned to the congressmen to test the resulting syntheses. By mid-1942, an outline had emerged. The committee concluded unanimously that the decline in Congress' prestige and effectiveness was attributable to the "technical nature of modern public problems."[16] Although the imbalance in favor of the executive had been intensified by the unprecedented dominance of foreign and military issues, the committee predicted that the postwar period was likely to generate pressures of equivalent, if not greater, magnitude. The preliminary report focused on eight major congressional handicaps. They included the diversion of attention from national policymaking by local and private legislative demands, the lack of "adequate independent technical advice for lawmaking," the excessive number of committees, and the lack of facilities for sufficient oversight of executive administrative action. The report also cited insufficient clerical support, low pay for members and staff, and unrestrained lobby pressures.

The committee suggested several improvements as a basis for further discussion leading to a final report.[17] It urged Congress to consider at once a reform program that would highlight its deliberative role. Panel members argued that the focus should shift to committee hearings as the heart of the legislative process. They further suggested that the House and Senate hold full legislative sessions in the evening once or twice a week to "ratify" committee decisions. Congress should encourage radio stations to broadcast these sessions, even at the risk of competing with such favorites as the "Quiz Kids," "Information Please," or commentator Raymond Gram Swing. Finally, the committee members recommended that Congress take a four-day recess each month, so that members might return to their districts to capitalize on the radio publicity. They hoped this would increase respect for the members and for the institution.

While senators and representatives were pondering the association's report and planning their respective reelection strategies, President Roosevelt stepped up his campaign to force Congress to act on major administration proposals. On September 7, 1942, he sent a message to both houses recommending the passage of farm price support legislation. He threatened, "In the event that the Congress should fail to act, and act adequately, I shall accept the responsibility, and I will act."[18] The president got the legislation within his three-week deadline.[19]

Despite their compliance, members of the Senate and House were outraged at Roosevelt's tactics. On October 1, 1942, Representative Everett Dirksen of Illinois delivered a speech entitled "What Is Wrong With Congress?" Dirksen asserted that the Congress' low status in the public eye was directly related to its "fear of doing something for ourselves as an institution." Mindful of the pension grab and x-card affairs, he continued, "It is a very natural apprehension, for when we do, we are often at the receiving end of a lot of spicy, derogatory comment that has a great deal of reader interest." Dirksen concluded that the only thing wrong with Congress was that it had "failed to equip itself to cope with growing executive power and the bureaucracy."[20]

As the November 1942 congressional elections drew near, the widely read *Reader's Digest* reinforced Dirksen's point. It reported that only four of seventy-six congressional committees had "expert staffs prepared professionally even to cross-examine the experts of the executive branch." The remainder "trust to their own native amateur intelligence." Concluding with an assessment that no incumbent congressman wanted to hear, the article labeled members "corner store wise-acres in an age of calculating-machine-trained researchers."[21]

On election day, congressional Democrats suffered badly. Republicans gained 47 seats in the House and 10 in the Senate. A number of members had decided to retire, so the net membership turnover within both parties was 106 in the House and 13 in the Senate.[22] Democrats retained narrow control in both Houses. It was clear to the leadership, however, that legislative reform would have a higher priority among a larger number in the new Congress.

In 1943, members introduced an unprecedented number of reform-oriented resolutions, ranging from a frivolous measure to create a Committee to Protect the Integrity of Congress to Dirksen's constructive Select Committee on Congressional Reorganization.[23] These resolutions varied, but most called for an improved method of liaison between Congress and the executive, reorganization of the committee system, legislative scrutiny of executive action, and increased use of experts.[24]

During 1943, six congressmen emerged as leaders in the movement to strengthen Congress. The most active advocates in the House were Estes Kefauver of Tennessee, A.S. "Mike" Monroney of Oklahoma, Dirksen, and Voorhis. Francis Maloney of Connecticut and Robert La Follette, Jr., of Wisconsin led the way in the Senate.

Kefauver spent most of his energy on a proposal to improve communications with the executive. His measure would have established a biweekly "report and question period" during which heads of executive agencies would appear voluntarily before Congress to report on their activities and answer members' questions. Kefauver believed that this procedure, modeled on British parliamentary practice, would promote more effective legislative oversight and do away with "cumbersome and irksome" special investigating committees.[25]

Like Kefauver, Voorhis was concerned with improving legislative oversight; he directed his attention, however, to strengthening staff resources. Based on his service on the Select Committee to Investigate Acts of Executive Branch Agencies, he concluded that executive agencies exceeded their authority because Congress often failed to define their specific powers and limitations. Voorhis believed that "better sources of information, better staff, and a better direction of the work of its members" would ease this situation.[26]

During 1943, Dirksen and Monroney in the House joined the Senate's La Follette and Maloney to sponsor a series of identical bills to create a Joint Committee on the Organization of Congress.[27] This legislation revealed the clear imprint of Galloway's Committee on Congress. It called for study of the organization, operation, and staffing of each house, the relations between the Senate and House, the relations of Congress to the other two branches of government, and the relations among committees.

In July 1943, Senator La Follette published an article that quickly rallied broad popular support to the less well-publicized reform proposals of the Galloway committee. La Follette cited the frustration surrounding the just-concluded Seventy-seventh Congress, noting that "probably no Congress in recent history suffered so much abuse and public derogation." Referring to the president's 1942 Labor Day ultimatum to Congress, La Follette suggested that it was "time for the American people to take stock of the situation, war or no war."[28] He singled out for special attention the excessive number of committee assignments for members and the problem of poor budget control. He noted that more than half of the Senate's members served on at least six committees, while some served on as many as ten. Finally, he observed that the president's budget bureau received funding three times greater than the combined staffs of the House and Senate's Appropriations committees. His solution, suggestive of the Galloway committee's finding, was to reduce drastically the number of committees and the size of each and to create more joint committees with expert staff. His objective was to allow more time for members to be legislators.[29]

In November 1943, the chances for an effective reorganization appeared better than ever. The New York Times carried a front page account of a news conference called by Dr. George Calver, the congressional physician. Calver announced that he would prescribe a "long period of rest and relaxation for an overworked, nervous, and underpaid Congress." The physician, perhaps influenced by those close to the Galloway committee, proclaimed that "a $10,000 salary looks good until after [the member] has paid his taxes, his Washington living expenses, his campaign expenses, and his bills for maintaining a house back home."[30]

By early 1944, the Maloney-Monroney bill, as the press called it, had become the reformers' principal vehicle. Congressional Republicans joined the bandwagon, believing that, if the reform issue worked as well in the 1944 elections as it had in those of 1942, they stood a good chance to take control of Congress. Republican Senator Robert Taft speculated publicly that a GOP victory would increase the chances for legislative reform, and that Senate Republicans, out of power for nearly fifteen years, would be willing to reduce the number of committees since they had no chairmanships to give up.[31]

The League of Women Voters also recognized the suitability of congressional reform as an election issue. Galloway assisted the league in preparing a roundtable discussion on the organization of Congress for its 1944 national convention. The panelists included Representatives Kefauver, Dirksen, and Monroney.[32]

In June 1944, while the nation's attention was focused on post-D-day European military operations, the Senate Rules Committee recommended favorable consideration of the Maloney-Monroney resolution. Committee chairman Harry F. Byrd, Sr., stressed the importance of a permanent modernization program, noting that postwar demands would likely be more severe than those of the war years for a Congress geared to a prewar pace. The joint study committee was to have twelve members, six from each house, evenly divided by party. The Senate Rules Committee, sensitive to the prerogatives of each body, stipulated that the panel's recommendations must have the support of at least four members from each chamber.[33]

Preoccupied with demobilization, reconversion, and the summer recess, Congress appeared to be allowing the reform issue to slip away under the pressures of fall election campaigns. In September, Representative Monroney made a radio address to plead for action. He spoke of the crippling effect that Congress' limited resources had over its efforts to oversee the activities of three million executive branch employees. He claimed that Congress was trying to supervise the operation of a $78 billion government with tools fashioned fifty years earlier for a budget less than a half of 1 percent of that size. Monroney compared Congress' Legislative Drafting Service, with its eight employees and $83,000 budget, to the Agriculture Department's legislative section, which, he reported, employed six hundred persons at a cost of more than $1.6 million. The House and Senate Appropriations committees had twelve clerks to examine the entire national budget. Monroney argued that the increased cost of a larger congressional staff could easily be made up by carefully pruning executive budgets. He concluded his address with a plea for quick action on this resolution, noting that, of all the pending reform-related measures, only his was designed to study all of the suggestions.[34]

Representative Monroney got his wish, but not until after the November elections. In mid-December, with four days remaining in the life of the lame-duck Seventy-eighth Congress, the House briefly debated and passed the Maloney-Monroney resolution. The Senate quickly concurred. On the last day of the session, members of the newly established joint study committee readily elected Senator Maloney and Representative Monroney chairman and vice-chairman, respectively.[35]

At the beginning of the Seventy-ninth Congress in January 1945, Francis Maloney's Senate colleagues had come to regard him as a senator's senator—a hard-working, soft-spoken, and nonpartisan mediator of internal Senate disputes. He chaired one of the five standing committees to which he was assigned and served on three other special committees as well as several commissions.[36] He looked on his new chairmanship as a golden opportunity to make inroads against Congress' killing workload.

Death denied Francis Maloney the chance to engage that opportunity. On January 16, 1945, he died of a heart ailment, complicated by influenza and exhaustion.[37] Later that same day, the National Planning Association released yet another survey that documented congressional shortcomings and gave particular poignancy to Maloney's passing.[38] The association, cofounded by George Galloway, had selected Robert Heller, a Cleveland engineer and management analyst, to study Congress from a "practical engineering angle." The Heller report, drafted in part by Galloway, concluded that Congress would lose the public confidence essential to its functioning unless it was strengthened.[39] The report urged Congress to place greater emphasis on major policy issues and less on such details as running the District of Columbia government or dealing with private claims legislation. Observing that Congress was operating "with hand tools in a mechanized age," the report offered fourteen recommendations. They included a 150-percent pay raise for members, a majority and minority legislative policy committee for each house, expansion of staff resources, a report-and-question period, and basic procedural reforms related to the selection of committee chairmen and Senate cloture.[40] Congressional reformers were pleased to have the additional ammunition that the report provided but concluded that it displayed little familiarity with the day-to-day operations and traditions of Congress.[41]

At the start of 1945, the strongest impediments to legislative reform were preoccupation with the final military operations in Europe and the suspicion by senior House members that they had little to gain and much to lose from a change in the status quo. Few could argue in principle with the study committee's concept, but reformers were apprehensive that congressional elders would kill the infant at the hour of its birth. Accordingly, George Galloway pressed his American Political Science Association Committee on Congress to issue its final report with appropriate fanfare in order to push Congress to reauthorize the joint committee for the new session. Early in February, as Allied forces began their final drive on Berlin, the Galloway committee released a refined version of the 1942 preliminary study.

It asserted that Congress needed to "modernize its machinery and methods to fit modern conditions if it is to keep pace with a greatly enlarged and active executive branch." The committee observed that "this is a better approach than that which seeks to meet the problem by reducing and hamstringing the executive. A stronger and more representative legislature, in closer touch with, and better informed about, the administration, is the antidote to bureaucracy."[42] Several days later, after explicity removing the joint committee's authority to study matters of rules and procedure, the Senate joined the House in renewing the panel's life. Robert La Follette succeeded Francis Maloney as chairman.[43]

The joint committee quickly named George Galloway as its director and sole staff member.[44] Galloway was well aware of the distinction between getting Congress to study an issue and moving it to effective legislative action.[45] The first of these tasks had consumed four years of his life. He realized that the second would require equal amounts of careful planning and good fortune. The composition of the joint committee gave Galloway reason for encouragement. La Follette, Monroney, and Dirksen offered outstanding reform credentials. Senator Elbert Thomas of Utah, holding a doctorate in Chinese political thought, epitomized the scholar-in-politics. In the late 1930's, he had worked effectively with La Follette on the latter's civil liberties committee. Observers of that earlier body noted that La Follette's style was to probe for facts, grilling witnesses "sharply, steadily, and coldly, working with the . . . precision and power of a steel riveter." Thomas, on the other hand, "genially encouraged witnesses to relax and unbend. He probed for attitudes rather than details, setting witnesses up while La Follette knocked them down."[46] The average length of the joint committee members' congressional service was fourteen years. Four of them had served at least twenty years.[47]

Galloway moved quickly. Several days after his appointment, the joint committee held the first of thirty-nine public hearings. In less than four months, the joint committee heard 102 witnesses, and produced a printed record exceeding fifteen hundred pages.[48] Due to schedule conflicts and the largely record-building nature of the hearings, members' attendance was generally poor.[49] Consequently, Galloway had the responsibility of developing, with little guidance from committee members, rec-

ommendations that would survive severe congressional and public scrutiny. One observer noted that Dr. Galloway moved into this assignment with "great tact and distinction" and that the "rapport between the dynamic and thoughtful co-chairmen and Dr. Galloway was virtually perfect."[50] Without the creative and wholehearted support of these three men, the joint committee's report would have joined in oblivion scores of other soon-forgotten advisory committee documents.

At the end of the first month of hearings, the nation got a new president. Harry Truman had risen from obscurity to distinction due largely to his role as chairman of an important Senate investigating committee.[51] In April 1945, few knew better than Truman the frustrations of an over-worked, understaffed, and poorly paid Congress. During his Senate years, he had found it necessary to supplement his income by placing his wife on his office payroll.[52]

On the surface, the joint committee could hardly have asked for a better climate in which to work. A new chief executive, the winding down of a long war, and the introduction of the atomic bomb all pointed to a new and uncertain era. Clearly, the times required a stronger and more responsive Congress to check the all too familiar independence of the executive; yet, an overly sympathetic executive might remove much of the force from the reformers' arguments.

Galloway moved quickly to exploit the strategic possibilities of the newly dawning age. He organized an extensive program of public education to generate grassroots support.[53] To civic groups, magazines, radio networks, and film makers Galloway provided arguments, reports, testimonials, and vast amounts of his time. Appreciating the value of the Heller report's brevity and popular focus, he sent eighty thousand copies to newsstands. The League of Women Voters, as a consequence of Galloway's success in providing three key congressmen as speakers for its 1944 convention, placed congressional reform at the top of its priorities list.

Galloway capped his publicity efforts when he engineered a major cover story in a June 1945 issue of Life magazine. Entitled "U.S. Congress: It Faces Great New Tasks With Outworn Tools," the article focused on the overburdened congressman" too busy to do the job right." Life informed the nation that "with few important exceptions, congressional procedure is the same as it was in 1789."[54]

Galloway did not overlook the educational needs of those in Congress who would eventually vote on the joint committee's recommendations. He compiled and distributed copies of articles and lists of bills related to strengthening Congress.[55] With great tact, he prodded his panel's members to use their influence on other congressmen.

In October 1945, as the joint committee's members struggled over tentative recommendations, Mississippi's Theodore Bilbo, Life magazine's candidate for the "worst man in the Senate," conducted a personal three-day filibuster against a bill to repeal land grant railroad rates.[56] Another magazine quoted a nervous representative as fearing that "unless we straighten it [the congressional system] out, the American people are going to straighten us out . . . the people might get too mad and go too far for the public good."[57]

Late in 1945, the Truman honeymoon ended. Congress struggled with issues associated with the United Nations Charter, tax reduction, international monetary reform, and executive reorganization.[58] The congressional physician suggested that each house convene at 1:00 p.m., instead of noon, so that members could "eat a decent lunch."[59]

On March 4, 1946, after nearly a year of study, the joint committee submitted thirty-seven recommendations to Congress.[60] The first category of proposals sought to reorganize the committee structure and improve legislative coordination and accountability. The committee recommended that Congress consolidate its eighty-one standing committees into thirty-four. Each committee would have fewer members, more carefully defined jurisdiction, stronger executive oversight, and four additional staff experts.[61] Additionally, each house was urged to create legislative policy committees. Members of the majority policy committees would serve as a formal council, meeting regularly with the president "to facilitate the formulation and carrying out of national policy."[62]

The second group of recommendations sought to provide improved support facilities for members. They included a major expansion of the Legislative Reference Service, an administrative assistant for each member, and the establishment of a Congressional personnel Office. The office would reduce the prevailing chaos surrounding employment standards, pay scales, and tenure rights. This category also included a proposed 50-percent pay raise for members, improved legislative budget surveillance, registration of lobbyists, home rule for the District of Columbia, and transfer of noncurrent official records to the National Archives.[63]

Press reaction was generally favorable, although some commentators took the joint committee to task for dodging the "hard questions" of rules and procedure.[64] One noted that even these "mild" recommendations were "being welcomed with less than whole-hearted approval by Congress," and that the joint committee lacked the authority to convert its proposal into legislation.[65]

At this point, La Follette and Monroney effectively took the reins of leadership from Galloway and began the task of salvaging the joint committee's proposals. In the Senate, existing procedure dictated splitting the recommendations and sending them to committees according to subject. La Follette realized that several hostile committee chairmen were prepared to bottle up the proposals indefinitely. Accordingly, he offered a resolution that would convert the Senate members of the joint panel into a temporary legislative committee.[66] Ironically, this was in direct opposition to the joint committee's recommendation to rely on established standing committees rather than limited-tensure special committees.[67] La Follette's promise that the special committee would submit no proposal to change Senate rules convinced the Senate to grant his request. In mid-May, sensing growing support for action in the face of continued legislative chaos and the 1946 elections, La Follette succeeded in placing the bill directly before the Senate for action.[68]

On June 6, 1946, the Senate began debate. One newspaper noted that the legislation faced a triple threat of "pride, patronage, and politics."[69] By approving the bill, members would acknowledge that they could not do it all by themselves; they would stand to lose treasured patronage positions; and many of them remained reluctant to be in the position of voting themselves increased benefits in an election year.

Debate centered primarily on the patronage threat and the pay raise. La Follette gradually yielded on both issues. On June 10, 1946, he broke an impasse by dropping the proposal to set up a personnel "czar" and by cutting in half the amount of the salary increase. He held fast, however, on the reduction committees, the "keystone of the arch of this whole plan."[70] The Senate then quickly passed the bill by a margin of 49 to 16.[71]

The bill moved to the House. There it rested for six weeks on the Speaker's desk. Monroney and Dirksen used their considerable skills in attempting to negotiate the conditions of its movement to the House floor where it enjoyed majority support. Speaker Rayburn, despite earlier support for reform, recognized in the bill extensive challenges to his autonomy. Policy committees would rationalize the murky decision-making process and fix accountability.[72] The House of that day, far more than the Senate, was controlled by its leadership. Rayburn realized that procedural uncertainty worked to his advantage. Establishment of party policy committees would undermine that advantage and strike at his power to resolve difficulties by appointing special committees or deciding among various disputants.

The bill's managers reluctantly agreed to the Speaker's condition that the policy committee provision must be dropped. They exercised a bit of political legerdemain by cutting in half the five-thousand-dollar salary increase and then granting each member a tax-free twenty-five-hundred-dollar "expense allowance." Galloway called Rayburn's eleventh hour maneuvers "an astonishing piece of political piracy . . . a travesty on the democratic process."[73]

On Thursday, July 25, 1946, as a second atomic test took place at Bikini, Monroney and Dirksen resisted a hailstorm of floor amendments to secure House passage by a vote of 229 to 61.[74] Senator La Follette was then faced with a major tactical decision. If he tried to reconcile the Senate bill with the weaker House version, it would have spelled certain defeat for the entire program. He had simply run out of time. The following day, members were beginning to drift away from the sweltering capital. Soon, Congress would probably lack the necessary quorum to continue its work. La Follette, therefore, presented the weaker bill on July 26, and the Senate readily agreed to it. Several days later, on August 2, President Truman signed the measure, calling it "one of the most significant advances in the organization of Congress" since its establishment.[75]

Mr. President, I shall now turn briefly to a discussion of the short-term accomplishments of this landmark piece of legislation. Its framers had, as I have indicated, three basic objectives. These included a fundamental streamlining of the committee structure, development of a professional staff, and greater legislative control of the federal budget process. The reorganization act succeeded for the most part in the first two areas and failed in the latter. The measure, despite its supporters' earlier hopes, did not address matters of floor procedure or structural changes in relations between the legislative and executive branches.[76]

The act sought to reduce the jurisdictional confusion that resulted from a proliferation of committees. It did so in two ways. First, it eliminated obsolete committees and consolidated others. This reduced the number in the Senate from thirty-three to fifteen, and in the House from forty-eight to nineteen. Under the act, senators were assigned two committees instead of as many as nine. Representatives served on one instead of five. Of course, the reducion in the number of stand-

ing committees was offset by an expansion in the number of subcommittees, but the reformers contended, with some merit, that members would be able to concentrate their energies in more carefully focused subject areas. The Senate sought to prohibit establishment of special committees, but the House successfully fought that provision in the act's final version; nonetheless, both chambers severely limited the creation of special committees. In 1946, there were twelve such panels in Congress. Three years later, only one existed. The reorganization act also sought to reduce jurisdictional confusion by carefully defining each committee's legislative responsibilities. For the Senate, these definitions were incorporated into Rule 25 of the Senate's rules.

In a move to restrain autocratic chairmen, the act required committees to set regular meeting days, to open a majority of sessions to the public, and to keep transcripts of hearings. Committee chairmen were obligated to bring bills to a final vote, and to ensure that measures approved with a majority of committee members present be reported promptly to their respective houses. Witnesses were directed to submit written testimony in advance of their appearance before committees, thereby allowing members sufficient time to prepare questions.

The act's second major contribution was to expand and improve the quality of committee professional staff. It authorized each standing committee to appoint four professional and six clerical staff members. Previously, committee staffs had divided their labors between committee work and constituency services for individual members. The change promoted growth of technical expertise that reinforced Congress' investigatory role in the years following World War II. To further strengthen congressional staff resources, the act upgraded the Legislative Reference Service to a separate department within the Library of Congress, doubled its appropriation, and provided for creation of a staff of senior specialists in subject fields roughly equivalent to those of the standing committees. Significantly, these specialists were to be paid at a rate comparable to that of their counterparts in the executive branch. Finally, the act expanded the bill drafting service available through the office of Legislative Counsel. It is important to note here the indispensability of such a facility for ensuring Congress' independence of executive dictation.[77]

The principal failing of the 1946 Legislative Reorganization Act came in its efforts to provide more effective control of the federal budget process. The measure established a Joint Budget Committee, consisting of the members of the Senate and House Appropriations committees and the Senate Finance and House Ways and Means committees. That panel was given responsibility for preparing annual estimates of federal receipts and expenditures. These estimates were to be tied to a concurrent resolution placing a limit on annual appropriations. Unfortunately, the joint committee, with more than one hundred members, proved too unwieldly to operate effectively. It was unable to obtain accurate spending estimates early enough in each fiscal year to apply them to specific agency funding requests. Consequently, this procedure was abandoned after 1949. In the decade that followed, the Senate, on five different occasions, passed legislation to reestablish the joint committee, but, each time, the House defeated the measure as a threat to the prerogatives of its Appropriations Committee.[78]

The Legislative Reorganization Act of 1946 contained a number of other important reforms, including a pay increase for members, bringing their salaries from $10,000 to $12,500 per year, and a $2,500 tax-free expense allowance. It also finally brought members under the provisions of the Civil Service Retirement Act; it created the Daily Digest section of the *Congressional Record;* and it established a procedure for the registration of lobbyists, requiring them to file quarterly spending reports with the secretary of the Senate and the clerk of the House.

There were several reforms, desired by the Senate and opposed by the House, that were dropped from the final version but immediately embodied in subsequent legislation. The first was a provision for establishing Senate majority and minority policy committees.[79] A second important reform permitted senators, for the first time, to hire administrative assistants.

Mr. President, the significance of the Legislative Reorganization Act of 1946 is that it began, rather than completed, a process of institutional self-evaluation that continues today. The process it set in motion led to the establishment in 1965 of another Joint Committee on the Organization of Congress, chaired by Mike Monroney who, by then, had moved to the Senate. The work of that body came to fruition with the passage of the Legislative Reorganization Act of 1970 and other reforms that I shall discuss at another time.

SEVERAL MAJOR LEGISLATIVE REORGANIZATION INITIATIVES SINCE PASSAGE OF THE 1946 LRA

The Legislative Reorganization Act of 1946, the first comprehensive revision of Congress's organization and operation, was the product of extensive hearings conducted by the Joint Committee on the Organization of Congress. This panel was chaired by Senator Robert LaFollette of Wisconsin with Representative A.S. "Mike" Monroney of Oklahoma as vice chairman. A primary objective of the 1946 Act was to modernize Congress to meet contemporary challenges, such as workload increases and the expansion of presidential authority. The Act's major features include a reduction in the number of House and Senate standing committees, the provision of permanent professional and clerical aides for committees, a requirement that committees exercise "continuous watchfulness" of the executive branch, the preparation of a legislative budget, and the registration of lobbyists. Since the passage of the 1946 Act, the House and Senate, jointly or separately, have established panels to study and recommend ways to strengthen the legislative branch. Several major reorganization initiatives include:

THE 1965 JOINT COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

In 1965, Congress established the Joint Committee on the Organization of the Congress, co-chaired by Senator A.S. "Mike" Monroney of Oklahoma (the veteran of the 1945 panel) and Representative Ray J. Madden of Indiana, to conduct another major introspective review of legislative organization and operations. Created during a climate of concern about Congress's effectiveness, the work of the Joint Committee eventually culminated in passage of the Legislative Reorganization Act of 1970. Three broad themes characterized the 1970 Act: open Congress to further public visibility, strengthen its decisionmaking capacities, and augment minority rights. For example, the 1970 Act provided for recorded teller votes in the House's Committee of the Whole, allowed minority party committee members to call their own witnesses during a day of hearings, established the Senate Committee on Veterans' Affairs, and enhanced the research capabilities of the two legislative support agencies.

HOUSE SELECT COMMITTEE ON COMMITTEES, 1973–1974

In 1973, the House created a Select Committee on Committees (headed by Representative Richard Bolling of Missouri) to comprehensively review the House's committee structure. The committee realignment plan devised by the Bolling Committee sought to balance committee workloads, limit Member assignments, and consolidate related jurisdictions into a single committee. In addition, the reorganization plan strengthened the oversight function, granted the multiple referral authority to the Speaker, and augmented committee staffs. In the end, the House rejected the major consolidation of committee jurisdictions, but it adopted discrete jurisdictional changes, proposals that augmented the Speaker's authority, committee staff increases, oversight improvements, and a bipartisan leadership recommendation for the early organization of the House.

COMMISSION ON THE OPERATION OF THE SENATE, 1975–1976

In 1975, the Senate adopted a resolution sponsored by Senator John Culver of Iowa (a member of the Bolling Committee) to establish a blue-ribbon, private citizens' panel to conduct a comprehensive review of Senate administration, management, information sources, public communications, use of Senators' time, oversight and foresight, space availability and utilization, and ancillary topics. Chaired by former Senator Harold Hughes of Iowa, the Commission submitted its final report on December 31, 1976. Based on interviews, hearings, and staff studies, the Commission's final report identified "elements that can help to improve the effectiveness of the Senate." Since the Commission issued its recommendations, the Senate has acted to implement some of them. For instance, the Commission proposed that the Senate organize itself before the beginning of each Congress. Both Senate parties now conduct early organizing sessions.

HOUSE COMMISSION ON ADMINISTRATIVE REVIEW, 1976–1977

In the midst of ethical controversies and concern about the House's internal administration, Representatives voted to create a mixed Member-general public Commission on Administrative Review (headed by Representative David Obey of Wisconsin) to study and recommend ways to improve the House's administrative services, to enhance use of the time available to Members, and to insure integrity in the conduct of the House's legislative business. The Commission's financial ethics package was substantially approved by the House. Other Commission recommendations, such as the centralization of diverse administrative matters into a new Office of House Administrator and the formation of another Select Committee on Committees, were turned down by the House. Still other Commission proposals to streamline House scheduling, such as an annual schedule of district work periods, were implemented by the central leadership.

TEMPORARY SELECT COMMITTEE TO STUDY THE SENATE COMMITTEE SYSTEM, 1976–1977

In March 1976, the Senate created a Select Committee, headed by Senator Adlai Stevenson of Illinois, to conduct a thorough review of the Senate's committee structure and to

make recommendations for its improvement. After the Select Committee's reorganization plan was reviewed and amended by the Rules and Administration Committee, the Senate in 1977 adopted the most significant restructuring of its committee since passage of the 1946 LRA. For example, there was a reduction in the number of standing committees (Aeronautical and Space Sciences, District of Columbia, and Post Office were abolished) and broad substantive jurisdictions were consolidated to promote comprehensive policymaking.

HOUSE SELECT COMMITTEE ON COMMITTEES, 1979–1980

Jurisdictional fragmentation, especially in the energy arena, and continued frustration with the committee structure gave rise to another House effort at committee reorganization. In 1979, a second Select Committee on Committees (chaired by Representative Jerry Patterson of California) was established to recommend changes in the committee system. The Select Committee adopted an incremental approach to change and proposed that the House create a new Energy Committee. In addition, the Select Committee suggested other changes, such as limits on subcommittee assignments, improvements in committee scheduling to reduce meeting conflicts, and extra office space in the Capitol. In the end, the House failed to adopt any of the Select Committee's proposals.

STUDY GROUP ON SENATE PRACTICES AND PROCEDURES, 1982–1983

In the wake of continuing controversy over inefficiencies in Senate operations, a two-person Study Group was established in 1982 (S. Res. 392) to propose improvements. Former Senators Abraham Ribicoff of Connecticut and James Pearson of Kansas composed the Study Group. In 1983, they submitted their report to the Rules and Administration Committee; the report suggested, among other things, that limits be placed on filibusters, that a permanent Senate Presiding Officer be elected, that the Senate consolidate its committees into fewer units, and that the budget process be simplified. The Study Group's proposals were the subject of a hearing, but the Senate took no formal action on its package of recommendations.

