SENATE—*Monday, September 13, 1993*

(Legislative day of Tuesday, September 7, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable HARLAN MATHEWS, a Senator from the State of Tennessee.

PRAYER

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

Let us pray:

Heavenly Father, on this occasion we pray for peace. As we offer this prayer, not far from here preparations are being made for the formal signing of a historic peace accord in the Middle East. It comes to mind that it was into that same region You sent messengers to proclaim, "Peace on earth, goodwill toward men."

The world longs for a Messiah to fulfill that promise. Until then, we are exhorted to pray for * * * *kings and for all that are in authority that we may lead a quiet and peaceable life* * * *.—I Timothy 2:2. And so we make supplications, prayers, intercessions, and thanksgiving for the national leaders who are assembling this day to wage peace.

We remember those who serve in this Senate who, at this time, are seeking the most reasonable means of maintaining the peace through strength. Grant them wisdom and foresight in this endeavor. And for those who lack peace in their homes and even within themselves, we offer this prayer as well.

We know that true peace is elusive. It cannot be achieved only through strong defenses and good diplomacy.

Your Word declares, *There is no king saved by the multitude of a host: a mighty man is not delivered by much strength. An horse is a vain thing for safety: neither shall he deliver any by his great strength.*—Psalm 33:16, 17.

Grant us therefore grace on all fronts among the nations, within our cities and homes, and within our hearts to discover the missing peace that can only be found in You. 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 clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, September 13, 1993.

To the Senate:

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

ROBERT C. BYRD,
President pro tempore.

Mr. MATHEWS 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.

APPOINTMENT BY THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the Republican leader, pursuant to Public Law 102-325, appoints Carolynn Reid-Wallace as a member of the National Commission on Independent Higher Education.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 1298 which the clerk will report.

The bill clerk read as follows:

A bill (S. 1298) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Leahy amendment No. 821, to extend the moratorium on the sale, transfer or export of antipersonnel landmines abroad.

(2) Brown amendment No. 825, to ensure proposals for merger of United States Space Command and the United States Strategic Command proceed with thorough cost-benefit analysis and consultations with Canada.

(3) Harkin amendment No. 829, to strike the provision requiring the conversion of the Kinetic Energy Antisatellite (KE-ASAT) Program.

Mr. GRASSLEY addressed the Chair.

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

AMENDMENT NO. 840

(Purpose: To require the Secretary of Defense to terminate the Defense Business Operations Fund if the Inspector General of the Department of Defense determines that the fund was not in compliance with applicable financial management standards during fiscal year 1993)

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 840.

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

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

The amendment is as follows:

On page 84, strike out line 15 and insert in lieu thereof the following:

Comptroller General considers appropriate, including recommendations for alternatives to the Fund.".

SEC. 312A. COMPLIANCE OF DEFENSE BUSINESS OPERATIONS FUND WITH FINANCIAL MANAGEMENT REQUIREMENTS.

(A) CONDITIONAL REQUIREMENT FOR TERMINATION OF DBOF.—The Secretary of Defense shall terminate the Defense Business Operations Fund at the end of December 31, 1994, unless the Inspector General of the Department of Defense certifies to the congressional defense committees before such date that—

(1) as determined pursuant to the audit required by section 3521(e) of title 31, United States Code, for fiscal year 1993, the Defense Business Operations Fund was, for such fiscal year, in compliance with all laws, regulations, directives, requirements, guidance, and manuals considered by the Inspector General for purposes of the audit;

(2) the Inspector General did not include in the report submitted to the Secretary of Defense pursuant to section 3521(f) of title 31, United States Code, a disclaimer of opinion regarding the financial statements so audited for fiscal year 1993; and

(3) the Inspector General concluded, on the basis of such audit, that the assets of the Defense Business Operations Fund were protected against loss from unauthorized use for fiscal year 1993.

(b) MATTERS REQUIRED TO BE CONSIDERED.—In conducting the audit required by section 3521(e) of title 31, United States Code, for fiscal year 1993, the Inspector General shall consider (among any other matters that are considered in accordance with generally accepted government auditing standards) all laws, regulations, directives, requirements, guidance, and manuals considered by the Inspector General during the audit of the financial statements of the Defense Business Operations Fund that the Inspector General conducted for fiscal year

● 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

1992 under such section, to the extent that such laws, regulations, directives, requirements, guidance, and manuals continued to be applicable to the Defense Business Operations Fund during fiscal year 1993.

Mr. GRASSLEY. Mr. President, this is one of the four amendments that is on the list for unanimous-consent agreement that we had that I will be offering today.

This amendment deals with the defense business operation fund. We call this DBOF for short.

Mr. President, I have had an opportunity to come to the floor on at least four other occasions this year to talk about the defense business operation fund. I have tried to show how DBOF is used in practice. It is one thing to have a very good program set up to take care of cash-flow and cash management in the Defense Department, and to have that set up with good intentions with good theory; but it is another thing to see how it operates in practice.

I think you will find in this particular instance that this is not operating the way the good intentions of the people that set it up had indicated.

DBOF is really a cash generator for a new Pentagon slush fund to circumvent the will of Congress. I do not think it was set up for that purpose. At least Congressmen and Senators who were involved with setting it up did not have that in mind. But neither did Congress 40 years ago when it set up M accounts have in mind that over a period of 40 years they would turn into the accumulation of $50 to $60 billion of money that in effect provided the Defense Department leeway to spend money, in some instances for things that were not even authorized, to get around the control of Congress on the purse strings of the taxpayers.

I have spoken about some of these bad practices in my past speeches going back to March of this year. I do not want to cover that same ground again today. I can, if need be, for the education of my colleagues about what this procedure does.

But instead, what I want to do today is focus on the sorry state of DBOF's financial statements and to send out what I think is a cure notice.

For my colleagues on the Armed Services Committee, let me just suggest to you that what I am going to point out as bad policy—again I do not point any fingers to any Members of this body—that when you passed something in the past that you set it up with any intent that the will of Congress be subverted, or the Constitution not be followed, or that we would waste the taxpayers' money. I am not saying that at all.

My friends, I am saying to you that this is something that has evolved with the defense business operation fund that is bad business practice, contrary to law, and a waste of taxpayers' dollars, and that even the Armed Services Committee has seen some of this and has set in motion some changes in DBOF that you hope will cure the situation in the same way the House Armed Services Committee has tried to make some changes.

I am saying to you that as I have reviewed DBOF, I feel that we are not focusing enough on the illegality of the expenditures or the situation and the conditions of the books; for instance, the fact that the books cannot be even audited.

If I could say to the managers of the bill, I know that neither one of you will say that when books cannot be managed and reviewed and audited, you think this is a good situation. I know that you know this is not a proper situation. But I think I find it necessary to point out where I believe the corrections that have been suggested in this bill are not enough, and I am suggesting some additional things that, over a period of the next year and a half, will give an opportunity to get the legality certified, to get the books audited, and to make sure that the fund is put in a proper business management condition.

Mr. President, under existing law, the curtain automatically drops on DBOF on April 15 of next year. Section 341 of Public Law 102–484. Sections 331 through 334 of the House version of the defense authorization bill would leave that same April 1994 deadline intact, but would convert DBOF to a regulated operation with no more direct appropriations from Congress. The bill that is before us, by comparison, extends DBOF's life until December 31, 1994, and would lay down a series of what the committee calls milestones to address these shortcomings.

At this point, I think it is very important to point out to my colleagues that the Senate Armed Services Committee, through its legislation, admits that there is something wrong with DBOF. So the fact that DBOF has problems is not something in dispute between me and my colleagues on the Armed Services Committee. But as I say, I do not think we have done enough to see that the problems of DBOF are taken care of.

So my amendment would still stick with that December 1994 date recommended in the Senate bill. This new deadline gives DBOF an extra 8 months to clean house and get its books in order, but that is it.

Again, to the managers of the bill, an original "Dear Colleague" letter of mine went out, and it said that in my original amendment I wanted to do away with DBOF by April 15, 1994—the original scheduled termination of it—without any conditions whatsoever, or without any opportunity to improve and make it work. The amendment that I have before the body today keeps the same deadline that the committee has in this bill, but sets down three conditions that must be met for DBOF to continue beyond December 31, 1994.

So remember this: The amendment that is before the Senate is not the original one that I was talking about in my "Dear Colleague" letter.

If by this time next year DBOF has not cleaned up the books, then DBOF would be phased out on December 31, 1994. That is the same date that is in the bill. My intention, though, is that there would be no more extensions. And the purpose of my amendment is to get the house in order, so that it is working as anticipated, so that it is not a slush fund, so that the inspectors general and the General Accounting Office do not tell us money is being spent without legal authority for that expenditure, and that the inspector general will be able to audit the books.

The General Accounting Office would be required, under my amendment, to develop DBOF alternatives by March 1, 1994, and this would be for consideration in connection with next year's defense authorization bill. Mr. President, if my amendment were adopted, DBOF would not be authorized to operate beyond December 31, 1994 unless the following conditions were met.

I hope you will listen to these conditions, and I hope if the managers of the bill scold me for anything, they scold me for not being brave enough or adventuresome enough in trying to put conditions on here that will probably be harder to meet.

Mr. LEVIN. I wonder if the Senator will yield at that point?

Mr. GRASSLEY. If I do not lose the floor, I will yield.

The ACTING PRESIDENT pro tempore. Without objection, the Senator yields without losing the right to the floor.

Mr. LEVIN. Mr. President, on this pending amendment, the Senator from Ohio, Senator GLENN, wants to be heard, and he is not here this morning. In no event can we dispose of it this morning, because Senator GLENN asked to be heard on it.

We are in an unusual situation today. It is our intent to recess at 10 o'clock until 1 o'clock so that most of us can go over to the White House. I wonder whether or not the Senator from Iowa would be willing to set aside his amendment. I hate to interrupt him to do this, but there are a few other things we would like to do before 10, if possible. Since we cannot dispose of it in the absence of Senator GLENN, I wonder whether or not the Senator from Iowa might be willing to set aside his amendment, with the understanding that it recur at a certain time this afternoon, or immediately following the disposition of a particular amendment this afternoon, so that the Senator would have some certainty that it will in fact come up. We are trying to find out——

Mr. GRASSLEY. Mr. President, if the Senator will give me a time or a point, the answer to his question should be yes.

Mr. LEVIN. I thank my friend from Iowa. We are trying to find out what that time would be from Senator GLENN's office. Would the Senator from Iowa be willing to yield to Senator DECONCINI while we are waiting this time, without losing his right to the floor, and temporarily setting aside his amendment? Senator DECONCINI has a 2-minute speech, not on any pending amendment.

Mr. GRASSLEY. What I will do is this. My amendment would come up at 1 o'clock and at that time, if that is not appropriate, because Senator GLENN or other people who want to participate cannot be here, then I would at that time set it for a more definite time. So it will come up at 1 o'clock now. Will the Senator make the point?

Mr. LEVIN. Yes. That is a very reasonable request.

I ask unanimous consent that the amendment from the Senator from Iowa be laid aside and that it recur at 1 o'clock, and between now and then Senator DECONCINI be recognized and then I immediately be recognized to see if we can pass some amendments which have been cleared between now and 10 o'clock.

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

THE MIDDLE EAST PEACE PROCESS: ISRAEL WILL NEED A STRONG UNITED STATES COMMITMENT

Mr. DECONCINI. Mr. President, I rise today to express both my elation and trepidation regarding the historic turn of events in the Middle East. The peace agreement and exchange of recognition between Israel and the PLO is one of the historical landmarks of our century.

During my many visits to the Middle East and my meetings with regional leaders—Israeli and Arab alike—I have often wondered out loud if we would see a time when men and women of vision would take a gamble for peace; whether there would be more leaders such as Menachem Begin and Anwar Sadat who, for the long-term good of their peoples, would risk everything—including their lives—to construct a foundation upon which a lasting Middle East peace could be built. Clearly, Prime Minister Yitzhak Rabin is such a man. Imagine my surprise that, perhaps, the PLO's Yasser Arafat could be another.

The peace agreement and exchange of recognition between Israel and the Palestine Liberation Organization is a major breakthrough in a process that has stretched over several generations of Jews and Palestinians. It holds great promise for future generations of these peoples to at last live in peace and security.

However, there are many people on both sides who are convinced that their leaders have sold them out. They believe that this agreement greatly threatens their security and compromises their dignity. Many Israelis believe that yielding the Gaza Strip, Jericho, and perhaps eventually major parts of the West Bank to the Palestinians leaves them with indefensible borders. Palestinian critics say the agreement falls far short of providing them a homeland. Both may be correct, but this agreement is just a first step in a long and difficult process. The benefits of this momentous development will not be immediately apparent to peoples accustomed to decades of mistrust, violence, and death, but the alternative to this agreement is many more decades of mistrust, violence, and death.

Responsible leaders of Israel, and of the Palestinians, have the moral obligations to their peoples to take the risk inherent in this bold initiative in order to give this peace agreement the opportunity to take hold. Likewise, the United States has a moral obligation to help ensure the success of this effort.

From my visits to Israel, I know for certain that the citizens of Israel want to live in peace with their neighbors. Also, having met with Palestinians in east Jerusalem, I believe that many Palestinians are sincere in their desire for peace. And even though no peace plan can rectify the centuries of inequities, nor quickly erase the memories of the injustices which have characterized the tortured history of this region, this plan lays a cornerstone upon which a better future can be built based on justice and mutual respect.

In agreeing to this plan, Israel has demonstrated tremendous courage and faith in the international community in accepting conditions which surrender strategic military terrain to the PLO—an organization which only now has formally renounced its pledge to destroy Israel. The PLO has stained its hands with the blood of many innocent people through terrorist attacks, from the murder of Israeli athletes at the Olympic games in Munich, Germany in 1972 to the infiltration of terrorists on to a peaceful Israeli beach in 1990. For some 30 years, the PLO has taught Palestinians to revile the State of Israel. With such a history, establishing real trust between Israel and the PLO cannot occur merely by signing a piece of paper.

Of equal if not greater concern is the fact that the leadership of the PLO is not monolithic. Yasser Arafat's leadership of the mainstream PLO fatah faction is not strong. There are many radical factions, such as the PELP, the popular front for the liberation of Palestine, which will do all that they can to destroy any peace agreement. What guarantee does Israel have that a divided PLO will have control over the actions of all Palestinians in the areas it controls? Can we be certain that these territories will not become bases for terrorist or outright military attacks against Israel?

The answer lies in large part with the United States. A bold agreement of this type between Israel and the Palestinians will take many years to become fully implemented. The United States must work hand in hand with Israel's leaders—and with Arab States which are supporting this agreement—to foster the cooperation necessary to ensure its success.

In order to provide the Israeli leadership the firm platform from which to oversee the implementation of this peace plan, the United States Government must pledge any and all moral, political, and material military support necessary to make it clear to any of Israel's adversaries that Israel is secure. We must demonstrate to the opponents of peace that the precarious geographic and military position Israel is accepting cannot be exploited to destroy Israel.

Let there be no doubt, there are Israelis who will try to overturn this plan because they believe it will lead to Israel's destruction. There also are Palestinian, and other Arab and Moslem factions and governments which support implementation of this accord because they believe that it will be the first step in the destruction of Israel.

It is only through the strongest United States commitment to the security of Israel that those who would seek to exploit this agreement to Israel's disadvantage will see the futility of their efforts. With sustained United States support, I hope and believe that Israel will, at long last, be able to live in peace with the Palestinians and with all its neighbors.

I urge the administration to fulfill its public commitment to Israel to provide whatever support it requests in order to maintain its qualitative edge militarily and to defend itself during this long, difficult, and dangerous period of transition to a lasting peace. A bold gamble for peace has been made. It is incumbent upon the United States, which has long worked for such a day, to provide the security necessary to make the plan a reality.

THE PHOENIX CARDINALS

Mr. DECONCINI. Mr. President, I congratulate the Phoenix Cardinals on their victory yesterday. I thank the fans of the Washington Redskins for their kindness and courtesy during that game.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

AMENDMENT NO. 841

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

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 841.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . AMERICAN DIPLOMATIC FACILITIES IN GERMANY.—(a) No embassy, chancery, or consular facilities in Germany other than the facilities already occupied as of January 1, 1993 by U.S. diplomatic personnel may be purchased, constructed, leased, or otherwise occupied unless such facilities are purchased, constructed, modified or leased with funds provided by the German Government as an offset for the value of facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the current Status of Forces Agreement with the Governor of Germany.

(b) The Secretary of State or his representative may not enter into any legal instrument to purchase, construct, modify, or lease any facility in Germany acquired pursuant to subsection (a) of this section until the Secretary of Defense certifies that the United States Government has received or is scheduled to receive cash payments or offsets-in-kind of a value not less than 50 percent of the value of the facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the current Status of Forces Agreement with the Government of Germany.

Mr. LEVIN. Mr. President, this amendment has been cleared. I will briefly recount what is in it.

If there are any other amendments we can dispose of in the next 10 minutes that have been cleared, it would be useful to do that.

This is an amendment of mine which addresses an important issue that concerns the facilities we built over the years in Europe and that were returned to Germany as we moved our forces.

We have a treaty agreement with Germany that Germany will pay the United States for the value of the facilities that we return to them.

So far, the United States has turned back or announced plans to turn back nearly $3 billion in facilities. We have to deduct from that amount the cost of environment cleanup and repair of damages. Once that is done, we will have returned facilities with a residual value of $2½ billion to Germany that they are supposed to reimburse us for.

So far the Government of Germany has paid the United States less than $3 million out of the $2½ billion in residual value which they are supposed to pay.

Germany has also built a small sewer system with a total cost of $25 million, but that can be deducted and still leave just about $2½ billion. The main point of that sewer system was to help cities downriver from the training facility in any event.

The problem is that as a country we have no leverage in our negotiations. We cannot threaten to stay in Germany until they pay us because we do not need to stay in Germany with all of our forces there, and we cannot afford it.

So this would bring some pressure on the German Government. The amendment would effectively prohibit the United States from going to the enormous expense of building a new embassy in Berlin and moving to Berlin our diplomatic activities until Germany pays at least 50 percent of what it owes on residual value and it then states that the cost of any new embassy would come from remaining residual payments. It is strong medicine but justified because of the frustration we had in getting some commitments observed, and I know of no other way to really force this issue, and in a diplomatic way, this does it.

There is some reservation on the part of some in the State Department on this, but we think it will increase their leverage in their negotiations with Germany, and we think it is appropriate given the years of discussions which have not yet borne adequate fruit.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend my colleague, Senator LEVIN, on his persistence toward ensuring that the United States receives a return on the investments it made in Germany while standing guard against the Soviets during the 40 years of cold war. He has been at the forefront of this effort and I support his amendment.

Mr. President, the United States is in the process of closing 773 military locations in Europe, most of which are in Germany. Our Government is currently negotiating with the German Government on the transfer of these facilities and unfortunately is not having much success in getting a fair return on our investment. This amendment will, in my judgment, hasten that process and at the same time ensure that the United States receives a return on its investment in its former facilities.

Mr. President, I urge the Senate to support the amendment.

The ACTING PRESIDENT pro tempore. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 841) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 842

(Purpose: To enact sanctions against Serbia and Montenegro)

Mr. LEVIN. Mr. President, I send to the desk an amendment which has not yet been cleared, but I want it to be pending and everyone have notice. This is an amendment relative to sanctions on Serbia that Senators DOLE and SIMON are cosponsoring. I do not know if it has been cleared. I will not seek its passage right now, but I do send it to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. DOLE, and Mr. SIMON, proposes an amendment numbered 842.

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

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

The amendment is as follows:

At the appropriate place insert:

SECTION 1. SANCTIONS AGAINST SERBIA AND MONTENEGRO.

(a) CODIFICATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions against Serbia and Montenegro described in the following directives of the executive branch of Government are hereby enacted into law:

(1) Executive Order 12808 of May 30, 1992, as continued in effect on May 25, 1993.

(2) Executive Order 12810 of June 5, 1992.

(3) Executive Order 12831 of January 15, 1993.

(4) Executive Order 12846 of April 25, 1993.

(5) Department of State Public Notice 1427, effective July 11, 1991.

(6) Proclamation 6389 of December 5, 1991 (56 Fed. Register 64467).

(7) Department of Transportation Order 92-5-38 of May 20, 1992.

(8) Federal Aviation Administration action of June 19, 1992 (14 C.F.R. Part 91).

(b) PROHIBITION ON ASSISTANCE.—(1) No funds appropriated or otherwise made available by law may be obligated or expended for Serbia or Montenegro.

(2) The prohibition of paragraph (1) includes funds which were obligated but not expended under any law enacted before the date of enactment of this Act.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance of the respective institutions to Serbia or Montenegro.

(d) EXCEPTION.—Notwithstanding any other provision of law, the President is authorized and encouraged to exempt from sanctions imposed against the Republic of Serbia and the Republic of Montenegro those United States-supported programs, projects, or activities involving reform of the electoral

process, or the development of democratic institutions or democratic political parties, in these two countries.

(e) WAIVER.—(1) Nothwithstanding any other provision of this section (other than paragraph (2)), the President may waive the application, in whole or in part, of any sanction or prohibition contained in this section if the President determines, and so certifies to Congress, that it would be in the national interest of the United States to do so.

(2) The waiver authority of paragraph (1) may not be used to waive any sanction or prohibition in Section 1 (a),(b),(c) unless the territory of Bosnia-Hercegovina, as recognized by the United States on April 2, 1992, is controlled by a government of Bosnia-Hercegovina recognized by the United States, and that government or its people, are not subject to military action in or against it by Serbia and Montenegro or Bosnian Serbian forces.

Mr. LEVIN. Mr. President, this in a nutshell would put into law the sanctions currently against Serbia which currently exist in Executive order.

It is important that the Serbians know that they cannot simply obliterate a country and assume that the pending sanctions against them are going to be lifted. Even if they can force a negotiated agreement to dismember Bosnia, they should be put on notice that for the sanctions that are currently in Executive order to be lifted, it is going to require, if my amendment passes, that not only the President agree to lift the sanctions but that the Congress agree to lift the sanctions as well.

That is the thrust of this amendment.

Again, I do not know whether it has been cleared or not. I am not going to seek its adoption at this moment. I did want to describe what is in it.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEVIN. Mr. President, I ask unanimous consent that immediately after the disposition of the amendment of the Senator from Iowa at 1 o'clock, or some other agreement relative thereto at 1 o'clock, that this amendment then be the pending amendment.

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

RECESS UNTIL 1 P.M.

Mr. LEVIN. Mr. President, on behalf of the majority leader I ask unanimous consent that the Senate stand in recess until 1 o'clock today.

There being no objection, the Senate, at 9:58 a.m., recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. DORGAN].

AMENDMENT NO. 840

The PRESIDING OFFICER. The pending order of business of the Senate is Grassley amendment No. 840 now before the Senate.

Several Senators addressed the Chair.

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

Mr. GRASSLEY. Mr. President, the amendment that we discussed for about 10 minutes this morning is before this body. It deals with the Defense business operation fund, or DBOF. As I said before—I have previously spoken on other occasions on this subject—I have tried to show how DBOF is used in practice. It is a cash generator for a new Pentagon slush fund to circumvent the will of Congress.

I am not going to cover the same ground that I have in other speeches going back to March. Instead, I want to focus on the sorry state of DBOF's financial statements and to send out a cure notice. The bottom line is that you cannot audit this fund. You ought to be able to audit every fund.

Mr. President, the curtain automatically drops on DBOF on April 15, 1994. That is under current law. However, sections 331 through 334 of the House fiscal year 1994 defense authorization bill would leave the April 1994 deadline intact but would convert DBOF to a regulated business operation with no more direct appropriations from Congress.

Section 311 of this bill, which I amend, could extend DBOF's life until December 31, 1994, and would lay down a series of milestones to address shortcomings.

My amendment, Mr. President, would stick with the same December 1994 date that is recommended in the Senate bill. The new deadline would give DBOF 8 extra months to clean house and get its books in order and that is it. If by this time next year DBOF has not cleaned up the books, then DBOF would be phased out on December 31, 1994. There would be no more extensions, just that simple. The General Accounting Office would also be required, under my amendment, to develop DBOF alternatives by March 1, 1994, for consideration in connection with next year's defense authorization bill.

Mr. President, if my amendment were adopted, DBOF would not be authorized to extend beyond December 31, 1994. That is the same date that is in the present bill. But it would not be extended beyond that point unless the following conditions were met:

First, the Department of Defense inspector general's audit of DBOF's fiscal year 1993 financial statements must indicate that the fund's financial operations comply with all applicable statutes, including the Chief Financial Officers Act of 1990.

Second, the Department of Defense IG's audit of DBOF's fiscal year 1993 financial statements must not contain a disclaimer of opinion.

Third, the Department of Defense IG's audit of DBOF's fiscal year 1993 financial statement must verify that all assets are protected against loss from unauthorized use.

So, Mr. President, I am asking basically three things in this amendment, probably three things that are so simple you might wonder what is the controversy about my amendment. I am not sure that I know what the controversy about my amendment is because I am just trying to make it possible and bring to the attention of the people of this body that a fund that the inspector general says cannot be audited ought to be audited. That is just a commonsense approach to governance and to accounting.

Second, the General Accounting Office would study how DBOF operates. Obviously, the General Accounting Office has found some problems with the fund. They ought to be, as an outside arm, in a position to recommend, as a fiscal agent for Congress, some changes for the fund. If that cannot be done, then what would a follow on to the fund be?