TEMPORARY SELECT COMMITTEE TO STUDY THE SENATE COMMITTEE SYSTEM, 1984

In June 1984, the Senate established another Select Committee to recommend improvements in the operation of the committee system. Senator Dan Quayle of Indiana was named the panel's chairman. In December 1984, the panel submitted its recommendations for change, which stressed committee assignment limitations (bolstering requirements imposed by the Stevenson Committee). In addition, the Select Committee proposed formation of a Joint Intelligence Oversight Committee, a procedure to restrict the offering of non-germane amendments and certain debate limitations to curb some filibusters. When the 99th Congress convened (1985), some progress was made in reducing the number of committee assignments per Senator.

Needless to say, there have been many other institutional reorganization initiatives since the 1946 LRA. Several come quickly to mind: the various budget acts, the War Powers Resolution, campaign finance changes, the televising of House and Senate floor sessions, seniority revisions, ethics reviews, party caucus inquiries, and modifications in Senate filibuster practices. Congress, in short, is not some "creaky institution" incapable of revamping its internal procedures, processes, and operations. However, nearly thirty years have passed since the legislative branch conducted a systematic and comprehensive examination of its operation and organization. Given contemporary challenges wrought by the "new world order," it may be time once again for Congress to focus on its capabilities for effective governance.

Mr. DOMENICI. Mr. President, it is a pleasure to join my distinguished House and Senate colleagues today to support an examination of our congressional structure.

This is a fairly straight forward effort. This Joint Committee on the Organization of Congress is proposed because responsible lawmakers and citizens alike recognize there is a need to be more effective.

Our country is faced with many pressing social and economic demands that merit serious and reasoned attention. Consequently, Congress has an extraordinary responsibility for balancing citizens' expectations with its own ability to respond in an efficient and productive manner.

We are suggesting that operationally we probably should and can do better.

When I came to the Senate almost 20 years ago, I remember being astounded that the U.S. Senate did not have a systemic or formal process for reviewing the U.S. budget—that, in fact, we could not coordinate our taxing and spending policies. This problem was addressed by The Joint Study Committee on Budget Control, and legislation subsequently created the Congressional Budget Office and the House and Senate Budget Committees.

Also looking back 20 years ago, I remember being astounded by, as well as in awe of, my fellow colleagues who mastered the multitude of tasks, who understood the overlapping jurisdictions of the committees and subcommittees, and who comprehended the often erratic but apparently effective floor procedures. It did not take me too long to learn, however, that there was mounting frustration and concern.

In fact, these lawmakers were having serious problems juggling the legitimate demands of their work while trying to address simultaneously a comprehensive and often conflicting national policy agenda. As a newly elected Senator, ranking 99th in seniority, I may have felt some solace knowing that veteran lawmakers were sharing my concerns. However, it did little to alleviate my fear that I simply could not accomplish the goals I had set for myself, let alone meet the basic expectations of the people of New Mexico.

Subsequently, the undercurrent of discontent resulted in numerous commissions and task forces to assess our procedures and overall operations. In 1976, I was asked to serve on the bipartisan Temporary Select Committee to Study the Senate Committee System. I was fortunate to serve under the able leadership of the late Senator Adlai Stevenson, III. As a result of our efforts and recommendations, the Senate passed legislation that resulted in major jurisdictional changes in the committee structure. With a few exceptions, these changes are still in effect today.

I learned a great deal from this experience. One of the most important elements was that our institutional structure could be adjusted to address the amalgamation of demands, expectations, and duties. Second, I learned that this is an evolving process that demands periodic review and analysis, which has happened numerous times since this legislation was passed in 1977.

Therefore, today we are recommending that we again examine many of these important issues and provide recommendations for reforming some of our procedures and systems. While we will address numerous issues, I have two areas that I believe merit attention.

First, I have a very special interest in how this country addresses its science and technology issues and policies. In many respects, science and technology is the primary repository and indicator of our socioeconomic health and growth. However, as stated well in the Carnegie Commission's report on Science, Technology, and Government:

> Because authority in Congress is highly decentralized, examining science and technology as a whole and coordinating the often overlapping activities of the many committees and subcommittees with science and technology-related responsibilities are often difficult. . . . This decentralization of responsibility makes the exchange of scientific and technical information among committees and subcommittees in both houses of Congress a particular challenge. It also presents challenges to those in the scientific community who desire to stay informed of congressional S&T-related activities and to those who may wish to provide information to legislators and their staff.

It is my hope that we can begin to take a serious and reasoned look at this issue. Considerable examination of this problem has already been accomplished by the Carnegie Commission on Science, Technology, and Government, and I am hopeful we will be able to draw upon their expertise and counsel in this process.

My second area of interest is that we examine how Congress utilizes its specific support agencies: the Congressional Budget Office, the General Accounting Office, the Office of Technology Assessment, and the Congressional Research Service.

Over the years we have come to recognize that we must have technical and analytical support to help us in our decisionmaking. Over the years, these support agencies have been responsive and in many ways have contributed signficantly to a sounder national

agenda. At the same time, how we in Congress use these services and how well these entities can respond to our increasing demands and needs should be analyzed. To be frank, there appears to be a duplication of services and overlapping responsibilities among these organizations.

A multitude of options for data and technical assistance is often seen as advantageous. However, this is not always the case. The issue of quality control, adequate review and analysis of the findings, and the overall general efficiency of the organizations in relation to their work for Congress should be reviewed. With dwindling resources, and concomitant increases in our and their workloads, it makes only good sense to examine how we can streamline and improve our partnerships.

Mr. President, this commission is most fortunate to be able to draw upon previous efforts of other congressional groups' analyses and recommendations. The Committee on Rules and Administration is to be commended for its fine 1988 "Report on Senate Operations," and I believe we will be able to use these recommendations as a baseline for our own deliberations.

Given what we elected officials want and need to do to address the multiple and complex issues of this country, as well as fulfill what I believe the American public expects of us, I have gladly joined this effort to assess our congressional operations. Hopefully, in the short timeframe we have to do this examination, particularly in light of the complexities involved, we can provide some thoughtful and workable recommendations.

Moreover, we are in a very favorable position to assess the important relationships between both Houses of Congress. We have mutual objectives in common: We all believe we owe it to the American public to be as responsive and effective as possible. This commisson will do its best. I hope our efforts will result in valuable and concrete proposals for a system that once again merits some change. Thank you.

SENATE CONCURRENT RESOLUTION 58—WAIVING PROVISIONS OF THE LEGISLATIVE REORGANIZATION ACT

Mr. MITCHELL submitted the following concurrent resolution; which was considered and agreed to.

S. CON. RES. 58

Resolved by the Senate (the House of Representatives concurring), That notwithstanding the provisions of section 132(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 198), as amended by section 461 of the Legislative Reorganization Act of 1970 (Public Law 91-510; 84 Stat. 1193), the Senate and the House of Representatives shall not adjourn for a period in excess of three days, or adjourn sine die, until both Houses of Congress have adopted a concurrent resolution providing either for an adjournment (in excess of three days) to a day certain, or for adjournment sine die.

SENATE RESOLUTION 163—TO AMEND THE STANDING RULES OF THE SENATE

Mr. DOLE submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 163

Resolved, Rule XXXVII of the Standing Rules of the Senate is hereby amended to add a new paragraph as follows:

"Notwithstanding section 501(c) of Title V of the Ethics in Government Act of 1978 as amended, honoraria may be paid on behalf of a Member, officer or employee of the United States Senate to a charitable organization, without any restriction on the amount of such honoraria.

No honoraria paid on behalf of a Member, officer or employee of the United States Senate shall be made to a charitable organization from which such individual or a parent, sibling, spouse, child or dependent relative of such individual derives any financial benefit."

SENATE RESOLUTION 164—TO COMMEND WILLIAM H. WEBSTER FOR EXCEPTIONALLY DISTINGUISHED SERVICE TO THE UNITED STATES

Mr. BOREN (for himself, Mr. MURKOWSKI, Mr. CHAFEE, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. GLENN, Mr. GORTON, Mr. RUDMAN, and Mr. WARNER) submitted the following resolution; which was considered and agreed to:

S. RES. 164

Whereas William H. Webster has served his Nation with exceptional dedication, honor and distinction for over 25 years and has been appointed to important federal positions by five different Presidents;

Whereas William H. Webster began his extraordinary public service as lieutenant in the United States Navy in World War II and the Korean War before becoming the United States Attorney for the Eastern District of Missouri in 1960;

Whereas William H. Webster continued his selfless devotion to public service as a Judge of the United States District Court for the Eastern District of Missouri and, subsequently, as a Judge of the United States Court of Appeals for the Eighth Circuit;

Whereas William H. Webster served with unparalleled probity and effectiveness as Director of the Federal Bureau of Investigation for nine years;

Whereas William H. Webster's commitment to competent and professional administration and his profound sense of moral and legal propriety were crucial in enabling the Federal Bureau of Investigation to make major achievements in the areas of counterintelligence and counterterrorism, and in combatting government corruption and organized crime;

Whereas William H. Webster brought an extraordinary integrity and dedication to principle and the rule of law to the Central Intelligence Agency during a troubled period and restored public and congressional confidence in that critical institution;

Whereas William H. Webster provided the Central Intelligence Agency with outstanding direction in a period of unprecedented world change and left the Agency well-positioned to confront the challenges of the 1990's and beyond;

Whereas William H. Webster provided excellent leadership to the national intelligence community's critical contribution to the historic victory in Operation Desert Storm; and

Whereas William H. Webster has earned the deep respect, admiration, and trust of the highest officials in the executive and legislative branches of our Government, and particularly of the present and former members of the Intelligence Committees of the Senate and the House of Representatives for his unstinting honesty and integrity in the service of his country: Now therefore, be it,

Resolved, That on the occasion of his retirement from federal service, the United States express and record its deep appreciation to William H. Webster for his exceptionally distinguished service to the federal judiciary, to the Federal Bureau of Investigation, to the Central Intelligence Agency, to the national intelligence community, and to the people of the United States.

AMENDMENTS SUBMITTED

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

ROTH (AND OTHERS) AMENDMENT NO. 948

Mr. ROTH (for himself, Mr. KENNEDY, Mr. MCCONNELL, Mr. BINGAMAN, and Mr. LEAHY) proposed an amendment to the bill (S. 1507) to authorize appropriations for fiscal years 1992 and 1993 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 years for the Armed Forces, and for other purposes, as follows:

On page 112, between lines 17 and 18, insert the following new section:

SEC. 530. AUTHORIZATION FOR THE ASSIGNMENT OF FEMALE MEMBERS OF THE ARMED FORCES TO DUTY IN COMBAT AIRCRAFT.

(a) ARMY.—(1) Chapter 343 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 3549. Duties: female members; combat duty

"The Secretary of the Army may prescribe the conditions under which female members of the Army may be assigned to duty in aircraft that are engaged in combat missions.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 3548 the following new item:

"3549. Duties: female members; combat duty.".

(b) NAVY AND MARINE CORPS.—Section 6015 of title 10, United States Code, is amended in the third sentence—

(1) by inserting "(a)" before the first sentence;

(2) by striking out "or in aircraft";

(3) by inserting "(other than as aviation officers as part of an air wing or other air ele-

ment assigned to such a vessel)" after "combat missions";

(4) by inserting "other" after "temporary duty on"; and

(5) by adding at the end the following new subsection:

"(b) The Secretary of the Navy may prescribe the conditions under which female members of the Navy and Marine Corps may be assigned to duty in aircraft that are engaged in combat missions."

(c) AIR FORCE.—(1) Section 8549 of title 10, United States Code, is amended to read as follows:

"§ 8549. Duties: female members; combat duty

"The Secretary of the Air Force may prescribe the conditions under which female members of the Air Force may be assigned to duty in aircraft that are engaged in combat missions.".

(2) The item relating to section 8549 in table of sections at the beginning of chapter 843 of such title is amended to read as follows:

"8549. Duties: female members; combat duty.".

(d) RULE OF CONSTRUCTION.—This section shall be construed only as an expression of an intent of Congress to permit the assignment of female personnel of the Armed Forces of the United States to duty in aircraft that are engaged in combat missions.

(3) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on October 1, 1991.

In section 2(b), amend the table of contents by inserting after the item relating to section 529 the following new item:

Sec. 530. Authorization for the assignment of female members of the Armed Forces to duty in combat aircraft.

GLENN (AND OTHERS) AMENDMENT NO. 949

Mr. GLENN (for himself, Mr. MCCAIN, Mr. NUNN, and Mr. WARNER) proposed an amendment to the bill S. 1507, supra, as follows:

On page 112, between line 17 and 18, insert the following new section:

SEC. 530. AUTHORITY TO WAIVE COMBAT EXCLUSION LAWS.

(a) COMPREHENSIVE RESEARCH AND ANALYSIS REQUIRED.—The Commission on the Assignment of Women in the Armed Forces, established under section 521, shall conduct comprehensive research and analyses regarding the potential for women in the Armed Forces to serve in combat positions.

(b) INFORMATION NEEDS TO BE DEFINED.—The Commission, as a priority matter, shall determine the types of information necessary for its research and analysis that can best be obtained through the assignment of women to combat positions on a test basis.

(c) NOTIFICATION OF SECRETARY OF DEFENSE REGARDING INFORMATION NEEDS.—The Commission shall promptly advise the Secretary of Defense of its needs for information determined pursuant to subsection (b). The Commission may request that the Secretary of Defense require the assignment of women to combat positions on a test basis in order to develop that information.

(d) WAIVER AUTHORITY.—The Secretary of Defense, in consultation with the Commission, may conduct test assignments of women to combat positions and may waive sections 6015 and 8549 of title 10, United States Code, and any other restriction that applies under Department of Defense regulations or policies to the assignment of women to combat positions in order to conduct such test assignments.

GORE AMENDMENT NO. 950

Mr. GORE proposed an amendment to the bill S. 1507, supra, as follows:

On page 32, strike out line 16 and all that follows through page 44, line 3, and insert in lieu thereof the following:

SEC. 211. MISSILE DEFENSE ACT OF 1991.

(a) GOAL.—It is a goal of the United States to—

(1) provide highly effective surface-based theater missile defenses (TMD) to United States forward-deployed and expeditionary armed forces and to our friends and allies:

(2) maintain strategic stability; and

(3) continue, within the limits provided in this section, to carry out a vigorous program of research and development of technologies relating to the strategic defense of the United States against attack by ballistic missiles.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—To implement this goal, Congress directs the Secretary of Defense to take the actions described in paragraph (2) and urges the President to take the actions described in paragraph (3).

(2) ACTIONS OF THE SECRETARY OF DEFENSE.—

(A) SURFACED-BASED TMD OPTIONS.—The Congress directs the Secretary of Defense to aggressively pursue the development of a range of advanced surface-based TMD options, with the objective of downselecting and deploying such systems by the mid-1990s.

(B) DEPLOYMENT PLAN.—Within 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the deployment of TMDs. This plan, which shall be prepared in an unclassified as well as a classified version, shall cover matters such as costs, ability to meet stipulated threats, allied participation and any ABM compliance issues.

(3) PRESIDENTIAL ACTIONS.—Congress urges the President to pursue discussions to secure clarifications to the ABM Treaty, as required, to accompany testing and deployment of theater missile defenses, including clarification of such matters as the distinctions to be maintained between TMDs and anti-ballistic missile defenses (including the interceptors, radars and other related sensors of such defenses).

(c) TECHNOLOGY RESEARCH.—

(1) ANTI-BALLISTIC MISSILE TECHNOLOGIES.—To effectively develop technologies relevant to achieving the goal in subsection (a)(3), so as to provide future options for protecting the security of the United States and our allies and friends, robust research and development funding for promising technologies and related architectures is required.

(2) CONCEPTS OTHER THAN BRILLIANT PEBBLES.—The Secretary shall ensure that detailed consideration will be given to including among the architectures to be prepared for further study a class of ground-based concepts for limited defenses in which spaced-based interceptors are not included.

(3) REPORT AND LIMITATION.—The Secretary of Defense shall submit to the congressional defense committees a report on comparative costs and other tradeoffs relating to architectures including spaced-based interceptors and architectures excluding spaced-based interceptors. Not more than 50 percent of the funds authorized in subsection (f)(2)(C) for the Space-Based Interceptors program element in fiscal year 1992 may be obligated for the Brilliant Pebbles program until 90 days after submission of the report.

(d) PROGRAM ELEMENTS.—

(1) EXCLUSIVE ELEMENTS.—The following program elements shall be the exclusive program elements for Strategic Defense Initiative:

(A) Limited Defense System.

(B) Theater Missile Defenses.

(C) Space-Based Interceptors.

(D) Other Follow-On Systems.

(E) Research and Support Activities.

(2) APPLICABILITY TO BUDGET FOR FISCAL YEARS AFTER FISCAL YEAR 1992.—The program elements in paragraph (1) shall be the only program elements used in the program and budget provided concerning the Strategic Defense Initiative submitted to Congress by the Secretary of Defense in support of the budget submitted to Congress by the President under section 1105 of title 31, United States Code, for any fiscal year after fiscal year 1992.

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION OBJECTIVES.—

(1) LIMITED DEFENSE SYSTEM.—The Limited Defense System program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective the development of systems, components, and architectures for antiballistic missile systems capable of providing a highly effective defense of the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks, but below a stipulated threshold (to be defined and justified by the Secretary in a report to the congressional defense committees) that could bring into question the stability of United States and Soviet forces. Such activities shall also include those necessary to develop and test systems, components, and architectures as part of an ABM Treaty-compliant defensive program within the current limitations of the 1972 ABM Treaty.

(2) THEATER MISSILE DEFENSES.—The Theater Missile Defenses program element shall include programs, projects, and activities, including those previously associated with the Tachnical Missile Defense Initiative, which have as primary objectives the following:

(A) The development of deployable and rapidly relocatable advanced theater missile defenses capable of defending forward-deployed and expeditionary United States armed forces. Such a program shall have the objective of downselecting and deploying more capable TMD systems by the mid-1990s.

(B) Cooperation with friendly and allied nations in the development of theater defenses against tactical or theater ballistic missiles.

(3) SPACE-BASED INTERCEPTORS.—The Space-Based Interceptors program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective conducting research on space-based kinetic-kill interceptors and associated sensors that could provide an overlay to ground-based anti-ballistic missile interceptors.

(4) OTHER FOLLOW-ON SYSTEMS.—The Other Follow-On Systems program element shall include programs, projects, and activities which have as a primary objective the development of technologies capable of supporting systems, components, and architectures that could provide highly effective defenses for the future.

(5) RESEARCH AND SUPPORT ACTIVITIES.—The Research and Support Activities program element shall include programs, projects, and activities which have a primary objectives the following:

(A) The provision of basic research and technical, engineering, and managerial support to the programs, projects, and activities within the program elements referred to in paragraphs (1) through (4).

(B) Innovative science and technology projects.

(C) The provision of test and evaluation services.

(D) Program management.

(f) FUNDING.—

(1) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 for fiscal year 1992 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1992, not more than $4,600,000,000 may be obligated for the Strategic Defense Initiative.

(2) SPECIFIC AMOUNTS FOR THE PROGRAM ELEMENTS.—Of the amount described in paragraph (1)—

(A) not more than $1,550,530,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(B) not more than $857,460,000 shall be available for programs, projects, and activities within the Theater Missile Defense program element;

(C) not more than $625,383,000 shall be available for programs, projects, and activitis within the Space-Based Interceptors program element;

(D) not more than $744,609,000 shall be available for programs, projects, and activities within the Other Follow-On Systems program element; and

(E) not more than $822,018,000 shall be available for programs, projects, and activities within the Research and Support Activities program element.

(3) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Stratetic Defense Initiative for fiscal year 1992. The report shall specify the amount of such funds allocated for each program, project, and activity of the Strategic Defense Initiative and shall list each program, project, and activity under the appropriate program element.

(4) TRANSFER AUTHORITY.—

(A) IN GENERAL.—Before the submission of the report required under paragraph (3) and notwithstanding the limitations set forth in paragraph (2), the Secretary of Defense may transfer funds among the program elements described in paragraph (2).

(B) LIMITATION.—The total amount that may be transferred to or from any program element described in paragraph (2)—

(i) may not exceed 10 percent of the amount provided in such paragraph for the program element from which the transfer is made; and

(ii) may not exceed the amount that results in an increase of more than 10 percent of the amount provided in such paragraph for the program element to which the transfer is made.

(C) MERGER AND AVAILABILITY.—Amounts transferred pursuant to subparagraph (A) shall be merged with and be available for the same purposes as the amounts to which transferred.

(g) DEFINITION.—In this section, the term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

EMERGENCY UNEMPLOYMENT COMPENSATION ACT

GORTON AMENDMENT NO. 951

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill (S. 1554) to provide emergency unemployment compensation, and for other purposes, as follows:

On page 28, after line 22, insert:

(d) COUNTIES WITH SIGNIFICANT UNEMPLOYMENT.—If, with respect to any period described in subsection (c)—

(1) the average total rate of unemployment in a county or equivalent subdivision of a State equals or exceeds 120 percent of the average total rate of unemployment for the State, and

(2) another period with a higher applicable range would be in effect for such county, the Governor of a State may elect to treat such county as a State for purposes of this Act for any week beginning after such other period and before July 4, 1992.

On page 28, line 20, before the comma, insert "(or county)".

On page 29, line 1, stike "(d)" and insert "(c)".

On page 36, line 2, after "State" insert "(or county)".

KASTEN AMENDMENT NO. 952

(Ordered to lie on the table.)

Mr. KASTEN submitted an amendment intended to be proposed by him to an amendment to the bill S. 1554, supra, as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . SENSE OF THE SENATE REGARDING THE REPEAL OF THE LUXURY EXCISE TAX ON BOATS.

It is the sense of the Senate that—

(1) the luxury excise tax on boats has imposed an unfair burden on boat workers, manufacturers, and retailers;

(2) the luxury excise tax on boats has brought the loss of up to 18,000 jobs in the boat building and retailing industry;

(3) middle-class workers and small businesses, not the wealthy, are harmed by the tax;

(4) the luxury excise tax on boats is costing the Government more in lost income tax receipts, payroll tax receipts, additional unemployment compensation, and compliance and enforcement costs than the revenue generated by such tax on boats;

(5) the luxury excise tax forces small business people to become tax collectors and enforcers for the Internal Revenue Service;

(6) the luxury excise tax on boats is harming one of America's strongest domestic industries and aiding our foreign competitors;

(7) the luxury excise tax on boats is contributing to the depth and severity of the recession and helping ensure that economic recovery will be more difficult; and

(8) the House of Representatives should immediately adopt and send to the Senate for consideration legislation to repeal the luxury excise tax on boats.

MACK AMENDMENT NO. 953

(Ordered to lie on the table.)

Mr. MACK submitted an amendment intended to be proposed by him to the bill S. 1554, supra, as follows:

At the end of the bill, add the following new title:

TITLE II—CAPITAL GAINS

SEC. 201. SHORT TITLE.

This title may be cited as the "Economic Growth and Venture Capital Act of 1991".

SEC. 202. REDUCTION IN INDIVIDUAL CAPITAL GAINS RATE.

(a) GENERAL RULE.—Subsection (h) of section 1 of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended to read as follows:

"(h) MAXIMUM CAPITAL GAINS RATE.—

"(1) IN GENERAL.—If a taxpayer has a net capital gain for any taxable year, then the tax imposed by this section shall not exceed the sum of—

"(A) a tax computed at the rates and in the same manner as if this subsection had not been enacted on the taxable income reduced by the net capital gain, plus

"(B) a tax equal to the sum of—

"(i) 7.5 percent of so much of the net capital gain as does not exceed—

"(I) the maximum amount of taxable income to which the 15-percent rate applies under the table applicable to the taxpayer, reduced by

"(II) the taxable income to which subparagraph (A) applies, plus

"(ii) 15 percent of the net capital gain in excess of the net capital gain to which clause (i) applies.

"(2) TRANSITIONAL RULE.—In the case of a taxable year which includes March 7, 1991, the amount of the net capital gain for purposes of paragraph (1) shall not exceed the net capital gain determined by only taking into account gains and losses properly taken into account for the portion of the taxable year after such date."

(b) TECHNICAL AMENDMENTS.—

(1) Paragraph (1) of section 170(e) of such Code is amended by striking "the amount of gain" in the material following subparagraph (B)(ii) and inserting "13/28 (19/34 in the case of a corporation) of the amount of gain".

(2)(A) The second sentence of section 7518(g)(6)(A) of such Code is amended by striking "28 percent (34 percent in the case of a corporation)" and inserting "15 percent".

(B) The second sentence of section 607(h)(6)(A) of the Merchant Marine Act, 1936, is amended by striking "28 percent (34 percent in the case of a corporation)" and inserting "15 percent".

SEC. 203. REDUCTION IN CORPORATE CAPITAL GAINS RATE.

(a) GENERAL RULE.—Section 1201 of the Internal Revenue Code of 1986 (relating to alternative tax for corporations) is amended by redesignating subsection (b) as subsection (c), and by striking subsection (a) and inserting the following:

"(a) GENERAL RULE.—If for any taxable year a corporation has a net capital gain, then, in lieu of the tax imposed by section 11, 511, or 831(a) (whichever applies), there is hereby imposed a tax (if such tax is less than the tax imposed by such section) which shall consist of the sum of—

"(1) a tax computed on the taxable income reduced by the net capital gain, at the same rates and in the same manner as if this subsection had not been enacted, plus

"(2) a tax of 15 percent of the net capital gain.

"(b) TRANSITIONAL RULE.—In the case of a taxable year which includes March 7, 1991, the amount of the net capital gain for purposes of subsection (a) shall not exceed the net capital gain determined by only taking into account gains and losses properly taken into account for the portion of the taxable year after such date."

(b) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 852(b)(3)(D) of such Code is amended by striking "66 percent" and inserting "85 percent".

(2) Paragraphs (1) and (2) of section 1445(e) of such Code are each amended by striking "34 percent" and inserting "15 percent".

SEC. 204. REDUCTION OF MINIMUM TAX RATE ON CAPITAL GAINS.

Subparagraph (A) of section 55(b)(1) of the Internal Revenue Code of 1986 (relating to tentative minimum tax) is amended to read as follows:

"(A) the sum of—

"(i) 15 percent of the lesser of—

"(I) the net capital gain (determined with the adjustments provided in this part and (to the extent applicable) the limitations of sections 1(h)(2) and 1201(b)), or

"(II) so much of the alternative minimum taxable income for the taxable year as exceeds the exemption amount, plus

"(ii) 20 percent (24 percent in the case of a taxpayer other than a corporation) of the amount (if any) by which the excess referred to in clause (i)(II) exceeds the net capital gain (as so determined), reduced by".

SEC. 205. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

(a) IN GENERAL.—Part II of subchapter O of chapter 1 of the Internal Revenue Code of 1986 (relating to basis rules of general application) is amended by inserting after section 1021 the following new section:

"SEC. 1022. INDEXING OF CERTAIN ASSETS FOR PURPOSES OF DETERMINING GAIN OR LOSS.

"(a) GENERAL RULE.—

"(1) INDEXED BASIS SUBSTITUTED FOR ADJUSTED BASIS.—Except as provided in paragraph (2), if an indexed asset which has been held for more than 1 year is sold or otherwise disposed of, for purposes of this title the indexed basis of the asset shall be substituted for its adjusted basis.

"(2) EXCEPTION FOR DEPRECIATION, ETC.—The deduction for depreciation, depletion, and amortization shall be determined without regard to the application of paragraph (1) to the taxpayer or any other person.

"(b) INDEXED ASSET.—

"(1) IN GENERAL.—For purposes of this section, the term 'indexed asset' means—

"(A) stock in a corporation, and

"(B) tangible property (or any interest therein), which is a capital asset of property used in the trade or business (as defined in section 1231(b)).

"(2) CERTAIN PROPERTY EXCLUDED.—For purposes of this section, the term 'indexed asset' does not include—

"(A) CREDITOR'S INTEREST.—Any interest in property which is in the nature of a creditor's interest.

"(B) OPTIONS.—Any option or other right to acquire an interest in property.

"(C) NET LEASE PROPERTY.—In the case of a lessor, net lease property (within the meaning of subsection (h)(1)).

"(D) CERTAIN PREFERRED STOCK.—Stock which is fixed and preferred as to dividends and does not participate in corporate growth to any significant extent.

"(E) STOCK IN CERTAIN CORPORATIONS.—Stock in—

"(i) an S corporation (within the meaning of section 1361),

"(ii) a personal holding company (as defined in section 542), and

"(iii) a foreign corporation.

"(3) EXCEPTION FOR STOCK IN FOREIGN CORPORATION WHICH IS REGULARLY TRADED ON NATIONAL OR REGIONAL EXCHANGE.—Clause (iii) of paragraph (2)(E) shall not apply to stock in a foreign corporation the stock of which is listed on the New York Stock Exchange, the American Stock Exchange, or any domestic regional exchange for which quotations are published on a regular basis other than—

"(A) stock of a foreign investment company (within the meaning of section 1246(b)), and

"(B) stock in a foreign corporation held by a United States person who meets the requirements of section 1248(a)(2).

"(c) INDEXED BASIS.—For purposes of this section—

"(1) INDEXED BASIS.—The indexed basis for any asset is—

"(A) the adjusted basis of the asset, multiplied by

"(B) the applicable inflation ratio.

"(2) APPLICABLE INFLATION RATIO.—The applicable inflation ratio for any asset is the percentage arrived at by dividing—

"(A) the gross national product deflator for the calendar quarter in which the disposition takes place, by

"(B) the gross national product deflator for the calendar quarter in which the asset was acquired by the taxpayer (or, if later, the calendar quarter ending December 31, 1990).

The applicable inflation ratio shall not be taken into account unless it is greater than 1. The applicable inflation ratio for any asset shall be rounded to the nearest one-tenth of 1 percent.