Then, lastly, just simple common sense again, that there not be any money expended from this fund that is not expended for legal purposes. That is going on now, including as I said once before a few days ago, that $2 million was absconded from a base from this fund. That $2 million being taken illegally for personal use by a person who is now in jail was not found because it was audited and found. It was found because of the living style of this individual who took the $2 million. People started raising questions and they turned it over to the prosecutors, and the prosecutors found out about the $2 million.

So I say, Mr. President, the reason for my amendment is just plain simple common sense. We are staring another Department of Defense financial horror story right in the face. That happens to be the Defense business operating fund.

The Department of Defense IG completed an audit of DBOF's financial statements on June 30, 1993. The results are presented in audit report No. 93-134 entitled the "Principal and Combining Financial Statements of the Defense Business Operations Fund, FY 1992." This report is the basis for my amendment. This report was required by the Chief Financial Officers Act passed by this body in 1990.

The IG says in this report that the books of DBOF are in a terrible mess. DBOF's financial house is in total disarray.

Mr. President, I want to briefly summarize some of the things that are the results of the IG's audit of DBOF so my colleagues can better understand what is going on.

This is what the IG found after auditing the DBOF financial statement for fiscal year 1992: There were inadequate controls over cash, impossible to verify the accuracy of net disbursements totaling $3.1 billion because of inadequate audit trails and deficient automatic systems.

When you hear that, you have to know something is wrong, $3.1 billion

that the inspector general could not verify because of inadequate audit trails and deficient automated systems.

There was a $249 million difference between what DBOF reported to OMB and what was presented as net disbursements in financial statements.

Another thing the IG said is that transactions were not recorded timely. Another complaint: Misreporting of intrafund transactions. Another point: Accounts receivable not confirmed and revenue not recognized; lack of supporting documentation.

Let me just explain a little bit about that. Once again, this is not CHUCK GRASSLEY's analysis of this. This is from the IG's report. Lack of supporting documentation; subsidiary records were not available to support adjustments of $2.7 billion on the Defense Fuel Supply Center statements of cashflows and $1.1 billion on the center's statement of budget and actual expenses. There were another $645.8 million in unsupported adjustments against other accounts.

"Capital assets and inventory is not valued accurately," was another complaint of the IG. "Accounts not reconciled" is yet another one. "Unreliable weekly flash cash reports." In other words, impossible to compare the weekly flash cash reports to actual information. Meaningful trend analysis has been impossible.

"Inadequate audit trails." Explaining this, it is impossible to perform tests to verify transactions due to the lack of audit trails. Revenue of $1.07 billion, expenses of $998.9 million, and as sets of $339.9 million could not be substantiated in the Air Force transportation business area. So inadequate audit trails, lack of uniform accounting systems, lack of standard general ledger, and failure to comply with laws and regulations.

Mr. President, I am looking at the DOD IG's list of laws and regulations violated by the Defense business operating fund. There are here eight provisions of Federal statutory law and seven separate regulations that have been violated by the Defense business operating fund.

In fact, on this whole list there is only one that was complied with—the Antideficiency Act, Public Law 99-344.

These are regulations not abided by with this account:

The Budget and Accounting Procedures Act of 1950; the Military Construction Codification Act, Public Law 97-214; Federal Managers' Financial Integrity Act of 1982; Debt Collection Act, Public Law 97-365; Prompt Payment Act of 1988; Department of Defense Appropriations Act, 1992; Chief Financial Officers Act of 1990; National Defense Authorization Act for Fiscal Years 1992 and 1993; Joint Financial Management Improvement Program Core Financial Systems Requirements; Treasury Financial Manual, June 12, 1990; U.S. Standard General Ledger, November 12, 1992; General Accounting Office Policy Procedures Manual for Guidance of Federal Agencies; OMB Bulletin 93-02, Form and Content of Agency Financial Statements; DOD Accounting Manual, June 17, 1991; DOD Guidance on Forms and Content of Financial Statements for Fiscal Year 1992 Financial Activity, December 30, 1992.

What I have just read there, Mr. President, is 15 different laws, or regulations that the inspector general says was not followed by DOD in the management of DBOF. I want to add one more. Section 1501 of title 31 of the United States Code for failing to maintain documentation to support financial transactions.

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

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

LAWS AND REGULATIONS REVIEWED AND AUDITOR ASSESSMENT OF MANAGEMENT COMPLIANCE

LAWS AND REGULATIONS REVIEWED—MANAGEMENT COMPLIANCE

Budget and Accounting Procedures Act of 1950—No.

Antideficiency Act, P.L. 93-344—Yes.

Military Construction Codification Act, P.L. 97-214; 10 U.S.C. Section 2682, July 12, 1982—No.

Federal Managers' Financial Integrity Act of 1982, P.L. 97-255, August 19, 1982—No.

Debt Collection Act, P.L. 97-365, October 25, 1982—No.

Prompt Payment Act of 1988, P.L. 100-495, October 17, 1988—No.

Department of Defense Appropriations Act, 1992, P.L. 102-172, Section 8121, November 26, 1991—No.

Chief Financial Officers Act of 1990, P.L. 101-576, November 15, 1990—No.

National Defense Authorization Act for Fiscal Years 1992 and 1993, P.L. 102-190, Section 316, December 13, 1991, as amended by the National Defense Authorization Act for Fiscal Years 1993, P.L. 102-484, Section 341, October 2, 1992—No.

Joint Financial Management Improvement Program Core Financial System Requirements (FFMSR-1, January 1988)—No.

Treasury Financial Manual, June 12, 1990—No.

U.S. Standard General Ledger, November 12, 1992—No.

General Accounting Office's Policy and Procedures Manual for Guidance of Federal Agencies, Title 2, Accounting, May 18, 1988—No.

OMB Bulletin 93-02, "Form and Content of Agency Financial Statements," October 22, 1992—No.

DoD 7220.9-M, "DoD Accounting Manual," June 17, 1991—No.

"DoD Guidance on Form and Content of Financial Statements for FY 1992 Financial Activity," December 30, 1992—No.

Mr. GRASSLEY. Mr. President, the list of discrepancies in DBOF financial statements go on and on. I merely selected a few examples to highlight some of the most glaring deficiencies identified by the Department of Defense IG.

I think we have reason to be concerned about what is really going on in DBOF. The IG's assessment squares with other available information on DBOF. The IG is telling us that DBOF financial records are inaccurate, unreliable and incomplete.

The IG is telling us that there are inadequate controls over cash assets. The IG is telling us that there are wide, unexplained gaps on DBOF's balance sheets. DOD officials are using plug figures and arbitrary adjustments to keep the books in balance, but there is no documentation to support those adjustments.

The IG is telling us that there are few, if any, audit trails to follow in this $120 billion fund. The IG is telling us that DBOF is disregarding the laws of the land, that they are not spending money legally.

DBOF's financial records were in such poor condition that the Department of Defense IG had to issue what is called a disclaimer of opinion. That, Mr. President, in the language of accountants, means that the IG could not audit the books.

The IG's auditors could not express an opinion on the accuracy and completeness of the financial statements.

So what is the bottom line? The DOD IG is "unable to ensure the public that DBOF's assets were safeguarded against loss from unauthorized use."

As Mr. Perot says, "Pay attention, folks, that is a red warning flag." There is ample justification for the Department of Defense IG's warning.

Money was indeed stolen—outright stolen—from DBOF.

A low level GS-8 accountant at Reese Air Force Base, TX, named James Lugas, stole $2,094,318.50 from the stock fund and commissary accounts at Reese between November 1989 and November 1992. He is now serving jail time for that crime.

Mr. Lugas picked those two accounts because they were the easiest targets he could find. Well, guess what? They are also part of DBOF.

I think my colleague who is on the floor, Senator GLENN, had something better to say about Mr. Lugas:

Lugas was caught, not as a result of Air Force internal control procedures, but because his neighbors, noticing his lavish lifestyle, believed that he was involved in illegal drug activity and reported him to DEA.

Mr. Lugas recognized the lack of financial control and discipline within DBOF and decided he could rip into DBOF's money sack at both ends and never get caught.

Using plug figures and phony accounting entries, he was able to hide the theft and keep the cash flowing straight into his account at the base. I think that is not just because this money was stolen but, more importantly, the 15 laws and regulations that have been disregarded and, most important, because money is spent illegally,

and maybe even more important, that the books are in such shape that the IG cannot give it an audit, is intolerable.

How many others like Mr. Lugas have tapped into this money without detection?

Mr. President, Ms. Alice C. Maroni, Principal Deputy DOD Comptroller told the House Armed Services Committee on May 13 this year that DBOF is supposed to be run like a business.

She said:

> The Business Fund provides the mechanism to adopt a businesslike corporate approach to improve and measure the management of vital support activities which provide goods and services to our operating forces.

Well, Mr. President, if the likes of the IG's audit had been presented to the board of directors of a major corporation in America, I feel certain that the chief financial officer of the corporation—anybody in that position—would have lost their job, been beheaded along with several others.

This would be a financial disaster for any private sector company. Nobody would want to own stock in that private sector corporation. The SEC would prohibit further sale of the stock. Its value would plummet, and the company would quickly collapse.

With revenues and expenses approaching $120 million—that is what we are talking about that goes in and out of this fund—DBOF is equivalent in size to the fourth largest corporation in America. Its annual financial transactions are equivalent to roughly 40 percent of the DOD budget.

Mr. President, there is no financial control over a huge chunk of the defense budget. The breakdown of financial discipline at the Pentagon must be brought to a screeching halt. We have a responsibility, Mr. President, as U.S. Senators, to make this happen.

First, bureaucrats must provide a full and accurate accounting of how they are spending the people's money.

Those of us in Congress, who exercise the power of the purse, have a responsibility to the citizens of this country to make sure that there is a full and accurate accounting for every penny that the Government spends. The taxpayers deserve nothing less than that.

Well, on June 30, the DOD IG submitted a formal audit report to the Congress, an audit required by law. The IG says an accurate accounting of billions entrusted to DBOF cannot be rendered, and the IG cannot assure us that money has not been used for unauthorized purposes—that more money has not been stolen.

Congress now has a responsibility to react in a constructive way, and I believe that my amendment is constructive. If there are any shortcomings of my amendment, if you were at the grassroots listening to this debate, you would say to the Senator from Iowa, "You are not doing enough."

Maybe some of my colleagues think that, but I am doing what I think is reasonable and what is within the context of a bad situation that cannot be corrected overnight, but that we cannot let go on anymore.

I recommend that we give DBOF another year to clean up the books and get control of the money.

That is the same period of time that the Senate Armed Services Committee authorizes DBOF.

Second, we cannot evaluate the performance of DBOF without accurate and complete financial information.

Section 312 of this bill lays down a series of important "milestones" that must be met by DBOF.

Some have suggested that these milestones are "inchstones."

Mr. President, there is no way to measure DBOF's progress toward those milestones without accurate and complete financial information.

Next year's audit of DBOF's financial statements will tell us whether we are in a position to evaluate DBOF's performance.

My amendment would put DBOF on probation for a year.

So the message is clear: Clean up the books and get control of the money or you are out of business on December 31, 1994.

In the process, by March next year, if my amendment is adopted the Government Accounting Office will have recommendations to us.

I hope my colleagues will support this amendment. I think it is reasonable, but most importantly, Mr. President, I do not know how we can justify to the taxpayers $120 million in an in-and-out account that the IG, the inspector general, cannot audit and that $2 million is stolen from to adequately demonstrate that happens to be the case even beyond what the Comptroller General said.

Bottom line: Before I yield the floor, we ought to be able to audit the books, and that is simply all my amendment does. It makes it clear that this body feels strongly enough about the work of the IG and vouching for the expenditure of taxpayers' money that the books ought to be in a position to be audited and then take action as a result of that audit based upon recommendations of the Government Accounting Office. We cannot let this go on anymore.

I yield the floor.

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

Mr. GLENN. Mr. President, I rise to oppose the amendment offered by the Senator from Iowa, Senator GRASSLEY. I hope the amendment will be defeated, but I share the great concern with him about how we manage these financial accounts.

I agree completely with Senator GRASSLEY that the Defense business operations fund, or DBOF as we call it, has very, very serious problems. Our whole accounting system for Government is in a system of turmoil, particularly the Department of Defense. And I agree with that.

But we are not ignoring these problems. The Armed Services and Governmental Affairs Committees have spent a lot of time on this issue this year. I think we already have a formula in this bill that addresses these problems, and I believe that adoption of the Grassley amendment would hurt our efforts to fix these problems.

The DBOF is at the heart of the financial management problems facing the Defense Department today. It has not been there for a long time. It was formed in 1991 to try to put together a financial management system and solve all these problems that are facing the Defense Department.

Now, I know that talking about a defense management auditing system like DBOF is a subject that can put people to sleep in a very big hurry. And maybe that is one of the reasons why we have not addressed this adequately a long, long time ago.

But I want to take just a moment to outline the background of the DBOF issue for my colleagues and what we are trying to do about it.

Beginning October 1, 1991, DOD consolidated its five industrial funds and four stock accounts into a single new revolving fund called the DBOF, or Defense business operations fund. The objective was to improve cash management, make DOD workers more conscious of the cost of their operations and be able to keep a more day-to-day running total on what was going on over there. And, finally, to make a central accounting system for the whole Defense Department, rather than the myriad of different accounting systems we have now.

The Army alone, we had testimony on, has some 43 different accounting systems. We are trying to straighten those out. And the same thing occurs in the other services, also.

Consolidating nine funds into one sounds like a simple arithmetical operation, but is has been anything but simple. Since its inception, DBOF has been plagued with persistent financial and accounting problems which it inherited from the past. Most of these problems, Mr. President, are the result of very, very antiquated finance and accounting systems and lack of attention by senior management to financial management and financial integrity issues.

In April of this year, Deputy Secretary of Defense Perry instituted a detailed review of DOD's implementation of DBOF to make recommendations for changes or improvements in the fund. The recommendations of this DBOF Implementation Review Group are currently being reviewed at the highest levels of the Defense Department.

Over the past several months, I have chaired hearings in the Subcommittee on Military Readiness and Defense Infrastructure on the Armed Services Committee and on the Governmental Affairs Committee that examined the problems with DBOF in detail. During these hearings, we hear from the Acting DOD Comptroller, from the military services, and from the General Accounting Office. In the Governmental Affairs Committee, the Assistant DOD IG presented the results of the DOD IG's financial audit required by the Chief Financial Officers Act of 1990.

My conclusion from these hearings, Mr. President, is that the DBOF inherited serious problems. Right now, though, DBOF is about the only game in town and the best hope we have to bring some order to DOD financial management.

I do not believe the amendment suggested by my friend from Iowa really sets up a system that would replace DBOF. It basically does away with DBOF.

What we need is to solve the DBOF problems, not just ignore them by terminating DBOF as Senator GRASSLEY'S amendment would do. As GAO pointed out in their testimony—

> A full-scale effort to make the fund successful could prove to be the catalyst needed for effective action to correct DBOF's long-standing financial and information management problems.

Mr. President, the provisions already in the committee bill are designed to force DOD to make this full-scale effort. Everybody in town—GAO; The office of the Secretary of Defense, the, OSD, the DOD Inspector General, the military services, and the Armed Services and Governmental Affairs Committees—agrees with Senator GRASSLEY that there are significant problems with the DBOF. But in my view, the committee bill already takes into account the concerns that Senator GRASSLEY'S amendment raises.

Last year, the fiscal year 1993 Defense Authorization Act authorized the Secretary of Defense to operate the DBOF through April 15, 1994. The provisions in the committee bill extend the DOD's authority to operate DBOF for an additional 8 months—through December 31, 1994—for one purpose: in order to give Deputy Secretary Perry time to try to resolve the serious problems with this fund, to make it workable.

The committee bill then directs the Secretary of Defense to establish milestones to address the problems in the DBOF outlined by our hearings, by Senator GRASSLEY, and by the DBOF Review Group within 30 days of the enactment of this bill.

We then require a progress report by February 1 of the next year on how DOD is implementing these milestones.

Finally, we direct GAO to monitor DOD's work and report to Congress on the results next spring.

Mr. President, by authorizing the Secretary of Defense to operate the DBOF only through December 31, 1994, we are insuring that it will take a positive action by the Congress for DOD to continue operating the DBOF after that point. This means that we will be reviewing the DBOF all this year and next, and we will have to consider in next year's authorization bill whether DOD has made sufficient progress in straightening out DBOF's problems to continue operating this fund.

I feel Senator GRASSLEY's amendment is too inflexible because it requires DOD to terminate the DBOF if the DOD IG issues a disclaimer of opinion next year on the CFO audit of the DBOF. The DBOF failed the CFO audit this year, as the testimony before the Governmental Affairs Committee showed in July. I can tell the Senate right now that the problems DOD inherited are so severe that in all likelihood the DOD IG will issue a disclaimer of opinion on its CFO audit of DBOF next year. That is almost to be expected.

The question we have to consider, however, is whether DOD has made significant progress by next year's CFO audit in addressing DBOF's significant problems to warrant continuing the DBOF. That is a judgment we will make next year after reviewing the GAO report and the DOD IG's CFO audit.

Let me just comment that the Senator from Iowa gave some examples of $2 million that was fraudulently obtained on Air Force accounts in Texas. I would say that that fraud occurred before the process was started. The process was started before DBOF was even formed, so that problem in Texas was mainly the Air Force's own internal controls. That came out of our Governmental Affairs hearing.

GAO identified across the whole length and breadth of Government some 400 different accounting systems. When we challenged them on that situation, they could identify actually 200 major different accounting systems in Government. That is the kind of thing we are talking about.

The Army itself has 43 basic different accounting systems. So we are talking about a very mammoth problem, not just in the Department of Defense, which is trying to address some of these problems through DBOF, but also all across other parts of Government. There are similar things that we could point out that would be similar to DBOF where our accounting systems are not really in order.

So the problem with Senator GRASSLEY's amendment is it would terminate DBOF next year if the DOD IG audit does not give DBOF a completely clean bill of health. Even if the audit shows significant progress has been made in addressing the problems in DBOF, if it does not completely pass the CFO audit, DBOF must be terminated.

I was the chief author of the Chief Financial Officers Act of 1990. This act requires an annual financial audit of DBOF and many other funds and agencies in the Federal Government. We have had our first reports pursuant to the CFO reports, which had to be made to the Congress.

In my opinion, use of the CFO Act to justify the termination of DBOF, at this point in time, is inconsistent with the intent of this legislation. Let me explain why.

First, the DOD IG's audit this year of the DBOF that Senator GRASSLEY referred to and that we had a hearing on in the Governmental Affairs Committee was the first audit ever done of DBOF. That was the first time the CFO has been required to make that report. Frankly, no one really expected a clean bill of health on this audit this time around. Audited financial statements commonly produce disclaimers or adverse opinions for a number of years. I think it is unfortunate that is true, but it is.

Our most successful agencies using financial statements have been the Social Security Administration and the GSA. It took 4 years for Social Security to get a clean audit and it took 9 years for GSA to get a clean audit.

We can say we should go faster than that, and I agree that we should. But that is what it has taken to clean up the mess in Government financial auditing in some of the other agencies. So improving financial management in the Federal Government will not occur overnight.

Second, the use of CFO audits to terminate programs or initiatives like the DBOF may have a chilling effect on agencies. Audited financial statements were implemented in the CFO Act as a tool for agencies to improve financial management systems and operations, not to terminate programs.

Third, if we accepted Senator GRASSLEY's logic that financial audit disclaimers should result in terminating programs, we would have to terminate programs all over the Government—even close down entire agencies, if they do not pass muster on their audit.

The majority of agencies producing audited statements have received disclaimers under the CFO Act, we are that far out of tune with what we should be doing in the Federal Government. The Department of Defense is but one Department. The state of financial management in the Federal Government is so poor because we have not given it the attention it requires, and that is why we passed the CFO Act back in 1990.

We worked very closely with Dick Darman in the White House and also with Charles Bowsher at GAO. I know in one of our hearings, the Comptroller General said he felt the CFO Act was the best step forward in financial management in the Federal Government in

the last 40 years. Whether it will prove to be that good or not, I do not know. But it is just in the process of coming into play now.

Realistically, I think everyone agrees that there is really no alternative to fixing the problems that DBOF inherited. We really do not want to go back to the old system of having nine separate funds based on differing accounting systems that could not even talk to each other, most of them. So we really did not have a running total of what is going on in the Department of Defense, which DBOF tries to bring about. And, as GAO has pointed out, if DBOF has done one thing, it has focused high-level attention on the problems in DOD's finance and accounting systems, attention that is long, long overdue.

It was as a result of our hearings and bringing this out, making it public and calling attention to this particular area, that led Deputy Secretary Perry to establish the group at the Pentagon that right now is working on making DBOF a workable organization, which it should be. We do not have any other proposal that would replace DBOF now except just going back to the old system of nine separate funds, and we do not want to do that.

So the Armed Services Committee and the Governmental Affairs Committee both share Senator GRASSLEY's conviction that DOD should give some high-level attention to fixing the deplorable state of financial accounting in DOD through DBOF. And the provisions in the committee bill, we believe, will make that happen.

I want to assure the Senate that both the Armed Services Committee and Governmental Affairs Committee will continue to exercise vigorous oversight of the DBOF in the coming year. We will be keeping DOD and DBOF on a very short leash. We are the ones who turned up this situation. We feel we have taken action that will deal with it. And we are going to be monitoring what we have done very closely.

It took about 40 years to get DOD's accounting system into the mess they are in today—and it is a mess. I would like to think we can solve all those problems in a year or two. Unfortunately, that may be optimistic. It may not be too realistic to think we can do it that fast. But we want to work with DOD.

I will certainly work with Senator GRASSLEY and with his office. I think his bringing attention to this on the floor is excellent. I do not criticize that at all. I want to work with him to address the problems of DBOF. The provision in the committee bill, we feel, will do exactly that.

We feel Senator GRASSLEY's amendment therefore is unnecessary and could be counterproductive because it would do away with what progress we feel has been made through the CFO Act, of getting these audits run and trying to bring some sense out of this, making improvements in DBOF.

For those reasons, I oppose the amendment and hope we will defeat it, with the assurances that we are certainly going to monitor this thing very, very closely.

I yield the floor.

Mr. THURMOND. Mr. President, I oppose the amendment offered by my distinguished colleague, Senator GRASSLEY. The amendment would require the Department of Defense to terminate the Defense business operations fund if the fund cannot pass an audit by the Department of Defense inspector general by December 31, 1994. The amendment would be counterproductive, because the issue is not whether the fund can pass the audit, but rather what are the steps which can be taken to make the fund healthy.

The Committee on Armed Services and the GAO have studied the problems which have plagued the fund since its inception in 1991. The committee held hearings on the matter this year. The committee strongly endorsed the conclusions of the GAO, and supported extending the authority to operate the fund until December 31, 1994, in order for the Department of Defense to develop solutions to complex financial problems.

Neither the Congress nor the Department of Defense disputes the nature and magnitude of the massive deficiencies which characterize fund operations. The Department has initiated a comprehensive review of the fund and the Deputy Secretary of Defense has testified that steps will be taken either to resolve the problems or terminate the fund.

The unamended bill before the Senate would allow the Department of Defense to take corrective action by authorizing the Secretary of Defense enough time to act on the conclusions of the implementation review group. The bill would authorize the Secretary to operate the fund until December 31, 1994, with certain limitation and guidance.

The proposed amendment, however, would not solve a single problem. Every problem which the Congress, the GAO, and the Department of Defense have identified will still exist if the fund is terminated. Rather than fix the problems, the amendment would only make matters worse by leaving the Department without any established means to conduct its business operations. Further, any new system or revolving fund will only inherit the current problems. There will be no opportunity to consider any of the implementation review group's conclusions. While I understand my distinguished colleague's sincere desire to reform this terrible situation, and share his displeasure and frustration, I believe the more productive method is to continue fund operations within the guidelines imposed by the bill and enable the Department to correct the problems.

This fund is the principal means by which the Department of Defense conducts its business operations. This means the operations, training, logistics, maintenance, and depot and shipyard operations of all the forces are paid for out of this fund. If the amendment is adopted, some alternative revolving fund will have to be implemented to handle these business operations. However, the amendment does not suggest any feasible alternative, and it is improbable that an effective alternative can be fashioned if the amendment is passed.

I urge my colleagues to oppose this amendment.

Mr. LEVIN. Mr. President, if there is no further debate, or when debate is concluded on this amendment, because it is opposed, I ask that the amendment be stacked following the scheduling of the previous amendment—following the disposition of Senator LEAHY's amendment No. 821, and that no second-degree amendments or amendments to language that may be stricken be in order prior to the disposition of Senator GRASSLEY's amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. I want to withhold that because I believe there may be more debate on this amendment.

Mr. President, I ask for the yeas and nays on Senator GRASSLEY's amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. I understand now there is no desire to have additional debate on this, and so let me make a parliamentary inquiry.

Does it require unanimous consent at this point, debate having concluded on the Grassley amendment, that it be added automatically to the list and stacked after Senator LEAHY's amendment? Does that require unanimous consent? Or is that part of the existing unanimous-consent agreement?

The PRESIDING OFFICER. The Chair is advised it would take unanimous consent to specifically order a vote.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEVIN. Mr. President, I ask unanimous consent that the vote on or in relation to Senator GRASSLEY's amendment occur without any intervening action or debate immediately upon the disposition of Senator LEAHY's amendment, amendment No. 821, and that no second-degree amendment or amendments to language that may be stricken be in order prior to the disposition of Senator GRASSLEY's amendment.

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

THE PEACE AGREEMENT

Mr. SPECTER. Mr. President, I wanted to make a few comments about the historic event which has just occurred on the White House lawn where the Israeli-PLO agreement in principle was signed.

"It was truly a moment," as President Clinton said, "of history and hope," and when Prime Minister Rabin was asked whether he would shake hands with Chairman Yasser Arafat he was quoted as saying, "If necessary." Very succinct, very pointed.

There was a good bit of drama on the White House lawn as the President came out with Prime Minister Rabin, Foreign Minister Peres, and Chairman Arafat as to what would happen. As the speeches were made, there were some dramatic moments when everyone was watching who was applauding whom as to what comments were made which were being agreed to at least by the courteous line of applause.

But there came a very dramatic moment in the proceedings where President Clinton and I think in an extemporaneous way shook hands with first Prime Minister Rabin and then with Chairman Yasser Arafat and then with a gesture or signal called on the two men to shake hands. And they did.

If an ordinary picture is worth 1,000 words, that picture I think was worth a million words because it sends a message to people around the world that there really is an arrangement between the Israelis and the PLO and will be seen by Palestinians and Arabs around the world as recognition that is real in a way that a printed word cannot depict it.

Prime Minister Rabin was very poignant in his comments about this agreement being not so easy. As we know, so many Israelis have been victims of Palestinian terrorism, PLO terrorism, and so many Israelis have lost their lives or been wounded in wars with the Arabs and, in fact, so have Arabs been wounded or killed.

I think it is important as we take this important first step that we focus on very important principles which ought to follow, which have not been spelled out in the framework agreed to at the moment.

The first of these is there must not be a Palestinian State, and I say that because a Palestinian State implies sovereignty, implies the possibility of an army, and implies the possibility of seeds for future conflict.

I think it is plain that the Palestinian police force has to be very carefully monitored so that it does not become an army.

Also the inviolability of Jerusalem as the unified capital of Israel is a matter of enormous importance, and these items will have to be spelled out as the parties go farther down the road.

I think President Clinton's comment in this morning's Washington Post is a matter of overwhelming importance when he called upon Yasser Arafat to condemn the attacks by militant Islamic Palestinians who killed four Israelis yesterday in Gaza, and that is precisely the kind of conduct that cannot be tolerated, and that is precisely the kind of conduct that Chairman Arafat and the PLO will have to fulfill the commitment already made to stop or do their utmost to stop terrorism and to condemn that kind of conduct.

As noted in the ceremonies today, Mr. President, we look forward to agreements between Israel and Syria, Israel and Jordan, and Israel and Lebanon, but the momentous events of today again in the President's words are clearly a day of history and clearly a day of hope.

I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

AMENDMENT NO. 842

The PRESIDING OFFICER. Under the previous order, debate will now occur on the Levin amendment, amendment 842.

The Chair recognizes the Senator from Michigan, Senator LEVIN.

Mr. LEVIN. Mr. President, there are currently in place sanctions against Serbia and Montenegro, based on Executive order. But I believe it is appropriate, indeed important, that Congress codify the sanctions that are in the Executive order so that Serbia will understand that it is going to take two steps with the United States to remove these sanctions, not just one; that it will take an action by the President and the Congress to lift the sanctions which are imposed on Serbia because of the atrocities, the calculated brutalities, the ethnic cleansing, and the territorial aggression that has occurred in former Yugoslavia.

The Milosevic regime should know—and if this amendment is agreed to, will know—that for the sanctions that have been imposed by the United States to be lifted, they will have to convince both the President and the Congress that Serbia's actions merit the lifting of those sanctions.

Serbia should not be allowed to dismember Bosnia, commit horrible atrocities and ethnic cleansing, force Bosnia to accept an unjust peace, and then assume that it can return to the family of nations on a normal basis as if nothing untoward has happened.

In addition, the United States should exercise decisive leadership to see that the United Nation's War Crimes Tribunal is fully staffed and operating. The United States has made a monetary pledge of support, but we need to do much more. We should insist, and lead the way, to ensure that judges and prosecutors are empowered, and that qualified investigators are hired and begin processing information. Files should be opened, and names named.

It is possible to make the extensive information currently held by our Government public without jeopardizing the accused a chance of a fair trial. Last year Secretary of State Eagleberger named a handful of names; we need to do more. Every agency of the United States Government should sanitize and declassify to the extent possible all case studies, all information, and all evidence in their possession of the human rights abuses and atrocities—and potential war crimes—that have occurred in the former Yugoslavia. Our Government has extensive information. We should make public the thousands of names of known individuals who would be arrested if they came into U.N. custody. War crimes have been committed and war criminals continue to operate. The U.S. Government should do all within its power to serve notice that the establishment by the United Nations of an international war crimes tribunal is not an empty gesture. Too many threats and gestures have been just that—empty—and the Milosevic regime has acted accordingly. The United States should name names and do all within its power to ensure that the war criminals responsible for this on-going barbarism know and understand that they will be held accountable. There is no acceptable or justifiable reason to withhold the information we possess—it should be made public immediately.

And the Serbians should know the truth. Right now we have the technical capability of making sure the people of Serbia and Montenegro learn the truth. The United States has airplanes with the capacity to override Serbian radio and television broadcast and replace them with our own or U.N. programming. The planes are named Commando Solo, and were used with great effectiveness during the gulf war. At any time during the last 2 years the United States could have flown Commando Solo near Serbian or Montenegro territory and provided residents with a window to their own troops' ethic cleansing, the world's outrage, and the resolutions and condemnation of the United Nations. The Milosevic regime's control of the airwaves is a powerful weapon. At little risk we could counter this and broadcast the truth to the isolated people of Serbia.

This amendment authorizes and encourages the President to exempt from sanctions projects and activities to strengthen and encourage the development of democratic institutions and democratic political parties. It is appropriate that assistance be targeted to the democratic forces in Serbia, and this would not prohibit that.

Mr. President, in summary, this amendment actually is very straightforward and direct. It states to Mr.

Milosevic, to his regime: "It may be your ethnic cleansers have not yet been bombed, but don't think that you can enforce an unjust peace and then assume the lifting of the sanctions by the United States of America," because if this amendment is adopted, Milosevic will have to persuade a majority of Congress, as well as the President, to lift the sanctions.

Congress has a role in foreign policy, and we have exercised it over and over again in the area of economic sanctions. We have exercised it in the area of arms sales. We have exercised it with China shortly after Tiananmen Square. And this amendment does something similar to what we did after China's actions in Tiananmen Square: We placed into statute, basically, what the President had placed in Executive order so that the Chinese then would know there would be two hurdles, not one, in order for normal trade relations to resume.

Congress has acted relative to countries that seize or nationalize American property. The Glenn-Symington amendment prohibits U.S. aid to countries that proliferate nuclear capability. We have banned IMET to Indonesia. We have acted over and over again as a Congress imposing sanctions, restrictions on weapons sales.

We should act the same way relative to the activities and the atrocities of the Serbs in Bosnia as we have on so many occasions in the past, speaking from our hearts and our heads, saying with, hopefully, one voice to the regime which has ethnic-cleansed portions of Bosnia that our anger with them matches the world's and that we are going to do as a Congress what we can do by imposing sanctions on them in law.

Once they are in law, the Milosevic regime will understand that for them to be removed will require either a Presidential waiver, which is provided for under specified circumstances in this amendment, or it will require congressional action to amend or repeal the law. It is one way we can say something to the Serbs. There are not a lot of ways that we can speak because most of the actions, particularly those involving military activities, are within the jurisdiction of the executive branch, but this is one way Congress can speak. We can say: "Now you are going to have two hurdles to jump. There are going to be two mountains for you to climb, Mr. Milosevic, given what you have done, before we are going to return to normal economic relations" with the former Yugoslavia.

The effect of the existing sanctions, however modest, will be heightened if we tell the Milosevic regime that Congress is doing what we can to toughen them and you are not going to be able to shake them off until both the President and a majority of the Congress can be persuaded to do so.

This amendment is cosponsored by Senators DOLE and SIMON. I do not know if there is debate on it. I understand there is no objection from the Republican side.

I ask unanimous consent, Mr. President, in order to give an opportunity for others possibly to speak on it, in the case of this amendment, that if at the end of today there is no request for a rollcall vote, it then be deemed agreed to and reconsidered and the motion to reconsider laid on the table. That will permit an opportunity for anybody during the day to request a rollcall vote. It is an unusual situation, but I do want to provide an opportunity.

The PRESIDING OFFICER. The Senator is making an unusual request. Will the Senator restate it for the Chair's edification?

Mr. LEVIN. Let me restate it a different way.

The PRESIDING OFFICER. The Chair would like to ask the Senator if he wants to lay this amendment aside for disposal later in the day and for others who wish to debate it?

Mr. LEVIN. Mr. President, instead, when this amendment is adopted, as it may be in the next few moments, I will not then move to reconsider and lay on the table in the event there is opposition. I would leave that path open to those who might oppose. So I yield the floor.

The PRESIDING OFFICER. Is the Senator making a unanimous-consent request?

Mr. LEVIN. I withdraw my unanimous-consent request.

The PRESIDING OFFICER. The Senator from Michigan yields the floor.

Mr. GRASSLEY addressed the Chair.

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

THE ANTIDEFICIENCY ACT

Mr. GRASSLEY. Mr. President, while Senator GLENN and the Senator from Michigan, who is managing the bill, are on the floor, I have a statement I want to make on an amendment that I was going to put in, but because there has been some other understandings on this worked out, I would like to go to the discussion of this amendment at this point so that Senator GLENN can participate.

Mr. President, over the past few months, I have spoken a number of times about the violation of the Antideficiency Act, particularly as related to the advanced cruise missile. I want to focus on ways to make this law work. It is a very good law.

The Antideficiency Act is a very important control mechanism governing the use of public money. It was enacted in 1870, over 100 years ago. It is broad and general and constitutes one of the few controls that has teeth. A violation carries criminal penalties.

Sadly, recent audit reports emanating from the General Accounting Office and the Office of Department of Defense Inspector General suggests this law is being violated with disgraceful regularity. Nobody seems to care and nothing is being done about it. When the Antideficiency Act is violated, it means legal spending limits set by Congress have been exceeded. That means the agency involved is conducting unauthorized business.

Controlling the purse strings is one of Congress' most sacred constitutional responsibilities. The public's money must never be taken from the U.S. Treasury and spent without proper authorization from Congress. Access to the Treasury must be carefully guarded by Congress. Without enforcement of the Antideficiency Act, however, there will be no discipline and integrity in the management of the public's money.

As I said a moment ago, the Antideficiency Act does have teeth. A violation of the act brings severe penalties. Under sections 1349 and 1350, a violation could bring a jail sentence, a fine or suspension from duty without pay, and even removal from office. But it also requires that violations be promptly reported to the President and the Congress.

The reporting requirements are spelled out in section 1351. That section specifies that a violation must be reported immediately to the President and the Congress along with all relevant facts and a statement of action taken. Unfortunately, the law and its legislative history are silent on the question of who is responsible for conducting investigations and reporting results to the Congress and the President. As a result, rules and procedures for investigating violations of the Antideficiency Act are prescribed in departmental regulations.

At the Pentagon, procedures for investigating Antideficiency Act violations are laid down in DOD Directive 7200.1. This directive gives the military services responsibility for investigating, fixing blame, and reporting violations of the Antideficiency Act. This directive is not, however, working very well. It takes the military services forever to bring these cases to a decisive and meaningful conclusion.

As the Deputy DOD IG Derek Vander Schaaf has testified: "By the time these cases are resolved, the people involved have either retired or died." And the punishment at that point being meted out is meaningless.

So existing procedures are not working very well, Mr. President. The military services have repeatedly demonstrated an unwillingness to effectively perform the task. The C–17 and the advanced cruise missile programs are perfect examples of how the services handle Antideficiency Act violations. The DOD IG carefully verified and documented Antideficiency Act violations by both programs.

The IG's charges rest on solid ground. The facts are very clear. The law was plainly violated.

Senior Air Force officials knew about the violations but failed to report them and may have tried to conceal them. The Air Force then attempted to debunk the IG's work, and that did not work either. So the Air Force launched a reinvestigation of the IG investigation. The C–17 and the ACM reinvestigations are now ongoing.

I am not holding my breath, Mr. President. I have no confidence in the outcome. The process has no credibility.

The IG underscored this problem in testimony before Senator GLENN's committee on July 1, 1993:

> I have considerable doubts about the practicality of the DOD directive 7200.1 when senior officials and high profile programs are involved.

Mr. President, the military services simply cannot investigate themselves. A more independent organization within the department should be given responsibility for investigating and reporting violations of the Antideficiency Act. The DOD IG, of course, is the logical candidate for this job.

I have amendments that would give the Department of Defense IG authority, first, to investigate and report Antideficiency Act violations; second, to fix responsibility; and, third, to recommend disciplinary action when appropriate.

My amendments would not force the DOD IG to investigate every single potential violation of law. The IG would have discretionary authority to pick and choose which cases to examine. Hopefully, the IG would investigate only the most flagrant cases.

But, Mr. President, my amendments, hopefully, are unnecessary. I am somewhat confused about the need for new legislation, and so I asked the chairman of the committee to look at this. The manager of the bill, the Senator from Michigan, is with us.

On the one hand, I see the Department of Defense IG telling us that the procedures set forth in DOD directive 7200.1 are ineffective. On the other hand, a careful review of the Inspector General Act of 1978 suggested the DOD IG already has ample authority to conduct those investigations. The only restrictions on the DOD IG's investigative authority pertain to matters involving sensitive intelligence programs and operational plans.

In those areas, the Secretary of Defense may prohibit IG probes but must provide an explanation to Congress when exercising that authority. Otherwise, the DOD IG has essentially unlimited investigative powers.

Under the Inspector General Act, the DOD IG has authority to conduct investigations and audits as needed. The IG has authority in the law to gain access to all documents and records. The IG has authority in the law to issue subpoenas. The IG has authority in the law to take affidavits under oath. The IG has authority in the law to recommend corrective actions concerning abuse, deficiencies and violations of the law. The IG is required by the law to report the violations of Federal criminal law to the Attorney General.

If, for example, the DOD IG found that the Antideficiency Act had been knowingly and willfully violated, or if senior officials attempted to conceal it, that would be a violation of the Federal criminal law and would have to be referred to the Attorney General.

That seems to cover it, Mr. President. What additional investigative authority might the DOD IG need?

I would like to ask the manager of the bill, the Senator from Michigan [Mr. LEVIN], four questions about the DOD IG's authority to investigate violations of the Antideficiency Act.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. SIMON). The Senator from Michigan.

Mr. LEVIN. Mr. President, I know we will be happy to answer the questions which have been raised by the Senator from Iowa, who has spent a lot of time and energy on problems of fraud and waste in Government procurement. Senator GLENN, I think, is in the position where he can answer the specific questions which the Senator from Iowa wishes to raise.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I think the Senator from Iowa has raised an important question. I am glad to participate in this colloquy with him.

My committee has heard testimony on the issue recently and there is considerable doubt about the effectiveness of current DOD regulations for reporting and investigating violations of the Antideficiency Act.

Mr. GRASSLEY. Mr. President, does the Department of Defense IG have authority in law to investigate such violations? I ask the Senator from Michigan if he would respond to that.

Mr. LEVIN. Mr. President, the inspector general does have ample authority to conduct investigations into violations of the Antideficiency Act.

Mr. GLENN. Mr. President, I agree with that statement.

Mr. GRASSLEY. Mr. President, a further question. Does the Department of Defense IG have authority in law to fix responsibility and recommend corrective action including disciplinary action when appropriate in such cases?

Mr. GLENN. Mr. President, the inspector general has ample authority to assess responsibility and to recommend corrective action, including disciplinary action in appropriate cases. As a practical matter, when misconduct is involved, the IG normally develops findings and conclusions and leaves the development of appropriate recommendations for disciplinary action to supervisory personnel. The inspector general, however, has the authority to recommend processing for disciplinary action in specific cases.

Mr. LEVIN. Mr. President, I agree with the statement of Senator GLENN.

Mr. GRASSLEY. Mr. President, does the Department of Defense IG have authority in law to report such violations as required by section 1351 of title 31 of the United States Code?

Mr. GLENN. Mr. President, the inspector general has the authority and the responsibility to report violations of law, including violations of the Antideficiency Act, to senior Department of Defense officials, to Congress, and to the Department of Justice for criminal prosecution where appropriate.

Mr. LEVIN. I agree, Mr. President.

Mr. GRASSLEY. Mr. President, could any aspect of the Department of Defense Directive 7200.1 be construed as preventing the Department of Defense IG from investigating and reporting violations of the Antideficiency Act?

Mr. GLENN. Mr. President, DOD directive 7200.1 could not prevent the Department of Defense Inspector General from investigating and reporting violations of the Antideficiency Act. Indeed, any regulation which purported to create such limitations would be contrary to the broad statutory authority mandate of all inspectors general as set out in the Inspector General Act.

Mr. LEVIN. And I agree, Mr. President.

Mr. GRASSLEY. Mr. President, I would like to ask the chairmen of the appropriate committees of jurisdiction, in this case Senator LEVIN for the Committee on Armed Services, if they think it would be appropriate to communicate the substance of our dialog to the Department in order to clarify what I consider a very confusing situation.

Mr. LEVIN. Mr. President, it is appropriate to transmit this colloquy to the Secretary of Defense, and I shall see to it that it is done.

Mr. GLENN. I agree with Senator LEVIN, representing the chairman of the Armed Services Committee.

Mr. GRASSLEY. Mr. President, could I say that I do appreciate that there is a consensus. My amendments, which I thought I would have to offer, are now unnecessary, so I will not offer them. I particularly thank the chairmen of the two committees of jurisdiction for their thoughtful responses to my questions.

Before yielding the floor, a unanimous consent.

Senator SIMON, who is now presiding, had asked me to put him down as a cosponsor on my amendment on DBOF.

So I ask unanimous consent to add Senator SIMON as a cosponsor of my amendment.

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

Mr. GRASSLEY. I yield the floor.

Mr. LEVIN. Mr. President, my amendment is pending but I understand that there may be a Senator on his way over to speak on it. So I ask unanimous consent that we temporarily lay it aside and take up a number of amendments that have been agreed upon.

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

AMENDMENT NO. 843

(Purpose: To amend title 38, United States Code, to provide that the effective date of any changes in benefits under the Servicemen's Group Life Insurance Program shall be based on the international dateline)

Mr. SMITH. 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 Hampshire [Mr. SMITH] proposes an amendment numbered 843.

Mr. SMITH. 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 appropriate place insert:

SECTION 1. EFFECTIVE DATE FOR CHANGES IN SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM.

(a) USE OF INTERNATIONAL DATE LINE.—Section 1967 of title 38, United States Code, is amended by adding at the end the following new section:

"(f) The effective date and time for any change in benefits under the Servicemen's Group Life Insurance Program shall be based on the on the date and time according to the time zone immediately west of the International Date Line."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to amendments to chapter 19 of title 38, United States Code, that take effect after November 29, 1992.

Mr. SMITH. Mr. President, the amendment that I am offering would provide that the effective date of any changes under the Servicemen's Group Life Insurance Program be based on the international dateline.

As my colleagues will recall, last year Congress increased the maximum SGLI coverage available from $100,000 to $200,000. Congress established a requirement for the participants in the program to voluntarily elect this increased coverage with an effective date of December 1, 1992.

The Uniform Time Act of 1966 mandates the use of local time within specified time zones for benefit changes to the SGLI Program. However, this causes a fundamental inconsistency, since any change to the SGLI Program occurs at 24 distinct and separate times throughout the world, beginning at the international dateline and ending in the Pacific region. For instance, if a fatal accident occurred in a more westerly time zone before the effective local time, those members would not be covered in the event of an accident, even though the survivors of members who died at another duty station at the same moment somewhere else in the world could benefit from the increase. So we have 24 different time zones that we are dealing with, and depending on where the accident took place one person could be covered and another one not covered.

Unfortunately, this nightmare actually happened. November 30, 1992, when two fatal accidents occurred in the United States. On that day two C-141's from McChord Air Force Base, WA, collided during training operations resulting in 13 fatalities; and a B-1 bomber from Dyess Air Force Base, TX, crashed on a low-level training flight resulting in 4 deaths.

A total of 9 Air Force crewmembers and one Army member who also died that day had signed papers to increase their SGLI coverage from $100,000 to $200,000 effective December 1. However, since the claims were ajudicated based on local time, which ironically was just a few minutes before midnight at the accident scenes, these members were not covered under the SGLI increase.

The result is a very tragic inequity for the survivors of those deceased militarily personnel.

There is no question that the servicemembers intended for their families to benefit from the increased SGLI coverage, and according to Greenwich mean time which is the standard time determinant in every military cockpit throughout the world it was December 1, 1992. Yet because these accident claims were ajudicated based on local time, the claims were denied.

The amendment that I am offering would correct this problem by making the international dateline the time determinant for benefit changes to the SGLI program. Since it would institute this change as of November 30, 1992, the legislation would allow the survivors of the 10 deceased service members to benefit from the law raising the SGLI coverage to $200,000.

According to the Congressional Budget Office, the amendment would result in a one-time cost only of $1 million in fiscal 1994. This $1 million would be funded from the existing SGLI contingency fund. And it would resolve a tragic inequity that continues to haunt the loved ones of 10 gallant servicemen who lost their lives in the line of duty in the United States of America.

I would emphasize that there is strong support for this amendment, Mr. President. The Secretary of Veterans Affairs supports the legislation, and has so indicated by letter. The Assistant Secretary of Defense for Personnel and Readiness supports the legislation. The Air Force supports the legislation. And the House of Representatives has already unanimously passed this legislation.

In the interest of fairness and the last wishes of 10 deceased American personnel I urge my colleagues at this time to support this amendment. It is my understanding that there is no opposition on the other side on this. Assuming that to be the case, Mr. President, I urge adoption of the amendment.

Mr. LEVIN. Mr. President, let me congratulate Senator SMITH for his efforts in this behalf. He has been tireless in trying to correct and adjust what has occurred here. He in the committee pursued this. He continues to do so on the floor. He has done so in a way which we believe is sound and we support the amendment.

Mr. BURNS. Mr. President, I rise today to express my support of this amendment. As you know, 13 Air Force personnel were killed in a plane crash over Harlem, MT, on November 30, 1992, when two Air Force C-141B tanker jets collided. Nine of the flyers had signed up for a supplementary $100,000 life insurance policy, but because the crash occurred at 9:30 p.m. mountain time, on November 30—and the law did not go into effect until December 1, 1992—the additional benefits were not paid.

However, it was 12:30 a.m. eastern standard time on December 1, 1992, when the crash occurred. I think we need to set a standard guideline so this kind of problem will not occur again. And I also feel that the families of these pilots should have the insurance benefit that they were intended to receive.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment (No. 843) is agreed to.

AMENDMENT NO. 844

Mr. SMITH. 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 Hampshire [Mr. SMITH] proposes an amendment numbered 844.

Mr. SMITH. 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 appropriate place in the bill, insert the following:

SECTION 1. AWARD OF THE NAVY EXPEDITIONARY MEDAL

It is the sense of the Senate that the Secretary of the Navy should direct that members who served in Task Force 16, culminating in the air-raid commonly known as the "Doolittle raid on Tokyo", during April 1942, be awarded the Navy Expeditionary Medal for such service.

Mr. SMITH. Mr. President, this amendment is also agreed to.

Mr. President, America was built on heroism and noble sacrifice. Those virtues were on display when Lt. Col. James "Jimmy" Doolittle and his raiders lifted off from the aircraft carrier *Hornet* on April 18, 1942. Some 625 miles from Japan, 16 B-25's left the tossing deck, barely skimmed the waves, and veered toward Tokyo. Not knowing if they would ever make it back, they landed in history.

In high winds and strong seas, 13 bombers struck Tokyo without serious opposition while, for psychological reasons, the three others were sent to Nogoya, Osaka, and Kobe. Although none of the planes was downed over Japan, the challenge of reaching safety was daunting. In the end, 71 of the 80 pilots and crewman survived the attack. For his role in the raid, Doolittle was promoted to brigadier general and awarded the Medal of Honor.

The Doolittle raid ranks as one of the most brilliantly executed operations in the history of air warfare. Indeed, the news of the raid over Tokyo helped to revive the morale of a nation still benumbed by the Japanese air attack on Pearl Harbor and a winter of successive Japanese victories. The attack so unnerved the Japanese high command that it committed Japan's naval fleet in relentless pursuit of retaliation, culminating in the Battle of Midway. It was the Japanese defeat there that proved to be the turning point of the Pacific war. The rising sun had begun to set.

Often overlooked, yet critical to Doolittle's success was another collection of American heroes. I am speaking of the men from Task Force 16 who escorted the B-25's and launched the fateful attack. Task Force 16 included the aircraft carriers *Hornet* and *Enterprise*, the cruisers *Vincennes*, *Northampton*, *Nashville*, and *Salt Lake City*, the destroyers *Gwin*, *Balch*, *Grayson*, *Benham*, *Monsson*, *Eilet*, *Meredith*, and *Fanning*, and the oilers *Cimarron* and *Sabine*.