"(3) GROSS NATIONAL PRODUCT DEFLATOR.—The gross national product deflator for any calendar quarter is the implicit price deflator for the gross national product for such quarter (as shown in the first revision thereof).

"(4) SECRETARY TO PUBLISH TABLES.—The Secretary shall publish tables specifying the applicable inflation ratios for each calendar quarter.

"(d) SPECIAL RULES.—For purposes of this section—

"(1) TREATMENT AS SEPARATE ASSET.—In the case of any asset, the following shall be treated as a separate asset:

"(A) a substantial improvement to property,

"(B) in the case of stock of a corporation, a substantial contribution to capital, and

"(C) any other portion of an asset to the extent that separate treatment of such portion is appropriate to carry out the purposes of this section.

"(2) ASSETS WHICH ARE NOT INDEXED ASSETS THROUGHOUT HOLDING PERIOD.—

"(A) IN GENERAL.—The applicable inflation ratio shall be appropriately reduced for calendar months at any time during which the asset was not an indexed asset.

"(B) CERTAIN SHORT SALES.—For purposes of applying subparagraph (A), an asset shall be treated as not an indexed asset for any short sale period during which the taxpayer or the taxpayer's spouse sells short property substantially identical to the asset. For purposes of the preceding sentence, the short sale period begins on the day after the substantially identical property is sold and ends on the closing date for the sale.

"(3) TREATMENT OF CERTAIN DISTRIBUTIONS.—A distribution with respect to stock in a corporation which is not a dividend shall be treated as a disposition.

"(4) SECTION CANNOT INCREASE ORDINARY LOSS.—To the extent that (but for this paragraph) this section would create or increase a net ordinary loss to which section 1231(a)(2) applies or an ordinary loss to which any other provision of this title applies, such provision shall not apply. The taxpayer shall be treated as having a long-term capital loss in an amount equal to the amount of the ordinary loss to which the preceding sentence applies.

"(5) ACQUISITION DATE WHERE THERE HAS BEEN PRIOR APPLICATION OF SUBSECTION (a)(1) WITH RESPECT TO THE TAXPAYER.—If there has been a prior application of subsection (a)(1) to an asset while such asset was held by the taxpayer, the date of acquisition of such asset by the taxpayer shall be treated as not earlier than the date of the most recent such prior application.

"(6) COLLAPSIBLE CORPORATIONS.—The application of section 341(a) (relating to collapsible corporations) shall be determined without regard to this section.

"(e) CERTAIN CONDUIT ENTITIES.—

"(1) REGULATED INVESTMENT COMPANIES; REAL ESTATE INVESTMENT TRUSTS; COMMON TRUST FUNDS.—

"(A) IN GENERAL.—Stock in a qualified investment entity shall be an indexed asset for any calendar month in the same ratio as the fair market value of the assets held by such entity at the close of such month which are indexed assets bears to the fair market value of all assets of such entity at the close of such month.

"(B) RATIO OF 90 PERCENT OR MORE.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 90 percent or more, such ratio for such month shall be 100 percent.

"(C) RATIO OF 10 PERCENT OR LESS.—If the ratio for any calendar month determined under subparagraph (A) would (but for this subparagraph) be 10 percent or less, such ratio for such month shall be zero.

"(D) VALUATION OF ASSETS IN CASE OF REAL ESTATE INVESTMENT TRUSTS.—Nothing in this paragraph shall require a real estate investment trust to value its assets more frequently than once each 36 months (except where such trust ceases to exist). The ratio under subparagraph (A) for any calendar month for which there is no valuation shall be the trustee's good faith judgment as to such valuation.

"(E) QUALIFIED INVESTMENT ENTITY.—For purposes of this paragraph, the term 'qualified investment entity' means—

"(i) a regulated investment company (within the meaning of section 851),

"(ii) a real estate investment trust (within the meaning of section 856), and

"(iii) a common trust fund (within the meaning of section 584).

"(2) PARTNERSHIPS.—In the case of a partnership, the adjustment made under subsection (a) at the partnership level shall be passed through to the partners.

"(3) SUBCHAPTER S CORPORATIONS.—In the case of an electing small business corporation, the adjustment under subsection (a) at the corporate level shall be passed through to the shareholders.

"(f) DISPOSITIONS BETWEEN RELATED PERSONS.—

"(1) IN GENERAL.—This section shall not apply to any sale or other disposition of property between related persons except to the extent that the basis of such property in the hands of the transferee is a substituted basis.

"(2) RELATED PERSONS DEFINED.—For purposes of this section, the term 'related persons' means—

"(A) persons bearing a relationship set forth in section 267(b), and

"(B) persons treated as single employer under subsection (b) or (c) of section 414.

"(g) TRANSFERS TO INCREASE INDEXING ADJUSTMENT OR DEPRECIATION ALLOWANCE.—If any person transfers cash, debt, or any other property to another person and the principal purpose of such transfer is—

"(1) to secure or increase an adjustment under subsection (a), or

"(2) to increase (by reason of an adjustment under subsection (a)) a deduction for depreciation, depletion, or amortization,

the Secretary may disallow part or all of such adjustment or increase.

"(h) DEFINITIONS.—For purposes of this section—

"(1) NET LEASE PROPERTY DEFINED.—The term 'net lease property' means leased real property where—

"(A) the term of the lease (taking into account options to renew) was 50 percent or more of the useful life of the property, and

"(B) for the period of the lease, the sum of the deductions with respect to such property which are allowable to the lessor solely by reason of section 162 (other than rents and reimbursed amounts with respect to such property) is 15 percent or less of the rental income produced by such property.

"(2) STOCK INCLUDES INTEREST IN COMMON TRUST FUND.—The term 'stock in a corporation' includes any interest in a common trust fund (as defined in section 584(a)).

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section."

(b) CLERICAL AMENDMENT.—The table of sections for part II of subchapter O of such chapter 1 of such Code is amended by inserting after the item relating to section 1021 the following new item:

"Sec. 1022. Indexing of certain assets for purposes of determining gain or loss."

(c) ADJUSTMENT TO APPLY FOR PURPOSES OF DETERMINING EARNINGS AND PROFITS.—Subsection (f) of section 312 of such Code (relating to effect on earnings and profits of gain or loss and of receipt of tax-free distributions) is amended by adding at the end thereof the following new paragraph:

"(3) EFFECT ON EARNINGS AND PROFITS OF INDEXED BASIS.—

"For substitution of indexed basis for adjusted basis in the case of the disposition of certain assets after December 31, 1990, see section 1022(a)(1).".

SEC. 206. INDEXING OF LIMITATION ON CAPITAL LOSSES OF INDIVIDUALS.

Section 1211 of the Internal Revenue Code of 1986 (relating to limitation on capital losses) is amended by adding at the end thereof the following new subsection:

"(c) INDEXATION OF LIMITATION ON NONCORPORATE TAXPAYERS.—

"(1) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1990, the $3,000 and $1,500 amounts under subsection (b)(1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the applicable inflation adjustment for the calendar year in which the taxable year begins."

"(2) APPLICABLE INFLATION ADJUSTMENT.—For purposes of paragraph (1), the applicable inflation adjustment for any calendar year is the percentage (if any) by which—

"(A) the gross national product deflator for the last calendar quarter of the preceding calendar year, exceeds

"(B) the gross national product deflator for the last calendar quarter of 1990.

For purposes of this paragraph, the term 'gross national product deflator' has the meaning given such term by section 1022(c)(3)."

SEC. 207. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall apply to sales or exchanges occurring after March 7, 1991, in taxable years ending after such date.

(b) INDEXING OF LOSS LIMITATION.—The amendments made by section 6 of this Act shall apply to taxable years beginning after December 31, 1990.

SEC. 208. EMERGENCY DESIGNATION.

(a) EMERGENCY DESIGNATION.—Pursuant to sections 251(b)(2)(D)(i) and 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the Congress hereby designates all changes in receipts provided by this title (for all fiscal years) as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) EFFECTIVENESS.—Notwithstanding any other provision of law or any other provision of this title, none of the preceding sections of this title shall take effect unless, not later than the date of the enactment of this Act, the President submits to the Congress a written designation of all changes in receipts provided by this title (for all fiscal years) as emergency requirements within the meaning of part C of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEARS 1992 AND 1993

GORE AMENDMENT NO. 954

Mr. GORE proposed an amendment to amendment No. 950 proposed by him to the bill S. 1507, supra, as follows:

Strike out all that follows the first word, and insert in lieu thereof the following:

SEC. 211. MISSILE DEFENSE ACT OF 1991.

(a) GOAL.—It is a goal of the United States to—

(1) provide highly effective surface-based theater missile defenses (TMD) to United States forward-deployed and expeditionary armed forces and to our friends and allies;

(2) maintain strategic stability; and

(3) continue, within the limits provided in this section, to carry out a vigorous program of research and development of technologies relating to the strategic defense of the United States against attack by ballistic missiles.

(b) IMPLEMENTATION.—

(1) IN GENERAL.—To implement this goal, Congress directs the Secretary of Defense to take the actions described in paragraph (2) and urges the President to take the actions described in paragraph (3).

(2) ACTIONS OF THE SECRETARY OF DEFENSE.—

(A) SURFACE-BASED TMD OPTIONS.—The Congress directs the Secretary of Defense to aggressively pursue the development of a range of advanced surface-based TMD options, with the objective of downselecting and deploying such systems by the mid-1990s.

(B) DEPLOYMENT PLAN.—Within 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the deployment of TMDs. This plan, which shall be prepared in an unclassified as well as a classified version, shall cover matters such as costs, ability to meet stipulated threats, allied participation and any ABM compliance issues.

(3) PRESIDENTIAL ACTIONS.—Congress urges the President to pursue discussions to secure clarifications to the ABM Treaty, as required, to accompany testing and deployment of theater missile defenses, including clarification of such matters as the distinctions to be maintained between TMDs and anti-ballistic missile defenses (including the interceptors, radars and other related sensors of such defenses).

(c) TECHNOLOGY RESEARCH.—

(1) ANTI-BALLISTIC MISSILE TECHNOLOGIES.—To effectively develop technologies relevant to achieving the goal in subsection (a)(3), so as to provide future options for protecting the security of the United States and our allies and friends, robust research and development funding for promising technologies and related architectures is required.

(2) CONCEPTS OTHER THAN BRILLIANT PEBBLES.—The Secretary shall ensure that detailed consideration will be given to including among the architectures to be prepared for further study a class of ground-based concepts for limited defenses in which spaced-based interceptors are not included.

(3) REPORT AND LIMITATION.—The Secretary of Defense shall submit to the congressional defense committees a report on comparative costs and other tradeoffs relating to architectures including spaced-based interceptors and architectures excluding space-based interceptors. Not more than 50 percent of the funds authorized in subsection (f)(2)(C) for the Space-Based Interceptors program element in fiscal year 1992 may be obligated for the Brilliant Pebbles program until 45 days after submission of the report.

(d) PROGRAM ELEMENTS.—

(1) EXCLUSIVE ELEMENTS.—The following program elements shall be the exclusive program elements for Strategic Defense Initiative:

(A) Limited Defense System.

(B) Theater Missile Defenses.

(C) Space-Based Interceptors.

(D) Other Follow-On Systems.

(E) Research and Support Activities.

(2) APPLICABILITY TO BUDGETS FOR FISCAL YEARS AFTER FISCAL YEAR 1992.—The program elements in paragraph (1) shall be the only program elements used in the program and budget provided concerning the Strategic Defense Initiative submitted to Congress by the Secretary of Defense in support of the budget submitted to Congress by the President under section 1105 of title 31, United States Code, for any fiscal year after fiscal year 1992.

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION OBJECTIVES.—

(1) LIMITED DEFENSE SYSTEM.—The Limited Defense System program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective the development of systems, components, and architectures for anti-ballistic missile systems capable of providing a highly effective defense of the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks, but below a stipulated threshold (to be defined and justified by the Secretary in a report to the congressional defense committees) that could bring into question the

stability of United States and Soviet forces. Such activities shall also include those necessary to develop and test systems, components, and architectures as part of an ABM Treaty-complaint defensive program within the current limitations of the 1972 ABM Treaty.

(2) THEATER MISSILE DEFENSES.—The Theater Missile Defenses program element shall include programs, projects, and activities, including those previously associated with the Tactical Missile Defense Initiative, which have as primary objectives the following:

(A) The development of deployable and rapidly relocatable advanced theater missile defenses capable of defending forward-deployed and expeditionary United States armed forces. Such a program shall have the objective of downselecting and deploying more capable TMD systems by the mid-1990s.

(B) Cooperation with friendly and allied nations in the development of theater defenses against tactical or theater ballistic missiles.

(3) SPACE-BASED INTERCEPTORS.—The Space-Based Interceptors program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective conducting research on space-based kinetic-kill interceptors and associated sensors that could provide an overlay to ground-based anti-ballistic missile interceptors.

(4) OTHER FOLLOW-ON SYSTEMS.—The Other Follow-On Systems program element shall include programs, projects, and activities which have as a primary objective the development of technologies capable of supporting systems, components, and architectures that could produce highly effective defenses for the future.

(5) RESEARCH AND SUPPORT ACTIVITIES.—The Research and Support Activities program element shall include programs, projects, and activities which have as primary objectives the following:

(A) The provision of basic research and technical, engineering, and managerial support to the programs, projects, and activities within the program elements referred to in paragraphs (1) through (4).

(B) Innovative science and technology projects.

(C) The provision of test and evaluation services.

(D) Program management.

(f) FUNDING.—

(1) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 for fiscal year 1992 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1992, not more than $4,600,000,000 may be obligated for the Strategic Defense Initiative.

(2) SPECIFIC AMOUNTS FOR THE PROGRAM ELEMENTS.—Of the amount described in paragraph (1)—

(A) not more than $1,550,530,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(B) not more than $857,460,000 shall be available for programs, projects, and activities within the Theater Missile Defense program element;

(C) not more than $625,383,000 shall be available for programs, projects, and activities within the Space-Based Interceptors program element;

(D) not more than $744,609,000 shall be available for programs, projects, and activities within the Other Follow-On Systems program element; and

(E) not more than $822,018,000 shall be available for programs, projects, and activities within the Research and Support Activities program element.

(3) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1992. The report shall specify the amount of such funds allocated for each program, project, and activity of the Strategic Defense Initiative and shall list each program, project, and activity under the appropriate program element.

(4) TRANSFER AUTHORITY.—

(A) IN GENERAL.—Before the submission of the report required under paragraph (3) and notwithstanding the limitations set forth in paragraph (2), the Secretary of Defense may transfer funds among the program elements described in paragraph (2).

(B) LIMITATION.—The total amount that may be transferred to or from any program element described in paragraph (2)—

(i) may not exceed 10 percent of the amount provided in such paragraph for the program element from which the transfer is made; and

(ii) may not exceed the amount that results in an increase of more than 10 percent of the amount provided in such paragraph for the program element to which the transfer is made.

(C) MERGER AND AVAILABILITY.—Amounts transferred pursuant to subparagraph (A) shall be merged with and be available for the same purposes as the amounts to which transferred.

(g) DEFINITION.—In this section, the term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

BROWN AMENDMENT NOS. 955 AND 956

(Ordered to lie on the table.)

Mr. Brown submitted two amendments intended to be proposed by him to the bill S. 1507, supra, as follows:

AMENDMENT NO. 955

At the appropriate place in the bill, add the following new section:

"SEC. . REPORTS CONCERNING USE OF MILITARY AIRCRAFT.

(a) REPORTS.—Not later than 180 days after enactment of this Act and annually thereafter, the Secretary of Defense shall submit to the Chairmen and Ranking Members of the appropriate congressional committees a report listing all military aircraft used for the sole or primary purpose of transporting senior military and governmental personnel. The report shall include:

(1) A list of all aircraft, including helicopters, dedicated to the transportation of senior military and governmental officials, including members of Congress;

(2) The frequency of use for each aircraft during the past year;

(3) The officer or government official who is able to make aircraft scheduling decisions for a particular aircraft;

(4) The annual cost of operations and maintenance for each of these aircraft;

(5) The passenger capacity of each aircraft;

(6) The average number of passengers per trip during the past year;

(7) A list of the number of passengers per trip per aircraft.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—The 'appropriate congressional committees' referred to in (a) above shall include the Armed Services Committees and Appropriations Committees of the House and the Senate."

AMENDMENT NO. 956

On page 402, between lines 5 and 6, insert the following new section:

SEC. 2847. TRANSFER OF JURISDICTION OVER ROCKY MOUNTAIN ARSENAL, COLORADO.

(a) TRANSFER OF JURISDICTION.—(1) Subject to subsection (b), the Secretary of the Army shall, without reimbursement and not later than October 1, 1993, transfer jurisdiction of the real property, and improvements thereon, comprising the Rocky Mountain Arsenal, Colorado, to the Secretary of the Interior.

(2) The exact acreage and legal description of the property to be transferred pursuant to paragraph (1) shall be determined by a survey mutually satisfactory to the Secretary of the Army and the Secretary of the Interior. The cost of the survey shall be borne by the Secretary of the Army.

(b) CONTINUING RESPONSIBILITY OF THE ARMY FOR ENVIRONMENTAL RESTORATION.—(1) The Secretary of the Army shall retain authority and control over the management of the property referred to in subsection (a) with respect to conducting cleanup and remediation activities relating to environmental restoration of such property under applicable provisions of law.

(2) Nothing in this section shall relieve, and no action may be taken under this section to relieve, the Secretary of the Army or others from any obligation or other liability to carry out or provide for the environmental restoration of the property referred to in subsection (a) under applicable provisions of law. Nothing in this section shall be construed to restrict or define the level of cleanup to be carried out under applicable provisions of law on the property referred to in subsection (a).

(3) In carrying out environmental restoration activities with respect to the property referred to in subsection (a), the Secretary of the Army shall consult with the Secretary of the Interior to ensure that such restoration is carried out in a manner consistent with the purposes described in subsection (c)(3).

(c) USE OF PROPERTY AS WILDLIFE REFUGE.—(1) Subject to paragraph (4), the Secretary of the Interior shall establish a national wildlife refuge consisting of the property described in paragraph (2). Upon establishment of the wildlife refuge, the Secretary shall publish in the Federal Register a notice of the establishment of the refuge. The Secretary shall select a name for the refuge after considering recommendations made by the advisory committee established by paragraph (5).

(2) The refuge shall consist of the entire property referred to in subsection (a) except for the portions of the property referred to in subsections (d) and (e).

(3) The purposes for which the wildlife refuge is established are as follows:

(A) To provide opportunities for environmental education, fish and wildlife-oriented recreation, and scientific research.

(B) To the extent it does not interfere with the well-being of wildlife populations using the refuge, to provide for nonconsumptive public use of the refuge for activities such as fishing, hiking, photography, bird watching, and outdoor enjoyment.

(C) To sustain the populations of migratory and resident species of wildlife char-

acteristic of the State of Colorado that exist within the refuge.

(D) To provide for the conservation and management of all fish and wildlife within the refuge.

(E) To fulfill the international treaty obligations of the United States respecting fish and wildlife.

(4)(A) The Secretary shall manage the refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee). However, the management of the refuge shall be subject to the cleanup and remediation activities relating to the environmental restoration of the property being carried out by the Secretary of the Army under applicable provisions of law.

(B) In managing the refuge as described in subparagraph (A), the Secretary of the Interior shall provide for the accommodation and preservation of the existing uses in section 33 consisting of the South Adams County Water Treatment Plant and the Irondale Water Treatment Facility.

(C) Notwithstanding section 4(a)(2) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd), no lands within the refuge may be annexed by a unit of general local government.

(D) There shall be only one public entrance to the wildlife refuge, which shall be located at or near the intersection of 72nd Street and Quebec Avenue in Commerce City, Colorado. Such public entrance shall be in addition to the access to the bald eagle observation area in existence on the date of the enactment of this Act.

(E) The Secretary of the Interior shall make available to the Secretary of the Army (at the request of such Secretary), without reimbursement, office space in existing buildings at Rocky Mountain Arsenal for the purpose of providing work space for Army personnel and others engaged in cleanup and remediation activities with respect to the property referred to in subsection (a).

(5)(A) There is hereby established an advisory committee to advise the Secretary of the Interior on matters related to the management of the refuge. The committee shall make recommendations to the Secretary concerning the selection of a name for the refuge.

(B) The committee shall consist of the following:

(i) One individual appointed by the Director of the United States Fish and Wildlife Service.

(ii) One individual appointed by the Secretary of the Army.

(iii) One individual appointed by the Mayor of Commerce City, Colorado.

(iv) One individual appointed by the Mayor of Denver, Colorado.

(v) One individual appointed by the Commissioners of Adams County, Colorado.

(vi) Three individuals appointed by the Governor of the State of Colorado from among individuals who are members of prominent local environmental groups.

(vii) One individual appointed by the Administrator of the Environmental Protection Agency.

(viii) The two United States Senators from the State of Colorado, or their designees.

(ix) The United States Representative from the district in which the wildlife refuge is located, or a designee of such Representative.

(x) The Colorado State Senator from the district in which the wildlife refuge is located, or a designee of such Senator.

(xi) The Colorado State Representative from the district in which the wildlife refuge is located, or a designee of such Representative.

(C) The Chairperson of the committee shall be elected by the members.

(D) The committee shall meet at least annually and at the call of the Secretary or a majority of its members.

(E) The provisions of section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) are hereby waived with respect to the committee.

(d) HIGHWAY RIGHTS-OF-WAY.—(1) Except as provided in paragraph (2), the Secretary of the Interior shall convey to the State or to the appropriate unit of general local government, at no cost, sufficient property located along the perimeter of the wildlife refuge to allow for the widening of public roads in existence on the date of the enactment of this Act.

(2)(A) The exact acreage and legal description of the property to be conveyed pursuant to paragraph (1) shall be determined by the Secretary in consultation with the appropriate State and local officials, but shall approximately consist of the following:

(i) Not more than 100 ft. of right-of-way on the northwest side of the refuge adjacent to Colorado Hwy. #2.

(ii) Not more than 100 ft. of right-of-way on the northern side of the refuge adjacent to 96th Avenue.

(iii) Not more than 100 ft. of right-of-way on the southern side of the refuge adjacent to 56th Avenue.

(iv) Not more than 100 ft. of right-of-way on the eastern side of the refuge adjacent to Buckley Avenue.

(B) Not later than 180 days after the date of the enactment of this Act, the Secretary shall notify the appropriate State and local officials concerning areas of the perimeter of the wildlife refuge where remediation and monitoring activities related to the environmental restoration of the property referred to in subsection (a) temporarily preclude the conveyance of property described in paragraph (1). Upon the conclusion of such activities, the Secretary shall convey such areas as referred to in paragraph (1).

(3) The Secretary shall not allow the construction of any public through-roads through the interior of the wildlife refuge.

(e) CONVEYANCE FOR PUBLIC OR COMMERCIAL USE.—(1)(A) Any part of the property referred to in subsection (a) that is not part of the refuge and is not conveyed under subsection (b) shall be sold by the Secretary of the Interior to public or private persons for the purpose of annexation by the City of Commerce City, Colorado, for use for public or commercial purposes.

(B) In conveying any property under subparagraph (A), the Secretary shall—

(i) retain for the United States a reversionary interest in the event any part of the property conveyed under subparagraph (A) is not annexed by the City of Commerce City, Colorado;

(ii) place restrictions on the deed that prohibit in perpetuity—

(I) the use of the property for residential or industrial purposes;

(II) the use of ground water located under, or surface water located on, the property as a source of potable water;

(III) hunting and fishing on the property, other than hunting and fishing for nonconsumptive use subject to appropriate restrictions; and

(IV) agricultural use of the property, including all farming activities such as the raising of livestock, crops, or vegetables, but excluding agricultural practices used as part of environmental restoration activities or erosion control; and

(iii) except in any case in which the person or entity to whom the property is transferred is a potentially responsible party with respect to such property, include in the deed a covenant warranting that—

(I) all remedial action necessary to protect human health and the environment (with respect to any hazardous substance remaining on the property) has been taken before the date of such conveyance; and

(II) any additional remedial action (with respect to any such hazardous substance remaining on the property) found to be necessary after the date of such conveyance shall be conducted by the United States.

(C) Nothing in this paragraph shall be construed to require the United States to take remedial action with respect to any hazardous substance on the property that was not placed there by the United States.

(2) The property to be conveyed pursuant to paragraph (1) is an area of land comprising approximately 815 acres. The approximate legal description of the property is as follows: "All of Section 9, T3S–R67W, Excluding the SW4; the W2W2 of Section 4 and the W4E2W2 of Sec. 4, T3S–R67W; The SW4SW4 of Sec. 33, and the W4E2W2 of Sec. 33, and all land located in the W2NW4 of Sec. 33, T2S–R67W; all located in the County of Adams, State of Colorado.".

(3) The proceeds of the sale of property pursuant to paragraph (1) shall be used, to the extent provided for in appropriation Acts, for activities associated with the refuge, including—

(A) construction of a visitor and education center;

(B) game management;

(C) passive recreational activities that do not interfere with or change the natural state of the wildlife refuge; and

(D) other activities relating to the wildlife refuge that the Secretary of the Interior determines appropriate.

(f) DEFINITIONS.—In this Act:

(1) The term "hazardous substance" has the meaning given such term in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14)).

(2) The term "refuge" means the Colorado Metropolitan National Wildlife Refuge established pursuant to section 3(a).

BINGAMAN (AND OTHERS) AMENDMENT NO. 957

Mr. BINGAMAN (for himself, Mr. WIRTH, and Mr. BAUCUS) proposed an amendment to the bill S. 1507, supra, as follows:

On page 32, strike out line 16 and all that follows through page 44, line 3, and insert in lieu thereof the following:

SEC. 211. MISSILE DEFENSE ACT OF 1991.

(a) GOAL.—It is a goal of the United States to maintain strategic stability with the Soviet Union while deploying an anti-ballistic missile (ABM) system, including one or possibly more than one ground-based anti-ballistic missile sites and space-based sensors, capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles and to provide highly effective theater missile defenses (TMD) to United States forward-deployed and expeditionary armed forces and to our friends and allies.

(b) IMPLEMENTATION.—To implement this goal, Congress—

(1) urges the President to begin negotiations with the Soviet Union to determine whether modest changes should be made to the ABM Treaty to permit—

(A) additional anti-ballistic missile sites and additional ground-based anti-ballistic missile interceptors;

(B) increased utilization of space-based sensors for direct battle management;

(C) clarification of what constitutes permissible development and testing of space-based missile defenses;

(D) increased flexibility for technology development of advanced ballistic missile defenses; and

(E) clarification of the distinctions between TMDs and anti-ballistic missile defenses, including interceptors and radars; and

(2) directs the Secretary of Defense—

(A) to aggressively pursue the development of a range of advanced TMD options, with the objective of downselecting and deploying ABM Treaty-compliant systems by the mid-1990s; and

(B) to develop for deployment at a single site by fiscal year 1996 a cost-effective and operationally effective and ABM Treaty-compliant anti-ballistic missile system that would be consistent with the anti-ballistic missile system described in subsection (a) designed to protect the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks and would include—

(i) 100 ground-based interceptors, the design of which is to be determined by competition and downselection for the most capable interceptor deployable by fiscal year 1996;

(ii) fixed, ground-based anti-ballistic missile battle management radar; and

(iii) optimum utilization of space-based sensors, including sensors capable of cueing ground-based anti-ballistic missile interceptors and providing initial targeting vectors, and other sensor systems that also are not prohibited by the ABM Treaty; and

(C) to submit to the congressional defense committees, within 180 days after the date of the enactment of this Act, a plan for the deployment of TMDs and an ABM system which meet the guidelines established in subparagraphs (A) and (B).

(c) FOLLOW-ON TECHNOLOGY RESEARCH.—

(1) FOLLOW-ON ANTI-BALLISTIC MISSILE TECHNOLOGIES.—To effectively develop technologies relevant to achieving the goal in subsection (a) and to provide future options for protecting the security of the United States and our allies and friends, robust research and development funding for promising follow-on anti-ballistic missile technologies is required.

(2) EXCLUSION OF BRILLIANT PEBBLES.—Deployment of Brilliant Pebbles is not included in the limited protection system architecture described in subsection (a).

(3) REPORT AND LIMITATION.—The Secretary of Defense shall submit to the congressional defense committees a report on conceptual and burdensharing issues associated with the option of deploying space-based interceptors for the purpose of providing global defenses against ballistic missile attacks. Not more than 50 percent of the funds authorized in subsection (f)(2)(C) for the Space-Based Interceptors program element in fiscal year 1992 may be obligated for the Brilliant Pebbles program until 45 days after the submission of the report.

(d) PROGRAM ELEMENTS.—

(1) EXCLUSIVE ELEMENTS.—The following program elements shall be the exclusive program elements for the Strategic Defense Initiative:

(A) Limited Defense System.

(B) Theater Missile Defenses.

(C) Space-Based Interceptors.

(D) Other Follow-On Systems.

(E) Research and Support Activities.

(2) APPLICABILITY TO BUDGETS FOR FISCAL YEARS AFTER FISCAL YEAR 1992.—The program elements in paragraph (1) shall be the only program elements used in the program and budget provided concerning the Strategic Defense Initiative submitted to Congress by the Secretary of Defense in support of the budget submitted to Congress by the President under section 1105 of title 31, United States Code, for any fiscal year after fiscal year 1992.

(e) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION OBJECTIVES.—

(1) LIMITED DEFENSE SYSTEM.—The Limited Defense System program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective the development of systems, components, and architectures for the anti-ballistic missile system described in subsection (a) that are capable of providing a highly effective defense of the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks, but below a threshold that would threaten mutual deterrence and strategic stability with the Soviet Union. Such activities shall also include those necessary to develop and test systems, components, and architectures capable of deployment by fiscal year 1996 as part of an ABM Treaty-compliant defensive system. For purposes of planning, evaluation, design, and effectiveness studies, such programs, projects, and activities may take into consideration both the current limitations of the 1972 ABM Treaty and modest changes to its numerical limitations and its limitations on the utilization of space-based sensors.

(2) THEATER MISSILE DEFENSES.—The Theater Missile Defenses program element shall include programs, projects, and activities, including those previously associated with the Tactical Missile Defense Initiative, which have as primary objectives the following:

(A) The development of deployable and rapidly relocatable advanced theater missile defenses capable of defending forward-deployed and expeditionary United States armed forces. Such a program shall have the objective of downselecting and deploying more capable ABM Treaty-compliant TMD systems by the mid-1990s.

(B) Cooperation with friendly and allied nations in the development of theater defenses against tactical or theater ballistic missiles.

(3) SPACE-BASED INTERCEPTORS.—The Space-Based Interceptors program element shall include programs, projects, and activities and supporting programs, projects, and activities which have as a primary objective conducting research on space-based kinetic-kill interceptors and associated sensors that could provide an overlay to ground-based ABM interceptors.

(4) OTHER FOLLOW-ON SYSTEMS.—The Other Follow-On Systems program element shall include programs, projects, and activities which have as a primary objective the development of technologies capable of supporting systems, components, and architectures that could produce highly effective defenses for the future.

(5) RESEARCH AND SUPPORT ACTIVITIES.—The Research and Support Activities program element shall include programs, projects, and activities which have as primary objectives—

(A) the provision of basic research and technical, engineering, and managerial support to the programs, projects, and activities within the program elements referred to in paragraphs (1) through (4);

(B) innovative science and technology projects;

(C) the provision of test and evaluation services; and

(D) program management.

(f) FUNDING.—

(1) TOTAL AMOUNT.—Of the amounts appropriated pursuant to section 201 for fiscal year 1992 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1992, not more than $4,600,000,000 may be obligated for the Strategic Defense Initiative.

(2) SPECIFIC AMOUNTS FOR THE PROGRAM ELEMENTS.—Of the amount described in paragraph (1)—

(A) not more than $1,550,530,000 shall be available for programs, projects, and activities within the Limited Defense System program element;

(B) not more than $857,460,000 shall be available for programs, projects, and activities within the Theater Missile Defenses program element;

(C) not more than $625,383,000 shall be available for programs, projects, and activities within the Space-Based Interceptors program element;

(D) not more than $744,609,000 shall be available for programs, projects, and activities within the Other Follow-On Systems program element; and

(E) not more than $822,018,000 shall be available for programs, projects, and activities within the Research and Support Activities program element.

(3) ENVIRONMENTAL IMPACT STATEMENT.—Of the amount appropriated pursuant to paragraph (2)(A)—

(A) up to $5,000,000 may be obligated and expended to carry out an expeditious site-specific Environmental Impact Statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) up to $40,000,000 may be obligated and expended to conduct refurbishment studies, site surveys, and technical assessments and analyses related to removing the Grand Forks ABM site from its deactivated status. The Congress expressly waives any and all requirements to evaluate alternative sites to the site at Grand Forks.

(4) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1992. The report shall specify the amount of such funds allocated for each program, project, and activity of the Strategic Defense Initiative and shall list each program, project, and activity under the appropriate program element.

(5) BRILLIANT PEBBLES.—Funds may be obligated for programs, projects, and activities which have as their primary purpose the support of the Brilliant Pebbles space-based interceptor system and associated sensors only through programs, projects, and activities within the Space-Based Interceptors program element.

(g) LIMITATION ON FULL SCALE DEVELOPMENT AND INITIAL LOW RATE PRODUCTION.—Before the Secretary of Defense proceeds with full scale development and with initial

low-rate production on the ABM Treaty-compliant system described in subsection (b)(2)(B), the President shall certify to Congress that such full-scale development or production is in the best interests of the United States and will not undermine strategic stability with the Soviet Union.

(h) REVIEW OF PROGRESS ON NEGOTIATIONS.—As deployment at the ABM site described in subsection (b)(2)(B) draws near to the deployment date of fiscal year 1996, the President and the Congress shall assess the progress in the ABM Treaty amendments negotiations. If the negotiations, in which the United States seeks to achieve the goal of subsection (a), have not been concluded, the President and the Congress shall consider the options available to the United States. To assist in this review process, the President shall submit to the Congress not later than May 1, 1994, an interim report on the progress of the negotiations.

(i) DEFINITION.—In this section, the term "ABM Treaty" means the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed in Moscow on May 26, 1972.

BROWN AMENDMENT NO. 958

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1507, supra, as follows:

At the appropriate place in the bill, add the following new section:

"SEC. . REPORTS CONCERNING USE OF MILITARY AIRCRAFT.

(a) REPORTS.—Not later than 180 days after enactment of this Act and annually thereafter, the Secretary of Defense shall submit to the Chairmen and Ranking Members of the appropriate congressional committees a report listing all military aircraft used for the sole or primary purpose of transporting senior military and governmental personnel. The report shall include:

(1) A list of all aircraft, including helicopters, dedicated to the transportation of senior military and governmental officials, including members of Congress;

(2) The frequency of use for each aircraft during the past year;

(3) The officer or government official who is able to make final decisions concerning aircraft release;

(4) The annual cost of operations and maintenance for each of these aircraft;

(5) The passenger capacity of each aircraft;

(6) The average number of passengers per trip during the past year;

(7) A list of the number of passengers per trip per aircraft.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES.—The 'appropriate congressional committees' referred to in (a) above shall include the Armed Services Committees and Appropriations Committees of the House and the Senate."

COATS AMENDMENT NO. 959

Mr. WARNER (for Mr. COATS) proposed an amendment to the bill S. 1507, supra, as follows:

On page 378, between lines 3 and 4, insert the following new section:

SEC. 2804. ENVIRONMENTAL PLAN FOR JEFFERSON PROVING GROUND, INDIANA.

(a) PLAN REQUIRED.—The Secretary of Defense shall prepare a plan for the environmental restoration and cleanup of the entire 55,000 acres of the Jefferson Proving Ground, Indiana (including all areas north and south of the firing line).

(b) CONTENT OF PLAN.—The plan shall include the following matters:

(1) An identification of the categories of potential alternative uses, including unrestricted use, for the entire installation following closure.

(2) For each of the potential use categories identified pursuant to paragraph (1), the following:

(A) An identification and detailed description of the activities necessary for environmental restoration and cleanup of the installation to a condition suitable for the uses in such category.

(B) A schedule (including milestones) for completing such environmental restoration and cleanup activities.

(C) The total estimated cost of completing such activities and the estimated cost of such activities for each fiscal year through fiscal year 1998.

(D) A description of any impediments to achieving successful environmental restoration and cleanup.

(c) PROPOSED PLAN.—Within 180 days after the date of the enactment of this Act, the Secretary shall—

(1) prepare a proposed plan;

(2) publish simultaneously in the Federal Register and in at least 2 newspapers of general circulation in Madison, Indiana, and the surrounding area a notice of the availability of the proposed plan, including the Secretary's request for comments on the proposed plan from the public; and

(3) provide copies of the proposed plan to appropriate State and local agencies authorized to develop and enforce environmental standards.

(d) OPPORTUNITIES FOR PUBLIC COMMENT.—(1) There shall be a period of at least 60 days for public comment on the proposed plan.

(2) The Secretary shall hold at least 1 public meeting on the proposed plan in the area of the Jefferson Proving Ground no sooner than 45 days after the date of the publication of the notice in the Federal Register required by subsection (c). The public may submit comments on the proposed plan at the meeting. The comments may be in either oral or written form.

(e) AVAILABILITY OF PUBLIC COMMENTS.—The Secretary shall make available to the public all comments received by the Secretary on the proposed plan.

(f) FINAL PLAN.—(1) At the same time that the President submits the budget to Congress for fiscal year 1994 pursuant to section 1105 of title 31, United States Code, the Secretary shall submit to the congressional defense committees the final plan required by subsection (a).

(2) The final plan shall include the Secretary's recommendations for uses of the Jefferson Proving Ground, the environmental restoration and cleanup actions necessary for such uses, and the Secretary's specific responses to each comment received on the proposed plan pursuant to subsection (d).

COATS (AND GLENN) AMENDMENT NO. 960

Mr. WARNER (for Mr. COATS, for himself and Mr. GLENN) proposed an amendment to the bill S. 1507, supra, as follows:

On page 297, between lines 18 and 19, insert the following new section:

SEC. 1125. SENSE OF CONGRESS RELATING TO COOPERATION BETWEEN THE MILITARY DEPARTMENTS OF BIG BROTHERS AND BIG SISTERS ORGANIZATIONS.

(a) FINDINGS.—Congress finds the following:

(1) The Big Brothers and Big Sisters consist of 499 independent organizations located across the United States that assist at-risk children and the families of such children by establishing mentor programs that foster one-to-one relationships between such children and concerned adult mentors.

(2) The Big Brothers and Big Sisters organizations annually assist approximately 110,000 such children.

(3) As a result of cooperation between the Department of Defense and Big Brothers and Big Sisters organizations, successful mentor programs have been established at several military installations located in the United States and overseas.

(4) There are an estimated 80,000 single-parent families, containing at least 80,000 at-risk youth, that are headed by members of the Armed Forces.

(5) Appropriately trained members of the Armed Forces are exceptionally qualified to serve as concerned adult mentors of at-risk youths in Big Brothers and Big Sisters mentor programs.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) additional cooperation between the military departments and the Big Brothers and Big Sisters organizations located in communities near military installations under the jurisdiction of such departments will assist members of the Armed Forces who serve at such installations and such communities in responding to the family support needs of such members and communities; and

(2) the military departments should take all practicable steps necessary to encourage such cooperation at military installations located in the United States and to promote the establishment of additional Big Brothers and Big Sisters organizations at such installations located overseas.

In section 2(b), amend the table of contents by inserting after the item relating to section 1124 the following new item:

1125. Sense of Congress relating to cooperation between the military departments and Big Brothers and Big Sisters organizations.

CONRAD (AND OTHERS) AMENDMENT NO. 961

Mr. LEVIN (for Mr. CONRAD, for himself, Mr. DASCHLE, Mr. EXON, Mr. HARKIN, and Mr. DIXON) proposed an amendment to the bill S. 1507, supra, as follows:

At the end of title VIII add the following:

"SEC. . REQUIREMENT FOR PURCHASE OF GASOHOL IN FEDERAL FUEL PROCUREMENTS WHEN PRICE IS COMPARABLE.

"(a) REQUIREMENT.—Section 2398 of title 10, United States Code, is amended—

(1) by inserting '(a) DOD MOTOR VEHICLES.—' before 'To the maximum extent'; and

(2) by adding at the end the following two new subsections:

'(b) OTHER FEDERAL FUEL PROCUREMENTS.—Consistent with the vehicle management practices prescribed by the heads of affected departments and agencies of the government and consistent with their obligation

under Executive Order Number 12261 to use gasohol to the maximum extent possible, whenever the Secretry of Defense enters into a contract for the procurement of unleaded gasoline that is subject to tax under section 4081 of title 26, United States Code, for motor vehicles of a department or agency of the Federal Government other than the Department of Defense, the Secretary shall buy alcohol-gasoline blends containing at least 10 percent domestically produced alcohol in any case in which the price of such fuel is the same as, or lower than, the price of unleaded gasoline.

'(c) SOLICITATIONS.—Whenever the Secretary solicits bids to procure unleaded gasoline under subsection (b), the Secretary shall expressly include in such solicitation a request for bids on alcohol-gasoline blends containing at least 10 percent domestically produced alcohol.'

"(b) EFFECTIVE DATE.—Section 2398(b) of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts awarded pursuant to solicitations issued after the expiration of the 180-day period beginning on the date of the enactment of this Act.

"(c) REPORT ON EXEMPTIONS.—The Secretary of Defense shall review all exemptions granted with respect to the Department of Defense, and the Administrator of the General Service Services Administration shall review all exemptions granted to federal agencies and departments, to the requirements of section 2398 of title 10, United States Code, and section 271 of the Energy Security Act (Public Law 96-294; 42 U.S.C. 8871). The Secretary and the Administrator shall terminate any exemptions granted under these laws that the Secretary and the Administrator determines are no longer appropriate. Not later than 90 days after the date of the enactment of this Act, the Secretary and the Administrator shall submit to Congress a report on the results of the review, with a justification for the exemptions that remain in effect under those provisions of law.

"(d) SENSE OF CONGRESS.—It is the sense of Congress that whenever any motor vehicle capable of operating on gasoline or alcohol-gasoline blends that is owned or operated by the Department of Defense or any other department or agency of the Federal Government is refueled, it shall be refueled with an alcohol-gasoline blend containing at least 10 percent domestically produced alcohol if available along the normal travel route of the vehicle at the same or lower price than unleaded gasoline."

DASCHLE (AND WOFFORD) AMENDMENT NO. 962

Mr. LEVIN (for Mr. DASCHLE, for himself and Mr. WOFFORD) proposed an amendment to the bill S. 1507, supra, as follows:

At the end of part B of title XI insert the following:

SEC. 1125. DEFENSE COST-SHARING AGREEMENTS, ACCOUNTING, AND REPORTING.

(a) DEFENSE COST-SHARING AGREEMENTS.—The President shall consult with foreign nations to seek to achieve, within 12 months after the date of the enactment of this Act, an agreement on appropriate defense cost-sharing with each foreign nation in which the United States has permanently stationed U.S. combat units. Each such defense cost-sharing agreement should provide that such nation agrees to share equitably with the United States, through cash compensation or in-kind contributions, or a combination thereof, the costs to the United States of maintaining military personnel or equipment in that nation.

(b) EXCEPTION.—The provisions of subsection (a) shall not apply to those countries which are eligible for Foreign Military Financing (FMF) assistance or Economic Support Fund (ESF) assistance.

(c) CONSULTATIONS.—In the consultations conducted under subsection (a), the President should make maximum feasible use of the Department of Defense and of the post of Ambassador at Large created by section 8125(c) of the Department of Defense Appropriations Act, 1989 (10 U.S.C. 113 note).

(d) ALLIES MUTUAL DEFENSE PAYMENTS ACCOUNTING.—The Secretary of Defense shall maintain an accounting for defense cost-sharing under each agreement entered into with a foreign nation pursuant to subsection (a). Such accounting shall show for such nation—

(1) the amount and nature of cost-sharing contributions agreed to;

(2) the amount of cost-sharing contributions delivered to date;

(3) the amount of additional contributions of such nation to any commonly funded multilateral programs providing for United States participation in the common defense:

(4) the amount of contributions made by the United States to any such commonly funded multilateral programs;

(5) the amount of the contributions of all other nations to any such commonly funded multilateral programs; and

(6) the cost to the United States of maintaining military personnel or equipment in that nation.

(e) REPORTING REQUIREMENTS.—(1) The annual Report on Allied Contributions to the Common Defense (required by Section 1003, P.L. 98-525, Department of Defense Authorization Act, 1985) shall include information on efforts and progress in carrying out the provisions of subsections (a) and (c).

(2) The report shall also contain the accounting of defense cost-sharing contributions maintained pursuant to subsection (d).

DIXON (AND OTHERS) AMENDMENT NO. 963

Mr. LEVIN (for Mr. DIXON, for himself, Mr. AKAKA, Mr. BOND, Mr. BOREN, Mr. D'AMATO, Mr. FORD, Mr. GLENN, Mr. GORE, Mr. GRAHAM, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSTON, Mr. LIEBERMAN, Mr. MCCAIN, Mr. MURKOWSKI, Mr. SHELBY, Mr. THURMOND, and Mr. WARNER) proposed an amendment to the bill S. 1507, supra; as follows:

On page 297, between lines 18 and 19, insert the following new section:

SEC. 1125. SENSE OF CONGRESS RELATING TO THE CONTRIBUTIONS TO OPERATION DESERT STORM MADE BY THE DEFENSE-RELATED INDUSTRIES OF THE UNITED STATES.

(a) FINDINGS.—Congress finds the following:

(1) The success of the Armed Forces of the United States in the prosecution of Operation Desert Storm is without parallel in the history of warfare.

(2) This success was due in great measure to the ready availability of weapons and weapon systems exhibiting remarkable accuracy through advanced technological design.

(3) These weapons and weapon systems were designed and produced by the defense-related industries of the United States.

(4) The Commander in Chief, United States Central Command, formulated a battle plan for Operation Desert Storm that relied on the availability and performance of these weapons and weapon systems.

(5) The successful use of these weapons and weapon systems in accordance with this plan resulted in astonishingly small numbers of killed and wounded among the Armed Forces of the United States and of the allied coalition.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the defense-related industries of the United States, and the men and women who work for such industries, deserve the gratitude and appreciation of the Congress and of the United States for the design and production of the technologically-advanced weapons and weapon systems that ensured victory by the United States and its international coalition allies in Operation Desert Storm;

(2) future decisions relating to the national security of the United States must take into account the need to maintain strong defense-related industries in the United States; and

(3) it is vitally important to the United States that the defense-related industries of the United States be capable of responding to the national security requirements of the United States.

In section 2(b), the table of contents, insert after the item relating to section 1124 the following new item:

Sec. 1125. Sense of Congress relating to the contributions to Operation Desert Storm made by the defense-related industries of the United States.

THURMOND (AND OTHERS) AMENDMENT NO. 964

Mr. WARNER (for Mr. THURMOND, for himself, Mr. DIXON, Mr. CRANSTON, and Mr. COATS) proposed an amendment to the bill S. 1507, supra, as follows:

On page 378, between lines 3 and 4, insert the following new section:

SEC. 2804. DISPOSITION OF CREDIT UNION FACILITIES ON MILITARY INSTALLATIONS TO BE CLOSED.

(a) GENERAL AUTHORITY.—Subject to subsection (b) and notwithstanding any other provision of law, on the date of the closure of a military installation pursuant to a base closure law the Secretary of the military department having jurisdiction over the installation—

(1) may convey to any credit union which conducts business in a facility located on such installation and constructed using funds of the credit union all right, title, and interest of the United States in and to that facility; and

(2) in the event of such conveyance, shall permit the credit union to purchase (for an amount determined by that Secretary) the land upon which that facility was constructed before offering such land for sale or other disposition to any other entity.

(b) LIMITATION.—The Secretary may not convey a facility to a credit union under subsection (a)(1) if the Secretary determines that the operation of a credit union business at such facility is inconsistent with the plan for the reuse of the installation developed in coordination with the community in which the facility is located.

(c) DEFINITION.—In this section, the term "base closure law" means the folowing:

(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of

Public Law 101-510; 104 Stat. 1808; 10 U.S.C. 2687 note).

(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(3) Section 2687 of title 10, United States Code.

(4) Any other similar law enacted after the date of the enactment of this Act.

In section 2(b), amend the table of contents by inserting after the item relating to section 2803 the following new item:

Sec. 2804. Disposition of credit union facilities on military installations to be closed.

FORD (AND STEVENS) AMENDMENT NO. 965

Mr. LEVIN (for Mr. FORD, for himself and Mr. STEVENS) proposed an amendment to the bill S. 1507, supra, as follows:

On page 72, between lines 16 and 17, insert the following new section:

SEC. 322. INAUGURATION ASSISTANCE.

(a) FURNISHING OF MATERIALS, SUPPLIES, AND SERVICES.—During fiscal years 1992 and 1993, the Secretary of Defense may, as the Secretary determines to be appropriate and under such conditions as the Secretary may prescribe, lend materials or supplies and provide materials, supplies, or services of personnel to the Inaugural Committee established under the first section of the Presidential Inaugural Ceremonies Act (36 U.S.C. 721 et seq.) or to the joint committee described in section 9 of the Act.

(b) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by section 2543 of title 10, United States Code.

GLENN AMENDMENT NO. 966

Mr. LEVIN (for Mr. GLENN) proposed an amendment to the bill S. 1507, supra, as follows:

In section 2(b) amend the table of contents by inserting after the item relating to section 626 the following new item:

Sec. 627. Extension of foreign post differentials to certain Federal employees who served in connection with Operation Desert Storm.

On page 147, insert between lines 12 and 13 the following new section:

SEC. 627. EXTENSION OF FOREIGN POST DIFFERENTIALS TO CERTAIN FEDERAL EMPLOYEES WHO SERVED IN CONNECTION WITH OPERATION DESERT STORM.

(a) AUTHORIZATION OF PAYMENT OF FOREIGN POST DIFFERENTIALS.—Civilian employees of the Department of Defense and the Department of State who served on temporary duty in connection with Operation Desert Storm during the Persian Gulf conflict for a period of more than 41 days in that area designated by the President in Executive Order 12744 as a combat zone are authorized payment of the foreign post differential established under section 5925(a) of title 5, United States Code. This section shall apply only with regard to service performed before the date of the enactment of this Act.

(b) DEFINITIONS.—For the purpose of this section the terms "Operation Desert Storm" and "Persian Gulf conflict" shall have the same meaning as such terms are defined under section 3 (1) and (3) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (10 U.S.C. 101 note), respectively.

McCAIN (AND GLENN) AMENDMENT NO. 967

Mr. WARNER (for Mr. MCCAIN, for himself and Mr. GLENN) proposed an amendment to the bill S. 1507, supra, as follows:

On page 177, between lines 2 and 3, insert the following new section:

SEC. 713. COMPREHENSIVE STUDY OF THE MILITARY HEALTH-CARE SYSTEM.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Secretary of Defense shall conduct a comprehensive study of the military medical care system and shall, not later than December 15, 1992, submit to the congressional defense committees a report on the study.

(b) CONDUCT OF STUDY.—The Secretary shall include as part of the study the following:

(1) A survey of members of the Armed Forces (including retired members), retired former members of the Armed Forces, and their dependents in order to—

(A) determine their attitudes regarding—

(i) the quality and availability of health and dental care under the military medical care system; and

(ii) the premiums, fees, copayments, and other charges imposed under that system; and

(B) identify other major areas of concern to such persons regarding the military medical care system.

(2) A comprehensive review of the existing methods of providing health and dental care through civilian health and dental care programs that are available as alternatives to the methods for providing such care through the existing military medical care system, including the results of experimental use of such alternative methods by the Department and the level of satisfaction of the persons who have received health or dental care pursuant to the experimental use of such alternative methods.

(c) CONTENT OF REPORT.—The report required by subsection (a) shall include the following:

(1) With respect to the military medical care system, the following:

(A) The costs of the system during fiscal year 1992 and the projected costs of such system during each of the five fiscal years following such fiscal year.

(B) The Department's policies regarding the imposition of premiums, fees, copayments, and other charges under the system.

(C) Any plans of the Department to increase or reduce such premiums, fees, copayments, or other charges, stated by the category of the services for which the charge is imposed and by the status as a current member of the Armed Forces, dependent of a member, retired member or former member of the Armed Forces, or dependent of a retired member or former member.

(D) An evaluation (organized by armed force and by State and foreign country) of the availability of health and dental care to the members of the Armed Forces (including retired members), retired former members of the Armed Forces, and their dependents, including any deficiency in the availability of such care.

(E) A comparison (stated by armed force and by State and foreign country) of the availability of health and dental care in facilities of the uniformed services to dependents of members of the Armed Forces with the availability of such care to such dependents pursuant to contract plans, including the average delay in gaining access to such care.

(F) A comparison of the costs of providing such care in facilities of the uniformed services with the costs of providing such care pursuant to regional indemnity contract plans and health maintenance organization contract plans, stated in terms of cost per member of the Armed Forces and cost per family of such members.

(G) An evaluation of the quality and availability of preventive health and dental care.

(H) An evaluation of the adequacy of existing regulations to ensure that the existing and future availability of appropriate health care for disabled active and reserve members of the Armed Forces is adequate.

(I) An assessment of the quality and availability of mental health services for members of the Armed Forces and their dependents.

(J) An assessment of the qualifications of the personnel involved in the Department of Defense review of the utilization of mental health benefits provided under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS).

(K) An evaluation of the efficacy of the actions taken by the Department to ensure that individuals carrying out medical or financial evaluations under the system make such disclosures of personal financial matters as are necessary to ensure that financial considerations do not improperly affect such evaluations.

(L) An evaluation of the adequacy of the existing appeals process and of existing procedures to ensure the protection of patient rights.

(M) Any other information that the Secretary determines appropriate.

(2) The results of the survey conducted pursuant to subsection (b)(1).

(3) With respect to the review conducted pursuant to subsection (b)(2), the following matters:

(A) The results of the review.

(B) A discussion of the existing methods available for providing health and dental care to retired members and former members of the Armed Forces and their dependents, including through Medicare risk contractors, as alternatives to the existing methods of providing health and dental care to such persons under the military medical care system.

(C) A description of any plans of the Department to use any alternative methods referred to in subparagraph (B) to ensure that suitable health and dental care is available to dependents of members of the Armed Forces (including dependents of retired members) and to retired former members of the Armed Forces and their dependents.

(D) A proposal for purchasing health care for persons referred to in subparagraph (C) through private sector managed care programs, together with a discussion of the cost-effectiveness and practicality of doing so within the military medical care system.

(E) Any other information that the Secretary determines appropriate.

(d) DEFINITION.—In this section, the term "military medical care system" means the program of medical and dental care provided for under chapter 55 of title 10, United States Code.

In section 2(b), amend the table of contents by inserting after the item relating to section 712 the following new item:

Sec. 713. Comprehensive study of the military health-care system.

GLENN (AND McCAIN) AMENDMENT NO. 968

Mr. LEVIN (for Mr. GLENN, for himself and Mr. McCAIN) proposed an amendment to the bill S. 1507, supra, as follows:

On page 177, between lines 2 and 3, insert the following new section:

SEC. 713. AUTHORITY TO EXTEND CHAMPUS REFORM INITIATIVE.

(a) AUTHORITY.—Upon the termination (for any reason) of the contract of the Department of Defense in effect on the date of the enactment of this Act under the CHAMPUS reform initiative established under section 702 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 1073 note), the Secretary of Defense may enter into a replacement or successor contract, with the same or a different contractor, and for such amount, as may be determined in accordance with applicable procurement laws and regulations and without regard to any limitation (enacted before, on, or after the date of the enactment of this Act) on the availability of funds for that purpose.

(b) TREATMENT OF LIMITATION ON FUNDS FOR PROGRAM.—No provision of law stated as a limitation on the availability of funds may be treated as constituting the extension of, or as requiring the extension of, any contract under the CHAMPUS reform initiative that would otherwise expire in accordance with its terms.

In section 2(b), amend the table of contents by inserting after the item relating to section 712 the following new item:

Sec. 713. Authority to extend CHAMPUS reform initiative.

LEVIN (AND OTHERS) AMENDMENT NO. 969

Mr. LEVIN (for himself, Mr. COHEN and Mr. GLENN) proposed an amendment to the bill S. 1507, supra, as follows:

On page , insert between lines and the following new section:

SEC. . RECOMMENDATIONS OF COMPTROLLER GENERAL IN BID PROTESTS OF GOVERNMENT CONTRACTS.

(a) BID PROTESTS.—Section 3554 of title 31, United States Code is amended—

(1) in subsection (c)—

(A) by striking out "may declare an appropriate interested party to be entitled to the costs of—" in paragraph (1) and inserting in lieu thereof "may recommend to the Federal agency issuing the solicitation, proposing the contract award, or awarding the contract, as the case may be, that such agency pay to the appropriate interested party reimbursement of the costs of—"; and

(B) by striking out "Monetary awards to which a party is declared to be entitled under paragraph (1) of this subsection shall be paid promptly" in paragraph (2) and inserting in lieu thereof "A payment of costs recommended by the Comptroller General under paragraph (1) of this subsection may be paid"; and

(2) in subsection (e)(1) by striking out "those recommendations within 60 days of the receipt of the Comptroller General's recommendations under subsection (b) of this section." and inserting in lieu thereof "the recommendations of the Comptroller General under subsection (b) or (c) of this section within 60 days after the head of such procuring activity receives those recommendations.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall not be applicable to any declarations made by the Comptroller General under section 3554(c) of title 31, United States Code, before the date of the enactment of this Act. All such declarations are valid and all monetary awards to which a party has been declared to be entitled by such declarations shall be paid promptly by the Federal agency concerned out of funds available to or for the use of the Federal agency for the procurement of property and services.

McCAIN AMENDMENT NO. 970

Mr. WARNER (for Mr. McCAIN) proposed an amendment to the bill S. 1507, supra, as follows:

On page 297, between lines 18 and 19, insert the following:

SEC. 1125. STRATEGIC FRAMEWORK AND DISTRIBUTION OF RESPONSIBILITIES FOR THE SECURITY OF ASIA AND THE PACIFIC.

(a) FINDINGS.—Congress makes the following findings:

(1) The alliance between the United States and its allies in East Asia contributes greatly to the security of that region.

(2) It is in the national interest of the United States to maintain a forward military and naval presence in East Asia.

(3) The pace of economic, political, and social advances in many of the East Asian countries, particularly Japan and South Korea, continues to accelerate.

(4) As a result of such advances the capacity of those countries to contribute to the responsibilities for their own defense has increased dramatically.

(5) While the level of defense burdensharing by Japan and South Korea has increased, continued acceleration of the rate of transfer of that burden is desirable.

(6) The United States remains committed to the security of its friends and allies in Asia and the Pacific Rim region.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should regularly review the missions, force structure, and locations of its military forces in Asia and the Pacific, including Hawaii;

(2) the United States should also regularly review its basing structure in the Pacific and Asia, with special attention to developments in the Philippines, Japan, and South Korea, and determine basing, forward deployments, maritime and land base prepositioning, amphibious forces, and strategic lift to meet evolving strategic needs;

(3) the United States should regularly review the threats and potential threats to regional peace, the United States, and its friends and allies;

(4) the United States should continue to assess the feasibility and desirability of the ongoing partial, gradual reduction of military forces in Asia and the Pacific;

(5) in view of the advances referred to in subsection (a)(3), Japan and South Korea should continue to assume increased responsibility for their own security and the security of the region;

(6) Japan and South Korea should continue to offset the direct costs incurred by the United States in deploying military forces for the defense of those countries including costs related to the presence of United States military forces in those countries; and

(7) Japan should continue to contribute to improvements to global stability by contributing to countries in regions of importance to world stability through the Official Development Assistance Program of Japan.