These surface combatants ensured safe transport to an appropriate staging location and, with their mission completed, reversed course and headed for the safety of open waters. Predictably, the Japanese launched an armada of ships and planes in pursuit, but the American surface forces were able to escape unharmed.

Mr. President, we as Americans cherish the legacy of our ancestors, and their heroic service in defense of freedom. Without question, the members of Task Force 16 answered the call of duty and earned the respect and admiration of a grateful nation. It is my belief that we have a duty to pay appropriate homage to these men.

Throughout the preparation for, and execution of, this unprecedented mission, members of Task Force 16 were told that they would be awarded the Navy Expeditionary Medal for their service. However, sadly, and in my opinion, unfairly, this commitment was never honored.

The amendment I have offered would seek to correct this injustice by expressing the sense of the Senate that members of Task Force 16 who participated in the mission culminating in the Doolittle raid during April 1942, be awarded the Navy Expeditionary Medal. Congress overwhelmingly supported this proposal in last year's Defense authorization bill, however, the Navy has not acted on the issue. My amendment would follow through on last year's congressional endorsement and once again urge the Navy to award the medal without regard to time limitations on the consideration of such awards. This recognition is richly deserved and long overdue. Should the Navy fail to act on this recommendation, I will reserve the option to undertake appropriate action to ensure that the will of Congress is honored. I urge my colleagues to support the amendment.

I would add for the benefit of my colleagues that I have researched this matter as best as I can, and I believe my amendment would recognize those who have not been recognized previously.

At this time, I would also like to commend Mr. Bud Whited of Grantham, NH. Bud served aboard the U.S.S. *Hornet* during 1942 and has been a tireless advocate for veterans of Task Force 16. Bud has written a gripping recount of the Doolittle raid which appeared recently in the Fleet Reserve Association's Naval Affairs magazine. For the benefit of my colleagues, I would ask unanimous consent that a copy of this article, entitled "The Forgotten Navy Expedition of World War II" be included in the RECORD.

I urge my colleagues to review this excellent article and to lend their support to the pending amendment.

I thank the Chair, and I yield the floor.

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

THE FORGOTTEN NAVY EXPEDITION OF WORLD WAR II

(By Shipmate Bert Whited, Granite State Branch 338)

After the 7 December 1941 Japanese attack on Pearl Harbor, American land and sea forces suffered major set-backs throughout the Pacific. As losses mounted, the American public's morale was at a very low tide. Secretly, President Roosevelt authorized an extremely dangerous and sacrificial mission to retaliate against the Japanese. This Expeditionary Mission was to bomb major industrial targets in Tokyo and in other large Japanese cities. An action of this kind was most desirable at that time due to the psychological impact it would have on the American public, our allies and the enemy.

To accomplish this heroic feat, the aircraft carrier USS HORNET (CV-8) on 2 February 1942, experimented in successfully launching two Army Air Force B-25 bombers from its flight deck in the Atlantic off Norfolk, Virginia. In late February 1942, she sailed for the Panama Canal to join the Pacific Fleet. After a short stop at San Diego, California, she proceeded to the Alameda Naval Air Station in San Francisco Bay. On 1 April 1942, 16 Army B-25 bombers were towed to the dock alongside the HORNET and hoisted aboard. The crew assumed they were ferrying the bombers to Hawaii or some other South Pacific island.

On 2 April 1942 the HORNET sailed under sealed orders with its screen of Cruisers and Destroyers. We were all fully aware of the ship's vulnerability. The B-25's occupied more than half the flight deck preventing use of the elevators to get any of our planes up to the flightdeck. That afternoon Captain Marc A. Mitscher, over the loudspeaker system, revealed our destination—that we were going to span the Pacific Ocean, over 5000 miles, to take Lt. Col. Jimmy Doolittle's bombers and crews to within striking distance of Tokyo. The HORNET's job was to get the bombers to within 400 miles of Japan, then streak from there as fast as her four, peak-driven propellers, could take her. After the bull-horn squawked off, and a moment of stunned silence, wild rebel yells resounded throughout the ship. Thrilled signalmen sent the word from ship to ship in the escort, where echoing cheers rang out. The Task Force crews were told, that if our mission were successful, we would be awarded the Navy Expeditionary Force Medal for this morale building expedition.

On the morning of 13 April 1942, came a welcome sight. It was the USS ENTERPRISE (CV-6) and her screen of ships, sent to escort the HORNET on the last leg of her mad dash to Japan. The renewed presence of patrol planes overhead served to abate some of our tension. The combined Navy Task Groups 16.1 and 16.2 were forged into Task Force 16 and was comprised of the following ships.

TASK FORCE 16

Task group 16.1	Task group 16.2
Carriers U.S.S. Enterprise	U.S.S. Hornet.
Cruisers:	
U.S.S. Vincennes	U.S.S. Northampton.
U.S.S. Nashville	U.S.S. Salt Lake City.
Destroyers:	
U.S.S. Gwin	U.S.S. Balch.
U.S.S. Grayson	U.S.S. Benham.
U.S.S. Monsson	U.S.S. Eilet.
U.S.S. Meredith	U.S.S. Fanning.
U.S.S. Cimarron	U.S.S. Sabine Oilers.

The submarines USS Thresher and USS Trout were operating off the Japanese coast, watching for enemy fleet movements and to report weather conditions. On April 17, the fleet crossed the 180th Meridian, in a latitude considerably higher than Tokyo and following the same route the Japanese took to bomb Pearl Harbor. At 2 pm that day we heard "Tokyo Rose" speaking from the Japanese Radio Station JOAK. She was telling her listeners why it was impossible that Tokyo would ever be bombed.

It was an ever present fear throughout the dash west—that we would be sighted by an enemy ship or patrol plane that would radio in an alarm, warning the Japanese of our coming. At 2:10 am on the 18th, we picked up two blips on radar showing enemy ships dead ahead. The force altered course to avoid them, and at dawn reconnaissance planes were launched from the ENTERPRISE. At 5 am the ENTERPRISE pilots reported a picket boat 42 miles ahead, and an hour later a third vessel was sighted visually from the HORNET. Within ten minutes, cruisers and

dive bombers were blasting them from the water, but there could be no assurance that they had not successfully sounded a warning. We were still 550 nautical miles from our intended launching spot, 150 miles further away than desired. It was originally planned to fly the planes off in the afternoon of the 19th which would permit the pilots to bomb at night, after which they would seek out forewarned but unfamiliar landing sites in Free China in the daylight the next morning. As many months of planning had been put into this mission, it could not be abandoned this close to success.

Lt. Col. Jimmy Doolittle conferred with Admiral Bull Halsey and they decided to launch the aircraft as soon as possible. Gasoline tanks were topped off and extra fuel in five gallon cans were stowed aboard each plane, as every ounce of fuel was needed to help the fliers reach their destination.

At 7 am came the call, "Army Pilots man your planes," and the twin-engine, fully loaded bombers, cranked up their engines with an ear-splitting roar. The spread of the bombers' wings left only four feet of clearance between the right wing tip of the bombers and the carrier island structure. The slightest veering from a white line painted down the flight deck would end in disaster. The wind and seas were so strong that sea water was breaking over the HORNETS flight deck. Doolittle, in the first plane to be launched, charged off the deck at 8:24 am on his way to Tokyo. The Flight Deck Launching Officer had to time each takeoff to coincide with the rise and fall of the bow to give the planes as much of a boost as possible as it left the flightdeck. All planes were airborne by 0920 and the operation was marred by only two unfortunate mishaps—a sailor in the flight deck handling crew lost his arm when struck by a propeller, and a B-25 smashed a plexiglass nose cone when it rammed the tail of the bomber ahead of it.

Tokyo had been alerted for a large air raid with Japanese planes conducting a mock air raid. The real raid by the American planes followed so closely that the Japanese public never knew of our attack until it was over. No air raid sirens sounded for at least 15 to 20 minutes after the Doolittle Raiders were over the cities. The actual damage inflicted by our bombers was not great by later bombing standards, but the Japanese officials had a difficult time explaining how such an attack could happen and they suffered considerable "loss of face." The news of the attack on Tokyo gave a great boost to American and allied morale.

None of our bombers were lost over Japan; one landed in Russia; fifteen others in China. Seventy-one of the 80 pilots and crewmen, including Doolittle, survived the raid. One crewman was killed when he bailed out; two were killed in crash landings; five were interned in Russia; eight were captured by the Japanese and the rest managed to reach Free China and safety. Of the eight that were captured, three were executed; one died; and four were freed at war's end.

Our part in this spectacular raid discharged, the carriers HORNET and ENTERPRISE with their task force ships reversed course and made tracks for safer waters. Admiral Halsey made good our retreat without molestation, even though the Japanese launched both planes and ships in pursuit. Within three hours, the combat air patrols from both carriers attacked 16 enemy surface ships sinking several of them, one surrendering to the Light Cruiser USS NASHVILLE and its crew taken prisoner.

During this extremely dangerous undertaking, the crews of the Joint Task Force Ships knew that to successfully complete this mission, they would if necessary, be sacrificed. Again the crews of the ships in Task Force 16 were told they would be awarded the NAVY EXPEDITIONARY FORCE MEDAL for this heroic endeavor, and to this day this medal has not been authorized.

The HORNET was only one year and six days when she was lost, but she took her toll of enemy ships during her short life span, earning four Battle Stars. After returning from the Doolittle mission, she sailed to join the Battle of Coral Sea, but did not arrive in time for action. She did participate in the Battle of Midway, losing her entire Torpedo Squadron Eight, VT-8. She was with the USS WASP (CV-7) in the Solomon Islands in the South Pacific when the WASP was sunk. By October 1942, the ENTERPRISE (bomb damaged in early August), the USS SARATOGA (CV-3) (torpedo damaged on August 31st) were back for repairs. The HORNET was for a short time, the only serviceable aircraft carrier in the Pacific Fleet, carrying out bombing raids on Japanese installations in the South Pacific Islands. By 15 October 1942, in ten months of flight deck operations, the HORNET had registered 6,619 landings.

On 18 October 1942, TASK FORCE 17 (USS HORNET CV-8) was once again joined by TASK FORCE 16 (USS ENTERPRISE CV-6), together to make up TASK FORCE 61. On 24 October this combined group moved east of the Santa Cruz Islands to intercept the Japanese Combined Fleet steaming south to reinforce their land forces on Guadalcanal. Task Force 16, under Rear Admiral Kincaid, was comprised of the aircraft carrier ENTERPRISE, one battleship, two cruisers and eight destroyers. Task Force 17 under Rear Admiral Murray, was comprised of the aircraft carrier HORNET, four cruisers and six destroyers. Squadrons of this combined TASK FORCE 61 engaged the enemy in one of the most critical battles of the war.

Because of the HORNET's involvement in the Doolittle Raids, she became the focal point of all the fury of the attacking Japanese aircraft. At 0910 enemy VAL dive bombers and KATE torpedo planes attacked the HORNET through a curtain of F4F's and anti-aircraft fire. The HORNET took the first bomb hit on the starboard side of the flight deck aft and suffered two near misses off the starboard bow. At 0913 the Japanese squadron commander, his VAL damaged by a shell burst, crashed his plane into the HORNET, slicing off the signal bridge, glancing off the stack and on through the flight deck. He was carrying one 500 pound and two 100 pound bombs. The first 100 pounder detonated on impact with the stack and signal bridge, killing most of the signalmen; the other went off as it passed through a ready room below the flight deck, while the 500 pounder was a dud and was secured to the bulkhead to keep it from rolling around and possibly going off.

Next, two torpedoes exploded in the engineering spaces, knocking out our boilers and rupturing our rudder at an angle, making is more difficult to be towed. Three more 500 pound bombs struck, one detonated on impact with the flight deck, killing most the Marine detachment manning a 1.1 gun mount aft of the island superstructure and most of the sailors manning the twenty mm anti-aircraft gun spaced on the catwalk around the flight deck. The other two penetrated to the fourth deck before exploding and knocking out our generator rooms, causing us to lose all electrical power. This disabled our fire water pumps so we could not effectively fight fires. A Kate made a suicide run at 0917 into the port forward gun gallery coming to rest in the forward elevator pit.

Only after the HORNET became disabled did the Japanese turn to attack the rest of our Task Force ship's. The HORNET, during the many attacks by enemy carrier and land based aircraft, hit by several bombs, torpedoes, and crashing Japanese Kamikaze aircraft lay dead in the water. Herculean efforts were made aboard the HORNET to save her. After hours of exhausting fire fighting, with bucket brigades and fire houses passed from destroyers alongside, the fires and flooding were brought under control. All efforts were made to get three of her boilers on line and the rudder free. The Heavy Cruiser NORTHAMPTON made three attempts to take her in-tow, but additional Japanese raids frustrated these efforts. Over 800 excess squadron personnel and 75 wounded were transferred to destroyers. At 1520 another six Japanese KATES appeared and at 1523 the HORNET took another torpedo on her starboard side.

At 1625 Rear Admiral Charles F. Mason gave the order to "Abandon Ship". As the commanding officer he was the last one to leave the stricken ship. The Destroyer USS MUSTIN (DD-413) became the guardian angel of the HORNET by having some of her crew courageously man a Motor Whale Boat in open seas picking up over 337 HORNET survivors. Admiral Mason and Commander Lockhart were picked up by this Motor Whale Boat and delivered to the MUSTIN. The Destroyer USS ANDERSON (DD-411) and other ships in the Task Force rescued the remainder of the HORNET's men. The final count revealed 111 HORNET men killed and 108 wounded. The MUSTIN and the ANDERSON had the grim duty of destroying the crippled, heavily damaged and abandoned HORNET. Nine more torpedoes hits and nearly 300 rounds of 5-inch shells failed to sink her. By 2040 the HORNET was ablaze throughout her whole length and the two destroyers headed south. At 2120 two Japanese destroyers, Makigumo and Akigumo, closed in on the HORNET and fired four big 24-inch torpedoes into her. At 0130 on 27 October the HORNET finally sank in 2700 fathoms of water off the Santa Cruz Islands. She was the last large U.S. carrier to be lost in World War II.

On 25 October 1992 (because of the International Dateline) it will be the 50th Anniversary of the Battle of Santa Cruz and the loss of the HORNET, and the 11th Joint Reunion of the MUSTIN/HORNET. This reunion is being held at the Merrimack Inn in Merrimack, New Hampshire, where all the crew members of the two Task Forces have been invited to assemble. This would be the appropriate time for our Country, the President, the members of Congress, and the responsible Military Departments to issue the long overdue "Navy Expeditionary Force Medal" to the crews and ships of the Task Force 16.

There are not too many of us left (most over seventy years of age), and we feel it would not be too big a burden for the government to correct this oversight and issue us our medal. We have been assured by many Senators and Representatives that we are deserving of this award and are willing to support us in our efforts.

Mr. SMITH. At this time, I urge adoption of the amendment.

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

Mr. LEVIN. Mr. President, we support the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment (No. 844) is agreed to.

AMENDMENT NO. 845

Mr. SMITH. 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 Hampshire [Mr. SMITH] proposes an amendment numbered 845.

Mr. SMITH. 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 appropriate place in the bill insert the following:

SEC. . REPORT ON MILITARY FOOD DISTRIBUTION PRACTICES.

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

(1) The Defense Personnel Support Center, a component of the Defense Logistics Agency (DLA), purchases more than 90 percent of the food supplied to military "end-users" such as dining halls, hospitals and other facilities that feed troops.

(2) Semiperishable items, such as canned goods, are stored in four DLA depots. Perishable items, including fresh and frozen vegetables, fruits, and meats, are stored in 21 contractor-operated Defense Subsistence Offices.

(3) Private Sector end-users, including independent restaurants, hospitals, and hotels, obtain their food through direct delivery from distributors.

(4) A Department of Defense comprehensive inventory reduction plan, issued in May 1990, stated that "where DoD requirements can be met through commercial distribution systems in a timely and cost-effective fashion, no value is added by pushing items through the DoD warehousing systems."

(5) A June 1993 GAO Report determined that the Department of Defense could achieve substantial cost savings by expanding the use of private sector food distributors and practices in the military food supply system.

(b) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review which evaluates the feasibility and economic benefits resulting from the expanded use of full-line distributors to deliver food directly to military end-users. The review should address whether the expended use of distributors could reduce depot storage of food (except for war reserve stocks and items bound for overseas), and eliminate the requirement for Defense Subsistence Offices and certain base warehouse activities. The review should include a cost comparison of the Department of Defense supply system with the costs of commercial distributors. The review should also consider what obstacles may exist that would hinder the Department of Defense's ability to procure commercial items and institute commercial logistics practices.

(c) REPORT.—Not later than March 1, 1994, the Secretary shall submit to the congressional defense committees a report on his findings from the review together with any recommendations.

Mr. SMITH. Mr. President, it is my understanding also that this amendment has been cleared on both sides. Assuming that to be the case, I now urge adoption of the amendment.

Mr. LEVIN. Mr. President, we have no objection to the amendment.

The PRESIDING OFFICER. Is there further debate? If there is no further debate, without objection, the amendment (No. 845) is agreed to.

AMENDMENT NO. 842

Mr. PELL. Mr. President, I understand that Senator LEVIN's amendment concerning jurisdiction of the Serbian matter is being put to one side. I ask unanimous consent to speak on it.

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

Mr. PELL. My view, Mr. President, is that this is basically an amendment that falls within the jurisdiction of the Foreign Relations Committee, not of the Armed Services Committee. I believe the State Department authorization bill which will be coming up shortly before us might be a more suitable vehicle on which to attach this amendment. I would hope that the Senator from Michigan would concur in that, because otherwise, it would necessitate a vote.

Mr. LEVIN. Mr. President, this is an important amendment. It is long overdue. We have had other amendments on this bill which relate to foreign policy, such as an amendment on the United States-Israeli relationship. We have a unanimous-consent agreement that this amendment, which I have introduced on behalf of Senator DOLE, Senator SIMON and myself, is in order. I think we should proceed with it, and I feel very strongly that the Congress should speak on the question of Serbian sanctions. I think it will add some strength to the American voice, and we need all the strength we have, as far as I am concerned, for reasons I have given before.

I wish to proceed with the amendment and, of course, if the Senator from Rhode Island wishes a rollcall, that is within his rights. But it is important that the Congress act to impose sanctions in law that only the Congress can repeal, unless waived by the President. It will add a very important, new voice that Serbia is going to have to consider if it continues to ignore world opinion in the carving up of Bosnia.

The PRESIDING OFFICER. Is there further debate?

Mr. PELL. Mr. President, I ask for a rollcall vote, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LEVIN. I ask unanimous consent that the vote on or in relation to the amendment that I am offering relative to Serbian sanctions occur without any intervening action or debate upon the disposition of Senator GRASSLEY's amendment, and that no second-degree amendment or amendments to language that may be stricken be in order prior to the disposition of my amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I ask unanimous consent that I might proceed for 8 minutes as in morning business with a tribute to Senator MALCOLM WALLOP.

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

TRIBUTE TO SENATOR MALCOLM WALLOP

Mr. SIMPSON. Mr. President, on Thursday night in Sheridan, WY, my home State, my long-time friend and senior colleague, Senator MALCOLM WALLOP, announced his decision not to seek reelection when his present term expires. I regret that I was necessarily absent on Friday due to a longstanding commitment I had in Wyoming and was unable to comment here on his decision. Neither was it possible on Thursday evening, when what my friend MALCOLM WALLOP had decided to do had not yet become public. He had called me earlier that evening and told me about his decision, and I certainly was saddened by that prospect.

So this is my first opportunity to pay tribute to my friend in this Chamber. He is a man of great and deep passion. Those of us who know him can attest to his passion. He also possesses a clear and steady vision, and he will be sorely missed by me, his Senate colleagues, and by so many Wyomingites.

I believe the occupant of the chair will recall the first time that he met Senator WALLOP and me was at a function in Florida where we were being honored as outstanding legislators. MALCOLM WALLOP and I were there, as was my friend, Senator SIMON of Illinois.

The Wallop and Simpson families have known each other for nearly 100 years in Wyoming. Our great grandfathers and grandfathers knew each other. The history of the Wallop family in Wyoming, is unique. They came there and raised horses for the Boer war. Those horses were raised on the lush grasslands of Wyoming and taken to Duluth, then up to the Great Lakes, and then around a rather circuitous route to South Africa. Their family also became involved in lumber and ranching. Our families have known each other for a long time—for three generations.

He received his early education in Big Horn, WY. He received his college degree at Yale. Then from 1955 to 1957, he went into the artillery, and I went into the infantry about the same time. Then, together, we served in the Wyoming legislature. I was elected to the Wyoming House in 1964. MALCOLM was elected there in 1968. We have served

together—as fellow legislators—now for nearly 25 years.

Ours is a friendship that is not easily forgotten or dismissed. He is a lovely friend of powerful intellect and persuasion and a powerfully passionate man about the things he deeply believes in. Our disagreements were few, but when we had them, we simply met them head on, and then would visit together or go off to dinner together. I might add it is always better to go to dinner with MALCOLM when he is doing the preparing, because he is a remarkable gourmet cook. These are some of my many thoughts as I reflect on his announcement.

This is a man whom I have observed and admired for years. I have watched him in the Intelligence Committee and on the Energy and Natural Resources Committee. I watched him and Senator BENNETT JOHNSTON put together an energy bill when everybody else who had previously tried had failed for decades. They did that for us. For all of us.

He has a great deal of service left to be done here, and he has said, "I do not think the only place to fight for freedom is in the Halls of Congress." His career in the U.S. Senate has been stellar.

In his work on the Armed Services Committee and the Intelligence Committee, no one was a more articulate spokesman for peace through strength. He believed in pushing the Soviet Union "until they drop." That was his commitment, and he ultimately will be remembered in this Chamber as a fervent supporter of the Reagan-Bush defense policies. He made great legislative contributions to what will be the ultimate monument to all of those policies: the demise of communism.

He served on the Senate Finance Committee, and he is without peer in his opposition to tax increases. Further, he was the author of the Wallop-Breaux sport fishing restoration legislation, another great legislative milestone that none will forget.

The West has had no greater friend than MALCOLM WALLOP. There will be no one who will be able to represent the West as he has done. He understands the issues that so uniquely affect our region and, more importantly, as with anything which he has been involved, he had an incredible talent for articulating clearly, concisely, powerfully and earnestly the basis for his views.

His energy, spirit, and courage, which he proudly presented to the people of Wyoming day after day, and year after year, demonstrated his unfailing love for our State and its people.

Here is a man who never rode the fence, never ducked in politics. He has dealt honestly, carefully, consistently, and perceptively with issues large and small. His positive mark on Wyoming and Washington and his place in history are very sharply and clearly etched.

Throughout all the years which we have shared, MALCOLM WALLOP has demonstrated his special ability to guide our State into the future without sacrificing the qualities, the lifestyle, and the historical values that make Wyoming so very special. He is a very gutsy man. He "calls 'em as he sees 'em," never flinching, and always giving immeasurable value to the people he has desired to serve.

Ann and I join with the many thousands of people in our State and throughout the Nation in paying rich and sincere tribute to MALCOLM and his very bright, able, and steady wife, French, a very remarkable and capable businesswoman in her own right, and to their wonderful children, Malcolm, Matthew, Amy, Paul, and Scott, and that dear new grandchild.

I say to my old friend MALCOLM: Thanks. Just a sincere thanks, for never sitting it out, for just getting into the fray in the first instance. And thanks for giving up so much in order to serve so well. And thanks for my wonderful chance to ride along as your sidekick, and we have many a mile to go before you leave. It has been my great personal privilege. We both know that hanging up your spurs does not mean there are no other horses to ride in life, and other intriguing and satisfying trails to follow. Good luck—and a profound personal thanks to MALCOLM—my friend.

SENATOR MALCOLM WALLOP

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, it was a privilege to sit here and listen to my distinguished colleague and friend, from the first day I crossed the threshold of the Senate with him some 14 years ago, to speak on behalf of his partner from the great State of Wyoming and long-time friend, MALCOLM WALLOP. I would simply ask that I add a brief perspective.

I came to know the senior Senator from Wyoming best when he served on the Armed Services Committee. He had risen to a position of seniority and prominence on the Finance Committee. Yet, he felt a very special need to leave that committee and join the Armed Services Committee, in a comparatively speaking less senior position, to begin what I call a crusade on behalf of the complex issues relating to strategic defense.

No one on that committee in due course developed a greater depth of knowledge or a stronger feeling on behalf of the need for this country to remain strong in its ability to develop and modernize the whole realm of strategic weapons, weapons which by their very design and need are defensive—not offensive—defensive weapons, weapons which were instrumental in enabling this country to deter their use; weapons which were instrumental in bringing about literally the demise of the Soviet Union.

Here and there in the history of the causes leading to the demise of the Soviet Union is proper attribution to the strategic systems, and particularly SDI. The former Soviet Union recognized their inability technically, financially, and every other way to compete with the United States and other Western nations that had some modest contribution to that important program.

The final chapter is yet to be written. But in this Chamber, steadfast time and time again, stood the senior Senator from Wyoming, defending that program constantly from the right, from the left, and from all sides. He was able to guide that program in such a way that it became an integral part of the series of factors that led to the decision and the demise, to the breakup of the Soviet Union.

During the deliberation of the present legislation, I participated with the senior Senator from Wyoming, and our goal was to indicate that the Senate of the United States felt ever so strongly that as we begin to approach the next chapter of theater defensive systems, we should recognize that the ABM Treaty should not be an impediment, ABM which was signed in May of 1972 at a time when no one envisioned this whole new range of weapons and the proliferation of weapons that can be utilized in the theater operations where our troops are in advanced positions in theater operations with ballistic trajectory.

The senior Senator from Wyoming and I worked together, and through his leadership we were able to craft, with the assistance of the distinguished chairman of the Armed Services Committee and several others, a resolution to our amendment which in my judgment exceeded our original goals in terms of the purpose of the amendment to convey the sentiment of this Chamber to those in the administration that will be soon studying the relationship between the ABM Treaty and theater ballistic systems.

It is clear that at the time the ABM Treaty was drawn up in 1972, no one ever envisioned the proliferation of these systems today and, therefore, that treaty should not be an impediment in any way to unleashing the brains in this country and elsewhere to develop the best possible deterrent to those threatening systems.

In the judgment of this Senator, the strategic ballistic missiles are now in a fairly fixed position. They are the subject of a series of treaties. But the theater ballistic missiles are now proliferating and become, in my judgment, one of the most serious if not the most serious threat posed against our troops, our national security, particularly, when you can devise rather simply a variety of warheads to inflict damage of mass destruction should they ever be used.

We learned in the gulf war the simplicity of the Scud system. We learned

in the gulf war the difficulty of tracking down the source of the Scud. We learned the difficulty of taking the Scud out. Further, nationally we had really our first generation of theater defense to do what we could to defend against that system.

So, Mr. President, I shall miss our colleague and I shall also do my very best working with other Senators to take his place, particularly as it relates to those issues on national security about which he felt so sincerely. I wish him well in his next challenge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

SENATOR MALCOLM WALLOP

Mr. LEVIN. Mr. President, before I send an amendment to the desk, let me just say that I share with the friends from Wyoming and Virginia their comments about Senator WALLOP. He has been on the Armed Services Committee. We have worked together. He was my ranking member for 2 years until he rejoined Finance last year. We worked together extremely well, always cordially. We disagreed on SDI and a number of other issues, but that never got in the way of the warm and open relationship. And I, too, shall miss the directness that he always brought to his job.

While we disagreed, again, probably as often as we agreed, that did not stand in the way of my admiration for the quality, the characteristic that he had of letting you know precisely where he stood and why. And his patriotism is second to none in this body. We, too, shall miss him personally as he returns to Wyoming.

SENATOR MALCOLM WALLOP

Mr. SMITH. Mr. President, there will be a time in the future where we will all have an opportunity to speak of our friend and colleague, Senator WALLOP. But, since I am here on the floor at this time, managing a bill that Senator WALLOP had so much to do with over the years, I thought it would be appropriate just to say I was saddened to hear that he was leaving but happy for his family, as I know he will be pursuing other goals. He is still going to be here for quite some time, obviously, until 1995.

He has been, certainly, a good friend and mentor for me in the few years I have been in the Senate and had the privilege to serve with him, especially in the steering committee and the Armed Services Committee.

I did not want to let this time pass without saying how much I appreciate his friendship and the great service he has given to this body and to the country—certainly to the men and women of Wyoming—and especially on behalf of the military and the Armed Forces of this country. He has fought so hard to see they had the proper funding and the right equipment. I think his leadership in the area of the SDI missile defense will be recorded very favorably by historians in the future.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994

The Senate continued with the consideration of the bill.

AMENDMENT NO. 846

(Purpose: To require that the Secretary of Defense provide a justification for the recommendation of the closure or realignment of military installations previously considered for closure or realignment)

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of Senators RIEGLE and HEFLIN and ask for its immediate consideration.

The PRESIDING OFFICER. The Chair is advised of a parliamentary situation. Senator HARKIN's amendment is pending and needs to be laid aside first.

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendment of Senator HARKIN be temporarily laid aside.

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

The clerk will report the Levin amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. RIEGLE, for himself, and Mr. HEFLIN, proposes an amendment numbered 846.

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 appropriate place, insert the following:

SEC. 2816. JUSTIFICATION OF RECOMMENDATIONS FOR CLOSURE OR REALIGNMENT OF INSTALLATIONS PREVIOUSLY CONSIDERED FOR CLOSURE OR REALIGNMENT.

(a) REQUIREMENT.—(1)(A) The Secretary of Defense shall include with the recommendation of the Secretary for the closure or realignment under a base closure law of an installation referred to in subparagraph (B) the justification described in paragraph (2).

(B) An installation referred to in subparagraph (A) is any installation recommended by the Secretary of Defense for closure or realignment under a base closure law in a year before the date of the enactment of this Act and not recommended for closure or realignment by a base closure and realignment commission in its recommendations for closure and realignment in that year by reason of the failure of the Secretary's recommendation to meet the criteria or force structure plan, as the case may be, upon which the Secretary's recommendation was based.

(2) A justification referred to in paragraph (1) shall include—

(A) an explanation of—

(i) the manner, if any, in which the recommendation of the Secretary for the closure or realignment of an installation referred to in paragraph (1)(A) is the direct result of—

(I) an amendment to the criteria used by the Secretary in making the recommendation since the Secretary's previous recommendation; or

(II) changes in the force-structure plan (or other military requirements) since such previous recommendation; and

(B) the manner, if any, in which the making of such recommendation in accordance with such amendment or changes eliminates the failure referred to in paragraph (1)(B); or

(C) in the event that such recommendation is not the direct result of such amendment or changes, an explanation of the manner in which such recommendation addresses the failure referred to in paragraph (1)(B).

(b) DEFINITION.—In this section, the term "base closure law" means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

Mr. LEVIN. Mr. President, the amendment of Senators RIEGLE and HEFLIN will require the specific explanation and justification for the closure or realignment of a base under the Defense Base Closure and Realignment Act of 1990, if such action had in the previous closure round been proposed by the Secretary of Defense and had been rejected by the Base Closure and Realignment Commission.

We think it is a good amendment. I personally believe strongly it is a good amendment.

I ask unanimous consent that I be listed as a cosponsor.

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

Mr. RIEGLE. Mr. President, during the 1991 and 1993 Base Closure and Realignment [BRAC] rounds, approximately 20 military facilities were recommended for closure or realignment by the Department of Defense [DOD] only to be removed from the list of closures or realignments by the Base Closure and Realignment Commission because they did not meet the criteria for closure or realignment or the military's force structure plan. Indeed, Fort McCellan, AL, was removed from the closure list more than once.

Repeated, unjustified closure announcements represent bad military policy, waste valuable resources, unnecessarily disturb employees, and seriously disrupt communities. DOD must not recommend facilities for closure or realignment which failed to meet the closure criteria or force structure plan without justifying how a new recommendation will address that failure. For this reason, I am offering an amendment to mandate that the Secretary of Defense explain how when a second recommendation for closure is made, the new recommendation addresses this failure.

Military agencies must be able to engage in long-term planning. To do so, they must have some degree of stability. Consecutive closure recommendations upset facilities' long-term plans—leaving them unsure about whether they will be in operation in the near or distant future.

Repeated consideration of a base also wastes valuable Federal and local resources. Much time and money are expended by DOD, the General Accounting Office, and the Commission to analyze and review bases on the list. Likewise, many communities expend a great deal of their limited resources in an effort to retain the jobs created by the bases. Localities can ill afford to waste valuable moneys reconvincing the Base Closure Commission of what they had already proven once before.

Communities where these facilities are located are disrupted for prolonged periods—many for up to 6 years—when DOD repeatedly recommends the closure of local facilities previously removed from the list by the commission. Having been spared in the earlier BRAC round because they did not meet closure criteria—only to be targeted again—communities reasonably infer that DOD is attempting to close a local base for reasons other than force structure optimization.

Employees at bases recommended for closure also experience great uncertainty. They feel singled out for adversity and are unable to plan for the future. It is unfair to put them through the emotional wrecking-ball which the base closure process can represent.

I strongly believe that America must reduce its defense budget and I generally support the base closure process. However, we must take the impact of these actions on communities into consideration. We must not permit the Department of Defense to relist bases for closure after those bases had already been removed from the closure list unless the Secretary explains how the new recommendation addresses the failure of the previous recommendation. I therefore urge adoption of my amendment.

Mr. THURMOND. Mr. President, the Base Closure and Realignment Act of 1990 is a success. Since 1991 the year the first Base Closure Commission met, 164 bases have been recommended for closure and 93 bases for realignment with an annual saving of $3.8 billion. Despite these dramatic cuts we have only reduced our infrastructure by 15 percent. At the same time we cut the military forces structure by almost 30 percent, therefore it is obvious that additional base closings will be necessary.

I am sympathetic to Senator RIEGLE's amendment because the Navy recommended NAVELEX Charleston for closure both in 1991 and 1993. Fortunately, the Base Closure Commission did not agree with the Navy. Nevertheless, it caused significant turmoil and expense to the Charleston community and I certainly do not want the facility to go through that turmoil again.

Mr. President, the current law works well, but a little improvement in this area has merit. I agree with the amendment and urge its adoption.

The PRESIDING OFFICER. Is there further discussion? If not, the question is on agreeing to the amendment.

The amendment (No. 846) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendment of Senator HARKIN be temporarily laid aside so that two additional amendments which have been cleared can be considered by the body, one of Senator PRYOR and one of Senator ROTH.

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

AMENDMENT NO. 847

Mr. SMITH. Mr. President, on behalf of Senators ROTH and BIDEN, 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 Hampshire [Mr. SMITH], for Mr. ROTH, for himself and Mr. BIDEN, proposes an amendment numbered 847.

Mr. SMITH. 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 an appropriate place in the bill, add the following new section

SEC. 01. SHORT TITLE.

This section may be cited as NATO Review Requirements.

SEC. 02. FINDINGS; POLICY.

(a) FINDINGS.—The Congress finds that—

(1) the North Atlantic Treaty Organization (NATO) has successfully met the challenge of helping to maintain the peace, security and freedom of the United States and its NATO allies for more than forty years;

(2) the national security interests of the United States have been well served by the process of consultation, coordination, and military cooperation in the NATO framework;

(3) recent history has witnessed radical changes in the international security environment, including the fall of the Berlin Wall, the unification of Germany, the disbanding of the Warsaw Pact and the disintegration of the Soviet Union;

(4) the military threats which NATO was established to deter have receded with the end of the Cold War, calling into question both the future value of the alliance and the rationale for U.S. military deployments in Europe;

(5) the post-Cold War security situation continues to present a wild array of challenges to U.S. national interests, many of which interests the U.S. shares with its allies in Europe and Canada;

(6) the international community may prove capable of deterring many threats to the common peace if it can respond decisively to aggression;

(7) the United States must share the burden of its international security commitments with other nations if it is to tend to the needs of its own citizens in a responsible fashion;

(8) several of the newly democratic nations of Central and Eastern Europe have expressed interest in seeking membership in NATO;

(9) many of the security challenges facing the post-Cold War world would be best handled through coherent multilateral responses;

(10) the United States should never send its military forces into combat unless they are provided with the best opportunity to accomplish their objectives with as little risk as possible;

(11) military interventions against antagonistic armed forces cannot be conducted safely or effectively on a multilateral basis unless such operations are jointly planned in advance and are executed by units which have trained together and are familiar with each others operational procedures;

(12) NATO is currently the only organization with the experience, trained staff and infrastructure necessary to support military cooperation with the major military allies of the United States;

(13) the NATO allies already have volunteered to consider requests from the United Nations and the Conference on Security and Cooperation in Europe for assistance in maintaining the peace;

(14) justification of the relevance of NATO in the post-Cold War world will depend largely upon the alliance's ability to adapt its mission and procedures to the new security environment;

(15) justification of future U.S. support for the alliance and for a U.S. military presence in Europe will depend upon NATO's ability to address those security interests which the United States shares with its allies in Europe and Canada;

(16) a summit meeting of the NATO heads of state, which has been scheduled for January 1994, would present an excellent opportunity for the President of the United States to articulate a new, broader security mission for the alliance in the post-Cold War world, one which will enable it to address a wider array of threats to its members' interests and which will help to share more effectively the burden of international security requirements.

(b) POLICY.—It is the sense of the Congress that—

(1) old threats to the security of the United States and its allies in the North Atlantic Treaty Organization have retreated radically but new, more diverse challenges have arisen in the form of ethno-religious conflict in Central and Eastern Europe and the proliferation of weapons of mass destruction in regions proximate to alliance territory and NATO's mission must be redefined so that it may respond to such challenges to its members' security even when those challenges emanate from beyond the geographic boundaries of its members' territories;

(2) future United States military involvement in, and contributions to, NATO should be determined in relation to the alliance's success or failure in adapting itself to confronting the challenges of the post-Cold War world.

SEC. 03. REPORT.

(a) Within 30 calendar days of the enactment of this legislation, the President, in consultation with the Secretary of State and the Secretary of Defense, shall send a report to the Armed Services Committees of the U.S. Senate and House of Representatives and to the Foreign Relations Committee of

the U.S. Senate and the Foreign Affairs Committee of the House of Representatives. This report should contain recommendations on—

(1) the manner in which NATO can formulate and implement a strategy to address the new, more disparate threats to the security of its members;

(2) the feasibility of having NATO to conduct security operations beyond the geographic boundaries of the alliance;

(3) the manner in which NATO should restructure its forces, training and equipment for the new security environment;

(4) the desirability of expanding the alliance to include either traditionally neutral nations or the new democratic nations of Eastern or Central Europe who wish to join NATO;

(5) the proper size and composition of United States forces to be deployed in Europe to assist in the implementation of NATO's new mandate and possible reduction in U.S. military deployments in Europe in the event of the alliance's failure to adopt a new mandate;

(6) the structure and organization of NATO headquarters, with particular attention to the need to reinvigorate the NATO Military Committee;

(7) the desirability of having additional NATO forces train in North America in a manner supportive of NATO's proposed new strategy;

(8) the structure of NATO's military command, with particular attention to the need to make NATO's Rapid Reaction Force a credible deterrent in regional aggression;

(9) the levels of U.S. European and Canadian defense budgets and their ability to finance forces consistent with the implementation of NATO's new mandate.

Mr. ROTH. Mr. President, the amendment represents the latest in my efforts to press the executive branch of our Government to take the lead in revitalizing the North Atlantic Treaty Organization so that it can address the security challenges of the post-cold-war world.

Supporters of the transatlantic security link, of which I am one, frequently point out that NATO has enjoyed a history of unparalleled success. It has deterred aggression by the forces of the former Warsaw Pact and ushered Western Europe into a period of unprecedented peace and prosperity. The determination of its 16 members to address their security concerns on a collective basis thwarted Soviet ambitions and, ultimately, caused the inherent contradictions in the Communist economic plan to become manifest. Thus the cold war was ended without firing a shot and the bulk of the credit should go the NATO.

But past successes do not provide an adequate rationale for future commitments. The American people will not, in my opinion, continue to support the deployment of significant numbers of U.S. forces overseas unless the national security benefits of those deployments are clear and manifest.

Unfortunately, in the aftermath of cold war, neither the Bush nor the Clinton administration have urged NATO to make the necessary reevaluation of its role in the new security environment. Consequently, far too many Americans are led to believe that NATO is a cold war institution whose relevance has now passed and that our military presence in Europe is nothing more than a cold war hangover. If nothing is done to change this perception and to place the alliance on a new course, I have no doubt that U.S. support for our military presence in Europe will wither, this will, in turn, prompt congressional action to reduce troop levels and, ultimately, the alliance will exist in name only.

But, Mr. President, these developments need not come about. Consider how many times we have heard Members of this body, and of the House of Representatives, opine that they did not wish to see the United States act as the world's policeman. And yet, at the same time, this Nation has vital interests around the globe, interests which must be protected. How is this apparent contradiction to be resolved? I believe that the answer to this question is clear—by working with our allies to address those security concerns which we hold in common. Thus, the United States will not be compelled to play the role of unilateral policeman while our fundamental security interests will be addressed.

NATO boasts two characteristics in this regard, characteristics which set it apart from all other multilateral organizations. First, NATO's membership enjoys a unique level of cohesion. As industrial democracies they share a host of international interests, interests which they could easily address on a cooperative basis. Second, NATO is the world's only functioning, effective multilateral military alliance. The armed forces of its 16 members train together and they enjoy an integrated command structure which is already in place. As the Bosnia situation has deteriorated, both the United Nations and the European commission have been obliged to recognize that only NATO has the real ability to intervene in the Balkans to real effect. Other organizations have been long on rhetoric but have been woefully incapable of backing up their words with the threat of actual military intervention.

In short, this Nation cannot afford to see NATO wither away, but if NATO is to evolve into a viable post-cold war security institution, its 16 sovereign members must set about the task of defining their common security interests in the 1990's and beyond and then decide how they intend to address those interests.

I have noted that, in some quarters, there is a desire to have NATO adopt this evolutionary course on an ad hoc basis, addressing crises and problems as they occur. I am utterly opposed to this course. The alliance was not formed on an ad hoc basis. Its members came together in 1949, enunciated a set of principles and mutual commitments and then proceeded to address their security concerns on the basis of those enunciated principles. This approach yielded two major benefits. First, it prevented members from wriggling free from their commitments when it might have suited their parochial interests to do so. Second, it enabled the alliance not merely to address threats to their security interests but actually to deter threats to those interests. Everyone knew where NATO stood—its policy was written out in a public document for all to see—and they tailored their policies accordingly, not wishing to trigger the mutual defense commitments contained in articles 5 and 6 of the NATO charter.

In this context, I believe that it is useful to ask ourselves two questions. Do we believe that Saddam Hussein would have invaded Kuwait if he had known that, by so doing, he would precipitate an armed response by NATO's 16 members? Do we believe that Slobodan Milosevic would have moved against Croatia or Bosnia if he had known that his aggression would lead to his militias and regular forces being smashed by a NATO counter-offensive? I suspect that we all know that, faced with the threat of a NATO reprisal, both men would have stayed at home and the world would have been a better place.

If NATO is to set about the task of reorganizing itself to confront the challenges of the post-cold-war world, two points will have to be born in mind. First, this initiative cannot come from NATO headquarters. The signatories to the NATO charter did not abrogate their national sovereignty when they acceded to it. Consequently, the NATO Security-General is much more the creature of the alliance's 16 members than he is their master. Any major initiative to revamp the alliance will have to emanate from the alliance's members rather than from its bureaucracy. Secondly, if any national member of NATO is to launch an initiative to reshape the alliance, then the logical party to commence this process is the United States. European and Canadian members of the alliance have, traditionally, looked to the United States for leadership. The United States already commands the alliance's military structure in the person of SACEUR. It is the U.S. military presence in Europe which makes the alliance unique. In short, it is time for the United States to take the lead.

Last year, I attempted to draw the attention of the executive branch to the need to refocus NATO. I added an amendment to the fiscal year 1993 defense authorization bill requiring the Pentagon to report to the Congress on the role of NATO in the post-cold-war world. I understand that the task of writing the report was pushed over to

the lower ranks of the State Department. The final report was, to put it generously, utterly unimaginative.

In my frustration I had seriously considered reviving the Nunn-Roth approach of 1984 and proposing an amendment that would mandate U.S. troop withdrawals from Europe in the absence of a fundamental reappraisal of alliance roles and missions. But I have decided to hold off that course, for the moment. The amendment which I send to the desk requires the President to report to the House and Senate Committees on Armed Services and Foreign Relations detailing exactly how his administration intends to address this critical issue when the NATO heads of state meet in January 1994. The alliance has been in critical need of U.S. leadership on this issue ever since the cold war came to a close. I strongly suspect that if the administration fails to grasp this late opportunity, many of my colleagues will begin to cast a wary eye over United States deployments in Europe.

I thank the managers and their staffs for their cooperation in working out this amendment and I ask that my colleague, Senator BIDEN, be entered in the RECORD as an original cosponsor of this amendment.

Mr. SMITH. Mr. President, this amendment expresses the sense of Congress that the mission of NATO must be redefined in light of dramatic changes in world security and requires the President, in consultation with the Secretary of Defense and the Secretary of State, to submit a report to Congress on the future composition of NATO.

Mr. President, I believe this amendment has been agreed to on both sides and I urge the adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. LEVIN. Mr. President, we support this amendment. We think it is a good amendment on behalf of Senators ROTH and BIDEN.

The PRESIDING OFFICER. Is there further discussion of the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 847) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 848

(Purpose: To require an annual submission to Congress regarding budget information on the costs for recruitment of personnel for enlistment, appointment, or induction in the Armed Forces of the United States.)

Mr. LEVIN. Mr. President, on behalf of Senator PRYOR, 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. PRYOR, proposes an amendment numbered 848.

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 104, between lines 2 and 3, insert the following:

SEC. 340. BUDGET INFORMATION ON DEPARTMENT OF DEFENSE RECRUITING EXPENDITURES.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 227. Recruiting costs

"The Secretary shall include in the budget justification documents submitted to Congress each year in connection with the submission of the budget pursuant to section 1105 of title 31 the following matters:

"(1) The amount requested for the recruitment of persons for enlistment, appointment, or induction into the armed forces, including—

"(A) the personnel costs for Department of Defense personnel whose duties include—

"(i) recruitment;

"(ii) the management of Department of Defense personnel performing recruitment duties; or

"(iii) supporting Department of Defense personnel in the performance of duties referred to in clause (i) or (ii);

"(B) the cost of providing support for such personnel for the performance of those duties;

"(C) operation and maintenance costs associated with recruitment, including the costs of paid advertising and facilities;

"(D) the costs of incentives, including—

"(i) amounts paid under sections 302d, 308a, 308c, 308f, 308g, 308h (for a first enlistment), and 308i of title 37, relating to bonuses and other incentives;

"(ii) amounts deposited in the Department of Defense Education Benefits Fund pursuant to section 2006(g) of this title; and

"(iii) payments under the provisions of chapters 105, 107, and 109 of this title and chapter 30 of title 38; and

"(E) costs associated with military entrance processing;

"(2) the appropriation accounts from which such costs are to be paid; and

"(3) the estimated average total annual cost of recruiting a person for enlistment, appointment, or induction into the armed forces for the fiscal year covered by the budget justification documents, determined and reported separately for—

"(A) each armed force;

"(B) the active component of each armed force;

"(C) each of the reserve components of each armed force; and

"(D) for all of the armed forces.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"227. Recruiting costs.".

Mr. PRYOR. Mr. President, the amendment I am offering today will attempt to shed additional light on the enormous amounts that the Department of Defense spends each year on recruiting.

Two years ago, I began addressing whether it is appropriate to allow the Pentagon to continue spending over $2 billion each year on their recruiting operations. I began speaking out on this issue when I learned that although the Armed Forces were steadily reducing the number of recruits allowed to join their ranks since 1989, their large recruiting budget was not reducing concurrently.

This disturbing trend simply does not make sense to me. By calculating Pentagon figures, I determined that last year the Department of Defense spent approximately $5,700 on each recruit who joined the military. This amount was a drastic increase from the $3,700 we spent per recruit back in 1989. When I became aware of these questionable policies, I began wondering if we were spending too much on recruiting and if there were areas in this huge budget where taxpayer money could be saved while maintaining our recruiting quality and readiness to fight.

These are the questions I have asked the General Accounting Office to answer and I ask unanimous consent that my request letter to the GAO be printed in the RECORD directly following my remarks.

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

(See exhibit 1.)

Mr. PRYOR. I honestly believe that there are numerous ways that our Armed Forces recruiting operation could tighten its belt and save money without jeopardizing the quality of our recruits. The GAO is taking a long, hard look at how this recruiting money is spent in an attempt to determine ways that our dollars could be saved. I look forward to seeing the results of this study.

Mr. President, our Armed Forces recruiting operation should be expected to perform with the same standards of precision and efficiency that are expected from the soldiers they are charged with recruiting. Unfortunately, given the fact that the cost per recruit has risen so drastically over the last four years, I must conclude that our enormous recruiting machine should be closely examined for potential inefficiency and to expose areas where we could save money.

Last year, I introduced legislation to cap the amount we spend on recruiting at $4,600 per recruit. Although my initiative was eventually withdrawn, we did achieve approximately $200 million in savings, mostly in the form of a reduction in the 31,000 person recruiting work force.

Today, my amendment will not seek to cut additional funds. Rather, I believe that the Congress and the American public deserve to know exactly how much money our military requests

and spend each year on recruiting. Currently, the Pentagon request for recruiting dollars is spread out over numerous different budget account and categories. My amendment will require the Department of Defense to submit a single, consolidated budget request each year, so we will know exactly how much money is desired.

Second, the amendment will set an official cost per recruit formula so that the Congress, the Pentagon and others can refer to and rely on the same figures when discussing and rationalizing the enormous amounts we spend each year on individuals who join the military.

I must admit that the formula for calculating cost per recruit has become quite popular recently. Aside from my use of this formula, Defense Secretary Les Aspin referred to the cost per recruit formula in a recent commencement address at the U.S. Air Force Academy. In his address, Secretary Aspin used the formula as the baseline for judging recruiting progress and justifying future budgets. Needless to say, if the cost per recruit is going to be used as the baseline for measuring recruiting standards, as Secretary Aspin, myself and others have done in the past, then it is essential that we clarify this formula so that our calculations will be consistent.