(c) REPORT REQUIRED.—(1) Not later than April 1, 1992, the President shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the strategic posture and military force structure of the United States in Asia and the Pacific, including the forces in Hawaii. The President shall include in such report a strategic plan relating to the continued United States presence in that region.

(2) The report shall specifically include the following matters:

(A) An assessment of the trends in the regional military balance involving potential threats to the United States and its allies and friends in Asia and the Pacific, with special attention to (i) the implications of recent developments in the Soviet Union and the People's Republic of China for United States and allied security planning in Asia and the Pacific, and (ii) such regional conflicts as the struggle in Cambodia.

(B) An assessment of the trends in acquiring and deploying nuclear, biological, and chemical weapons and long range missiles and other delivery systems and other destabilizing transfers of arms and technology.

(C) An assessment of the extent to which a requirement continues to exist for a regional security role for the United States in East Asia.

(D) Identification of (i) any changes in the missions, force structure, and locations of United States military forces in Asia and the Pacific that could strengthen the capabilities of such forces and lower the costs of maintaining such forces, and (ii) changes in contingency and reserve armed forces in the United States and other areas.

(E) A review of the United States basing structure in the Pacific and Asia with special attention to developments in the Philippines, Japan, and South Korea, including a review of the implications for basing, forward deployments, maritime, and land base prepositioning, amphibious forces, and strategic lift to meet evolving strategic needs.

(F) A discussion of the strategic implications of the departure of United States forces from Clark Air Force Base and of the remaining facilities in the Philippines.

(G) A discussion of the need for expanding the United States access to facilities in Singapore and other states in East Asia that are friendly to the United States.

(H) A discussion of the recent trends in the contributions to burdensharing and the common defense being made by the friends and allies of the United States in Asia and the ways in which increased defense responsibilities and costs presently borne by the United States can be transferred to the friends and allies of the United States in Asia and the Pacific.

(I) An assessment of the feasibility of relocating United States military personnel and facilities in Japan and South Korea to reduce friction between such personnel and the people of those countries.

(J) Changes in bilateral command arrangements that would facilitate a transfer of military missions and command to allies of the United States in East Asia.

(K) A discussion of the changes in (i) the flow of arms and military technology between the United States and its friends and allies, (ii) the balance of trade in arms and technology, and (iii) the dependence and interdependence between the United States

and its friends and allies in military technology.

BINGAMAN (AND COATS) AMENDMENT NO. 971

Mr. LEVIN (for Mr. BINGAMAN, for himself and Mr. COATS) proposed an amendment to the bill S. 1507, supra, as follows:

On page 249, between lines 3 and 4, insert the following:

SEC. 835. PROCUREMENT FLEXIBILITY FOR SMALL PURCHASES DURING CONTINGENCY OPERATIONS.

Section 2302(7) of title 10, United States Code, is amended by inserting before the period the following: ", except that in the case of any contract to be awarded and performed, or purchase to be made, outside the United States in support of a contingency operation the term means $100,000".

NUNN (AND WARNER) AMENDMENT NO. 972

Mr. LEVIN (for Mr. NUNN, for himself and Mr. WARNER) proposed an amendment to the bill S. 1507, supra, as follows:

On page 297, between lines 18 and 19, insert the following:

SEC. 1125. PROTECTION OF KEYS AND KEYWAYS USED IN SECURITY APPLICATIONS BY THE DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—Chapter 67 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1386. Keys and keyways used in security applications by the Department of Defense

"(a)(1) Whoever steals, purloins, embezzles, or obtains by false pretense any lock or key to any lock, knowing that such lock or key has been adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment shall be punished as provided in subsection (b).

"(2) Whoever—

"(A) knowingly and unlawfully makes, forges, or counterfeits any key, knowing that such key has been adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment; or

"(B) knowing that any lock or key has been adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment, possesses any such lock or key with the intent to unlawfully or improperly use, sell, or otherwise dispose of such lock or key or cause the same to be unlawfully or improperly used, sold, or otherwise disposed of,

shall be punished as provided in subsection (b).

"(3) Whoever, being engaged as a contractor or otherwise in the manufacture of any lock or key knowing that such lock or key has been adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment, delivers any such finished or unfinished lock or any such key to any person not duly authorized by the Secretary of Defense or his designated representative to receive the same, unless the person receiving it is the contractor for furnishing the same or engaged in the manufacture thereof in the manner authorized by the contract, or the agent of such manufacturer, shall be punished as provided in subsection (b).

"(b) Whoever commits an offense under subsection (a) shall be fined under this title or imprisoned not more than 10 years, or both.

"(c) As used in this section, the term 'key' means any key, keyblank, or keyway adopted by any part of the Department of Defense, including all Department of Defense agencies, military departments, and agencies thereof, for use in protecting conventional arms, ammunition or explosives, special weapons, and classified information or classified equipment.".

(b) AMENDMENT TO THE CHAPTER ANALYSIS.—The chapter analysis for chapter 67 of title 18, United States Code, is amended by adding after the item referring to section 1385 the following:

"1386. Keys and keyways used in security applications by the Department of Defense.".

WIRTH (AND McCAIN) AMENDMENT NO. 973

Mr. LEVIN (for Mr. WIRTH, for himself and Mr. MCCAIN) proposed an amendment to the bill S. 1507, supra, as follows:

On page 15, line 2, strike out "$10,374,839,000" and insert in lieu thereof "$10,324,839,000".

On page 16, line 4, strike out "$309,800,000" and insert in lieu thereof "$359,800,000".

BINGAMAN AMENDMENT NO. 974

Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill S. 1507, supra, as follows:

On page 249, between lines 3 and 4, insert the following:

SEC. 835. TECHNICAL CORRECTION RELATING TO PARTNERSHIP INTERMEDIARIES.

Section 21(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3715) is amended by inserting after "federally funded research and development center", the following: "that is not a laboratory (as defined in section 12(d)(2))".

NUNN (AND WARNER) AMENDMENT NO. 975

Mr. LEVIN (for Mr. NUNN, for himself and Mr. WARNER) proposed an amendment to the bill S. 1507, supra, as follows:

On page 249, between lines 3 and 4, insert the following:

SEC. 835. CORRECTION AND CLARIFICATION RELATING TO PILOT MENTOR-PROTEGE PROGRAM.

(a) CORRECTION TO SECTION HEADING.—The section heading of section 831 of the National Defense Authorization Act for Fiscal Year 1991 (104 Stat. 1607; 10 U.S.C. 2301 note) is amended to read as follows:

"SEC. 831. PILOT MENTOR-PROTEGE PROGRAM".

(b) REGULATIONS.—Section 831(k) of such Act (104 Stat. 1611) is amended—

(1) in the first sentence, be inserting before the period the following: "and the Department of Defense policy regarding such program (dated July 30, 1991, or any successor policy) in the Department of Defense Supplement to the Federal Acquisition Regulation"; and

(2) by inserting "and policy" after "regulations" each place it appears in the second, third, and fourth sentences.

In section 2(b), amend the table of sections by inserting after the item relating to section 834 the following new item:

Sec. 835. Correction and clarification relating to the pilot Mentor-Protege Program.

DOLE (AND OTHERS) AMENDMENT NO. 976

Mr. WARNER (for Mr. DOLE, Ms. KASSEBAUM, Mr. NICKLES, and Mr. BOREN) proposed an amendment to the bill S. 1507, supra, as follows:

On page 394, between lines 3 and 4, insert the following new section:

SEC. 2836. STUDY OF CONSTRUCTION OF TORNADO SHELTERS AT INSTALLATIONS LOCATED IN AREAS THAT ARE PRONE TO TORNADOES.

Not later than April 15, 1992, the Secretary of Defense shall study the advisability of constructing tornado shelters at military installations that are located in areas prone to tornadoes and submit to the congressional defense committees a report on the results of the study. If the Secretary determines that such construction is advisable, the report shall contain the Secretary's proposed schedule for the construction of such shelters.

In section 2(b), amend the table of contents by inserting after the item relating to section 2835 the following new item:

Sec. 2836. Study of construction of tornado shelters at installations located in areas that are prone to tornadoes.

NUNN (AND WARNER) AMENDMENT NO. 977

Mr. LEVIN (for Mr. NUNN, for himself and Mr. WARNER) proposed an amendment to the bill S. 1507, supra, as follows:

On page 15, line 8, strike out "$7,929,482,000" and insert in lieu thereof "$7,939,282,000".

On page 18, line 18, strike out "The" and insert in lieu thereof "To the extent provided in appropriations Acts, the".

On page 21, line 14, strike out "The" and insert in lieu thereof "To the extent provided in appropriations Acts, the".

On page 31, beginning on line 12, strike out "for fiscal year 1992".

On page 45, line 18, strike out "The" and insert in lieu thereof "To the extent provided in appropriations Acts, the".

On page 49, line 19, after "many" insert ", to the extent provided in appropriations Acts,".

On page 53, line 12, strike out "1991" and insert in lieu thereof "1990".

On page 120, strike out lines 6 through 8, and insert in lieu thereof "with respect to members of the uniformed services who are not entitled to receive the basic allowance for quarters under such section on the day before that date.".

On page 440, beginning on line 17, strike out "the availability of appropriations for the fiscal year for that purpose" and insert in lieu thereof "appropriations being provided specifically for the fiscal year and specifically for that procurement in advance of the obligation of funds for that fiscal year for that procurement".

On page 448, strike out lines 19 through 22 and insert in lieu thereof the following:

SEC. 3136. WORKER PROTECTION AT NUCLEAR WEAPONS FACILITIES.

On page 449, beginning on line 2, strike out "whose duties are" and all that follows through "similar emergencies" and insert in lieu thereof "who are or may be engaged in hazardous substance response or emergency response".

On page 449, beginning on line 15, strike out "response to hazardous substance releases or similar emergencies" and insert in lieu thereof "hazardous substance response or emergency response".

On page 450, beginning on line 8, strike out "to respond to hazardous substance releases or other similar emergencies" and insert in lieu thereof "who are engaged in hazardous substance response or emergency response".

On page 450, beginning on line 12, strike out "to respond to such releases or other emergencies" and insert in lieu thereof "to carry out such hazardous substance response".

On page 450, line 25, insert "and mixed radioactive and hazardous waste" before the period.

On page 452, line 9, strike out "(g)" and insert in lieu thereof "(h)".

On page 453, line 17, insert before the period the following: ", and under subsection (c) of section 2518 of such title (as added by section 803 of this Act) in the case of the establishment of advanced manufacturing partnerships under that section".

On page 453, line 23, strike out "four" and insert in lieu thereof "two".

On page 454, line 13, strike out "(g)" and insert in lieu thereof "(h)".

In section 2(b), amend the table of contents by striking out the item relating to section 3136 and inserting in lieu thereof the following:

Sec. 3136. Worker protection at nuclear weapons facilities.

On page 70, strike out line 4 and all that follows through page 72, line 3, and insert in lieu thereof the following:

States Code, is amended by adding at the end the following:

"(h) SURETY-CONTRACTOR RELATIONSHIP.—Any surety which provides a bid, performance, or payment bond in connection with any direct Federal procurement contract for a response action under the Defense Environmental Restoration Program and begins activities to meet its obligations under such bond, shall, in connection with such activities or obligations, be entitled to any indemnification and standard of liability to which its principal was entitled under the contract or under any applicable law or regulation.

"(i) SURETY BONDS.—

"(1) APPLICABILITY OF MILLER ACT.—If under the Act of August 24, 1935 (40 U.S.C. 270a–270d), commonly referred to as the 'Miller Act', surety bonds are required for any direct Federal procurement of a contract for a response action under the Defense Environmental Restoration Program and are not waived pursuant to the Act of April 29, 1941 (40 U.S.C. 270e–270f), the surety bonds shall be issued in accordance with such Act of August 24, 1935.

"(2) LIMITATION OF ACCRUAL OF RIGHTS OF ACTION UNDER BONDS.—If, under applicable Federal law, surety bonds are required for any direct Federal procurement of any contract for a response action under the Defense Environmental Restoration Program, no right of action shall accrue on the performance bond issued on such contract to or for the use of any person other than an obligee named in the bond.

"(3) LIABILITY OF SURETIES UNDER BONDS.—If, under applicable Federal law, surety bonds are required for any direct Federal procurement of any contract for a response action under the Defense Environmental Restoration Program, unless otherwise provided for by the Secretary in the bond, in the event of a default, the surety's liability on a performance bond shall be only for the cost of completion of the contract work in accordance with the plans and specifications of the contract less the balance of funds remaining to be paid under the contract, up to the sum of the bond. The surety shall in no event be liable on bonds to indemnify or compensate the obligee for loss or liability arising from personal injury or property damage whether or not caused by a breach of the bonded contract.

"(4) NONPREEMPTION.—Nothing in this section shall be construed as preempting, limiting, superseding, affecting, applying to, or modifying any State laws, regulations, requirements, rules, practices, or procedures. Nothing in this section shall be construed as affecting, applying to, modifying, limiting, superseding, or preempting any rights, authorities, liabilities, demands, actions, causes of action, losses, judgment, claims, statutes of limitation, or obligations under Federal or State law, which do not arise on or under the bond.

"(j) APPLICABILITY.—Subsections (h) and (i) shall not apply to bonds executed before October 1, 1991, or after December 31, 1992.".

On page 416, line 25, strike out "appropriated" and insert in lieu thereof "authorized to be appropriated".

On page 443, between lines 14 and 15, insert the following:

"(f) LIMITATION.—Funds appropriated pursuant to this or any other act enacted after the date of enactment of this Act may be obligated for a contract under this section only—

(1) to the extent or in such amounts as are provided for such contracts in advance in an appropriation act, and

(2) if such contract contains the following provisions:

(A) a statement that the obligation of the United States to make payments under the contract in any fiscal year is subject to appropriations being provided specifically for that fiscal year and specifically for that contract;

(B) a commitment to obligate the necessary amount for each fiscal year covered by the contract when and to the extent that funds are appropriated for such contract for such fiscal year; and

(C) a statement that such a commitment given under the authority of this section does not constitute an obligation of the United States."

KOREAN WAR VETERANS WAR MEMORIAL AMENDMENTS ACT

GLENN (AND WARNER) AMENDMENT NO. 978

Mr. LEVIN (for Mr. GLENN for himself and Mr. WARNER) proposed an amendment to the bill (S. 855) to amend the act entitled "An act to authorize the erection of a memorial on Federal land in the District of Columbia or its environs to honor members of the Armed Forces who served in the Korean war, as follows:

Section 2 is amended by striking "Section 1 of the" and inserting in lieu thereof, "The".

Section 2 is further amended by striking "(a) by redesignating" through the end of the section, and inserting in lieu thereof the following:

"(a) in section 1, by striking 'H.R. 4378, as approved by the House of Representatives on September 29, 1986.' and inserting in lieu thereof 'Public Law 99–652 (100 Stat. 3650; 40 U.S.C. 1001 et seq.).'; and

"(b) by adding at the end thereof the following new section:

"'SEC. 4. Notwithstanding section 10(b) of Public Law 99–652 (100 Stat. 3654; 40 U.S.C. 1010(b)), the legislative authority for the memorial (including the authority of the Secretary of the Interior to issue a construction permit for the memorial pursuant to section 8 of Public Law 99–652 (100 Stat. 3652; 40 U.S.C. 1008)) shall terminate on October 28, 1993, unless the Secretary has issued a construction permit for the memorial prior to that date.'".

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a joint hearing with the House Interior Committee, on Thursday, August 1, 1991, beginning at 9:30 a.m., in 1310 Longworth House Office Building on H.R. 1426 and S. 1036, Lumbee Recognition Act.

Those wishing additional information should contact the Select Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Environmental Protection, Committee on Environment and Public Works, be authorized to meet during the session of the Senate on Wednesday, July 31, beginning at 11 a.m., to conduct a hearing on the products packaging and labeling provisions of S. 976, the Resource Conservation and Recovery Act Amendments of 1991.

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

SMALL BUSINESS COMMITTEE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Small Business Committee be authorized to meet during the session of the Senate on Wednesday, July 31, 1991, at 9:30 a.m. The committee will hold a second full committee hearing on the Holloway-Werner Report, an independent review of the Small Business Ad-

ministration's Small Business Investment Companies Program.

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

COMMITTEE ON FINANCE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 31, 1991, at 9:30 a.m. to hold a hearing on what Americans think about the Bentsen-Roth IRA bill.

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

SUBCOMMITTEE ON ANTITRUST, MONOPOLIES, AND BUSINESS RIGHTS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Monopolies, and Business Rights, of the Committee of the Judiciary, be authorized to meet during the session of the Senate on Wednesday, July 31, 1991, at 10:30 a.m. to hold a hearing on NAIC oversight of Executive Life.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 2 p.m., July 31, 1991, to receive testimony on S. 1351, the Department of Energy Science and Technology Partnership Act.

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

SUBCOMMITTEE ON MERCHANT MARINE

Mr. LEVIN. Mr. President, I ask unanimous consent that the Subcommittee on Merchant Marine, of the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 31, 1991, at 10 a.m. on MarAd reauthorization.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, be authorized to meet during the session of the Senate on July 31, 1991, at 1 p.m. on Soviet trade opportunities.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet during the session of the Senate on Wednesday, July 31, 1991, at 10 a.m., for a hearing on "HealthAmerica: Views of Business, Healthcare Providers and the Insurance Industry."

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

COMMITTEE ON THE JUDICIARY

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 31, 1991, at 10 p.m. to hold a hearing on the nomination of Stewart Dalzell, to be U.S. District Judge for the Eastern District of Pennsylvania.

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

NOTICE OF INTENTION TO AMEND STANDING RULES OF SENATE

Mr. DOLE. In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend the Standing Rules of the Senate, with the following amendment:

Resolved, Rule XXXVII of the Standing Rules of the Senate is hereby amended to add a new paragraph as follows:

"Notwithstanding section 501(c) of Title V of the Ethics in Government Act of 1978 as amended, honoraria may be paid on behalf of a Member, officer or employee of the United States Senate to a charitable organization, without any restriction on the amount of such honoraria.

No honoraria paid on behalf of a Member, officer or employee of the United States Senate shall be made to a charitable organization from which such individual or a parent, sibling, spouse, child or dependent relative of such individual derives any financial benefit."

ADDITIONAL STATEMENTS

TEEN HEROES

• Mr. RIEGLE. Mr. President, on July 17, 1991, in the city of Detroit, four brave young men risked their lives to capture a criminal. A woman was leaving a downtown building when a man approached her and forcibly took her purse. Antonio Larry, Ivory Ware, Dalven Washington, and Clay Vasser were bystanders, who responded to the woman's screams and raced after the robber. They did not know whether the man had a weapon, they did not know where he was going, but they knew what was right and followed their convictions. Because of their quick response, the police were able to apprehend the thief.

In these days of escalating violence, especially in our cities, these young men are heroes, because they attempted to right a wrong within their community. We need more people like them to serve as role models; not just to chase criminals—which is very dangerous—but to stand up for what is right and to take action to solve problems.

Mr. President, I want my colleagues in the Senate to know about these brave young men. I think they deserve recognition and thanks for their bravery and willingness to get involved.

Mr. President, I ask that articles from the July 18 Detroit News and Detroit Free Press about these young men be included in the RECORD.

The articles follow:

[From the Detroit Free Press, July 18, 1991]

TEENS STOP THIEF, HOPE IT HELPS IMPROVE IMAGE

(By Kristine LaLonde)

Clay, Antonio, Dalven and Ivory were eating lunch in the shade of the front stoop of the Job Corps building on East Jefferson when they heard the scream.

The four looked up to see a woman yelling that her purse had been taken.

The youths exchanged glances and said, "Let's go."

With that, Detroiters Antonio Larry, 17, Ivory Ware, 18, Dalven Washington, 16, and Clay Vasser, 19, chased a man they described as 220 pounds, but fast.

Running through a field, vaulting a fence and going through an alley, Washington felled the man with a brick just as a police officer arrived. Charges are pending against the man who was not injured.

"I never saw four people run so fast," said Lucy Peacock, 46, of Grosse Pointe Park, who was leaving the Michigan Consolidated Gas office when the suspect grabbed her purse. It has not been found.

"They were willing to put their lives on the line literally because they didn't know what this guy had; he could have had a gun or knife. . . . If it wasn't for them, this man would not have been caught."

Peacock, who is white, and the youths, who are black, said they hope the incident counteracts the impression cast by recent videotaped beatings in Detroit of two white women by black teens.

"That's put a bad image on young, black teens these days," said Vasser.

Jose DeOlivares, director of the Jobs Corps Center, where the youths live, said Detroit teens are tired of the violence and of being blamed for it.

"I think it's time some people recognize us for what we are. Some of us do care what happens," Vasser said.

[From the Detroit News, July 18, 1991]

TEENS BOOST CITY'S IMAGE BY CATCHING THIEF

(By Scott Bowles)

Clay Vasser had grown tired of seeing "the tape."

It seemed every time the 19-year-old Detroiter turned on a TV set, he was watching the videotaped beating of two suburban women during last month's fireworks at Hart Plaza.

"It gave a bad image to young black teenagers," Vasser said. "We were getting accused of everything going on in the streets. We're not all like that."

Vasser and three of his friends proved that Wednesday when they chased and caught a suspected purse snatcher accused of robbing a Grosse Pointe Park woman as she walked out of the Michigan Consolidated Gas Co. on East Jefferson.

Vasser, Antonio Larry, 17, and Dalven Washington, 16—students at the Detroit Job Corps Center next to the utility—chased the man through streets, alleys, a field and a back yard before hauling him to the pavement. Police arrived moments later and made the arrest.

A fourth Job Corps student, Ivory Ware, 18, injured his knee chasing the suspect, and was taken to Samaritan Health Center.

"I can't say enough for them," said Lucy Peacock, whose purse was stolen. "They risked themselves for me, and didn't even know me. It's heartwarming."

Peacock, 46, said she was leaving the gas company office when a man approached and demanded her purse. She struggled with him, but he wrenched it from her and fled.

"She ran by us and we asked what happened," Washington said. "So we went looking for him."

The youths spotted "a pretty big guy with his shirt off" walking about a block away, Washington said. When Peacock shouted "That's him!" the teens took chase.

"All I could think was I hope he doesn't have a gun and hurt them," Peacock said.

Larry said he also worried about being shot, but not enough to stop running.

"It's not nice to steal from a woman," Larry said. "I wouldn't want anyone to do that to my mother."

The teens chased the suspect through a back yard to an alley off Bewick when Washington dove on him, followed seconds later by his friends and then police, who had joined the foot race.

Peacock's purse, thrown away during the pursuit, had not been recovered. But she said the youths' actions were more than adequate compensation.

"It seems like the bad kids are always the ones that get the press," she said. "There are still a lot of good kids out there. I met four of them."

For their heroics, the Job Corps awarded the teens passes to a Tiger baseball game.

"I guess this is the reverse of what happened a couple weeks ago," near Hart Plaza, said Jose deOlivares, the center's executive director. "They didn't care what color she was. They just wanted to help."•

FINANCIAL REPORT

• Mr. DECONCINI. Mr. President, today, I ask unanimous consent that this statement and my financial report appear in the CONGRESSIONAL RECORD as if read.

Under the rules of the Senate, it is the obligation of Senators to classify their income and property within certain broad income categories. For the most part, Senators do so with the utmost caution and are careful to include all properties in which they have any ownership, beneficial or otherwise.

It has been my practice since coming to the Senate in 1977 to go well beyond Senate requirements and to have a financial statement prepared by an accounting firm showing the worth of total assets, total liabilities, and the net worth of both my wife and me. I have always made my financial statements available in this manner. This is in addition to all the requirements and filings set forth by Senate rules and laws regarding disclosure.

I have elected to do this because I believe close scrutiny should follow public officials. The public must be assured that an official whose assets and wealth increase during public office if fully accountable. Public officials must meet the highest standards.

I urge all Members of the Senate to continue to make full public disclosure of their assets and income. This is not a pleasant experience for any of us, but it will help build the sense that elected public officials are credible and honest.

Mr. President, I thank the Senate and Chair for their attention.

The report follows:

[From Tizzard, Plotkin, Knuttinen & Donnelly, P.C., Certified Public Accountants, Tucson, AZ, May 10, 1991]

DENNIS AND SUSAN DECONCINI—STATEMENT OF FINANCIAL CONDITION DEC. 31, 1990

We have reviewed the accompanying statement of financial condition of Dennis and Susan DeConcini as of December 31, 1990, in accordance with standards established by the American Institute of Certified Public Accountants. All information included in this financial statement is the representation of Dennis and Susan DeConcini.

A review of personal financial statements consists principally of inquiries of the individuals whose financial statements are presented and analytical procedures applied to financial data. It is substantially less in scope than an examination in accordance with generally accepted auditing standards, the objective of which is the expression of an opinion regarding the financial statements taken as a whole. Accordingly, we do not express such an opinion.

Based on our review, we are not aware of any material modifications that should be made to the accompanying statement of financial condition in order for it to be in conformity with generally accepted accounting principles.

The historical cost/basis information in the accompanying statement of financial condition is presented only for supplementary analysis purposes and has been subjected to the inquiry and analytical procedures applied in the review of the basic financial statement. We did not become aware of any material modification that should be made to the supplementary information.

DENNIS AND SUSAN DeCONCINI STATEMENT OF FINANCIAL CONDITION DEC. 31, 1990

	Estimated current value	Historical cost/basis
Assets:		
Cash, checking and savings accounts	$54,117	$54,117
Certificates of deposit	777,255	777,255
Miscellaneous receivables and impounds arising from rental properties	11,549	11,549
Notes receivable (Note 2)	690,950	690,950
Investments:		
Marketable securities (Note 3)	69,634	49,202
Real estate (Note 4)	4,710,925	1,622,029
Monterey Water Company (Note 5)	288,134	3,000
Partnerships, closely held (Note 6)	6,325,474	248,793
Partnerships and S-Corporations, not closely held (Note 7)	293,140	138,330
Annuity	46,098	22,573
Vested interest retirement plans:		
Individual retirement accounts (IRA's)	51,270	.....
Civil service retirement fund	54,165	.....
Cash value of life insurance (Note 8)	96,969	100,527
Residence (Note 9)	470,000	195,657
Personal property (Note 9)	165,000	65,000
Total	14,104,680	3,978,982
Liabilities:		
Miscellaneous payables arising from rental properties	17,307	17,307
Deferred gain (Note 2)	340,854	340,854
Income taxes—current year balance	24,549	24,549
Personal loans (Note 10)	157,800	157,800
Mortgages:		
Wraparound mortgages (Note 2)	352,085	352,085
Real estate investments (Note 4)	892,219	892,219
Residence (Note 9)	93,735	93,735
Total	1,878,549	1,878,549
Income taxes: Estimated on the difference between the estimated current values of the assets and the estimated current amounts of liabilities and their tax bases. (Note 11)	3,661,143	.....
Net worth	8,564,988	2,100,433
Total	14,104,680	3,978,982

AAAAASee accountants' review report.

NOTE 1—BASIS OF ACCOUNTING

The accompanying financial statement includes the assets and liabilities of Dennis and Susan DeConcini. Assets are stated at their estimated current values and liabilities at their estimated current amounts.

NOTE 2—NOTES RECEIVABLE

	Receivable	Mortage	Deferred gain
In 1985 a residence on Crystal Drive, San Diego, California was sold to a related party with the note receivable being "wrapped around" the underlying mortgage for the same terms and amount. The monthly receivable/payable is $589 per month including interest at 11 percent.	$39,328	$39,328	.....
In 1989 a shopping center at Cave Creek & Bell Road, Phoenix, Arizona was sold to an unrelated party. The note receivable is for monthly payments of 7,168 including interest at 10 percent; the note receivable matures April, 1999. The note payable is for monthly payments of $7,996 including interest at 9.5 percent; the note payable matures December, 1991.	524,622	312,757	$213,927
In 1989 vacant land on South 6th Avenue, Tucson, Arizona was sold to a related party. The note receivable is interest only at 9 percent, with a balloon payment July, 1994.	127,000	.....	126,927
Totals	690,950	352,085	340,854

NOTE 3—MARKETABLE SECURITIES

The estimated current values of marketable securities are either (a) their quoted closing prices or (b) for securities not traded on the financial statement date, amounts that fall within the range of quoted bid and asked prices. Marketable securities consist of the following:

DENNIS AND SUSAN DeCONCINI NOTES TO FINANCIAL STATEMENT DEC. 31, 1990

	Number of shares or bonds	Estimated current values
Stocks:		
*COM001*First National Corp	1,585	$20,803
James Madison Limited	200	300
Lasertechnics, Inc.	1,000	750
National Education Corp	50	218
Pacific Telesis	200	9,050
Southern Arizona Bancorp of Yuma, Inc	3,150	22,050
The Price Co.	200	7,850
Valley National Corp	700	7,613
Bonds: State of Israel	1	1,000
Total marketable securities		69,634

NOTE 4—REAL ESTATE

The estimated current values were determined by use of assessed value for property taxes, inquiries of realtors familiar with similar properties in similar areas, acquisition price of recently acquired properties and appraisals of some properties. Ownership is 100 percent unless otherwise noted.

Property description	Estimated current value	Mortgage balance	Mortgage terms		
			Monthly payment including interest	Interest rate	Maturity
Joint interests:					
Alpha Beta Shopping Center 44th and Broadway Phoenix, AZ (50 percent interest)	$414,575	$375,644	$7,854	9⅝	1995
Avra Valley/Pioneer Trust Unimproved land Pima County, AZ (3.125 percent interest)	5,630	.....	.....	.....	.....