Mr. President, I would like to thank the distinguished chairman of the Senate Armed Services Committee, Senator SAM NUNN, who has been most accommodating on this issue over the past few years. I am pleased that the managers of this bill agree that my amendment should be accepted and I thank them for their leadership on these matters.

EXHIBIT 1

U.S. SENATE,
Washington, DC, July 29, 1993.

Hon. CHARLES BOWSHER,
Comptroller General, U.S. General Accounting Office, Washington, DC.

DEAR MR. BOWSHER: I am writing to ask the General Accounting Office (GAO) to conduct a thorough review of the policies and practices of the Department of Defense recruiting operation.

Armed Forces recruiting has taken on an increased importance as we strive for a more lean and efficient military. Even during a period when the size of the of the U.S. Armed Forces is steadily declining, the practice of recruiting obviously must continue, albeit at a reduced level, to prevent the evolution of a "hallow" military force generated from a gap in new recruits.

The tremendous responsibility of attracting the best and brightest men and women for volunteer military service can often be a difficult and strenuous task. However, it is a practice that is generally unfamiliar to the American public, with the exception of the paid advertisements that have become sights and sounds of everyday life.

Few Americans are aware that the Department of Defense spends over $2 billion each year on recruiting. Not only do I feel that it is unclear how this money is spent each year, but I have often wondered if there are areas in which our precious dollars are being wasted on unnecessary or ineffective recruiting practices. In addition, I am disturbed that the overall cost of recruiting has remained virtually unchanged over the past four years despite a substantial decline in the number of recruits allowed to sign up for military service.

As a result of these concerns, I would like the GAO to conduct an in-depth analysis of the Pentagon's recruiting apparatus that focuses on the following points:

1. Identify and describe various methods or systems of recruiting, including the Pentagon's current practice.
2. Analyze the cost versus the benefits of these recruiting practices.
3. Determine how the DOD and the military services measure their recruiting success.
4. Examine why the annual cost per recruit has increased over 30 percent since 1989, and determine if this trend is justifiable.
5. Identify areas in which our military could achieve the same recruiting results at a lower cost to the taxpayers.

Recently I was informed that the quality of our incoming recruits has slipped this year from 99 percent high school graduates to 95 percent, and that an increase in funding will be requested as a remedy. I am concerned that simply throwing additional money at this problem might be a short-sighted solution, and potentially the wrong answer for stemming this or future declines in recruiting quality.

While I firmly believe that successful recruiting is essential to our military readiness, our difficult budget environment prompts me to question the enormous size of this recruiting budget and the efficiency of our massive recruiting operation. Simply stated—I want to know if the taxpayers are getting their money's worth.

As a result, I feel that a GAO study on the practices of the DOD recruiting operation is warranted and I thank you for your consideration of this request. Please contact Steve Ronnel of my staff at (202) 224-2353 if you have any questions.

Sincerely,

DAVID PRYOR.

Mr. LEVIN. Mr. President, Senator PRYOR's amendment would require the Department of Defense to include certain information on the cost of Department of Defense recruiting activities in the justification materials submitted to Congress each year with the defense budget.

The information that would be required would include the cost of military personnel and recruiting activities, the cost of advertising, the cost of recruiting support, the cost of recruiting bonuses, and the cost per accession in each service.

Mr. SMITH. Mr. President, the amendment offered by my colleague on behalf of the distinguished Senator from Arkansas is acceptable to this side.

Mr. THURMOND. Mr. President, the amendment offered by my colleague, Senator PRYOR, from Arkansas, is acceptable to this side.

The PRESIDING OFFICER. If there is no there further discussion, without objection, the amendment is agreed to.

The amendment (No. 848) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I inquire of the managers, would it be appropriate to raise an amendment which has been cleared on both sides, which is presently at the desk? It is No. 784. It is cleared on both sides.

Mr. LEVIN. I have no objection.

The PRESIDING OFFICER. The Chair advises the Senator from Virginia that the pending amendment is the amendment by Senator HARKIN.

Mr. WARNER. Mr. President, I ask unanimous consent that the pending amendment be laid aside at this time so that the Senate may act on this amendment.

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

AMENDMENT NO. 784

(Purpose: To address the entry into the United States of certain former members of the Iraqi Armed Forces)

Mr. WARNER. Mr. President, this is an amendment which asks this body to go on record, in the form of a sense of the Senate, that no person who was a member of the Armed Forces of Iraq during the period from August 2, 1990, through February 28, 1991, and who is in a refugee camp in Saudi Arabia as of the date of the enactment of this act shall be granted entry into the United States under the Immigration and Nationality Act, as amended, unless the President certificates to the Congress prior to such entry that such person, one, assisted the United States or coalition armed forces after defection from the Armed Forces of Iraq or after capture by the United States or by the coalition armed forces; and, two, did not commit or assist in the commission of war crimes.

That is the essence of it.

At the end of the gulf war, approximately 39,000 Iraqis were living in refugee camps in Saudi Arabia. The vast majority of these Iraqis were civilians or Iraqis who had participated in the uprising in southern Iraq following the gulf war.

However, 4,000 of the Iraqis in the Saudi camps were Iraqi soldiers who were captured or who had defected during Desert Storm.

Recent press reports have brought to light United States participation in a multinational effort to resettle Iraqi refugees. In fiscal year 1992, the United States resettled 3,442 Iraqi refugees. In fiscal year 1993, the United States expects to admit 4,600 additional Iraqis.

While the vast majority of these Iraqis are civilians who had a legitimate fear of persecution in Iraq, and thus qualified for refugee status, a small number are ex-soldiers and their families.

The purpose of this amendment is to make sure that combatant ex-soldiers are not given the same status this Nation quite properly affords to other Iraqi refugees.

This practice of allowing the relocation of Iraqi soldiers who may have taken up arms against the United States and its coalition partners during Desert Storm is a matter of great concern to this Senator and other Members of Congress.

I note that on August 6, 75 Congressmen, led by Representative DONALD MANZULLO of Illinois, sent a letter to President Clinton asking him to block entry into the United States of the class of Iraqi soldiers covered by this amendment.

My amendment expresses the sense of the Senate that the United States should change its current practice and prohibit the entry into the United States of Iraqi soldiers who served during Desert Shield/Desert Storm. My amendment would make an exception for those Iraqi soldiers who assisted the coalition war effort following their capture or defection or otherwise.

It is a very simple screening process. I say that because I find it unconscionable that an Iraqi combatant soldier would be admitted into this country under refugee status and given certain privileges and benefits and, indeed, a job, at the time there are many, many veterans of Operation Desert Storm—U.S. soldiers, airmen, marines, and sailors—who cannot or have not thus far been able to get comparable benefits.

I find that inconsistent and unconscionable. I am pleased that this amendment is accepted on both sides of the aisle. I ask for its adoption.

The PRESIDING OFFICER. The amendment has not formally been offered, yet.

Mr. WARNER. Mr. President, I ask that the clerk report the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 784.

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 242, after line 19, insert the following:

SEC. 1067. PREVENTION OF ENTRY INTO THE UNITED STATES OF CERTAIN FORMER MEMBERS OF THE IRAQI ARMED FORCES.

It is the sense of the Senate that no person who was a member of the armed forces of Iraq during the period from August 2, 1990 through February 28, 1991 and who is in a refugee camp in Saudi Arabia as of the date of enactment of this Act shall be granted entry into the United States under the Immigration and Nationality Act, as amended, unless the President certifies to Congress prior to such entry that such person—

(1) assisted the United States or coalition armed forces after defection from the armed forces of Iraq or after capture by the United States or coalition armed forces; and

(2) did not commit or assist in the commission of war crimes.

On page 9, after the item relating to section 1066, insert:

SEC. 1067. PREVENTION OF ENTRY INTO THE UNITED STATES OF CERTAIN FORMER MEMBERS OF THE IRAQI ARMED FORCES.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, we have no objection to the amendment. I think it is a good amendment.

My understanding is that there is no objection that we know of and, therefore, we think the amendment should be agreed to.

Mr. WARNER. Mr. President, could I assure the distinguished managers I purposely filed this amendment several days ago and asked that it be printed so that several agencies of the administration might have adequate opportunity to review it. We have been in consultation and there is no objection.

Mr. LEVIN. As always, the Senator from Virginia is courteous to an extreme. We are glad he has had that consultation. His assurance on that is always all it takes.

Mr. WARNER. I thank my colleague from Michigan.

Mr. LEVIN. We support the amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 784) 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.

Mr. SMITH. Mr. President, I ask unanimous consent the votes by which amendments 843, 844, and 845 were adopted be reconsidered and laid upon the table. They are three previous amendments that I offered a few moments ago, but we neglected to get a reconsideration and have that laid upon the table.

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

Mr. SMITH. Mr. President, at this time I would like to offer some personal observations concerning national defense and the Fiscal Year 1994 Defense Authorization Act.

As my colleagues know, I have often cautioned that we are proceeding too far, too fast, in the drawdown of our defense force. In my view, our defense policy and expenditures ought to be threat driven, not budget driven.

Budgeting obviously is critical in any matter that is before us here in the Congress, but we ought to be looking at the threat as we draw down the forces and determine the budget.

With the cold war behind us, the United States stands alone as the preeminent world power. We saw that this morning in the historic ceremony at the White House, with the signing of the accord between the PLO and the Israelis. It was here in the United States of America, at the White House—which indicates the world leadership and credibility that we have.

We must not revert to being one of the pack again, going back to where we cannot exert that leadership in the world. To its credit, the Bush administration under the leadership of Secretary Cheney and Colin Powell recognized this fact and developed a comprehensive strategy to downsize our military force safely and responsibly.

Unfortunately that strategy is not being adhered to. The base force concept that was laid out by President Bush represented a blueprint to preserve the United States' military superiority in a changing world.

But the Clinton administration has left that base force concept and embarked on a course of reductions which more than triple the very substantial cuts that were already initiated by President Bush. And the Clinton budget submission contained no underlying strategy or vision for our Armed Forces.

It would seem to me we ought to have the vision and the strategy laid out along with the budget, rather than the budget laid out with no underlying rationale or reason. There was no global threat assessment or force structure analysis to support the request; only a budget-driven demand to slash some $178 billion from the defense account.

Although the administration has tried to hedge its bets through the so-called bottom-up review, in my opinion the bottom-up review is nothing more than a facade to justify the massive reductions that the President is recommending.

So we decide on the recommendations and then we have a bottom-up review. Would it not be more sensible to have a bottom-up review and, after we decide what that tells us, then determine and submit the budget?

I strongly object to the scope of the administration's reductions and I object to the procedure by which they have been formulated. The Clinton budget slashed defense spending without even awaiting the results of the bottom-up review. I wholeheartedly support the concept of conducting a comprehensive threat and force structure analysis. That is necessary. But how can anyone take such an exercise seriously when the budget request prejudged its results by cutting some $12 billion in fiscal 1994 and $178 billion overall, over the next 5 years? How can you rationally justify that kind of action in that kind of order, no matter

how you feel about defense? Conduct your review, tell us what capabilities you need, then lay out the budget.

I would ask the administration, if you are just now completing the bottom-up review—and that is what we hear—what were the massive defense reductions contained in the fiscal 1994 budget premised on? What was the assessment of the threat environment? What military capabilities and corresponding force structure did you envision when preparing the budget request?

As a member of the Armed Services Committee it strikes me as irresponsible that the administration would advocate such massive reductions without any answers to these fundamental questions, or any blueprint for our military in the future.

We did not get to the point where we are today, with the signing of the accord between Mr. Arafat and the Israelis, we did not get to the end of the cold war and the break up of the Soviet Union, without a blueprint and a lot of bipartisan support and sacrifice by the American people. That was hard work. And we had a blueprint.

After World War II, the United States did something of a bottom-up review and determined we needed to confront Soviet communism and the expansion of communism around the world. We decided we were going to be involved in the Middle East to try to facilitate a settlement there. I think that is why we were so successful in the cold war and the Mideast peace process.

Unfortunately, with respect to the Clinton administration's bottom-up review, we now have the product and it is just what we anticipated, a superficial exercise designed to legitimize a predetermined budget cut. It was against this backdrop that the Armed Services Committee formulated the fiscal year 1994 defense authorization bill, which we now have before us. While it certainly would have been preferable to some to receive substantive guidance from the administration, the committee decided, and this Senator agreed, that the Senate must forge ahead in deciding the future shape and content of our Armed Forces.

In general, I support much of the defense authorization bill as it is reported by the Armed Services Committee under the very capable leadership of its chairman, Senator NUNN. Given the administration's predisposition to ravage the defense budget, the committee was faced with nearly an insurmountable challenge and I believe Senators NUNN and THURMOND did the best they could to formulate a responsible defense bill under the circumstances. They are to be commended for their leadership. And this Senator does commend them for their leadership.

Having said that, however, I must say that in certain key areas—and I mean key areas—I believe the bill is flawed.

In certain cases, it falls short of responsibly addressing our defense needs, and I will elaborate on some of those flaws in a moment.

(Mrs. MURRAY assumed the chair.)

Mr. SMITH. Madam President, let me begin, though, with what I consider to be the more positive aspects of the authorization bill before us. First of all, the committee bill includes a 2.2-percent pay raise for military personnel in 1994. I say it should be more, but some did not want any. As a matter of fact, the administration wanted to cut the pay of our military. So I support and commend the leadership of Senator NUNN and Senator THURMOND to see that we provided a pay raise for our hard-working men and women defending the Nation. I strongly support this pay raise which became necessary when the administration, as I said, refused to even include a military pay raise in their budget submission. Imagine, refused to even submit a pay raise for our military.

The men and women of our Armed Forces and their families endure great hardship in their service to our Nation. It is simply unconscionable to suggest, as some in the administration have, that we deny them a pay raise. Many of our enlisted personnel are struggling just to support their families. I have had the privilege on many occasions to go to various bases and installations around the country, and to see the sacrifices that these men and women make. Some are even on food stamps. If you can believe that risking their lives in service of their country, not making enough money to keep them off the eligibility of food stamps. And some would oppose giving them a pay raise.

We have a moral obligation to provide appropriate compensation to these men and women for their service. To its credit, this committee, under the leadership of Senators NUNN and THURMOND, took action to correct a very bad inequity.

The committee also took forceful action to resolve shortfalls in the Navy and Air Force tactical aviation modernization programs. Specifically, the bill would terminate the Navy AFX and Air Force multirole fighter programs and, instead, direct the Navy and the Air Force to pursue two joint strike and fighter programs. One would be based on the Air Force and Navy variant of the F-22, and the other would be based on the common purchase of the F-18 E/F.

These initiatives are quite serious and will very profoundly affect our future force structure and the health of the defense industry. From my own standpoint, I have very strong reservations with the termination of the Navy AFX program. In my view, there is no more urgent Navy requirement than to replace the retiring A-6 aircraft with a stealthy, long-range bomber. However, we do have budgetary constraints and, in light of those constraints and the Navy's failure to actively defend the AFX program, the committee was left with no other viable alternative other than to cancel the program and pursue an F-22 derivative as the high-end replacement for the A-6. Given the fiscal, operational and political dynamics involved, I believe the committee recommendation represents the most responsible course of action on this critical issue.

Importantly, the committee bill adds funds above the budget request for vital readiness programs, including an additional $300 million for depot maintenance and $100 million for real property maintenance. I strongly support these initiatives. However, I am deeply concerned that inadequate attention is being focused on the readiness issue. There is more to readiness than maintaining an active operating tempo. As multiple witnesses have testified before the Armed Services Committee, the United States is walking a dangerous tightrope by living off excess capacity and failing to replenish our stocks of materials and spare parts. Depot maintenance backlogs are increasing, and if we are to avoid the hollow force of the seventies, we must ensure that operations and maintenance accounts are not exploited as a bill payer for other unnecessary spending programs.

In addition, I am happy to say that we were able to build on the technology portion of the defense conversion program established last year. Although the administration only requested $324 million for the technology reinvestment project in fiscal year 1994, the Defense Technology, Acquisition Policy, and Industrial Base Subcommittee, of which I am a member, provided $605 million in the bill. No less important is the fact that we preserved the integrity of the source selection process for these projects. Cost sharing remains an integral component, and the projects are required to be selected using competitive procedures.

Another area where the committee acted, I believe, in a responsible manner was the management of the federally funded research and development centers. These organizations do very important work for their sponsoring agencies, but they have grown in size while organizations conducting research and development within the Pentagon have declined. In the interest of equity and to be more responsive to general defense budget realities, the committee imposed funding and staffing ceilings on each of the various federally funded research and development centers. I think that is wise policy and I support it.

Madam President, I would like to move to an area that is of deep concern to me in the defense budget, and that is the area of strategic programs. This is

an area where I have deep differences with some of the committee's activity. In particular I am concerned by the funding levels and the legislative provisions recommended for the Ballistic Missile Defense Program. As a member of the committee who participated in all of the debate, all of the deliberations, all of the discussions on the Missile Defense Act 2 years ago, I am shocked and dismayed over the manner in which Congress has abandoned its commitment to defending the American homeland and our forward deployed troops.

The Armed Services Committee bill severely underfunds the Missile Defense Program at a critical point in development.

We are going to look back someday at this period in history when we walked away from missile defense, and we are going to regret this decision. Senator WALLOP will be one of those who will be remembered as having reminded us of that at this time in history.

Equally disturbing to me is the legislative mandate that 50 percent of the funding for each theater missile defense program be fenced pending completion of an ABM Treaty compliance review. As my colleagues know—or they should know—the 1972 ABM Treaty prohibits nationwide defenses against strategic ballistic missiles.

It was never intended to restrict theater defense systems deployed abroad to protect our forward deployed troops. Should we not have protected General Schwarzkopf when he was in the Persian Gulf or any future commander who may be deployed somewhere out on the front? Should we not protect him from an incoming missile?

The suggestion that somehow the ABM Treaty should be construed to restrict the development, testing, and deployment of theater systems such as the Patriot upgrade, the theater high altitude area defense [THAAD], or the Israeli Arrow is simply absurd and should not be legitimized by this body.

Now, more than ever, Congress and the administration have to put politics aside and get on with the business of defending America. We did not defend America by accident during the cold war. That was sacrifice, not accident.

Those weapons that performed so successfully in the gulf were not an accident. It took a lot of commitment and a lot of years to build them, from those people who built them, and those who used them. That was not an accident, Madam President, and in today's threat environment, there is simply no room for the gratuitous budgetary lowballing and programmatic delays mandated in this bill.

It is not pleasant to have to stand up and say these things, but sometimes they have to be said. The expeditious development and deployment of missile defenses is and must remain a paramount national security priority. This priority is not reflected in this bill. As we watch the technology of missiles spread around the world, to North Korea, Iran, and Iraq, from China and the former Soviet Union, are we going to be prepared to deal with that in the future? Not at the rate we are going.

Madam President, I am also very concerned with the committee's consolidation of and reduction to surveillance and warning programs. The bill also before us would place Brilliant Eyes, the Follow-on Early Warning System, and the Defense Support Program satellite programs into one single account and cut the overall budget level for these programs by $350 million.

In addition, it would place this account under the direct control of the Defense Secretrary and allow the Defense Secretary to select which program he or she wants to pursue and how to spend the money. This is unwise, in my view, and shirks our responsibility in the Senate to exert leadership on the issue of surveillance and warning systems and issues. This is our responsibility as well as the administration's responsibility, particularly in the case of Brilliant Eyes and the Follow-on Early Warning System which are complementary, not competing programs. I think the committee's action in this area is misguided, and I think history will judge that it is misguided. I wish to be on record in this debate as saying so.

I will have more to say on these issues later on during the debate, perhaps on this bill, perhaps in the future at another time. But for now, Madam President, I would conclude my remarks with a word of caution to my colleagues.

This bill is not going to please everybody. That is for sure. As with all compromises, it embodies a great deal of give and take. As I said before, my hat is off to Senators NUNN and THURMOND for their leadership role in this committee and doing the best they can. It represents a bare minimum necessary to sustain our national security—a bare minimum.

I am not saying the savings cannot be achieved in the defense budget. That is not what I am saying. But we need to spend what is necessary to defend America. That is our constitutional obligation. And we are not just talking about today. We have to think about the future.

Additional reductions will almost certainly break the back of our military and result in the hollow force that everybody has been warning about. Everybody who speaks says we do not want to go back to the hollow force of the 1970's after we built down from the Vietnam war. But that is what we are doing. Make no mistake about it, that is exactly what we are doing. You cannot say you do not want to go down to a hollow force and then vote to do it. Be consistent. If you are going to vote to do it, then admit you are doing it.

This committee has worked hard to try to avoid that, and I compliment the leadership on both sides for doing it. But I am afraid that we have come up short, and I think history will judge us that. So what we have here now is a compromise. It is the best that we could hope to get from an administration that is bent on taking it down too fast. I hope the administration will recognize this danger and chart a more responsible course in the future. I doubt it, but I hope so.

I thank the Chair, and at this time I yield the floor.

Mr. LEVIN. Madam President, we are attempting to clear a number of additional amendments. We have not yet cleared additional amendments. But until we do so or until someone comes to the floor to offer an amendment on the unanimous-consent list, I note the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Madam President, I would like to begin my remarks by thanking Senators NUNN and THURMOND and the other members of the Senate Armed Services Committee for the welcome I received upon my assignment there. I am very proud to be a member of this committee, which will have a major role in maintaining the strength of our military, at the same time that we must cut spending as a result of the end of the cold war.

The United States did not emerge from the cold war as the world's sole superpower by chance. Victory was borne on the shoulders of tens of thousands of American men and women whose blood and sweat guaranteed not only our safety but ultimately, our victory. On thousands of battlefields on a hundred foreign shores, through two world wars, the Korean conflict, Vietnam, Grenada, Panama, and Desert Storm, American men and women have given, in President Lincoln's words, "the last full measure of devotion" so that others might live free.

The line was drawn in the sand more than four decades ago when, in Winston Churchill's words, "From Stettin in the Baltic to Trieste in the Adriatic an iron curtain has descended across the Continent." Today, Churchill's quote seems a distant evocation of a bad memory, but what is the end of a bad memory for us represents the awakening for millions of people from a long totalitarian nightmare.

Thanks to our Armed Forces, Presidents Reagan and Bush, and to the

Members of Congress, the Soviet Union did indeed go out with a whimper instead of the bang that could have been devastating to all mankind.

The demise of the Soviet Union, however, did not ensure international tranquility, as events in the remnants of Yugoslavia have made all too painfully obvious.

Madam President, while I strongly support the fiscal year 1994 defense expenditure recommendations contained in this bill, I remain concerned about out-year projections for defense.

The reasons for my concern are simple. In the spring of 1990, many in the Congress hailed the end of the cold war as the time for unprecedented defense cuts. Plans were laid for transferring billions of defense dollars to domestic accounts.

The wake up call, unfortunately, came on August 2, 1990, when Iraqi armored columns lumbered into Kuwait, and though the result was a stunning victory for the allied forces, it nevertheless became clear that we cannot become comfortable and unprepared.

Once again, however, there are some who want to cut defense deeper than may be prudent. Work proceeds in more than one country to develop nuclear weapons. Should Saddam Hussein or Kim Il-song fashion even a crude nuclear weapon, the threat to our allies in the Middle East and Northeast Asia will increase substantially.

It is for these reasons, Madam President, that I will reserve judgment on future levels of defense spending. We all agree that excessive spending on defense is fiscally irresponsible, but we must also agree that budgeting for defense at levels that prove insufficient to protect our national interests would be disastrous.

The difficult task that lies ahead for our military leaders, the President, and Congress is finding the correct balance among our force structure, our infrastructure, and our modernization programs.

Desert Storm made clear the force multiplication benefits of technological superiority are there, and if we are to rely on a much smaller military it is imperative that we maintain our technological superiority.

Also, our bases must reflect the lower numbers of people in our Armed Forces. And our Reserves, which will also be fewer in numbers, should be trained and ready.

We have a great responsibility to support our men and women in our Armed Forces and to assure our children and grandchildren that this America that we love so much will be secure and strong for them.

Madam President, I am going to work toward these goals and hope my colleagues will join me in the first step—by supporting the bill that is being debated on the floor today.

I yield the floor.

Madam 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. Madam 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. I will shortly send an amendment to the desk and ask for its immediate consideration. But until such time as we get final clearance, I will withhold.

This amendment would provide that the Secretary of Defense shall provide that the Joint Warfighting Simulation Center established by the Secretary on July 1, 1993, be located with the Army Training and Doctrine Command at Fort Monroe, VA.

Madam President, the other body is contemplating a different location, and I find myself in somewhat of an awkward position, because two respected Members of my delegation in the House of Representatives are of the opposite view. But I am forwarding this amendment really at the request of the Secretary of Defense and the Secretary of the Army and, it is my understanding, the Chairman of the Joint Staff, all of whom have recognized that this new command should be located at this particular location in the State of Virginia. That is to be located with the Army's Training and Doctrine Command, commonly referred to as TRADOC, at Fort Monroe.

TRADOC is a very important command in the U.S. Army. It is presided over by a four-star general officer. I think that conveys a good deal of significance as to the importance of that command and geographic location to the Department of the Army.

Madam President, I am informed that the Chairman of the Joint Chiefs of Staff recently directed that a Joint Warfighting Simulation Center be established to support warfighting concepts and development of doctrine for the combatant commands and the Joint Staff. The Armed Services Committee directed in its committee report last year that the Joint Staff establish such a center to conduct activities in support of the combatant commanders and the Joint Staff.

This center should be of great assistance to the CINC's in war planning and development of joint war-fighting doctrine.

The Armed Services Committee was advised this spring by a member of the Joint Chiefs of Staff that the best geographic location for the Joint Warfighting Simulation Center is at Fort Monroe, VA, where it would be colocated with the Army's Training and Doctrine Command. The Armed Services Committee indicated in our committee report a strong support for the recommendation of the Joint Staff to locate the center at Fort Monroe.

I understand that the Army has already identified existing facilities there that could be made available for the center, avoiding construction of new, expensive facilities. Further, because of their extensive experience with doctrine development, as well as modeling and simulation, TRADOC is most capable of providing the necessary technical support for the center.

The Armed Services Committee noted in our committee report this year its strong support for the recommendation of the Joint Chiefs of Staff to locate the center at Fort Monroe, VA.

I am proud to join with my distinguished colleague from Michigan, Mr. LEVIN, who introduced this amendment, which directs the Secretary of Defense to provide for the establishment of the Joint Warfighting Simulation Center at Fort Monroe, and I urge our colleagues' support for the amendment.

I also have here a letter dated September 13, 1993, Department of the Army. It states as follows:

DEAR SENATOR WARNER:

This responds to a recent inquiry by your staff regarding locating the Joint Doctrine Training Center (JDTC) at Fort Monroe, Virginia.

Based on current known stationing requirements, the location of the JDTC will not require extensive new construction. Some repair and/or upgrade of existing facilities will be necessary. A determination of facility needs will be made after operational requirements are final.

If I can be of further assistance or answer any questions, feel free to contact me.

PAUL W. JOHNSON,
Deputy Assistant Secretary of the Army, Installations and Housing.

The other alternative which is being considered by the House is to put it in a nearby area of Norfolk, VA. I am proud to represent both. As I say it is a little awkward for me, but I find to put it at this other location in the vicinity of Norfolk, which is the Armed Forces college there, would require military construction appropriations approximately in the amount of $8 million.

So the reason that I advocate the Senate now designate the site as being at Fort Monroe is twofold. First, it is the recommendation of the Secretary of the Army. Second, it will enable this installation to be colocated there at a far less cost than the proposed $8 million additional for new construction at the alternative site.

So I am trying to be evenly fair to all competing interests, but I have to advocate a proposal which I feel is cost effective and is consistent with the recommendations of those in the Department of Defense responsible for advising the Congress, namely, the chairman of the Joint Chiefs of Staff and his staff and the Secretary of the Army. And it is for that reason that I ask the Senate to adopt this amendment.

Mr. LEVIN. Madam President, I rise in support of the amendment by the Senator from Virginia concerning the Joint Warfighting Simulation Center.

Mr. President, the subcommittee I chair—the Subcommittee on Coalition Defense—directed the Defense Department to establish a joint warfighting simulation center last year. I am pleased and gratified that General Powell and the Joint Chiefs of Staff recognized the need for such a center. I am convinced it will be an important tool for developing doctrine and operational concepts for joint operations in the future.

This spring the Joint Chiefs of Staff decided that the best place to locate this center is at Fort Monroe. JCS decided that Fort Monroe was the best place because that is the location of the Army's Training and Doctrine Command. The Army has a long history of developing combat doctrine, and the Army also is a leader in the use of simulation technology. It was the logical place to put the Joint Warfighting Simulation Center.

At the time the JCS decided to place the simulation center at Fort Monroe, that base was on the base closure list. It was not initially put on the list by DOD, but was added by the Base Closure Commission. The Commission subsequently decided not to recommend closure of Fort Monroe. But because Fort Monroe was on the base closure list at the time, JCS announced that they wanted to locate the joint simulation center in the Tidewater area.

Madam President, I want to point out that I do not personally care if the center is located at Fort Monroe or not. I believe strongly it should be colocated with the Army's Training and Doctrine Command. Colocating it with that command will get this important initiative off to the right start. It also avoids the requirement to build new facilities for the center.

For these reasons I support Senator WARNER's amendment and urge its adoption.

Mr. EXON. Madam President, will the Senator yield for a question?

Mr. WARNER. Yes.

Mr. EXON. I would like to ask the Senator from Virginia whether or not the amendment he has been addressing has been offered or has it not been offered.

Mr. WARNER. Madam President, I have withheld the offering of the amendment so that the majority staff member who has been dealing with this issue could come to the floor. I now observe his presence on the floor. So subject to an acknowledgment from the acting chairman of the committee, I would propose to send the amendment to the desk.

Mr. EXON. The Senator has not sent it to the desk as of now, right?

Mr. WARNER. No; I have not. I am prepared to do so as soon as the distinguished Senator from Nebraska says it is clear on that side.

Mr. EXON. Has the Senator from Virginia finished with the debate? I thought we might suggest the absence of a quorum and see if this might be cleared.

Mr. WARNER. I think the Senator is about to receive a communication.

Mr. EXON. I am advised, and I am happy to advise the Senate and the Senator from Virginia, that we have reviewed the amendment on this side. We have no quarrel or problem with it and are prepared to accept the amendment that I understand will be offered by the Senator from Virginia.

Mr. WARNER. Madam President, I thank my colleague.

I might suggest the substitution of a word. Instead of "quarrel with it," since it is cosponsored by the Senator from Michigan I think there is some endorsement from that side, and let the RECORD so state.

The PRESIDING OFFICER. The Chair will advise the Senator from Virginia the pending question is the Harkin amendment. Is there unanimous consent to set it aside?

Mr. WARNER. Madam President, I ask unanimous consent to set aside the pending amendment.

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

AMENDMENT NO. 849

(Purpose: To designate the location of the Joint Warfighting Simulation Center)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER] for himself and Mr. LEVIN proposes an amendment numbered 849.

Mr. WARNER. Madam 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 242, below line 19, add the following:

SEC. 1067. LOCATION OF JOINT WARFIGHTING SIMULATION CENTER.

The Secretary of Defense shall provide that the Joint Warfighting Simulation Center, established by the Secretary on July 1, 1993, be located with the Army Training and Doctrine Command at Fort Monroe, Virginia.

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

Mr. EXON. Madam President, we are prepared to accept the amendment on this side of the aisle and we are able to accept it at this time.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment of the Senator from Virginia.

The amendment (No. 849) was agreed to.

Mr. EXON. Madam 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.

Mr. WARNER. Madam President, I thank my distinguished friend and colleague, the Senator from Nebraska.

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

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

Mr. BINGAMAN. Madam President, I further ask unanimous consent that the pending amendment be set aside so that I may offer an amendment at this time.

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

AMENDMENT NO. 850

(Purpose: To strike section 1054)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 850.

Mr. BINGAMAN. Madam 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 229, strike out line 4 and all that follows through page 231, line 14.

Mr. BINGAMAN. Madam President, this amendment is straightforward. It is proposed to strike a provision currently in the bill that was reported by the committee.

The provision that we try to strike with my amendment provides loan guarantees for the export of defense articles to certain countries.

Madam President, in March 1992, over a year ago, I, accompanied by Senators NUNN, WARNER, and LUGAR, made a trip to Russia and the Ukraine.

The defense conversion in those countries was a major subject of our trip and a major issue that we were focused on. The primary Russian conversion strategy turned out to be very simple.

Their strategy was to increase foreign arms sales. Let me quote from the trip report that we submitted to the full committee on my return. In that report we said:

Key officials of the Russian Government told the delegation that they intend to generate funds for the later conversion of their defense industry by first promoting sales of

arms to other countries. This strategy is doubly flawed. First, it is unlikely to succeed economically. Second, even an unsuccessful attempt will stimulate worldwide competition in arms sales, flooding Third World countries with a new generation of weapons, with the greatest sales going to regions of greatest instability. Defense conversion is a far preferable alternative, from the point of view of United States national security and, indeed, security and stability.

Madam President, I believe that this statement, from the report we filed with the Armed Services Committee, applies to U.S. defense industries, as well as to Russian defense industries.

I oppose providing loan guarantees for defense exports for a variety of reasons, but my objections can be summed up in one phrase, and that is that defense conversion is a far better alternative.

We have alternatives to promoting foreign arms sales, and we need to support those alternatives. We need to support a robust conversion program that creates sustainable commercial jobs. And we need to support retraining and economic development initiatives that help communities to weather the defense downsizing that we are going through now. We should not use the scarce Federal dollars in the budget to support a bad and much inferior alternative.

A major reason that we should oppose a new loan guarantee program for defense exports in this bill is the impact that these loan guarantees will have on weapons proliferation.

The opponents of my amendment will argue that there are no proliferation concerns involved; that only our close allies are covered under this program, and that they will purchase these weapons anyway; and that this is a question of whether arms are purchased from the United States or from one of our allies.

I do not believe that is the entire story, Madam President. First, in the provision that we are trying to strike here, they are seeking Government support for foreign arms sales for the very same reasons that other countries are seeking support from their governments; that is, there is a worldwide oversupply of weapons and the competition to sell those weapons is getting stiffer and stiffer.

It would be a mistake to believe that more U.S. arms sales to our allies will not contribute to increased arms sales in other parts of the world. Other countries are not pursuing arms sales for geopolitical reasons that increased arms sales will address. They are pursuing arms sales for the simple reason that they want to maintain jobs, they want to maintain declining defense industries, and they want to earn hard cash.

U.S. export guarantees will not deal with these issues. They will simply lead to increased foreign government subsidies to keep their sales competitive and put increased pressure on foreign governments to sell where the market is the largest—that is, in Third World countries in Asia and in the Middle East.

Another reason that we are opposed to this amendment is the current United States policy is to seek to limit the export of arms from Russia and the other former Soviet Union countries, as well as from China and other major arms exporters. How can we ask these countries to forego defense exports in favor of a real conversion program when we are not willing to do so ourselves?

The fact that these sales would go only to our allies does not answer this question. The close allies of Russia and China include countries such as North Korea and Syria. We subsidize sales to our allies, they subsidize sales to their allies, and weapons proliferate exponentially.

As that 1992 trip report, prepared by Senators NUNN, WARNER, LUGAR, and myself, stated regarding Russian efforts to support arms exports:

Even an unsuccessful attempt will stimulate worldwide competition in arms sales, flooding Third World countries with a new generation of weapons, with the greatest sales going to regions of greatest instability.

U.S. attempts will have a similar effect on world arms sales.

I believe the reasons to oppose a new defense export loan guarantee program are compelling.

Let me take a few additional minutes here to discuss the arguments of those who support this provision. The provision was proposed by Senator KEMPTHORNE. He is going to speak in just a few moments about his views. But let me address some of the points that were made in committee when this issue was debated and when I opposed his provision at that time.

The major argument that opponents of our striking amendment will raise is that, without export loan guarantees, U.S. companies are at a competitive disadvantage in the international arms market.

Madam President, the idea that U.S. companies are at a competitive disadvantage is preposterous. The United States dominates arms sales worldwide today. In 1991, the most recent year for which figures are available, the United States was responsible for almost 60 percent of the world arms market; more than 4 times as much as France, Germany, and Britain combined.

Foreign military sales are estimated to reach $26 billion this year alone. That is an all-time record, Madam President.

For the countries covered by the Kempthorne amendment, the United States has a virtual monopoly on the market. We have about 87 percent of all arms sales to those countries today without an export program. I wish that all U.S. industries were at such a disadvantage.

There is no evidence that the lack of an additional $1 billion export loan guarantee program is a competitive disadvantage for the U.S. defense industry. It is true that Europeans provide loan guarantees and other assistance to their defense industry. But, from the evidence of arms sales in recent years, this has not put the United States at a disadvantage at all. In fact, the United States dominates the world in NATO and allied arms sales. This is in no small part because of some other existing programs that we do have in place to support arms sales by U.S. defense industries.

Let me just discuss those for a moment. The greatest of these is the foreign military financing program, which this year will provide $3.3 billion in grants to foreign countries for the purchase of U.S. defense articles and services and, in addition, it will provide $855 million in low interest loans for the purchase of U.S. weapons.

For fiscal year 1994, the administration has requested $3.322 billion in grants and budget authority, and an additional $855 million in loan guarantees.

Foreign military financing provides a significant competitive advantage to U.S. companies. No other country, no other ally of ours, provides grants solely for the purpose of purchasing their own defense equipment like we do. This existing program more than compensates for the lack of a loan guarantee program such as is proposed in the Kempthorne amendment.

There is no U.S. arms sales competitive disadvantage. There may, however, be an impact on jobs. This is an issue that opponents of the amendment will also focus on. Let me just look at that impact for a moment.

For the countries covered by the Kempthorne amendment, the United States has, as I mentioned before, 87 percent of the arms sales market. There is little room for expansion in that area. At the same time, that market is shrinking. Each of those countries is seeking to hold onto its own defense industry as they, too, are faced with trying to maintain jobs and capability in a glutted world market. Even if loan guarantees were to increase the U.S. share of this market to 100 percent, there would still be lost jobs in the United States. The result would be a delay in U.S. industry's transition, a much steeper dropoff when the jobs are finally gone. We would simply be delaying the inevitable.

Any way you look at it, arms exports are not conversion. I do not believe that anyone here in this Chamber believes that Russian support for arms exports constitutes Russian defense conversion, and I hope that nobody will argue that United States subsidies for arms exports constitutes United States defense conversion.

The impacts of the defense downsizing will continue to be felt over

the next few years. We will be under increased pressure from companies and workers and communities to reverse that trend and to do something to prevent the inevitable transition. We have established a defense conversion program that will help companies to adjust. We funded worker training and economic development programs to help individuals and communities to adjust. We are beginning to address these issues as best we can. But the pressure to maintain the status quo at whatever price will continue.

I urge my colleagues to resist that pressure. We may gain a little from the program but ultimately we will lose a lot. We will lose an opportunity to help transition U.S. defense companies into sustainable commercial development. What company will pursue the difficult and painful process of defense conversion when they see the Federal Government is willing to subsidize them continuing as they have operated in the past? We will lose an opportunity to help transition the economies of Russia and the Soviet successor states away from the defense economy and into commercial development when these countries see the United States does, in fact, consider arms exports to be defense conversion just as they themselves are arguing. And we will lose scarce Federal dollars trying to hold onto a rapidly declining world market, dollars that could be used to support sustainable defense conversion or work force training or community development or even as my amendment proposes to lower the Federal budget.

Finally, I do believe this provision, which Senator KEMPTHORNE has added to the bill, constitutes the camel's nose under the tent. Opponents of my proposal to strike the provision will argue that this is not the case. But let us look at the facts.

First, the Kempthorne provision provides guarantees to NATO, Israel, Australia, Japan, and Korea. There is little evidence that financing is a key factor in sales to most of these countries. Sales where financing may be important, in countries such as Singapore and Taiwan and Indonesia—those countries are not covered.

The United States already controls 87 percent of the arms sales covered by the Kempthorne amendment so there is very little room for growth there. U.S. foreign military growth this year will top $26 billion, and an additional billion dollars in loan guarantees will not significantly impact sales.

For these reasons and others, a defense export loan guarantee program does not make sense unless there is an increase in the number of countries covered or unless the amount of guarantees is substantially increased. I am certain if the amendment that I am offering to strike the provision is defeated, we will be back here next year debating one or the other, probably both, of those expansions in the program.

I support a robust defense conversion program. I support increased Federal funding for commercial exports. I would even support a Federal export loan guarantee program for defense-dependent companies seeking to develop commercial export markets. But I cannot support a Federal subsidy for an industry that already dominates its world market so that a few defense companies can receive unnecessary taxpayer subsidies or, if the proponents of the Kempthorne provision are correct, briefly postpone the inevitable adjustment to the post-cold-war world.

I ask my colleagues to save the Federal Government and the taxpayers of this country $25 million, support my amendment to strike the Kempthorne provision.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. AKAKA). The Senator from Idaho [Mr. KEMPTHORNE] is recognized.

Mr. KEMPTHORNE. Mr. President, I wish to make comments with regard to the amendment that has been offered by my colleague from the State of New Mexico.

Section 1054 of the fiscal year 1994 Defense Authorization Act would establish a 1-year pilot program of Government-guaranteed loans for the exports of defense materials. The aggregate amount guaranteed under this section would not be allowed to exceed $1 billion in fiscal year 1994. In order to guarantee these loans, a subsidy element of $25 million is authorized.

The list of countries eligible for these loan guarantees is limited to the members of the NATO, Israel, Australia, South Korea, and Japan.

The proposed program would be managed by the Department of Defense. The language in the bill does absolutely nothing—I repeat, absolutely nothing—to reduce or diminish existing export controls on defense materials.

I serve on the Defense Conversion Subcommittee of which my good friend from New Mexico serves as the chairman.

I can tell you from experience on that subcommittee that while I am a proponent of defense conversion, it is not immediate. We need a transition to allow us to deal with this very important situation, and I think it is important to note that the proposal before us, to provide for this loan guarantee, utilizes no defense conversion dollars—none.

The defense industrial base is in a rapid state of decline due to deep reductions in defense procurement. As a result of current and projected reductions in defense spending, the Office of Technology has determined that the United States is losing 20,000 defense jobs each month, and we will continue to lose 20,000 defense jobs each month until the end of this century.

At the same time, the Commerce Department indicates that $1 billion in exports creates about 20,000 jobs. With a cost of $25 million to the U.S. Government, we can create 20,000 jobs here in the United States. That $25 million works out to be $1,250 per worker, or the cost of about 6 weeks—6 to 8 weeks—of unemployment benefits.

A number of foreign countries, including Great Britain, France, Sweden, and Italy, provide favorable financing terms to encourage defense exports. There are many documented cases where the United States companies have lost sales because they could not compete with foreign firms offering financing incentives.

During the Armed Services Committee's debate over this very issue, Senator LIEBERMAN told us about a case in his State where Sikorsky Aircraft almost lost a $1.6 billion sale of helicopters to Turkey. In that case, in order to consummate the deal, the Congress agreed to give Sikorsky an one-time waiver so it could offer Turkey a loan through the Export-Import Bank.

I hope Senator LIEBERMAN will be able to make part of the record of this discussion that very case.

The United States helps farmers and other exporters increase sales abroad through loan guarantee programs.

These programs are viewed as a useful tool to help domestic producers export abroad and reduce our trade deficit. Unfortunately, defense materials are prohibited from participating in the financing arrangements offered by the Export-Import Bank.

The Export Loan Guarantee Program, in section 1054 of the defense authorization bill, is similar to the Export Enhancement Program, or EEP, for agricultural exports. The Export Enhancement Program allows the U.S. agricultural producers to receive cash subsidies that allow the U.S. agricultural commodities to be exported to targeted countries at lower and more competitive prices to counter highly subsidized European Community production. Ninety-five countries have been targeted for EEP participation to date, and the amounts spent under this program have reached nearly $1 billion per year. The program the Armed Services Committee has approved in section 1054 will only require that $25 million be set aside. Again, it is for a 1-year pilot program.

This program is not intended in any way to worsen the danger of weapons proliferation. To address this concern, the list of countries eligible for the loan guarantees is limited to friends and allies of the United States.

We know that these countries are going to buy military equipment for their legitimate defense needs. This loan guarantee program will allow American manufacturers and American workers to compete for these sales, and all of these sales will be subject to the

constraints contained in the Arms Export Control Act, the interagency review process, and the congressional review process. We have done everything that we can to create a program that will help American workers and defense industries without increasing the dangers of weapons proliferation, which I do not support.

The Senate has also previously expressed its support for a loan guarantee program for defense exports. Two years ago, for example, the Senate passed the fiscal year 1993 State Department Authorization Act which included a provision to establish a loan guarantee program at the Department of State. Unfortunately, this provision was defeated by one vote in conference.

Last year, Senator DODD offered a loan guarantee amendment on the Senate floor, but the amendment became entangled with the Cuban democracy amendment, and both amendments were defeated. This defeat did not, however, reflect the Senate's view of loan guarantees for defense exports.

There are also a number of industry and Government officials who strongly support the concept of loan guarantees.

For example, in a recent letter to the chairman of Martin Marietta, Norm Augustine, the Secretary of Commerce, Ron Brown, expressed his support for defense loan guarantees, and I quote from that letter:

> The Department has been a supporter of defense export loan guarantee proposals in the past and will continue to support them in the future if viable within funding constraints.

In another letter to Secretary Aspin, the president of the Shipbuilders Council of America stated:

> In the export market, as I'm sure you are aware, financing is critical to making sales. Time and again, our industry has lost export opportunities because the governments of our foreign competitors have been willing to provide financing arrangements when our Government has been unable to do so. As part of your initiative to establish a conversion program to assist the defense industry transition to other markets, we urge you to consider including in your FY 1994 budget proposal a Federal export credit guarantee facility for defense exports.

And in her letter to Secretary Aspin, the executive director of the Coalition for Employment through Exports urged the Secretary to "include funding for at least a $1 billion loan guarantee program for defense exports."

Mr. President, the opponents of this modest loan guarantee program will say that the United States is already the world's biggest defense exporter, but these claims, based on 1992 data, present a false picture. Arms sales data from 1992 include three large United States sales to Saudi Arabia, Kuwait, and South Korea which make up 86 percent of the total United States defense sales abroad.

The United States sales to Saudi Arabia and Kuwait made in the aftermath of Operation Desert Storm are one-time events that are unlikely to be repeated. Clearly, the United States defense sales to Kuwait and Saudi Arabia were in our national interest and appropriate. In fact, in light of our role in Operation Desert Storm, had the Saudis and Kuwaitis not relied upon United States equipment to rearm themselves, can you imagine the outcry that would have occurred? I do not understand how we can be criticized for making these sales when we all know that the Saudis and Kuwaitis would have been criticized if they had not bought United States military equipment to rearm themselves.

As I said, the United States defense industrial base is going through a dramatic downsizing. Without U.S. procurement or foreign sales, many of these companies, and many of these American workers, will be out of luck and out of work. The day will come when we will need these defense companies and workers, and unless we take steps now to help them, they will not be in business when our national security once again requires their service.

Mr. President, I reiterate that I serve on the subcommittee under the very able leadership of the Senator from New Mexico. We are working on defense conversion, but this is a one-time pilot project that will help ease the transition for those companies that are so adversely affected by defense downsizing.

This is a modest proposal to help defense companies and defense workers compete on the international market. The language in the fiscal year 1994 Department of Defense Authorization Act will save jobs and capabilities that this country needs.

I urge my colleagues to oppose the Bingaman amendment.

I ask unanimous consent that a group of letters pertaining to the Bingaman amendment be printed in the RECORD.

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

DEPARTMENT OF COMMERCE,
Washington, DC, June 9, 1993.

NORMAN R. AUGUSTINE,
Chairman and Chief Executive Officer, Martin Marietta Corp. Bethesda, MD.

DEAR MR. AUGUSTINE: Thank you for your thoughtful letter regarding your concern for the U.S. industrial base and the continued financial stability of the U.S. defense industry.

As you are aware, President Clinton has proposed a broad and comprehensive economic plan which I believe addresses many of the concerns of industry and will enhance the competitiveness of the U.S. defense industry in an era of downsizing and conversion. Many of your specific proposals are currently under review within the Administration and Congress.

The Department has been a supporter of defense export loan guarantee program proposals in the past and will continue to support them in the future if viable within funding constraints. We also continue to support efforts to modify nonrecurring cost recoupment policies to enhance the competitiveness of U.S. defense exports against foreign competition.

Many of your specific comments are not under the direct purview of this Department. However, I will seek to ensure that the economic dimensions are considered when policy planning and review are undertaken. In my role as Secretary of Commerce, I will seek to be a strong advocate for the interests of U.S. industry domestically and abroad. Please feel free to continue to provide your insights to the Department on these issues.

Sincerely,

RONALD H. BROWN,
Secretary of Commerce.

AEROSPACE INDUSTRIES ASSOCIATION,
Washington, DC, February 12, 1993.

Hon. LES ASPIN,
Secretary of Defense, Department of Defense, Washington, DC.

DEAR LES: First, let me once again congratulate you on assuming the position of Secretary of Defense. There is no more difficult time for an institution than when it is facing a period of contraction, as we know all too well in the aerospace industry. I am certain you will provide the necessary leadership to DoD as it undergoes such painful transition.

As you prepare your final Fiscal Year 94 budget, I understand that you are committed to including some resources for "conversion", to assist communities, firms, and workers who are affected by reduced defense budgets. I would urge you to include a program that industry has sought for some time—namely a federal export credit guarantee facility for defense exports. Budget authority of $65 million would allow the implementation of a $1 billion guarantee program, which in turn could generate nearly $1.2 billion in exports.

That volume of exports would benefit roughly 20,000 people in the defense industry, plus another 15,000 workers to the benefit of the rest of the economy. It would help maintain production of important weapons systems, and lower unit costs of equipment purchased by DoD. Surely a program which keeps people employed and helps maintain our defense industrial base makes more sense than finding ways to use $65 million to retrain workers and retool defense industries.

I am attaching a more detailed description of such a program. AIA would certainly appreciate the opportunity to meet with you or your representatives on this issue. Industry will press hard for the establishment of such a program during Congressional debate on defense and foreign affairs budgets, however, inclusion in the Administration's own budget proposal would greatly increase the prospects for a program.

There are other important issues affecting the defense industry which I hope we will be able to discuss with you in the near future. I bring this to your attention at this time because of the time sensitivity of the budget process. Thank you for your consideration.

Sincerely,

DON FUQUA,
President.