Property description	Estimated current value	Mortgage balance	Mortgage terms: Monthly payment including interest	Mortgage terms: Interest rate	Mortgage terms: Maturity
Grant/Oracle Circle/Ground lease Pima County, AZ (10.89 percent interest)	132,730	.....	.....	.....	.....
St. Mary's and Silverbell Road, ground lease, Pima County, AZ (10.89 percent interest)	200,000	.....	.....	.....	.....
Investment properties:					
Casas Adobe Vistas, Lot 17, vacant land, Tucson, AZ	50,000	.....	.....	.....	.....
1122 S. 6th, vacant land (formerly Victory Outreach) Tucson, AZ	25,000	.....	.....	.....	.....
Rancho Sin Vaca, lot 64, vacant land, Tucson, AZ	86,000	42,000	(1)	10	1995
12th and Michigan, vacant land (Serrano land) Tucson, AZ	100,000	.....	.....	.....	.....
12th and Ajo, Nat'l City Annex, lot 23, block A (behind Circle K) vacant land, Pima County, AZ	13,200	.....	.....	.....	.....
Commercial properties:					
Action Suds and Circle K, 3812/3816 S. 12th, Tucson, AZ	106,440	.....	.....	.....	.....
Drachman Building, 2345 E. Broadway, Tucson, AZ	150,000	.....	.....	.....	.....
L&L Furniture, 1140–1150 S. 6th, 1133–1135 S. Russell, Tucson, AZ	112,000	.....	.....	.....	.....
Oriental Express (formerly Tijuana Taco) 615 S. Ajo, Tucson, AZ	100,000	.....	.....	.....	.....
Pizza Hut 12th and Ajo, 605 W. Ajo, Tucson, AZ	162,850	.....	.....	.....	.....
39 cent Hamburger, 625 W. Ajo, Tucson, AZ	125,000	.....	.....	.....	.....
Residential properties:					
Canyon View Apartments, 381 Cedar Lane, Sedona, AZ	495,000	336,173	3,602	10.25	2018
House, Alta and San Carlos Street, Carmel by the Sea, CA	300,000	.....	.....	.....	.....
House, 5686 Dolphin Street, La Jolla, CA	850,000	.....	.....	.....	.....
House, 1901 N. George Mason Drive, Arlington, VA	150,000	100,273	934	10.5	2117
Salem Court Apartments, 705 Salem Court, Mission Beach, CA	800,000	.....	.....	.....	.....
Sunset Cliff Apartments, 1961 Sunset Cliff, Ocean Beach, CA	332,500	38,129	554	9	1992
Totals	4,710,925	892,219	.....	.....	.....

[1] Annual payment $8,000 plus interest.

NOTE 5—MONTEREY WATER COMPANY

The 30 shares of a total of 430 shares outstanding (7%) were owned as of December 31, 1990. The Company primarily holds real estate investments. The estimated current value is based upon prior years appraisal as adjusted due to inquiries of realtors familiar with similar properties in similar areas. Net income of the Company for 1990 was a loss of $85,955. The unaudited balance sheet of Monterey Water Co. at December 31, 1990 is prepared on the accrual basis and is summarized below.

Cash	$53,933
Other current assets	2,946
Notes receivable	194,927
Investment, partnership	567,298
Depreciable property	122,777
Accumulated depreciation	(11,787)
Land	608,749
Other assets	16,310
Total assets	1,555,153
Other current liabilities	22,668
Stockholder loans	370,200
Notes payable	314,172
Other liabilities	123,612
Capital stock	41,300
Capital in excess of par	10,750
Retained earnings	472,451
Total liabilities and equity	1,555,153

NOTE 6—PARTNERSHIPS, CLOSELY HELD

Interests in the listed partnerships are as a general partner. Partnership activities are primarily in the area of real estate. The estimated current value of the partnerships is based upon their assessed value for property taxes, or inquiries of realtors familiar with similar properties in similar areas, or acquisition price of recently acquired properties and appraisals of some properties. Following are the unaudited condensed historical cost balance sheets and the net income or (loss) for the year ended December 31, 1990 for each partnership. The income tax method of accounting is used by the partnerships.

	2–D properties	3–D properties	4–D properties	Total
Cash	$7,323	$11,158	$154,051	$172,532
Receivables/loans	72,271	.....	102,012	174,283
Other current assets	.....	189,678	427,185	616,863
Investments	.....	131,035	6,176,941	6,307,976
Depreciable property	41,524	2,087,993	6,049,628	8,179,145
Accumulated depreciation	(16,839)	(787,078)	(2,401,266)	(3,205,183)
Land	21,726	168,320	10,478,996	10,669,042
Intangibles	.....	49,772	221,747	271,519
Accumulated amortization	.....	(12,369)	(71,182)	(83,551)
Other assets	.....	9,522	1,734	11,256
Total assets	126,005	1,848,031	21,139,846	23,113,882
Other current liabilities	143	1,944	243,713	245,800
Loans	.....	1,137,793	9,194,802	10,332,594
Deferred gains	71,992	.....	54,573	126,565
Other liabilities	.....	7,439	35,639	43,078
Capital	58,870	700,856	11,611,119	12,365,845
Total liabilities and equity	126,005	1,848,031	21,139,846	23,113,882
Net income for the year ended Dec. 31, 1990	38,947	53,562	356,098	448,607
Percent ownership of income	50	33	20	N/A
Estimated current value of partnership interests	116,800	519,593	5,689,081	6,325,474

Note 7—Partnerships and S-Corporations, not closely held

Haras Sonoita, Ltd.—25 percent interest in an S-Corporation owning a race horse. Managing officer estimated the net realizable value of the horse.	$2,500
Pinnacle Peak North Investors—2 percent interest in a real estate general partnership. Estimated current value was based upon the managing partner's estimated value of the undeveloped land.	183,600
Tonopah Partners I General Partnership—16.67 percent ownership in a real estate general partnership. Estimated current value was based upon a realtor's estimated value of the undeveloped land.	82,300
Tonopah Partners II General Partnership—same as Tonopah I	12,090
W.M. Investments Partnership—13.33 percent ownership in a real estate general partnership. Estimated current value was based upon the managing partner's estimated value of the apartment and commercial buildings owned by the partnership.	12,650
Totals	293,140

NOTE 8—LIFE INSURANCE

The face value of thirteen whole life policies is $620,683. These policies have a cash surrender value of $96,969.

NOTE 9—RESIDENCE/PERSONAL PROPERTY

The estimated current value was determined by the good faith estimates of Dennis and Susan DeConcini. The residence mortgage is payable in monthly installments of $906 including interest at 8.5 percent through 2006.

NOTE 10—PERSONAL LOANS

Demand note from family member, unsecured, interest at 10 percent.	$35,000
Demand note from closely held partnership, unsecured, interest at 10 percent.	22,800
Promissory note from bank, secured by certificate of deposit, due Mar. 1, 1991, interest at 11 percent.	100,000
Totals	157,800

NOTE 11—INCOME TAXES

Estimated income taxes have been provided on the excess of the estimated current values of assets over their tax bases as if the estimated current values of the assets had been realized on the statement date, using applicable tax laws and regulations. The provision will probably differ from the amounts of income taxes that eventually might be

paid because those amounts are determined by the timing and the method of disposal or realization and the tax laws and regulations in effect at the time of disposal or realization.

NOTE 12—OTHER RELATED PARTY DISCLOSURES

Other family members and closely held businesses had the following amounts receivable from or payable to the following entities at December 31, 1990:

	3-D Properties	4-D Properties
Individuals:		
Receivable	$95,917	$96,145
Payable	122,920	1,489,739
Closely held business:		
Receivable		29,410
Payable	29,410	

The notes all bear interest at prevailing interest rates.

NOTE 13—FUTURE INTERESTS

Remainder interests in trusts have not been presented because the rights are not for fixed or determinable amounts.•

A SOLUTION MUST BE FOUND IN YUGOSLAVIA

• Mr. DECONCINI. Mr. President, practically every morning we have been reading in the newspapers of the mounting death toll in Yugoslavia. Following the military attack on Slovenia 1 month ago, the violence has now shifted to Croatia, where Croatian police and paramilitary units are fighting local Serbian militants and federal forces. A new cease-fire now is being sought, but there is little doubt that any agreement to bring hostilities to a halt will be extremely fragile.

The basis for the conflict is, as we all know, the disagreement which exists among the leaders of the Yugoslav republics regarding the future character of their relations with each other. Some want to maintain a federation; others advocate the creation of a confederation or association of sovereign States. These differences are exacerbated by historical animosities and virulent nationalism, which perpetuate an aversion to compromise, a distortion of truth and an attraction to unreasonable and sometimes violent alternatives.

As the violence grows, Yugoslavia itself may be added to the list of casualties. Indeed, if the fighting continues, the question which begs an answer in my mind is no longer why the country must fall apart, but why it should—and how it can—stay together any longer. And no one has done more to undermine the perservation of a united Yugoslavia than those who have sought to maintain it through undemocratic means and the threatened or actual use of force. These individuals have replaced honest dialog with destructive conflict to nobody's advantage.

Restoring the peace in Yugoslavia must be our first priority. The fighting must stop now and stop for good. There is absolutely no possibility for constructive dialog and a lasting, mutually agreeable solution while tanks are crossing the fields, jets are sweeping overhead and gunshots echo through the valleys. Making Yugoslavia fully democratic must then be an immediate second step to help outbreaks of violent clashes in the future.

Aware of the problems plaguing Yugoslavia, I suggested earlier this year that the CSCE, or Helsinki process, be internalized in Yugoslavia as a framework through which the people of that country could find an answer to their differences. The Helsinki principles have worked for a divided Europe, and they can work for a divided Yugoslavia as well. To an extent, some of the political players in Yugoslavia have acted upon this suggestion, but others unfortunately have not.

I would like to repeat some of these 10 principles, Mr. President, because I believe that they continue to provide an avenue for achieving lasting peace, democracy and stability in Yugoslavia. The ones most relevant to the Yugoslav crisis today are:

RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

This includes the right to free association and expression, as well as to have a freely and fairly elected government which respect the concepts of the rule of law. It also includes the equal application of cultural, religious and other rights of persons belonging to all national and minority groups, from the Albanians in Kosovo and Macedonia to the Serbs in Kosovo and Croatia.

TERRITORIAL INTEGRITY, INVIOLABILITY OF FRONTIERS

Despite the minority and other problems which may result from the current borders within Yugoslavia, these borders exit, and they should not be altered except in cases when it can be done peacefully, with the full, free and mutual consent of everyone directly involved. Such cases rarely come about, and seeking instead to improve the situation for people within current borders combined with an opening of borders will be much easier to achieve.

EQUAL RIGHTS AND SELF-DETERMINATION OF PEOPLES

This does not necessarily mean secession and independence, a frequent and mistaken assumption. This principle certainly does include, however, the right of any of the democratically elected governments within Yugoslavia to suggest reshaping their relationships with the others, in accordance with their laws, if they feel the current political configuration does not reflect the will of the peoples they represent, and some subsequent commitment on all sides to sit together and work things out. It also means that Albanians, the third most populous people in Yugoslavia, and other peoples in Kosovo as well as the mixed population of Vojvodina, Serbia's other province, must be allowed to participate in this process through their freely chosen representatives. Finally, it means a recognition by all political leaders in Yugoslavia, including at the republic level, that the self-determination of the peoples of Yugoslavia are so inextricably linked that the course set by the will of one people cannot but impact, sometimes negatively, on the course sought by another people, making an agreement acceptable to all necessary.

REFRAINING FROM THE THREAT OR USE OF FORCE

Regardless of the eventual political configuration of Yugoslavia and its six republics and two provinces, the result cannot be brought about by the threat or use of force. A solution brought about by force would not only be wrong but, as a practical matter, would be neither stable nor lasting.

PEACEFUL SETTLEMENT OF DISPUTES

A clear, firmly stated commitment by everyone to resolve disputes within Yugoslavia peacefully through willing and mutual agreement to arbitration, mediation, and other means for finding solutions to differences would add a degree of trust among the Yugoslav republics which is now totally absent.

Acceptance of and adherence to these principles within Yugoslavia, are in a real sense prerequisites for Yugoslavia as a whole or the republics individually to remain part of a democratic Europe. We cannot decide for the Yugoslavs what their future will be, but we can insist that if they wish to participate in Europe's affairs they must adhere to Europe's principles.

Mr. President, the Committee of Senior Officials of the CSCE, which includes Yugoslavia, held an emergency meeting in early June regarding the crisis in Yugoslavia, which focused primarily on the conflict in Slovenia. It endorsed the observer mission sent by the European Community countries to help stabilize the situation. Now, EC efforts are being broadened to include the fighting in Croatia. This, in my view, in a good but only temporary solution.

The Prague meeting had also agreed that the CSCE would be willing to send a good officers mission to Yugoslavia, to facilitate the political dialog among the parties concerned. This mission would not only help to stop the fighting where it now exists, but will help to keep it from spreading to other parts of the country. By working with relevant parties at the Federal, republic, and local levels, it could also encourage effort to achieve a workable compromise as the basis for further talks, such as appeared to be the case in regard to the plan tabled by representatives from Bosnia-Hercegovina and Macedonia in June. I believe that the CSCE good offices mission should be organized by the CSCE States immediately. Representatives of Germany, which is currently chairing the Committee of Senior Officials, should get together with the Yugoslav authorities

as soon as possible to work out the composition and scope of the mission.

As Cochairman of the Helsinki Commission, Mr. President, I have had the opportunity to travel to many parts of Yugoslavia and to meet with many people from that country. I have also had the opportunity to meet with many Americans whose roots go back to Yugoslavia. I am well aware of the richness of their diverse cultures of the peoples of Yugoslavia, the pride they have in their respective histories, and the natural beauty of their lands. If they fall into civil war, the peoples of Yugoslavia needlessly put at risk all that they have. In conclusion, therefore, I urge governments at all levels in Yugoslavia and all of the people in that country to put the killing behind them now, to return to the negotiating table, and to open the dialog to all who are willing to engage in it.•

SENATOR ROCKEFELLER'S SPEECH TO THE ASIA SOCIETY

•Mr. BENTSEN. Mr. President, we are all aware of the importance that international trade and competitiveness will play in our Nation's future. It is one of the cutting edge issues facing our country today.

That is why the Senate is particularly fortunate to count among its Members the Senator from West Virginia, Senator ROCKEFELLER. I know of no Senator who has been more concerned and more determined in his efforts to strengthen America's economic position in the world today.

Recently, I was pleased to read remarks which Senator ROCKEFELLER made to the Asia Society. In his remarks, Senator ROCKEFELLER presents a pragmatic assessment of where America stands today and a clear vision of where it needs to go.

He emphasizes that we cannot close our eyes to the increased economic competition America faces today. He points to one of the great truths of our time, a point many of us have made repeatedly: that an economically strong America is the cornerstone of a successful foreign policy as well.

I believe Senator ROCKEFELLER'S remarks should be read by anyone interested in determining how America must respond to the challenges of increased international competition today. I insert the text of Senator ROCKEFELLER'S remarks in the RECORD in full.

The speech follows:

THE UNITED STATES AND ASIA IN A CHANGING WORLD

It is a great pleasure and privilege for me to speak at your Annual Dinner. As you know, my father founded the Asia Society. He would be pleased to know how much you have done over the years to realize his vision of deeper American understanding of Asia and to create the partnership between Asians and Americans so necessary to both our futures.

We meet at a critical time for America—at home and abroad. As we rush toward the 21st century, we face a rapidly changing world. Yet our policies and our point of view remain the same. Tonight, I want to focus our collective attention on that changing world and how we have to change to deal with it.

We begin with the end of the Cold War. The Communist Bloc has vanished. Its remnants are busy sorting out their political and economic lives. The Soviet Union has been revealed as the emperor with no clothes.

This change has brought with it an end to the simplicity and discipline of a bipolar world. We—and the Soviet Union—used to be able to control—or at least define—events. Most nations fell into one or the other camp. Now we face an explosion of mischief makers and internal change. Libya and Iraq are in a class by themselves. But numerous other countries face renewed internal divisions with escalating violence. Yugoslavia. India. Sri Lanka. South Africa. Ethiopia. Many of the West African countries. Bulgaria. Albania. Proliferation of missile technology and chemical and biological weapons makes the irresponsible not just an annoyance, but a deadly force.

In an age of uncertainty, we can be certain only that there will be more troublemakers. And as they grow, our capacity to deal with them declines. The world looks to us for leadership, particularly in the wake of the Gulf War, but it will increasingly find us wanting. Because the definition of leadership is now measured in economic terms. It is that new reality we must acknowledge today.

The old question for America was one of will—do we have the will to shape events and lead the world? Another old question—do we have the means * * * can we afford to lead the world?

Today the question has changed. In our new world, can we afford not to lead?

Mao Zedong said that power grows out of the barrel of a gun. He may have been right for his time and place. Today, however, power grows out of the oil barrel, the wheat bushel, the steel mill, the semiconductor plant, the software creator.

The Gulf War proved that military force, to keep the peace, will still be necessary. But today it takes more than force to lead the free world. Foreign policy is now a vital part of our Nation's economic well being. The steel factory in West Virginia, the auto plant in Flint, the chip manufacturer in Silicon Valley all have a stake in foreign economic policy.

As a Nation, we cannot close our eyes to economic realities. We cannot just hope the competition away. We cannot legislate the competition away. Nor can we just dream of better days. We need a foreign policy based on vision and economic realities.

But the Administration has closed its eyes. It fails to understand that an economically strong America is the cornerstone of our foreign policy; and even more, that a strong foreign policy is essential to our economic well being.

This is a fatal flaw. During the 1988 campaign, George Bush was accused of lacking vision, a charge he dismissed as irrelevant. We are not seeing—and paying for—the truth of that accusation.

Nowhere is the economic challenge more clear than in Japan. The issue is not the aggregate trade deficit, which has been shrinking slowly. Rather we should learn from its composition. Our exports of wood, meat, grain and minerals have been increasing. Our imports of power generating equipment, and manufacturing and data processing machinery also are increasing. In economic terms we risk becoming a colony—exporting raw materials and importing manufactured goods.

That is particularly true for those critical technology sectors that make us a world leader. Semiconductors and the means to make them. Computers. Lasers. Composite materials. Robotics. Ceramics. These are not winners by choice, as the Administration would have us believe. They are winners by necessity. I tell you without hesitation and without qualification that we will not survive militarily or competitively in the 21st century without them.

But Japan has succeeded at recognizing how technology is changing the face of economics. At how to support technology development within a government framework that maintains competitiveness. At how to translate technology into high quality marketable products.

Their success has not always come by Western rules, but is has in large part come at our hands. History is replete with cases of dumping, infant industry protection, targeting, and creative use of patent law to obtain our technology and deny us access to their market. Our response to these actions has been too little too late. We persist in seeing the Japanese not as they are but as we want them to be, waiting for them to act like us while our global position erodes. The most compelling statistic is the 32,000 transactions over 25 years when we sold them $500 billion of our technology for $9 billion. We have created our own problem; yet we wait for Japan to solve it for us.

A recent report prepared for the CIA characterized Japan as aiming for "unequivocal economic dominance" of the world. But the report also points us toward a solution. It says the United States "'needs a shared vision' of its global economic future, and a national strategy for the growth of knowledge and technology-driven industries." And that is a succinct summary of our failure—a failure of vision and of will, a failure to deal with the economic realities of foreign policy.

More than 20 years ago, Robert Kennedy said something that personified his approach to public service. "Some men see things as they are and ask, 'why.' I see things as they should be and ask, 'why not.'" Today the Bush Administration refuses to see things as they are and never asks how they should be.

As a result, we avoid the more painful reality of learning how to defend our own interests—both business and government.

The tragedy is that it hurts both the United States and Asia. Good relations are built on strength and respect, not weakness. If we deal with our problems, we have nothing to fear from Japan's success and the renewed sense of confidence in the ASEAN countries. And they will welcome our more credible commitment to the region.

But the Asian challenge requires new creativity on our part in competing. Basic industries remain critical to our infrastructure and our industrial base. Competitiveness will mean better trained workers and more farsighted managers.

Today's high technology is characterized by short-life cycles, very high R&D costs, investment in intellectual property rather than fixed assets, and high mobility of production. Trade rules and economic policies developed 40 years ago for basic industries don't fit. We have identified tomorrow's problems, but we are using yesterday's tools to deal with them.

We need to lower the cost of capital. Encourage patient capital. Allow companies to

work together to overcome huge R&D costs. Retrain our work force with contemporary skills. Vigorously promote exports. Nurture critical industries.

This is not a new list, and there is no lack of proposals to achieve these goals. What we miss is Presidential leadership.

The Administration's response has been to deny the problem. The Three Blind Mice—Sununu, Darman, and Boskin—have systemically suppressed reports that detail our loss of competitiveness and have harassed out of their jobs those who have dared to speak the truth. America is willing to take on the competitive challenge but cannot do so without the Presidential leadership that has been lacking.

Elsewhere on the continent our challenge is to turn potential problems into opportunities. Nowhere is the task more staggering than in India. But much can be accomplished if India chooses the path of free market economics. We should resist the temptation to turn away in frustration and instead engage India—at the government level and at the corporate level—to move in the direction that will benefit both her people and the trading system.

We have had historically close political and military relations with Taiwan and Korea, which we want to maintain. Our challenge is to assist in their evolution toward open market economies. Admission of Taiwan to the GATT as a developed country would be an important signal that these countries are prepared to assume the international responsibilities that come with economic progress.

That, in turn, brings me to the difficult question of China. We all know that China has taken a detour in its evolution toward freedom and democracy.

And, it has once again taken a hard turn to the left economically. Decision making is being re-centralized. Central planning is on the upswing. In the last two years there has been a huge increase in the number of Chinese unfair trade practices. Dumping. Subsidization. Theft of intellectual property. Outright fraud in labeling. In their drive to earn hard currency, they have continued their program of missile sales to countries like Iran, Syria and Pakistan, despite their promises to stop.

These are not the actions of a country seeking to join the community of nations as an equal. These are the actions of an international outlaw. A government swimming against the tide of democracy and market economics that has swept the rest of the Communist world.

Will rejection of MFN change China's behavior? Probably not. Will renewal? Again, probably not. But the issue is not about short term problem solving. It is about what standards of behavior are appropriate for nations entering the 21st century. It is about how to integrate China into the community of nations permanently. It is about recognizing the inevitable—that the experience of Eastern Europe will spread to China. We should prepare for it now rather than ignore it through blind support of a bankrupt regime. We are in the process of developing in the Senate a set of carefully crafted conditions that will encourage an evolution towards civilized behavior, with the cost of failure being denial of MFN. I hope that approach will ultimately have the President's support.

As you can see, these are all complex, difficult problems. The principle we must follow in solving them is that Asia's future lies in our strength, not our weakness. Our continued presence there will be a force for peace, stability, and the market system. I believe that our challenge is to maintain and add to that strength.

Former Israeli Foreign Minister Abba Eban once said that nations always do the right thing in the long run * * * after they have exhausted all the other alternatives. In a difficult, dangerous world, a world of military challenges and economic necessities, we don't have the luxury of exhausting the alternatives. Nor do we have the time. We simply have to get it right the first time.•

PUBLIC SERVICE SCHOLARSHIP WINNER

• Mr. BOND. Mr. President, I rise today to recognize an outstanding young man from Missouri who has been chosen from over 300 applicants to receive one of the 1991 Public Service Scholarships. I am speaking of John Marion from Springfield, MO.

I join with his family and friends in congratulating him as he accepts this scholarship given by the Public Employees Roundtable. The State of Missouri is fortunate to have young people, such as John Marion, who serve as role models to present and future generations on the importance of community involvement.

Mr. President, I ask that John's winning essay on "Why I Have Chosen to Pursue a Government Career" be printed in the RECORD.

The essay follows:

WHY I HAVE CHOSEN A PUBLIC SERVICE CAREER

(By John D. Marion)

As most boys are at an early age enamored with the sights and sounds of a racing fire engine, weaving in and out of traffic with effortless ease, firefighters hanging onto the side of the pumpers, heavy coats flapping in the wind, and oh, that wonderful fire-engine red helmet, so was I.

Through the Boy Scout organizations I was introduced to the firefighting occupation and began my career as a 16-year old volunteer firefighter in Cy-Fair, Texas. Through this volunteer organization I obtained my emergency medical technician (EMT) license and became a paid firefighter with Conroe, Texas after passing fire-fighting school at Lamar University. After 4 years of service, I applied to and was accepted by the City of Springfield, Missouri Fire Department. I am participating in the City's liberal tuition reimbursement program while pursuing degrees in public administration.

I have chosen to pursue a public service career within the municipal fire service. The fire service is the oldest protection service in the United States. During the early years, the fire service consisted of untrained citizen brigades carrying buckets of water evolving to horse-drawn, manually-operated pumps and volunteer firefighters. As society has progressed so has the technology available to the fire service. Today computer-operated apparatus and state-of-the-art protective clothing along with other advances are available to increase fire service performance. I have chosen the fire service for two reasons.

Personal satisfaction of serving the community in which I live. The fire service both protects lives and property. I have been involved with the fire service for about 8 years and have had the opportunity to help my fellow citizens with their individual crises. Every day the fire service is faced with fires in homes, apartments, warehouses, cars, and trailers; rescues from motor vehicle accidents, lakes, high-rise structures, burning buildings, etc. The satisfaction of rescuing a person who is trapped in a care that is twisted and smashed around their body, the satisfaction of helping another deliver a baby, the satisfaction of saving a family's belongings from a raging fire, or even the satisfaction of teaching a small child to stop-drop-and roll often creates, for me, a feeling of euphoria.

Employment security—As a fire fighter, or in almost any government career, jobs seem to be more stable than in the private sector. The salary of a public service career employee may not be as monetarily rewarding as the private sector but at least one knows a certain amount of job security.

Challenging—Presently as a firefighter I am faced with technical issues, i.e., fighting fires, rescuing victims, operating fire department equipment. Future challenges in the administration of a fire department will include a lot of public relation work, operating within the constraints of city/county budgets, training the public in fire safety prevention, and other untold daily operational issues. It appears that the fire department accepts new challenges each day and with my educational and work experience background and desire to further my career within the fire service department, I will be ready for those challenges.

The fire service has progressed by leaps and bounds but needs strong leadership to ascend to even further technological and managerial excellence. I feel I have the qualities needed to lead the fire service into the future.

My long term goal is to earn a bachelor and master degree in public administration from Southwest Missouri State University (SMSU) ultimately becoming fire chief of a large metropolitan city. Along with my work experience, the education I receive will help me in my quest to serve as fire chief.

Many people think that education alone automatically qualifies an individual for a leadership position. I feel that although an education is important, one must develop a passion for his/her career choice. As a fire chief I hope to pass on this passion for the fire service that I have had for many years to my co-workers and future employees and lead the fire service into the future.•

CABLE INDUSTRY LETTER

• Mr. FOWLER. Mr. President, I submit for the RECORD a letter recently received by all Senators from 13 leading basic cable television programmers.

The programmers believe that S. 12, proposed legislation to reregulate the cable industry, would severely limit future improvements in the quality and diversity of basic cable networks. Based on the viewpoints and information they have provided, this may well be an issue that merits further consideration.

Indeed, the industry does seem to have made impressive strides in program diversity. Viewers, by and large, do have more choices—among sports, news, old movies, new movies, children's programming, minority-oriented channels, and much more. I don't be-

lieve anyone, including the industry's severest critics, wants to reverse that trend. We should not ignore that in our approach to cable regulation.

S. 12 is prompted by concerns which I certainly share—they are the concerns of many of our constituents—about cable rates and customer service. But this Senator would be concerned if cable reregulation is done in a way that hurts programming, or that impedes the continued development of technology—like fiber optics and channel compression—which brings more channels and more reliable, better quality service to the customer.

Mr. President, I commend this letter to the attention of my colleagues.

The letter follows:

WASHINGTON, DC,
June 18, 1991.

Hon. WYCHE FOWLER, Jr.,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR FOWLER: On May 14, the Senate Commerce Committee approved S. 12, "The Cable Television Consumer Protection Act of 1991." As leading cable programmers, we are very concerned about the bill's reach and ramifications.

Proponents of S. 12 view reregulation of cable television as necessary to protect consumers from excessive cable rates and to ensure that competing technologies have access to sufficient programming. We do not agree.

Basic cable today is a terrific entertainment bargain. We are able to provide consumers with better, more diverse programming now that ever before at an average basic rate of around $20 per month, less than the cost of a family outing to the movie theater. This is a direct result of cable rate deregulation.

In most places, cable receives adequate competition from local broadcasting, which receives two-thirds of all television viewing.

Cable's multichannel competitors, including microwave transmitters (MMDS) and satellite dish program packagers, already have sufficient programming; what this bill gives them is our programming at cable systems' wholesale prices, despite their very different cost structures and business plans. It is a government mandate for cable's competitors to make larger profits at the expense of programmers.

S. 12 is far from a targeted measure to restrain rates and encourage competiton. In our view, the bill creates a regulatory environment in which it will be difficult for programmers to provide cable subscribers with better and more diverse viewing alternatives.

RATE REGULATION

Of foremost concern to cable programmers is the rate regulation contained in S. 12. Under the bill's regulatory scheme, price cap rate regulation is extended to cover virtually all advertiser-supported cable networks. This is true because the bill provides that if less than 30% of a cable system's subscribers take only the lowest, universal tier, regulation extends to the next tier. A programmer has two choices: be regulated or lose 30% of its subscribers. No basic cable network can afford to lose 30% of its subscriber fees and corresponding advertising revenues in order to avoid regulation. Therefore, no basic cable network, as currently configured, will be free to develop without regulatory restraints, responsive instead to the desires of the viewing public.

Unlike rate-of-return regulation under which a cable operator could mark up and pass through programming cost increases, the price-cap regulation in S. 12 would make programming improvements for existing cable networks and the creation of new cable networks extremely difficult. Do we want to freeze and maintain the status quo of programming for consumers? That is what this bill does. Unless a cable operator can be convinced that additional funding for programming will add sufficient new subscribers or will otherwise offset his increased expenses, the operator will view—quite correctly—every new penny so spent as coming from his bottom line.

Since deregulation took effect in 1987, basic cable network spending for programming has increased 2½ times. During the same time period, over 13 million new subscribers were added and basic cable's share of viewing nearly doubled. If the consumer is the true concern, reregulation will reduce dollars available for quality enhancement of existing programming and for new programming choices.

Despite the major gains in viewership to cable networks, cable programmers have far to go in their competition with broadcasters. Two-thirds of television viewing still goes to over-the-air broadcasters, while the ninety-plus cable networks taken together receive about a quarter of viewing. And, even with the jump in cable networks' spending for entertainment programming, the programming expenditures of each broadcast network alone far exceeds that of all cable networks combined. A regulatory framework which puts a lid on programming investments cannot help but impede further cable programming improvements at the expense of both cable networks and viewers.

COMPETITIVE ADVANTAGES FOR BROADCASTING

While rate regulation would disadvantage cable programmers in their competition with broadcasting, S. 12 contains additional provisions tilting the balance in favor of the broadcast players who already possess the great majority of viewing. The legislation reserves up to one-third of cable systems' capacities for over-the-air broadcast stations and guarantees that broadcast stations can obtain the most favorable channel positions. There is no requirement that cable operators carry popular cable networks and no guarantee that cable networks will not be moved to less-favored channel positions. Quite the contrary, channel shifting or deletion of cable networks is exactly what will take place if this bill passes.

With one hand, the bill requires cable systems to carry weak broadcast stations, including home shopping stations—granting them government-conferred preferential treatment over cable networks. With the other hand, the bill allows strong broad-casters to demand payment from cable systems for their signals. Why should cable subscribers who choose to use a cable "antenna" rather than a rooftop antenna to receive broadcast stations pay for a service which broadcasters, by government license granted at no cost, are required to provide free over the air?

REGULATION OF PROGRAMMING CONTRACTS

Also disturbing to cable programmers is a provision in S. 12 which requires most cable programmers (those in which a cable operator has even a minor financial interest) to make their services available to all cable systems, cable cooperatives and other program distributors at "nondiscriminatory" prices, terms and conditions. This provision puts the government at the negotiating table, granting small cable operators, cooperatives and other program distributors leverage over cable programmers in a way that existing antitrust law would not. To the extent that this provision may be applied retroactively to existing contracts, it is punitive in the extreme.

Large cable operators frequently do obtain lower prices from programmers. These lower prices may be justified fully because, in addition to providing volume, the large operator is able to promote and market a program service and to otherwise enhance the distribution of a program network in many ways that small operators and cooperatives cannot or will not. In addition, lower rates may reflect risks undertaken by cable operators who supported initial launch of a fledgling network in return for long-term, low-cost contracts.

Basic cable programming has had a real chance to develop and compete only since the Cable Act took effect in 1987. Although the record of the Senate Commerce Committee reflects nearly universal praise for basic programming, the massive reregulation proposed in S. 12 will reimpose a hostile environment in which the positive developments of the last four years could not have taken place.

The potential of S. 12 to hurt the quality of programming offered by basic cable far outweighs any savings the bill could shave from the cost of $20 service. We are grateful that the Administration opposes enactment of S. 12, and urge you not to support this legislation.

Respectfully submitted,

Thomas F. Burchill, President and Chief Executive Officer, LIFETIME Television; Winston H. Cox, Chairman and Chief Executive Officer, Showtime Networks Inc.; David Hall, Vice Chairman/General Manager, The Nashville Network; John S. Hendricks, Chairman and Chief Executive Officer, The Discovery Channel; Robert L. Johnson, President, Black Entertainment Television; Kay Koplovitz, President and Chief Executive Officer, USA Network; Geraldine B. Laybourne, President, NICKLODEON/ Nick at Nite.

Andrew H. Orgel, President and Chief Executive Officer, Video Jukebox Network, Inc.; Sharon Patrick, President, Rainbow Programming Holdings, Inc.; Timothy B. Robertson, President and Chief Executive Officer, The Family Channel; Joseph Segel, Chairman and Chief Executive Officer, QVA Network, Inc.; R.E. Turner, Chairman and President, Turner Broadcasting System, Inc.; John O. Wynne, President, Landmark Communications, Inc.•

HONORING ALLEN-EDMONDS SHOE CORP.

• Mr. KASTEN. Mr. President, I rise today to honor the accomplishment of the Allen-Edmonds Shoe Corp. of Port Washington, WI. In recognition of its growing export program, Allen-Edmonds has received the President's "E" Award for distinguished achievement in foreign trade.

Allen-Edmonds has succeeded in the face of both strong foreign competition and very high tariff barriers in foreign

countries. It has succeeded through hard work—and producing a singularly excellent product.

Allen-Edmonds shoes are indeed a world-class product. Company President John Stollenwerk and his 400 employees deserve the congratulations of all Americans who care about the future of our country's manufacturing sector. Every day, they are providing us with an inspiring example of the pursuant—and attainment—of economic excellence.●

THE SCHOOL DROPOUT DEMONSTRATION ASSISTANCE ACT

● Mr. BINGAMAN. Mr. President, I rise today to call the attention of my colleagues to an important piece of legislation that was approved by the Senate last night. The bill, H.R. 2313, the School Dropout Demonstration Assistance Act authorization, will ensure a continued Federal commitment, albeit a minor one, to our Nation's effort to address the formidable and growing problem of school dropouts. H.R. 2313 reauthorizes for 3 years a program created in 1988 to help States and local educational agencies develop and expand programs aimed at encouraging students to stay in school or reenter school if they have dropped out.

The legislation we approved last night also reauthorizes and improves the Star Schools Program Assistance Act, which was first authorized 4 years ago. This vital "interactive instruction" tool deserves our strong support.

Mr. President, both of these are important reauthorizations; but the provision of H.R. 2313 that I wish to highlight does not reauthorize an existing program. The provision with which I am chiefly concerned impacts—and improves—the National Literacy Act, which the President signed into law last week. Section 313 of H.R. 2313 clarifies key points regarding a National Literacy Act grant program that will assist in establishing and improving State and local prison literacy and life skill training programs.

I am pleased to have had the honor of working on this provision with my good friends and distinguished colleagues, Senators KENNEDY and PELL, and our distinguished colleagues in the House, Representatives GINGRICH, KILDEE, and GOODLING. I especially want to commend Mr. GINGRICH for his longstanding commitment to prison literacy.

The issue of prison literacy is a familiar one to my colleagues. Earlier this month, we debated and approved a modified version of an amendment I offered to the crime bill regarding prison literacy and life skill programs. That amendment authorized the Attorney General to make grants to State and local correctional agencies and correctional education entities to help them establish and operate literacy and life skill programs in their prisons, jails, and detention centers.

The provision we approved yesterday as part of H.R. 2313 creates the same authorization within the Department of Education. It reenforces our commitment to fighting crime, and sends a clear message that we are serious about achieving the President's national education goals which he and the Nation's Governors established.

Mr. President, as you probably know, goal No. 5 states that "[e]very adult American should be literate and possess the knowledge and skill necessary to compete in a global economy and exercises the rights and responsibilities of citizenship." This goal includes individuals incarcerated in our Federal and State prisons. And this provision is a small—but significant—step toward that goal.

I am convinced that education will reduce recidivism and that the programs that this provision will help fund will ultimately benefit our national economy and reduce the level of fear of crime that exists in America today. Currently, more than 620,000 individuals are incarcerated in the United States. Most cannot read or write. In fact, today's inmate population represents the Nation's single largest concentration of illiterate adults: a full 60 percent—372,000 individuals—are functionally illiterate.

Once released from prison, many of these people stand a good chance of returning. This is because they are leaving prison the same way they came in: illiterate. Without the basic skills of reading and writing, chances are low for finding legitimate employment in our increasingly complex, information-based society.

Being illiterate is, of course, not the only reason one turns to a life of crime. But the fact that more than 60 percent of our prison inmates are functionally illiterate should focus our attention on this connection. Jerome G. Miller, president of the National Center on Institutions and Alternatives, recently stated:

> Education deters criminal activity. * * * Studies show that those with a high school diploma who spend time in prison are less likely to be rearrested than those who hadn't graduated from high school. The likelihood of being arrested for delinquent behavior as a teenager is nearly twice as great for children who do not have the Head Start advantage as for those who participate in this extensive early education program.

I agree with Mr. Miller: Education deters criminal activity. Fortunately, the directors of the Federal prison system, along with several of their State counterparts, already have recognized the importance of education and have established a wide variety of literacy and life skill programs in their prison systems. States such as Virginia, Tennessee, and Pennsylvania have enacted legislation that links literacy with parole.

Nearly 10 years ago, the Federal Bureau of Prisons adopted its first mandatory adult basic education policy. Originally, the policy required that all inmates who functioned at the sixth grade reading level or lower must enroll in an adult basic literacy program for 90 days. Using incentives, rewards, encouragement, and work promotion opportunities, the Bureau has combined work and education to create a program that has far exceeded the expectations of inmates, staff, and observers.

Currently, all new admissions to the Federal prison system are tested to determine their incoming literacy level. If a new inmate does not meet a minimum level of literacy competency, he or she is enrolled in a program aimed at providing quality instruction by a qualified reading specialist. Together, they work toward a tangible, measurable goal of increased reading and writing ability. The almost universal acceptance of this program and widespread appreciation for its results recently led the Bureau to strengthen its requirements.

After completing the sixth-grade achievement level pilot program in 1985, the Bureau raised the mandatory literacy standard to an eighth-grade equivalency. Today, the standard is 12th-grade equivalency and more than 120 days of instruction, with a focus on training for higher-skill, higher-paying jobs in outside job markets. Nearly 35 percent of the Bureau's inmates are now enrolled in school, with half of those continuing their studies after the mandatory 120-day period. The fact that no legal action or grievances have been filed as a result of the program is a fact worthy of note.

Through this provision, we will be helping our State and local prison systems, jails, and detention centers work toward this same goal. Mr. President, I am proud to say that my home State of New Mexico already has come very close to the Federal concept in creating a comprehensive program that addresses the needs of both the inmate population and the citizens of our State.

The need for this program in New Mexico is great. When using an eighth-grade equivalency standard, 70 percent of the New Mexico inmate population was deemed in need of a literacy education program. Recently, a study conducted at the New Mexico State Prison revealed a 15-percent recidivism rate for those inmates who had completed at least one college class at the prison's university extension program, versus a recidivism rate of 68 percent for the prison's general population.

Other studies conducted around the country reveal similar statistics. For example, an Ohio study, conducted in 1985, of individuals on probation from prison found that education program participants has a 16-percent recidi-

vism rate compared with 44 percent for the control comparison group who received no literacy training.

Mr. President, I want to briefly mention the other type of prison education program for which this provision authorizes funding. Under this provision, the Secretary may award grants to help States and local correctional agencies and correctional education entities establish and operate programs aimed at developing and improving the life skills incracerated individuals will need to successfully re-integrate into society. Important life skills include self-development, communication skills, job and financial skills development, education, interpersonal and family relationship skills, and stress and anger management.

Grants authorized under this amendment would be awarded to agencies and entities that show the most promise for eatablishing low-cost, innovative, and effective programs capable of being replicated in other systems, prisons, jails, and detention centers.

I believe an excellent example of the type of program this amendment envisions is the Comienzos Program at the Bernalillo County Detention Center in Albuquerque, NM. I had the pleasure of touring this facility and sitting-in on a session of Comienzos last month. This program is a novel and innovative approach to jail education, conceived and developed by Sisters Mary Jo Boland and Natalie Rossi in Albuquerque.

Comienzos, which operates in conjunction with the Center's nationally and internationally renowned literacy program, focuses on issues important to inmates who will one day return to society. These issues—or life skills—include self-development, communication, job and financial skills development, enhancement of educational skills, interpersonal and family relationship development, behavior modification, and stress and anger management.

Over an 8-week period, Comienzos helps inmates develop these skills through lectures by staff, special guest speakers, and residents; group interactions and discussions; interactive videos and tapes and written material; and artistic expression.

This program is not only a humane approach to incarceration; it is also a positive strategy for combating the rising rate of recidivism in our Nation's jails. Its goal is simple and profound: to povide individuals with the basic tools needed to cope in a complex society. This is exactly the type of program we should encourage if we are serious about our commitment to reducing crime in the United States; and this provision provides that encouragement.

Mr. President, the data is clear, the conclusion is simple: Education works. To refuse to support literacy programs and life skill training for incarcerated individuals is, in my view, very shortsighted.

I believe that if we really want to fight crime, we must give people a fighting chance. This provision will help give incarcerated individuals around the country that chance. Through our action last night, we may have actually done something significant to fight crime and, at the same time, helped begin improving our Nation's embarrassingly high illiteracy rate. Thank you.•

JAPANESE CIVILIAN RESEARCH EXCEEDS OUR OWN

• Mr. BINGAMAN. Mr. President, I want to call my colleagues' attention to a report which came across my desk yesterday. The Japan Economic Survey's July 1991 issue carries an article entitled "Japanese R&D Expands again." It is an article full of dry, but very significant statistics, which point to the discouraging trends in the technological leadership of this country.

According to the article, total Japanese R&D spending in their fiscal year 1989, which runs from April 1, 1989 to March 31, 1990, was 1.8 trillion yen, which translates to $87.4 billion at an exchange rate of 135 yen to the dollar. This was a solid 11.2-percent increase over the previous year. The Japanese private sector provided the vast majority of that funding—$71.1 billion, a 12.9-percent annual increase. The article notes that since Japan spends only a small fraction of its overall R&D funding on defense technology—less than $1 billion—it is "possible that Japanese spending on civilian R&D approaches or even surpasses that by the United States."

Mr. President, let me repeat that: it is "possible that Japanese spending on civilian R&D approaches or even surpasses that by the United States." This is not just possible, it is darn close to certain that the Japanese are or will soon be outspending us on civilian R&D given the funding trends, especially in industry. If it didn't happen in 1989, it happened in 1990 or will happen this year.

The article goes on to point out that the fruits of that Japanese R&D investment are increasingly reflected in the amount of licensing fees and royalties received by Japanese firms for technology. Those royalties increased by "a whooping 34 percent" in 1989 to $2.4 billion. Japanese firms spent the same amount, $2.4 billion, to license technology from foreign firms, only a 6-percent increase over the previous year.

The bottom line, Mr. President, is that Japan's status as a technological superpower, second only to the United States and fast overtaking us in all but purely defense technologies, becomes more evident with each passing year.

Japan has long ago outgrown the stereotype of a country dependent on innovation abroad. Increasingly, they are the innovators. According to the Commerce Department's Emerging Technologies Report, the trends in 10 out of 12 technologies covered by that report favor Japan and they already are ahead of us in 5 of those technologies. The Defense Department's Critical Technologies Plan puts the Japanese ahead of us in 5 of 21 critical defense technologies, and abreast of us in 6 others.

While Japan pushes ahead with a clear determination to dominate the knowledge-intensive industries which they believe will be most important in the 21st century, the United States continues to behave incoherently in our own technology policy. It has gotten to the point that the White House is fighting even a modest effort to give the White House Science Office the staff and continuity needed to map a strategy for this country in critical technologies. To the laissez-faire ideologues in the White House, even having a coherent strategy for managing the annual $75 billion Federal R&D enterprise is a threat to their laissez-faire dogma. We apparently are not supposed to pick winners and losers even among technologies. The ideologues in the White House are apparently oblivious to the fact that that is exactly what the R&D managers in the mission agencies do every day.

I admire the Japanese determination to lead in high-technology development and in the application of those technologies in the marketplace. That was once an American characteristic, a characteristic which must be rekindled if we are not to lose our place in the next century.

In my view both government and industry are at fault. Our government must do a better job of providing the infrastructure needed to keep the United States at the forefront of technology development. As a fraction of gross national product, we spend about the same amount as the Japanese government does for civilian R&D—in both countries about .6 percent of GNP. But the Japanese government's R&D investment is much more closely coupled to the needs of industry than is our own. Much less of the Japanese government's investment is spent on big science projects, and much more of it is devoted to multi-disciplinary middle science and technology projects of direct relevance to industry in areas like optoelectronics, materials science, superconductivity, biotechnology, high-performance computers and software.

If we are going to meet the challenge from Japan, we are going to need to do a much better job in directing our Federal R&D enterprise. We need both our civilian R&D investment to be better coordinated with industry and our defense R&D investment, sixty times the size of the Japanese counterpart, to be

more heavily weighted toward the dual-use technologies in which we are falling behind. The high-performance computing program, a coordinated effort of all the Federal mission agencies and industry, must become the rule, not the exception, in our technology policy.

Our Government also must help to create an environment in which our private sector will invest adequately in R&D, although ultimately the U.S. private sector will itself need to realize the bankruptcy of its current focus on short-term profits at the expense of long-term innovation and market share. In 1989 Japanese industry was already spending more on self-funded R&D than was United States industry despite the far larger size of our economy. Japanese industry spends 2.3 percent of GNP on R&D. Our industry spends 1.4 percent of GNP on R&D. Japanese industry is increasing its investment in R&D at an annual rate of almost 10 percent above inflation. American industry's investment in R&D has not kept pace with inflation the past 2 years.

Lenin is reputed to have observed, in referring to tanks, that "quantity has a quality all of its own." That is as true in the laboratory as it is on the battlefield. How long can American industry expect to remain competitive when its chief rival is outspending it year after year? Our university education system may still be unmatched. We may still be garnering the bulk of the Nobel Prizes. But in my view it is time to recognize that, if we maintain our current approach to technology policy in government and to R&D and capital investments in industry in this country, we will lose our preeminent position in science and technology and in the industries which are most dependent on technological innovation.

I believe that that is an unacceptable course for this great Nation. I am sure that most, if not all, members of this body would agree. We must find a new course which pragmatically rises to the challenge in the best American tradition. We must break out of the ideological straitjackets with which a cadre of doctrinaire laissez-faire economists would seek to bind us.

I have been working with Senators HOLLINGS, NUNN, and GORE on framing a coherent Federal R&D policy, which I regard as a necessary first step, but by no means a complete response, to the challenge this Nation faces. We will be talking about elements of our legislative package in the coming weeks, in particular when the defense authorization bill is discussed this week.

Complacency about our Nation's place in the future of technology should not be acceptable to the American people. If we want good jobs for our children, we need to create the technology, especially the manufacturing and process technology, which will allow them to remain the most productive nation on earth. Government and industry must work together to insure that future. We have to reject the notion that it doesn't matter whether we produce potato chips or computer chips—a notion which I am glad to see in the latest issue of the National Journal no Bush administration official will publicly endorse.

We need to get beyond ideology and pragmatically define the Federal Government's proper role in technology development, and in industrial policy to use a forbidden phrase, as our forefathers have since the founding of this Nation. The current generation of Americans are lucky that those who went before us—from Jefferson and Hamilton to Roosevelt and Eisenhower—did not allow themselves to become mired in endless ideological debates. Future generations of Americans should not have to bear the burden of stalemate and inaction on our part. We can and must rise to the challenge of maintaining U.S. leadership in technology.

Mr. President, I ask that the text of the Japan Economic Survey article I referred to be printed in the RECORD.

The article follows:

[Japan Economic Survey, July 1991]

JAPANESE R&D EXPANDS AGAIN

An annual survey of Japanese outlays for research and development clearly shows that FY 1989 was another record-setting year from almost every perspective. Increases in total and component spending underscore Japan's strong international competitive position and the nation's commitment to building the world's preeminent knowledge-intensive economy. The comparatively modest increase in spending for basic research and development, however, remains a glaring weakness.

For its latest report the Management and Coordination Agency surveyed 12,500 businesses (all with capital of at least Y5 million or $37,000 at Y135=$1.00), 2,200 universities and other academic institutions, and 1,500 private research organizations. Responses indicated that total Japanese R&D expenditures rose 11.2 percent to Y11.8 trillion ($87.4 billion) during the year ended March 31, 1990. The percentage gain was the highest since FY 1985 and pushed up the ratio of total R&D spending to gross national product to just over 2.9 percent; the previous fiscal year's figure was just under that mark.

Although the agency cautions that international comparisons are difficult because of exchange rate fluctuations, different accounting periods and other factors, it nevertheless claims that Japan probably spent more on R&D in FY 1989 than any other nation except the United States. Japan, however, earmarks only a small portion of its total for defense technology, making it possible that Japanese spending on civilian R&D approaches or even surpasses that by the United States.

When analyzed by spending organization, the data show private companies continued to lead the way in FY 1989; their Y8.2 trillion ($60.7 billion) in expenditures was 13.8 percent more than the year before and came to 69.6 percent of total research outlays, compared with 67.9 percent in FY 1988. Academic laboratories' R&D budgets allowed 5 percent greater outlays, or Y2.1 trillion ($15.5 billion), and research institutions boosted spending by 7.1 percent to Y1.5 trillion ($11.1 billion).

The private sector not only spent the largest amount on R&D but also provided the vast majority of funding in FY 1989. Businesses directed Y9.6 trillion ($71.1 billion) to their research laboratories, a 12.9 percent increase over FY 1988. This put their share of total R&D funds at 81.3 percent, the first gain since FY 1985.

The government share of total R&D funding correspondingly declined from 19.9 percent in FY 1988 to 18.6 percent in FY 1989, even though it rose in absolute terms from Y2.1 trillion to Y2.2 trillion ($15.6 billion to $16.3 billion).

Commercialization of technology remains the top priority. Of the Y10.8 trillion ($80 billion) spent on hard sciences (excluding the social sciences and humanities), 63.2 percent was classified as "developmental," 23.9 percent as "applied" and 12.8 percent as "basic." These percentages mainly were unchanged from the previous year, although uneven spending gains were reported for each category (13.4 percent for development, 10.3 percent for applied and 8 percent for basic).

Turning to trade in technology, the survey reported that for the first time since statistics have been collected, the value of Japan's technology exports nearly equalled the value of its imports of foreign knowhow, as measured by the amount of licensing fees and royalties received and paid, respectively. Japanese firms spent Y329.9 billion ($2.4 billion) in FY 1989 to license foreign technology, a 6 percent increase over the previous period. Royalties received from abroad, however, rose by a whopping 34 percent to Y329.3 billion ($2.4 billion).•

ORDERS FOR TOMORROW

Mr. LEVIN. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9 a.m., Thursday, August 1; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; and that the Senate then resume consideration of S. 1507, the DOD authorization bill as previously ordered.

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

THE PRESIDING OFFICER'S STAMINA

Mr. WARNER. Mr. President, I think we should take note of the fact that the Presiding Officer has been on the floor for a great deal today, and has shown unusual stamina.

RECESS

Mr. LEVIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess, as under the previous order, until 9 a.m., Thursday, August 1.

There being no objection, the Senate, at 11:39 p.m., recessed until tomorrow, Thursday, August 1, 199 , at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 31, 1991:

DEPARTMENT OF STATE

WILLIAM CALDWELL HARROP, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

RUSSELL K. PAUL, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE TIMOTHY J. COYLE, RESIGNED.

DEPARTMENT OF ENERGY

JOHN J. EASTON, JR., OF VERMONT, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF ENERGY, VICE STEPHEN A. WAKEFIELD, RESIGNED.

CONSUMER PRODUCT SAFETY COMMISSION

MARY SHEILA GALL, OF VIRGINIA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF 7 YEARS FROM OCTOBER 27, 1991, VICE ANNE GRAHAM, TERM EXPIRING.

FEDERAL MARITIME COMMISSION

MING HSU, OF ARIZONA, TO BE A FEDERAL MARITIME COMMISSIONER FOR THE TERM EXPIRING JUNE 30, 1996. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. PAUL G. CERJAN [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. GLYNN C. MALLORY, JR. [redacted] U.S. ARMY.

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

MEDICAL SERVICE CORPS

To be colonel

DENIS ROSNICK [redacted]

ARMY

To be lieutenant colonel

NATHAN E. ACREE, JR. [redacted]
ROY L. ADAMS [redacted]
JOHN L. BARNES [redacted]
JERRY D. CRAIG [redacted]
JOSEPH R. EMERY [redacted]
PATRICK A. SCHADT [redacted]
ROBERT D. WATKINS, JR. [redacted]

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C. SECTIONS 593(A); AND 3385:

ARMY PROMOTION LIST

To be colonel

JAMES V. BEDARD [redacted]
REYNALDO GONZALES [redacted]
DAVID L. PETERSEN [redacted]
DONALD J. POTTHOFF [redacted]

CHAPLAIN CORPS

To be colonel

RICHARD B. THOMPSON [redacted]

ARMY DENTAL CORPS

To be colonel

JOHN K. BALDWIN [redacted]

ARMY NURSE CORPS

To be colonel

TAMARA T. COTTON [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

STEVEN R. BARNES [redacted]
ROY M. COFFMAN [redacted]
JOHN S. COLEMAN [redacted]
CRAIG W. CRANE [redacted]
DON DEVALLE [redacted]
JAMES O. GAARDER [redacted]
ROBERT E. GODWIN [redacted]
ERIN A. HURD [redacted]
PATRICK L. JENKINS [redacted]
LLOYD M. LACOSTE, JR. [redacted]
JAMES W. LIENAU [redacted]
DONALD W. LUDENS [redacted]
NATHANIEL MCGEE [redacted]
MARIA E. K. MOON [redacted]
RICHARD O. MURPHY [redacted]
ROGER W. LECLAIRE [redacted]
STEPHEN P. PERRY [redacted]
JOHN PIENKOWSKI [redacted]
DAVID A. SPRYNCZYNATYK [redacted]
ELROY K. TOMANEK [redacted]
CHARLES E. WATTS [redacted]
MICHAEL P. WELSH [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

JACK D. FERGUSON [redacted]

MEDICAL CORPS

To be lieutenant colonel

FRANK ANDERS, JR. [redacted]
WILLIAM R. DAVIS [redacted]
JAMES E. FLETCHER [redacted]
DAVID E. GREEN [redacted]
DENNIS A. R. LARAVIA [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

JACK R. ABO [redacted]
ERNEST J. REINERT [redacted]
RAYMOND F. ROOT [redacted]

IN THE NAVY

THE FOLLOWING NAMED REGULAR CHIEF WARRANT OFFICER TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL SERIVCE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

THOMAS A FRANTZEN

THE FOLLOWING NAMED REGULAR CHIEF WARRANT OFFICER TO BE APPOINTED PERMANENT LIEUTENANT JUNIOR GRADE IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

WILLIAM J FOUGHT

THE FOLLOWING NAMED ENLISTED MEMBERS TO BE APPOINTED PERMANENT ENSIGN IN THE MEDICAL SERVICE CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

ROBIN L. ANDERSON
ANNE M. BRIGHT
MICHAEL L COLEMAN
DAVID C COLLINS
MARK A GILFORD
ROVBERT C GLINCOSKY
JOSEPH P GOULARTE, JR
JUDITH L HAWKINS
DEBRA A JACKSON
PATRICK M KEARNEY
RENE A LEDZINSKI
ROGER B LOTSON
JOSE L MEDINA
DENISE N MILLER
CESAR A ODVINA
SAMUEL B PALMER
KIMBERLY A RANSOM
PHILLIP M SANCHEZ
GARY L SMITH
STEPHENYE C TYLER
JAMES T UPTON
GARY W WATKINS
ROSHARD A WOOLFOLK
ADORADO B YABUT

IN THE ARMY

THE FOLLOWING–NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3383:

ARMY PROMOTION LIST

To be colonel

MELVIN L. BREWER [redacted]
HENRY A. BURNOR [redacted]
JAMES D. CAMERON [redacted]
JOSEPH CAMPANO [redacted]
FRED H. FERNENGEL [redacted]
FREDERICK B. IRWIN [redacted]
FRANCIS X. KILROY [redacted]
LARRY J. LIGHT [redacted]
RICHARD W. MEYERSBURG [redacted]
KARL P. RIEPPEL [redacted]
GENE ROLLINS [redacted]
JERRY E. SHILES [redacted]
SHERRY B. STIRLING [redacted]
MICHAEL D. TREINEN [redacted]

ARMY NURSE CORPS

To be colonel

VIRGINIA L. NELSONHORNING [redacted]

MEDICAL SERVICE CORPS

To be colonel

RONALD C. GOOD [redacted]
CHARLES R. WISE [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

PHILIP H. ALEXANDER [redacted]
RICHARD A. BOSTON [redacted]
MICHAEL E. BYRNES [redacted]
PETER P. CHERELLIA [redacted]
ROBERT T. COLLINS [redacted]
WILLIAM H. DANIEL [redacted]
WORLEY W. FRANCISCO [redacted]
KENNETH J. HANKO [redacted]
ROBERT G. HUCKABEE [redacted]
ERNEST W. JONES [redacted]
WILLIAM E. JORDAN [redacted]
THOMAS M. JURKOWSKI [redacted]
GREGORY L. JUST [redacted]
JAMES T. KELLY [redacted]
JOHN A. KLINKNER [redacted]
BRIAN Y. C. LAU [redacted]
HARRY W. LEDBETTER [redacted]
ALBERT J. LOPES [redacted]
JIM E. MAINWARING [redacted]
ROBERT J. MARCELLO [redacted]
RICHARD C. NIELSON [redacted]
RANDY J. PRIEM [redacted]
LOUIS J. PROCTER [redacted]
JOHN M. ROCCO [redacted]
CARL M. SAKAMOTO [redacted]
PAUL M. SHINTAKU [redacted]
RICHARD D. STANLEY [redacted]
HUGH M. STIRTS [redacted]
ED S. TURNER, II [redacted]
BRENDA A. VOSBEIN [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

CAROLYN A. ALBANESE [redacted]
JOSEPH L. SMITH [redacted]

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

FRANK W. AUGUSTINE [redacted]

THE FOLLOWING–NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A) AND 3370:

ARMY PROMOTION LIST

To be colonel

EDMUND F. ROLEFF, JR. [redacted]

ARMY PROMOTION LIST

To be lieutenant colonel

FRANK A. DELUSSO [redacted]
LENWYN K. EDENS [redacted]
OSCAR L. RAMOS–MELANDEZ [redacted]
JAY D. ZOLLITSCH [redacted]

THE FOLLOWING–NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 593(A), 594(A), AND 3359:

DENTAL CORPS

To be lieutenant colonel

NORMAN E. BUSSELL [redacted]

IN THE NAVY

THE FOLLOWING–NAMED LIEUTENANTS IN THE STAFF CORPS OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be lieutenant commander

JOHN SINDOS ADAMS
WILLIAM B. ADAMS
BRADLEY R. AUFFARTH
ROBERT E. BAILEY
STEVEN E. BAKER
BRUCE CLINTON BARTON
JAMES H. BATES
SUZANNE E. BATOR
GREGORY A. BENBOW
DONALD R. BENNETT
CHRISTOPHER L. BLANTON
GILBERT E. BOSWELL
JOHN MICHAEL BOSWORTH
JIMMY D. BOWEN
JOHN D. BOYER
KENT K. BRATTEN
RICHARD J. BRECKWOLDT
ROBERT W. BRINSKO
JEFFREY W. BRITTON
FORREST MATTHEW BROWN
ROBERT L. BROWN
CLINTON BURGESS
WILLIAM C. BURNETTE
MARK ANDREW BUTCHER
ROBERT F. BUTLER
THOMAS J. BUTLER
DAVID N. CALKINS
SCOTT E. CAMPBELL
FRANK J. CARLSON
DAVID N. CARTER
STEVEN L. CASE

DAVID W. CHAMBERS
JEFFREY MCALLIST CHASE
RACHEL IRENE CHASTANET
ROBERT J. CHASTANET
JAMES J. CHUN
BARTLEY G. CILENTO, JR
PAUL R. COLAVINCENZO
JEFFREY S. COOPER
ROBERT J. COOPER
DAVID R. CORLEY
MARK S. COTTERELL
JOHN DANIEL COWAN
JOHN G. CRABILL
ROBERT D. CULLOM
THEODORE J. CUNNINGHAM
FRANCIS G. CURTIN, III
PAUL C. DALY
JOSEPH E. DANDA
KEITH E. DAVIS
MARK A. DESJARDINS
TRACY B. DILL
DEBORAH CAROLYN DILLON
RICHARD JOSEPH DOWLING
JAMES CSYBASTIAN DUNN
RUSSELL J. EBKE
TERRANCE KENNET EGLAND
JAMES D. EPLETT
JEFFREY KEVIN EVANS
SCOTT J. FAIRBAIRN
FREDERICK C. FEHL, III
CHARLES O. FRAZIER
DANIEL E. FREDERICK
RICHARD O. FRINK
TIMOTHY J. FURLONG
GLENN EDWARD GALL
KEITH E. GAWITH
MARK S. GEORGIADIS
ERIC STANT GERSTENFELD
THOMAS J. GILBERT, III
LOUIS GEORGE GILLERAN
JEFFERY R. GRAVES
KEVIN L. GREASON
GORDON F. GREEN
TAMARA M. GRIGSBY
JOHN P. GROSSMITH
JOSEPH L. GRZESKIEWICZ
WILLIAM C. HAMILTON
DONGYEON PETER HAN
TIMOTHY JOHN HANNON
TODD J. HARKER
LOREN DONALD HARTER
AMY P. HAUCK
CHARLES D. HAVERSTICK
FREDERICK C. HAVKO
SHERMAN M. HAWKINS
JEFF D. HEADRICK
MICHAEL J. HEILI
ROBERT C. HEIM, JR
CRAIG S. HELIGMAN
RUSSELL P. HERRINGTON
EDWARD P. HILL
HAL E. HILL
TIMOTHY S. HINMAN
WILLIAM J. HOCTER
KEVIN F. HODGES
ANDREW P. HOFFMAN
WILLIAM JOSEPH HOGAN
G. THOMAS HOLLAND
JOHN R. HOLMAN
LARRY A. HOOPER
JAMES C. HORSPOOL
KERRY E. HUNT
DANIEL A. ICHEL
WAYNE SCOTT INMAN
KENNETH JAY IVERSON
MICHAEL ELDON IVY
JAMES J. JANCUSKA
MARIE ELIZABETH JOHN
DOUGLAS R. JOHNSON
MARK A. JONES
RALPH C. JONES
THOMAS R. KAYE
JOHN J. KEIZUR
PAUL CHARLES KELLEHER
JOSEPH KIERNAN
PAUL B. KIM
DAVID F. KLINK
ANITA H. KRAFT
JEFFREY W. KRENZER
JOHN J. LANG
ANTHONY S. LAPINSKY
LEE PAUL LAUTMAN
BRUCE R. LAVERTY
BYRON D. LAW
TIMOTHY SEAN LEACH
RICHARD LEADER
RICHARD JOHN LEIDINGER
DAVID R. LEMME
MICHAEL L. LEMON
JOHN E. LINDSEY, JR
CHARLES R. LONG
JOHN D. LONG
KEVIN M. LORENZ
KEVIN GERALD MAHAFFEY
MICHAEL HILARY MAHER
JONATHAN D. MAIN
THOMAS JEFFREY MANSKI
JAMES B. MARK
DEBRA S. MARTIN
DOUGLAS D. MARTIN
RICHARD J. MASON
ROBERT B. MASON, II
BRETT K. MATHESON
BRIAN LEE MCFADDEN
ALAN E. MCLUCKIE
MICHAEL F. MCNAMARA, JR
DAVID I. MECKLER
ROBERT J. MENDEZ
JAMES M. MERRITT
WILLIAM S. MERTZ
JAMES W. METZGER
LISA THORSON MEYER
MATTHEW L. MILLER
STEPHEN ROBB MITCHELL
GRETCHEN C. MONTAGUE
EURICE G. MOODY
KEVIN D. MOORE
LLOYD B. MOORE, JR
LINDA MURAKATA
DAVID ALLEN MYERS
JAMESW A. NEWTON
DONALD L. NICHOLS
STEPHEN NOTRHROP
STEPHEN R. OCONNELL
BRIAN F. ODONNELL
ROBERT M. OLIVIERI
SHAWN L. PALMER
TREMONT V. PARRINO
DAVID B. PAUL
WILLIAM RALPH PIERCE
KAREN SUZETTE PIERRE
FARRELL D. PIERSON
TAYLOR L. PORTER
WILLIAM B. POSS
KYLE B. POTTS
ROBERT E. POTTS
MICHAEL L. PUCKETT
JAMES K. RADIKE
MARK THOMAS REIS
PETER M. RHEE
ROBERT H. RICE
DANIEL RICHTER
JAMES A. RIEGER
PAUL D. ROCKSWOLD
YVETTE RODRIGUEZRAMOS
DAVID CARL ROHDE
JOHN C. ROHE
JAMES RUSSELL ROOKS
LAWRENCE ROSS ROUBEN
LAUREL B. SALTON
KENNETH W. SAPP
PAUL J. SAVAGE
RAYMOND SCHMIDT
DANIEL JOYNER SCOTT, II
RANDAL G. SHELIN
JAMES H. SHERRY
CAROL J. SHOWALTER
DENNIS C. SIMMS
DAVID FORREST SITLER
MONTE D. SLATER
DOUGLAS SMITH
STACY RAYMOND SMITH
FREDERICK N. SOUTHERN
DUARD PATRICK SPRUCE
WILLIAM J. STANLEY
VIVIAN RAE STORRER
JOSEPH A. SWARTZ
HARRY A. TAYLOR, III
ROSANNE TAYLOR
DAVID E. THOMAS
MARK O. THORNTON
JOHN W. TIMMONS
STEPHEN T. TINGLEY
TIMOTHY M. TOLAN
KARL R. TREFFINGER
DAVID R. TRIBBLE
JENNIFER LYNN TUCKER
CHRISTOPHER ROB TURNER
MICHAEL C. VANTUYL
REGINALD VENIER
CHARLES E. VINSON
WALLACE WALKER
ROBERT WALTON
JOHN PATRICK WARD
JAMES D. WATERS
WILLIAM R. WATTS
BARRY ANTHONY WAYNE
AARON T. WILLIAMS
JAMES R. WILLIS
TIMOTHY LEE WORKMAN

SUPPLY CORPS OFFICERS

To be lieutenant commander

ROGER ANDRE ABRAJANO
MICHAEL DEWITT ALLEN
GARY SAMUEL ANDERSON
ROBERT EUGENE BAKER, JR
THOMAS CHARLES BASS
GARY THOMAS BATT
DAVID FOLK BAUCOM
BRAD A. BELLIS
ANDREW LAWRENCE BENSON
BRIAN HENRY BIALAS
WILLIAM HENRY BOERNER, II
THOMAS WAYNE BOONE
PAUL FRANCIS BRAUN
GREGORY FRANCIS BREEN
ROBERT JAMES BRETZ, JR
DOUGLAS EDWARD BRINKLEY
DAVID GLENN BROADWATER
RICHARD HENRY BULAK
JAMES EDWARD BURDISS
CARLOS DOMINGO BUZON
HERBERT FRANK BYRNS, III
THOMAS JOSEPH CALLAN
BENEDICTO LIBRADO COLOMA
CHARLES RAY COPELAND, JR
JON FRANCIS COTTERS
THOMAS ALEXANDER CUSMINA
BARBARA JO DALRYMPLE
DANIEL EDWARD DELANEY
BERNARD D. DUNN
DOUGLAS ROY EADES
RICHARD ALAN ELLIS
JOSEPH ANTHONY ERLER
GUY ARLIS ETHRIDGE
JACK LEROY EVANS
JOE EVERETTE FAULKNER
MARCUS GENE FOOTE
JEFFREY LYNN FORD
MARCO STEVEN FURFORO
JR JOHN JOSEPH GEARY
MARSHALL GAIL GEIB
MARK KENNETH GERHARDT
CORY WARD GILDERSLEEVE
RICHARD FRANK GONZALEZ
RICHARD CHARLES GOTTLICK
JAMES MARK GRIMM
GEORGE FRANKLIN HAMM
RANDALL MCGAREY HANEY
GEORGE VAN HAROUTUNIAN, JR
RICHARD MARTIN HAUSVIK
PATRICK KENNETH HAWKINS
JOHN ALAN HAYWARD
CHARLES PETER HEROLD, JR
MATTHEW ALBERT HERT, JR
THOMAS HENRY HIGGASON
ARTHUR BRIAN HORSLEY
ALBERT WAYNE HOSKINS
LAWRENCE DEAN HOWARD
BARRY DAVID HUBBARD
RICHARD RAYMOND IANNICCA
MICHELE RENEE DALLA JACKSON
ROBERT LAWRENCE JACOBS
WALTER WESLEY JACUNSKI
ROBIN ALAN JOSEPH
TODD D. KIRST
MARK GENE KLENZMAN
WAYNE DAVID KOTTMAN
MICHAEL W. KROCK
DAVID ALAN LARSON, SR
MICHAEL J. LAURENT
JAMES LEVOY LEPSE
LAWRENCE JOYNER LEWIS, JR
ANTONIO MAGLAQUI LIGAYA
ROBERTO ALICANTE LIMJOCO
BRION WILLIAM LOFTUS
BARBETTE HENRY LOWNDES
LEO JOHN LUTTIG
ANACLETO MAGSOMBO MAGSOMBOL
KEVIN J. MAHER
MICHAEL WILLIAM MAHER, SR
DAVID MICHAEL MAHONEY
JESUS CRISTOBAL MALGAPO
CAROL DANIELS MARCINEK
TONY RONALD MARTINEZ
PAULA ANN MAUSAR
JAMES KEVIN MCCARTHY
ALAN RAY MCCOSH
ELMER MARTINEZ MOLANO
WILLIAM SANDERS MUNSON
GARY THOMAS MURPHY
STEVEN MICHAEL NAGORZANSKI
GEORGE CASTILLO NAVARRO
WILLIAM PAUL NEELY
CLIFFORD DIXON NOE, JR
GEORGE LUIS OMEECHEVARRIA
MICHAEL DANIEL PAWLEY
GORDON LINDSAY PERKINS, JR
JAMES GILBERT POUND
THOMAS DALE PRIEN
JOHN FRANCIS QUA
MARY ELIZABETH QUATROCHE
RICKEY DUANE REXFORD
RICHARD DREW RIEDINGER
WALTER DAVID RUEHLIN
JOHN DONALD SANFELICE
GREGORY LYNN SCHANG
JEFFREY THOMAS SCHROER
ROBERT KARL SCOTT
MICHAEL WILLIAM SKRATULIA
GEORGE THOMAS SKRTICH, JR
BRADLEY KENT SLUSHER
WILLIAM CANADY SMALL
DANIEL RUSSELL SMITH
DONALD GENE SMITH
JAMES EDWARD SMITH
TERENCE G. SMITH
STEPHEN LEO STANDROWICZ
ROY GLYNN STEPHENS, JR
VINCENT MARSHALL STOKES
LARRY WAYNE STONE
CHRIS KENNEDY STREAM
WILLIAM THURBER SWAIN
JEFFREY L. SWANSON
ROBERT JOSEPH SZABO
WINSTON CARROLL TEDIN
LARRY EUGENE THOMPSON, JR
THOMAS CHARLES TRAAEN
NICHOLAS TSOUGAS
JAMES MILTON UNDERKOFFLER
PATRICIA DONAHEY VANBELLE
ROBERT JENNINGS VICKERS
TIMOTHY JOHN VOHAR
GARY M. VOLZ
THOMAS ALVY E. WATSON, JR
GARRY BOYD WEST
STEPHEN DOUGLAS WESTHOVEN
CRAIG SANDERS WHEELER
KEVIN RAY WHEELOCK
THEODORE LYNN WHITEMAN, JR
CLARK DALE WILLCOX
ERIC GILES WILSON
RICHARD LINCOLN WILSON
ROBERT ERIC WILSON
JAMES COSTEN WORKMAN
NICHOLAS WALDON ZIMMON

CHAPLAIN CORPS OFFICERS

To be lieutenant commander

ALAN THOMAS BAKER
ROGER RAYMOND BOUCHER
THOMAS EARLE BRAITHWAITE
LEWIS EDWARD BROWN
DONALD EDWARD BUCHANAN
SUSAN ROBERTA CARNEY
BASIL PETER CONGRO
ROBERT DAVIES CROSSAN
THEOFANIS J. DEGAITAS
NEAL J. DESTEFANO
JOHN STEVEN EVANS
MARK EDWIN FARRIS
ROBERT SETH FEINBERG
JAMES ROBERT FISHER, JR
JON CALVIN FREDRICKSON
LUIS FRANCISCO GARCIA
MICHAEL WILLIAM HAMILTON
FREDERICK ASA HILDER, JR
ROBERT CHARLES HRDLICKA
GERALD HANSEL JONES
MARK ANDREW JUMPER
RONNIE CARL KING
THOMAS GEORGE KLAPPERT
LANCE P. KRZYWICKI
MICHAEL EUGENE LAVELLE
THOMAS JOSEPH LOVE, JR
HOWARD LEE MARSHALL
CHARLES PINKNEY MCGATHY
MICHAEL PATRICK MONAHAN
MICHAEL GLENN ORR
DALE WARD PARKER
RAFAEL JOSEPH QUILES
DAVID PAUL REMY
GEORGE ALAN RIDGEWAY
ERICH MARTIN SCHAEFER
JOHN COUNCIL SMITH
STEPHEN J. STAVOY
LYNN WAGNER
WANDA LEE WEIDMAN

CIVIL ENGINEER CORPS OFFICERS

To be lieutenant commander

MARK CUNNINGHAM ASHLEY
FERNAND F. AUCREMANNE
BRAD BEISSWANGER
WILLIAM JOHN BENDER, JR
WILLIAM HARRY BENSINGER
DANIEL A. BERENATO
CHARLIE A. BIGELOW
CHARLES E. CASSIDY
DAVID MARK COLEMAN
KENNETH LEE COWAN
WILLIAM ARTHUR DAVIDSON
CHRISTIAN NATHAN DAWKINS
MICHAEL LAWRENCE DOWDY
LISA BETH FREELAND
DANIEL F. GELDERMANN
JAMES PAUL GERNER
MICHAEL ANTHONY GIORGIONE
MICHAEL ALAN HARBER
VINCENT THOMAS HARTMANN
SCOTT A. HAYWARD
RONALD PAUL HOVELL
JAY ROBERT HUSTON
JOSEPH CHARLES LAVIGNE
BARRY K. LOVELESS
JOSEPH DAVID LUDOVICI
ROBERT ANTHONY MAHOLCHIC
GERALD ROLLIN MANLEY
WILLIAM M. PEACOCK, III
DAVID LEON RICKS
FRANCIS JOSEPH RUBINO
KARL J. SCHNEIDER
BRIAN MERRITT SCOTT
JAMES KEITH SELLERS
VICTOR LINGAT SIBAL
TIMOTHY MARK SMITH
MICHAEL JOHN STOLL
LEE WAGNER THOMAS, JR
EDWARD JOSEPH VONHAGEL
LORETTA EUGENIA YAT WINSPER
STEVEN GRAHAM WRIGHT

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be lieutenant commander

DAVID BRIAN AUCLAIR
NANCY HALE BLANKENSHIP
MICHAEL JOSEPH BOOCK
LEWIS THOMAS BOOKER, JR
EDWARD LEE BOWLING
DEREK WINDELL COLE
RALPH WARD COREY, III
ANN MARIE DELANEY
PAUL MORTON DELANEY, JR
MARTIN JOSEPH EVANS
JONATHAN ERIC FINK
MARY ANN FLYNN
MATTHEW KIRK GAGELIN
THOMAS MICHA GALLAGHER
TERRY CRAIG GANZEL
ERIC EDWARD GEISER
MICHAEL WILLIAM HAYES
CLAYTON LEE JONES
LARA LYNN JOWERS
DIANE LYNN KARR
ALAN GILBERT KAUFMAN
RUFUS TYRONE KEE
JAMES THOMPSON LANG
MARK DENNIS LAWTON
RICHARD MATTH LOGAZINO
STAUFFER P. MALCOM
JOHN EDWARD MCDONALD
FREDERICK DEA MITCHELL
MOIRA DEMP MODZELEWSKI
RYMN JAMES PARSONS
MICHAEL IAN QUINN
ROBERT WAYNE REDCLIFF
LYNN RICHEY
RICHARD LEE ROSSER
GERALD G. SCHAFF
RUSSELL LEE SHAFFER
JERRIE LANELL SHEPPARD
CAROLYN CO SLOWIKOWSKI
CHRISTOPHER JOHN SPAIN
LORETTA GAIL SPILLANE
ROBERT JOHN TUIDER
MICHAEL ALLAN WATERS
ALEXANDER WHY WHITAKER

DENTAL CORPS OFFICERS

To be lieutenant commander

PETER J. ADAMS
DOUGLAS CHARLES ASHMAN
WAYNE SHERWOOD BARKER
TODD ROBERT BJUR
DAVID RICHARD BRAJDIC
BOOKER TYRONE BROWN
FREDERICK HEN BUETTNER
JILL MERRITT BURNS
JEFFREY MARSHALL CLARK
DANIEL PETER CLIFFORD
DOUGLAS WILLIA COFFELT
SHARON YVETTE COLVIN
JOHN ARVILLE DAY, JR
ELSA BETTINA DEMBINSKI
DAVID ARTHUR DEPAS
CAROL JOAN DIENER
NICHOLAS JOSEP DIMAURO
DIANE LYNN DOYLE
BARRY CLAY DUNCAN
LEE DOUGLAS FILLAK
STEVEN CARL FISHER
ALISON DIANE FREEMAN
JOHN EDWARD FREEMAN
KIM KISHIN GANDHI
JOHN RAY GORDON
GERALD T. GRANT
JOHN PATRICK GRIFFIN
MILTON JOSEPH GRISHAM
ROBERT JOSEPH J. HANLON
CHARLES CAL HARRINGTON
CHARLES KENNETT HARVEY
RANDY LEE HEIBEL
JEFFREY SCOTT HENNINGS
JAMES ERIC HIBBS
DOUGLAS HOBAUGH
WILLIAM GEORGE HORBALY
MICHAEL W. HUEY
BENJAMIN DALE I. HUNTER
STEPHANIE A. KIERNAN
BARTON HAROLD KNOX
MICHAEL KENNETH KOCEJA
KEVIN THOMAS LADESIC
JESSE WASHINGTON J. LEE
STEPHEN ROBERT LEE
ROBERT MARK LEVY
JOHN MICHAEL LEWIS
MARK BRADLEY LYLES
RONALD DALE LYNCH
MICHAEL LEWIS MARK
CARL ROBERT MAURER
JAMES EUGENE MAYER, JR
ROWLAND EUGENE MCCOY
DONAL CAMERO MCGONEGAL
MICHAEL RICHARD MCGRAW
DAVID SCOTT MEHLHAFF
VLASTA MARIE MIKSCH
GLENN ALEXANDER MUNRO
WILLIAM NOEL MYERS
STEVEN DALE NACK
RANDOLPH PATRI OCONNOR
JOSEPH V. OLSZOWKA
JAMES EVERETT PARKHILL
DUANE P. PRZYBYLSKI
JAMES EDWARD RAPSON
PAUL EDWARD RICHARDSON
RICHARD LUNT ROMNEY
TIMOTHY M. RYBA
MICHAEL LEWIS SCHOELCH
CYNTHIA JAKUBAS SHALOM
PAUL CHARLES SHICK
LARRY WAYNE SHOOK
STEVEN LUBY SIDOFF
KIM WINONA SMITH
JAMES MICHAEL SOLOMON
JAMES MARSHAL STROTHER
SIDNEY JOE STROTHER
JOHN EDWARD STUPARITZ
JAMES WILLIAM SWENSON
DAVID MICHAEL TEETER
ROGER SCOTT THOMPSON
FRANK ROBER TRAFICANTE
RICHARD LYNN TRAUGH
JOEL LEE TRAYLOR
JOHN ROBERT ULLOA
ROBERT BERNARD WALSH
GEOFFREY ROBERT WARDA
RICHARD DALE WRIGHT

MEDICAL SERVICE CORPS OFFICERS

To be lieutenant commander

RICKEY D. ADAMS
STEPHEN THOMAS AHLERS
PAUL GREGORY ANJESKI
RENEE LOIS APEL
REYNALDO APONTECESTERO
JOHN KEVIN BAIRD
JOHN DOUGLAS BELL
MARK FRANCIS BERNIER
JOHN ROGER BOUFFORD
FRANCIS DAVID BOURRIE
GREGORY BOWLING
CHARLES HERBE BRAKHAGE
MARK EDWARD BROUKER
MITCHELL CHARLES BROWN
FRANK JACKSON BUNN
RONALD PATRICK BUTLER
LINDA HAZUKA BYRNES
SOMPONG CHIA
HARRY GEORGE CHURCHILL
RICHARD ORION CLARK
RODERICK LYLE CLAYTON
MARY KATHLEEN COLLINS
JOHN JOSEPH CONNOR
RONALD MARSDEN COPE
JEFFREY ALLEN CORNEIL
LEE LYN CORNFORTH
GLORIANNE MARIE DAVIS
MARY LOUISE DELVECCHIO
IRVE B. DENENBERG
HAROLD THOMAS DEWEESE
DAVID JEROD DUNN
CAROL SUE EICHLING
ANDREW TOBIAS ENGLE
GREGORY PAUL ERNST
SCOTT EUGENE FOSTER
JULIA ROSE FRAZIER
RAYMOND A. FRITZ, JR
THOMAS AUBREY GASKIN
MICHAEL GORDON GELLES
THOMAS ANGE GERONTONIS
JOSEPH PAUL GOMES
MARY MUIR HARRAHILL
CHARLES RAY HARRIS
GREGORY ARLEDGE HARRIS
SYBLE LADONNE HAYES
CARL DEAN HENDERSON
HARDY LEE HILL
HEIDI NACE HOLLEY
PHILIP MICHAEL HOLMES
SHARON ELAINE HOPKINS
CELIA HUNTER HORTON
CHARLES EDWARD HOWZE
LYN ERIC HURD
GRAHAM D. ININNS
PATRICIA WELLS IRELAND
WYNETT ANN ISLEY
JAMES FREDERICK JAHNKE
ROBERT ROY JOHNSON
BILL CARVER KINNEY
DAVID NMN KRIEGER
GREGORY THOMAS KUHN
JOHN WALTER LEROY
FRANKLIN ARTHUR LITTLE
MANUEL FRANCI LLUBERAS
MICHAEL MATHIEU
STEVEN THOMAS MCGIVERN
WILLIAM JOSEPH MEA
LEIGH ANN MEAD
WILLIAM HENRY J. MEEKER
ROBERT P. MEINERTZHAGEN
DAVID BRENT MILLER
PATRICIA ELENA MORELL
JAMES THOMAS MORROW
BRIAN PETER STE MURPHY
PAMELA ANNE MURPHY
FRANCESCA CHRIST MUSIC
DAVID FRANCIS NERI
RICARDO UVERO ORIAS, II
BRUCE EDWARD ORTEL
HOWARD THOMAS OSMENT
SHAWN ANTHONY OTOOLE
ROBERT MICHAEL PADULA
CHERYL LYNN PATZER
LARRY LEE PLUNKARD
THOMAS GAYLE POWELL
KATHLEEN KELLY PUGH
DAVID GREGORY PUTT, SR
MARY JO RAMSEY
CHRISTOPHER PAR RENNIX
JUDITH ANN ROBERTSON
RICHARD GERAR ROCKFORD
ROBERT KIMSEY ROGERS
MICHAEL EDWARD ROSS
CHERYL ANN ROSSI
JEROME MARTIN SAUNDERS
JOHN LEWIS SAUNDERS, JR
JOHN K. SCHMIDT
THOMAS STEVEN SCHNEID
PAUL RICHARD J. SCHRATZ
CHARLES M. SHELDON, JR
RONALD NELSON SHULL
PAUL JOHN SILVERNAIL
JOHN DAVID SMITH
RONALD LEE SMITH
RICHARD FRANCIS STOLTZ
LARRY RAY STONE
ROBIN A. SWINDLE
JOHN WALTER TEMPESCO
GARY EDOUARD TETREAULT
RUSSELL STEPHE THACKER
KERRY RAY THOMPSON
RICKY DARREN TOYAMA
EDGARDO CORPUS VIAS
DANIEL OBRIEN WALKER
LYNDA ELOISE SMI WALLS
STEVE EBEN WARD
LARRY DALE WATSON
MARY PATRICIA WEBER
JOSEPH JOHN WERNER, JR
ANTOINETTE A. WHITMEYER

NURSE CORPS OFFICERS

To be lieutenant commander

CHARLES WILSON BAGLEY
MELINDA TEAS BAKER
BARNEY ROBERT BARENDSE
CHARLES OLIN BENNINGER
DENISE MARGARET BOREN
EARMON WAYNE BOWMAN
ELIZABETH JO BRUMFIELD
EARTHA IRENE BURNS
CAROL MARIE BYRNES
CESAR PACLIBA CABALFIN
JOANNE ELIZAB CAMPBELL
JUDITH ANN CANNON
JAIME ANN CARROLL
DEBRA JEAN CHAPMAN
KERRY ELBERT CHILDERS
MIN SOOK CHUNGPARK
MELISSA JANE CLIFFORD
MARY ELIZABETH CONDON
DIANE PHYLLIS DANIELS
GERALD ALLEN DAVIDSON
DONALD GEORGE DIXON
SAMUEL E. DIXON
PEGGY WILSON ELLIS
DOROTHY EDNA ENGLER
RONALD GLEN FORBUS
DONALD RAY FOWLER
SUSAN STANLEY GARRISON
WILLIAM LEE GOODMAN
ROBERT LEE GORDON
DAWN ANN GUARNO
NANCY LYNN HARMS
KEVIN WILLIAM HAWS
JAMES EARL HILL
JOHN ROBERT HOLM
CHERRY LYNN HORTON
MARIA CHAHL HORTON
CHRISTINA LYNN HOWARD
ANTHONY ELIAS JAIME
DOROTHY IRENE JOHNSON
DWIGHT DAVI KAUFFROATH
NANCY ELAINE HAS KERBS
JULIE MARI KIRKPATRICK
JEANNE MARIE KOVACH
JOHN ROBERT KUNKEL
GARY LYNN LEFFELMAN
PATRICIA GRACE LONG
MARYLYN MADDENMADDOX
JANINE LEE MAISONNEUVE
KATHRYN LOUI MARTINSON
JOHN WILLIAM MCKIERNAN
DENISE ANNE MCLEMORE
MARY MARGARET H. MEDINA
MARYJANE MYLES MURPHY
JOSEPH FRANCIS MURRAY
CAROLE ANNE ORLEN
JULIA LYNN PALMER
BRUCE MICHAEL PETERSON
SHAVAUN MARY ROBERTS
JUDI JO ROGERS
RICARDO RUBALCAVA
ALBERT RICHARD RUNZEL
BONNY COX SCHOFIELD
VICKI SUE SHANAGHAN
KENNETH KEITH STEINER
ALAN LLOYD STOKES
KATHERINE A. SURMAN
DANETTE MARIE SVOBODNY
RANDALL EUGEN THOMPSON
TERESA ANNE ULSES
VALDYNE M. VIERS
PATRICIA ANN VINTINNER
CATHY LEE WAGSTAFF
PEGGY ANN WALTERS
CASEY ANN WEBERTDAVIS
SHEILA MAE WEIBERT
DEE R. WESTON
KRISTIANE MAE WILEY
LAURIE LYNN WILLIAMSON
SARAH DAWN WITTE
MARY JOYCE WRIGHT

LIMITED DUTY OFFICERS (STAFF)

To be lieutenant commander

ROBERT LEWIS BARTHOLOMEW
ROBERT ERLING BJELLAND
DAVID A. CARTER
JOSEPH PATRICK COSTELLO
SAMUEL W. PAGAN
RICHARD D. J. ROBERTS
JEFFERY B. SHANK