ELECTRONIC INDUSTRIES ASSOCIATION,
Washington, DC, February 19, 1993.

Hon. LES ASPIN,
Secretary of Defense, Office of the Secretary of Defense, The Pentagon, Washington, DC.

DEAR SECRETARY ASPIN: Congratulations on your confirmation as Secretary of Defense. The country is well-served to have a

man of your ability and experience to lead the Department at a time of fluidity in the world situation, as well as what that means in downsizing the defense establishment. As we discussed when you addressed our Legislative Affairs Council, the industrial base is critical to ensuring our ability to meet the national security challenges of the 1990's.

To that end, as you prepare the DOD FY 94 budget, I would urge you to include funds for an export credit guarantee facility for defense exports. For every $1 billion in guarantees, only $65 million in budget authority is needed. A $5 billion guarantee program would preserve jobs, enhance U.S. national security, and help maintain our defense industrial base and U.S. technological leadership.

I look forward to working with you on this and other important defense issues facing our industry and our country at this critical time. You can count on us to work with you and your colleagues to ensure that Congress supports its inclusion in the budget.

Sincerely,

PETE MCCLOSKEY,
President.

SHIPBUILDERS COUNCIL OF AMERICA,
Arlington, VA, February 22, 1993.

Hon. LES ASPIN,
Secretary of Defense, Department of Defense, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: On behalf of the shipbuilding and repair industry, I want to congratulate you on your appointment as Secretary of Defense. Although we will miss you as Chairman of the Armed Services Committee, we look forward to working with you in your new position as you lead the Department of Defense in this difficult period.

It is essential that America's shipyards diversity to meet business opportunities in the export of naval and commercial ships if they are to survive the downsizing of DOD. In the export market, as I'm sure you are aware, financing is critical to making a sale. Time and again, our industry has lost export opportunities because the governments of our foreign competitors have been willing to provide financing arrangements when our Government has been unable to do so. As part of your initiative to establish a conversion program to assist the defense industry transition to other markets, we urge you to consider including in your FY'94 budget proposal a federal export credit guarantee facility for defense exports. Budget authority of $325 million would allow the implementation of a $5 billion guarantee program.

As export credit guarantee program using the same credit guidelines as those of the Eximbank would facilitate the construction and export of frigates, mine sweepers, patrol boats, and other vessels to our friends and allies, while creating thousands of jobs in our shipbuilding and other defense industries. The export market for defense systems would be instrumental in preserving a defense industrial base capable of meeting future American defense needs at a fraction of the cost to the American taxpayer.

Related to this issue is the policy DOD will implement with respect to the ships it retires early from the fleet to reduce operations and maintenance budgets. Initial indications are that the Navy will retire 20 ships in FY'94 and may reduce the fleet by as many as 140 ships over the next four years. The retirement of these ships will result in the loss of 40,000 or more jobs in public and private shipyards. Fewer jobs will be lost if the yards are tasked with deactivating the ships and placing them in a reserve status. This policy would enable DOD to reactivate the ships in a future crisis. Should DOD decide to transfer these ships to allied navies, our industry would lose not only the deactivation work but our ability to participate in the export market. Most importantly, the Nation would lose valuable assets which would be very costly to replace.

SCA would welcome the opportunity to meet with you as soon as possible on establishing an export guarantee program in this year's budget request, and to discuss the impact of other policy and budget decisions on our industry. Thank you for your consideration of this important initiative.

Sincerely,

JOHN L. STOCKER,
President.

COALITION FOR EMPLOYMENT THROUGH EXPORTS, INC.,
Washington, DC, March 9, 1993.

Hon. LES ASPIN,
Secretary of Defense, Department of Defense, Washington, DC.

DEAR SECRETARY ASPIN: During the FY '94 DoD budget process, the Coalition for Employment through Exports (CEE) urges you to include funding for at least a $1 billion loan guarantee program for defense exports. This would require a subsidy of about $65 million for each million dollars of loan guarantee authority.

Funding for this program would allow the U.S. defense industry to compete more effectively with our foreign competitors in key markets, i.e., those of our closest allies. As you are aware, the U.S. Export-Import Bank can only provide loan guarantees for non-defense commercial exports. Therefore, a DoD program could fill this critifcal need.

This program will have a significant impact on the U.S. economy. The U.S. Department of Commerce estimates that each $1 billion in exports supports about 20,000 American jobs. In addition, there is a ripple effect which is several times the value of the initial export, in terms of tax revenues, related services, and follow-on business.

CEE is a broad based coalition of U.S. exporters, labor unions, and state governors. Since it was organized in 1981, the Coalition has pioneered efforts to increase awareness of the linkage between U.S. exports and employment. A list of our members is attached. Thank you for your consideration.

Sincerely,

PEGGY A. HOULIHAN,
Executive Director.

AMERICAN LEAGUE FOR EXPORTS AND SECURITY ASSISTANCE, INC.,
Washington, DC, February 22, 1993.

Hon. LES ASPIN,
Secretary of Defense, The Pentagon, Washington, DC.

DEAR MR. SECRETARY: As you shape the defense budget to the new global environment, the American League for Exports and Security Assistance (ALESA) recommends you support a program that can offer very substantial support for the U.S. defense industrial base.

A $5 billion defense export loan gurantee program, requiring only $325 million in budget authority and no outlay unless there is a default, can provide continued employment for about 200,000 defense workers, engineers and scientists while at the same time helping our friends and allies meet their defense requirements.

The need for such a program is acute. Grant aid was eliminated in FY '93 for the base rights countries of Turkey, Greece and Portugal. The enactment of a loan guarantee program would allow these countries, and other friends and allies, to continue with modernization programs. U.S. defense companies and local communities would be provided with the extra time needed to adjust to downsizing of the defense industrial case.

An export loan guarantee program would facilitate such an adjustment far more effectively than some of the much talked amount but still . . . defense conversion plans.

Sincerely,

HOWARD M. FISH,
Chairman of the Board.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland [Mr. SARBANES].

Mr. SARBANES. Mr. President, I want to commend the very able Senator from New Mexico not only for offering the amendment, but also for the very strong and powerful statement he made in behalf of his amendment.

I have to submit to my colleagues that this is absolutely the wrong direction in which to move in the post-cold-war era. I understand that we face a difficult problem with respect to defense conversion, and all of us in this body are very sensitive to that problem.

We are in the process now of downsizing our own military, but one of our major foreign policy objectives worldwide is to downsize the military of other countries, as well. We have made a judgment about security requirements which leads us to the conclusion that we can begin to downsize our own military. It is contradictory then to put in place a policy, which, in order to compensate for reductions in our own forces, seeks to find ways to expand the military of others. This runs directly counter to the underlying international realities that have made our own defense spending reductions possible.

First of all, U.S. arms exports already lead world markets. We dominate the world market now in the transfer of military weaponry. As my very distinguished colleague from New Mexico has pointed out, in the countries covered by this amendment, which are NATO and other major non-NATO allies, we have 87 percent of those sales already.

I know it is asserted that it is not the case, but I have to say that this is basically the camel's nose under the tent. This is going to come back obviously in subsequent years to expand the list of countries to move into other countries where the advantage of export guarantees would be much more significant, or to expand the amount of money available for export guarantees, or some combination thereof. So this is but the beginning of what has every promise to it of being an increasingly larger and more difficult program.

The whole idea of defense conversion is to help our industry adjust to the new era and to lead it into commercial

applications. If we use conversion money to subsidize military exports, it will only create incentives not to convert. I repeat that: If we use conversion money, in effect, to subsidize military exports, it is going to increase the pressure, the incentives not to convert, and we will lose an important opportunity to take the lead in commercial high-technology industries.

Second, it is in our interest, and has been clearly stated as a major objective, to prevent conventional arms races from spiraling out of control across the globe. We must restrain our own arms sales. I, in fact, think there is a problem, absent this new program, in the increase of U.S. arms sales which have been taking place.

American weaponry is recognized as the best in the world. Countries seeking to improve their defense establishment turn almost automatically to the United States. But to add now a new program, which is what this would be, in order to encourage this runs directly counter to our efforts to try to get other countries to stop arms sales which we consider dangerous and unwise.

We are working very hard to keep constituent Republics of the former Soviet Union and some of the major Eastern European arms manufacturing countries from engaging in and certainly from intensifying their efforts in the arms trade. But I ask you, how can we approach them and seek to dissuade them from these activities when we in this legislation are proposing a new program in order to encourage American arms sales?

Again, it is directly contradictory to a very important objective which we have enunciated worldwide and which we are doing our very best to put into effect.

I, not too long ago, talked with people from the Czech Republic —it was then Czech and Slovak Republic—who were keenly concerned about the American effort to dissuade them from engaging in the arms trade. It seems to me this gives them the basis on which to come back and say, you are trying to dissuade us from engaging in this arms trade and yet you are enacting new—new—approaches to enhancing the arms trade, not engaging in the old activities, which in itself could raise some questions but actually enacting new programs in order to encourage the arms trade.

Now, I just want to point out a couple of other things about this legislation. The language in the bill, which my distinguished colleague from New Mexico is seeking to strike, points out that the President can designate another agency to implement the program.

I am not clear what that means. But there is some concern, one, that the Defense Department would have to establish a whole new apparatus or bureaucracy in order to try to do this program; that they would not wish to do that so they would seek, as this says, to make such arrangements as are necessary with other agencies to process the applications and otherwise implement the programs under this section.

Of course, the real danger again that would work at counter purposes with what we are trying to accomplish is that the Secretary of Defense would seek to make that arrangement with other agencies in the Federal Government, whose prime responsibility is to encourage and provide guarantees and loans for civilian exports. This new program could, therefore, work against our objective, a very firm objective now, to enhance the U.S. role in the commercial export sector.

Now, even if the program were technically funded by the Defense Department, it nevertheless would draw on the time, expertise, evaluation, and monitoring capacity, and administrative support personnel of whatever other agency it is that they may go to.

I know there is a provision that the funds may not be available to the Export-Import Bank to execute the program, but that may well be different from implementing the program. There are certainly other agencies which are also engaged in commercial exports which may be drawn into this process. We need to encourage commercial exports and to do it in a very strong and vigorous way.

Finally, let me simply point out that this, in effect, may well become a new foreign aid program. Many defense loans are never paid back. That is why we require a subsidy appropriation to cover failure to repay loans. This, therefore, is a program to set aside money for foreign countries to buy U.S. weapons just like the existing FMF Program. We already have a program that works in this very arena, and we may argue what the extent of that program may be, but we already have it. And we have had it for a long time. It has been extremely effective in terms of the American penetration of this arms market. But that program, it must be said, has built up a number of constraints and restraints in its application.

Now, we are at the moment engaged—the administration has a major review underway—in the process of consolidating, rationalizing, and streamlining the effectiveness of our foreign assistance program, and there are many who believe that it should include a shift of resources from military assistance to economic assistance.

Now, this language would provide U.S. military aid for projects which were neither developed on the basis of U.S. foreign policy considerations nor based on U.S. assessments of recipient country needs nor considered against other priorities for U.S. foreign assistance.

At the moment, there is a very careful process that is involved with FMF sales in terms of evaluating how they harmonize with basic U.S. foreign policy considerations and with assessments of the recipient country needs.

As I read this amendment, that is not present with respect to this guarantee program. In any event, to the extent that a procedure is provided, it represents a procedure that you are trying to apply to a new initiative.

Now, we are doing well in this particular sector. I do not think we need to launch a new program. I feel very keenly that launching such a new program is going to make it increasingly difficult for the United States to play a leadership role worldwide in trying to restrain and constrain the arms race. We are not going to be in a position to go to other countries interested in making arms sales—and many countries face economic problems far worse than the ones we are confronting—to dissuade them from engaging in arms sales. How in the world are we going to be able to continue to try to do that when they can very easily say, well, you just enacted yet another new initiative in order to enhance your own arms sales.

So I very strongly commend the Senator from New Mexico for offering this amendment. I urge my colleagues to support it and to strike from this bill the language dealing with export loan guarantees in an effort to try to bring it under the defense conversion umbrella.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, could I ask my colleague a question? Could the Senator point with more specificity to the existing laws or policy of our country with which the Senator feels the bill as written is in conflict? I listened but I failed to gain that fact from the Senator.

In other words, I got the general impression that what the Armed Services Committee as a committee of the whole had done and adopted and put in their bill was, in the Senator's judgment, in conflict with some specific law or policy of the United States.

Mr. SARBANES. What I said was that the committee was acting in a contradictory manner to expressed U.S. policy, which has been to try to constrain the arms race worldwide.

Now, we have been downsizing and, therefore, beginning to contract our own defense industry. To then go out and try to encourage arms acquisitions elsewhere in the world when we have been urging countries, in effect, to reduce their own arms expenditure, and particularly urging arms export countries not to engage in the export of arms, we are putting a lot of pressure on them. We have been engaged in intense discussions with Russia, for example, urging them not to engage in the export of significant weaponry to

different places around the world. And here we are passing a new program in order to expand our own exports. It is just contradictory.

How are you going to engage in a discussion with these people and try to get them not to carry out arms sales when they can come back and say, well, look, you are in the very process of trying to encourage arms sales with a new program.

Mr. WARNER. I happen to be opposed to the amendment, and I stand foursquare behind the committee action.

What I am trying to get at is the specificity to use the word we are talking about. We have a policy. Can the Senator show the Senate a document which states that the President of the United States, President Clinton and this administration, are out talking, or otherwise trying to suggest the nations stop selling arms?

I know there are instances, like Russia, where we want to stop it in shipments to areas in which it could fuel a conflict, or where we, in our judgment, think that a specific shipment would be in error. For example, we just had an administration policy, which I agree with, with relation to China shipping weapons to potential aggressor nations.

So we support those ad hoc decisions which are not in our national interest. But I cannot find a broad side policy where we are out saying "Let us stop shipping arms and not do it." I cannot find that.

We are desperately in need of maintaining an industrial base. We are soon going to have consideration here of certain programs in the Department of Defense in which we are going to authorize and fund dollars for the purpose of maintaining an industrial base sufficient that if the national security situation deteriorates America once again, for example, will build submarines. That is going to be one of the clearest examples of maintaining an industrial base.

If we can also augment the industrial base, the economic industrial base, by shipping arms and shipping them to countries which are not potential aggressors against the interest of the free world, then we should be doing it. That is precisely why the committee as a whole adopted the amendment of the distinguished Senator from Idaho.

If this bill language is in conflict with an existing law or on existing policy, let us put it out here on the desk.

Mr. SARBANES. I say to my colleague from Virginia, as I understand it in March of last year the Senator from Virginia, Senator NUNN, Senator LUGAR, and Senator BINGAMAN, the author of this amendment, visited Russia and the Ukraine, and defense conversion in those countries of the former Soviet Union was the major focus of your visit.

Apparently the primary Russian conversion strategy, was a very simple one, foreign arms sales. Apparently they were very up front about saying that. This is what is contained in the report that was submitted to the Senate upon the return from the trip. I now quote:

> Key officials of the Russian Government told the delegation that they intend to generate funds for the later conversion of their defense industry by first promoting sales of arms to other countries.

This strategy is doubly flawed. First, it is unlikely to succeed economically. Second, even an unsuccessful attempt will stimulate worldwide competition in arms sales flooding Third World countries with a new generation of weapons, with the greatest sales going to regions of greatest instability.

These arms sales could have the effect of increasing the military threat to the United States from regional powers while delaying the conversion of the Russian defense complex. Defense conversion is a far preferable alternative from the point of view of U.S. national security and indeed international security and stability.

I would submit that the same language would apply to our efforts here at home. Defense conversion is a far preferable alternative to trying to encourage foreign arms sales.

I do not have with me the specific detailing of the approach made to the Czech and Slovak Republics, but I do recall very clearly a meeting that was held with Czech officials in which they made the point that they were backing off arms sales in response to United States pressure. They were paying for it in economic terms.

Of course that is the case. But the whole point of defense conversion is to get out of the defense industry and into the commercial sector. That is what we need to be focusing on.

Mr. WARNER. Mr. President, I am not sure on that general philosophy that the Senator from Maryland and I have a departure. But if you would look at the specific language of the bill, we are directing these sales not to Third World countries, not to potential aggressors, but may I read the provision, section A, page 229.

"During fiscal year '94, the President may issue guarantees"—I might add it is "may", it is discretionary with the President of the United States—"for the sale of defense articles and defense services to the member nations of the North Atlantic Treaty Organization"—our foremost ally—"and to Israel"—our foremost ally—"Australia, Japan, and the Republic of Korea."

That specifically outlines the objective of these sales with our principal allies and friends worldwide.

To me, to adopt this amendment would be to say to our defense industry, which in many instances is struggling to stay alive, we do not want you anymore, close the shop, go home; tens upon tens upon tens of thousands of jobs, particularly in California.

I listened the other day, indeed with great compassion, to our two distinguished colleagues from California. Therein is the tragic story. There is a State that has identified itself with the strong goals of American defense for decades, primarily beginning in World War II. Now it is being severely hit by base closure policies, defense cutbacks, and the like.

This bill is carefully crafted to limit the sales to a targeted group of nations who are our principal allies, not Third World nations.

I suggest that the policy of trying to have restrained proliferation of weapons and things of this nature should be directed to those potential aggressors, not to our allies.

I yield the floor.

Mr. SARBANES. Mr. President, let me just say very quickly, first of all, we already have a virtual monopoly of the arms market the Senator is talking about, without providing a subsidy or underwriting with loan guarantees. It is my understanding that we have close to 90 percent of the arms sales to the very market you are talking about.

Essentially, I submit to you what is going to happen with this amendment is that you are going to have great pressure to expand it to other countries. First of all, the countries will come to you and say: "Why should we not be able to take advantage of the loan guarantee program? Why is it restricted to these other countries?" Countries will put on the pressure to gain the loan guarantee as soon as it is clear that this does not make much of a difference with these recipient countries because we virtually have all of that market. The pressure will grow to expand the list of countries where in fact we may have a somewhat more responsive market.

This is really not the time to come in here and use badly needed resources to provide a subsidy for a program that clearly does not need a subsidy. It defies rationality to understand why people want to give a subsidy and underwrite activity in an area in which our arms exporters already have close to a monopoly. Of course, what the end result is, I submit to you, is that we are going to be confronted, in very short order, with efforts to broaden this program with all of the serious implications that would be associated with that.

So I urge my colleagues to support the amendment of the very able Senator from New Mexico.

Mr. BINGAMAN addressed the Chair.

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

Mr. BINGAMAN. I do not see anybody else waiting to speak. I will conclude my argument here, and then we can get on to another issue. I understand that all votes will be stacked for tomorrow.

I ask for the yeas and nays on the amendment at this time.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BINGAMAN. Mr. President, let me conclude my argument by just pointing out that in his statement, Senator KEMPTHORNE made this statement, or suggested that perhaps some of the figures that I had earlier cited relating to arms sales were for 1992 and represented a particular position related to the Persian Gulf war. The 87 percent figure that I mentioned, 87 percent of sales to the countries covered by this amendment, was based upon sales from 1987 to through 1991. I wanted to clarify that.

I also wanted to make it clear to my colleagues that the Department of Defense has not supported the Kempthorne provision which we are trying to strike.

We have a letter from Mr. Deutch, Under Secretary of Defense, where he says very clearly that they have not determined the appropriateness of pursuing any kind of loan guarantee program and take no position on this.

I also want to commend my colleague from Maryland, who I think has put the issue in exactly the right perspective, in that he makes the very obvious point that we cannot credibly argue that we want to constrain the arms race around the world at a time when we are, ourselves, gearing up new programs in this bill to promote arms sales to other countries.

Clearly, we want our own companies to succeed in their efforts to compete in the world market. But they are succeeding, Mr. President. I think for our Government to step in and spend what is estimated here at $25 million—that is what the amendment calls for—of taxpayer funds this next year to set up a brand new program to export arms, to support the export of arms to the rest of the world by our defense contractors, I think would be counterproductive to our overall foreign policy objectives. Therefore, I urge my colleagues to support the amendment that I have submitted to strike the Kempthorne provision.

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

Mr. BINGAMAN. Yes.

Mr. WARNER. The Senator from Idaho, as I understand, introduced this letter of June 18, 1993, in which the Secretary of Commerce on his stationery, Ron Brown, wrote Mr. Augustine, chairman and chief executive officer, where he says:

> The Department has been a supporter of defense export loan guarantee program proposals in the past and will continue to support them in the future if viable within funding constraints.

I interpret that as an endorsement by the Clinton administration. Does the Senator interpret it differently?

Mr. BINGAMAN. In response to the question, I do interpret it differently, because we have a subsequent letter dated August 31, from John Deutch, where he says that,

> The administration has not yet determined the suitability or efficacy of Government-backed loan guarantees for defense exports.

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

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

THE UNDER SECRETARY OF DEFENSE,
Washington, DC, August 31, 1993.

Mr. SHELBY COFFEE III,
Editor, Los Angeles Times, Times Mirror Square, Los Angeles, CA.

DEAR MR. COFFEY: I would like to clarify two points regarding Lee Feinstein's recent article, "Big Military Contractors Go on the Defensive" (August 1, 1993).

First, the Administration has not yet determined the suitability or efficacy of government-backed loan guarantees for defense exports. The Defense Department is currently evaluating loan guarantees as one of several possible tools to help defense contractors remain viable as U.S. military needs decline.

Second, if the Administration were to support loan guarantees in the future, the funds would not be diverted from defense conversion. That $20 billion budget is spelled out in a March 11, 1993 summary of the President's Defense Reinvestment and Conversion Initiative, and the President remains committed to full funding of that initiative.

Sincerely,

JOHN M. DEUTCH.

Mr. WARNER. Well, Mr. President, at best, then we have the Secretary of Commerce who has the prime responsibility for exports, at least on record. There is no ambiguity in this letter. It may well be that the Deputy Secretary of Defense wants to reconsider certain aspects of it, as relates to certain areas of the export. But to me this is a clear indication by the administration.

Has the Senator sought clarification of the Brown letter as relates to the Deutch letter? I think it is important that this body understand what is the position of the Clinton administration on this particular piece of legislation.

Mr. BINGAMAN. Mr. President, in response, all I can say is that we have contacted the Department of Defense and asked them for the position of the administration on this provision that Senator KEMPTHORNE added. They have advised us that this latest letter from the Under Secretary of Defense represents the administration position, and their position is that they have not yet determined the suitability of a government-backed loan guarantee for defense exports.

Mr. WARNER. This letter has not as yet found its way to this side of the aisle. Would the Senator read the letter in its entirety?

Mr. BINGAMAN. I will be glad to.

Mr. WARNER. What is the date of the letter?

Mr. BINGAMAN. The date of the letter is August 31. It is a letter to Mr. Shelby Coffey in Los Angeles at the Los Angeles Times, Times Mirror Square.

It says:

> DEAR MR. COFFEY. I would like to clarify two points regarding Lee Feinstein's recent article, "Big Military Contractors Go on the Defensive" (August 1, 1993).
>
> First, the Administration has not yet determined the suitability or efficiency of government-backed loan guarantees for defense exports. The Defense Department is currently evaluating loan guarantees as one of several possible tools to help defense contractors remain viable as U.S. military needs decline.
>
> Second, if the Administration were to support loan guarantees in the future, the funds would not be diverted from defense conversion. That $20 billion budget is spelled out in a March 11, 1993 summary of the President's Defense Reinvestment and Conversion Initiative, and the President remains committed to full funding of that initiative.

Mr. WARNER. I hardly think a letter to a newspaper is going to be the controlling document here in the U.S. Senate. So I think it is incumbent upon my colleague from Idaho to see if we can get clarification on this. This body is entitled to know the position of the Clinton administration on decisions of the Armed Services Committee.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. To continue that point, in reference to the Deutch letter that the Senator from New Mexico just read, let me reiterate that the money being utilized for this loan guarantee program does not come from defense conversion fund.

It does not come from defense conversion money.

The PRESIDING OFFICER. May I ask the Senator to withhold a second? The Senator from New Mexico has the floor and did not yield the floor.

Mr. BINGAMAN. I meant to yield the floor.

Mr. President, I yield to my colleague.

The PRESIDING OFFICER. The floor is yielded to the Senator from Idaho.

Mr. KEMPTHORNE. I thank the Senator from New Mexico.

Also in reference to the fact that we are talking about an industry that does not need help, I again reference the statistics that we are losing 20,000 American workers every month. As projected, we will lose 20,000 American workers every month in the defense industry until we reach the end of this century.

I again reiterate that these loan guarantees are only targets obviously being made available to our allies in those countries that we listed such as Israel, Australia, Japan, and South Korea where the President may designate that they can be qualified to utilize these funds.

These are our allies. These are people that we have pledged that we will work with and support our common defense.

I think it is far better for us in this program to go ahead and support an industry that has been tremendously important to the well being of this Nation so that we are the superpower in the world, so that they can utilize this program and perhaps make available to our allies that equipment through the loan guarantees so that they can have a strong defense and so we do not have to send our sons and daughters to some parts of the world in order to bring about their defense.

It makes sense to me, Mr. President—and, again, the model is the export enhancement program that has worked so well for the agricultural industry.

So, Mr. President, I urge my colleagues to reject the Bingaman amendment.

The PRESIDING OFFICER. The Senator from Alabama is recognized, Mr. SHELBY.

Mr. SHELBY. Mr. President, I ask unanimous consent that it be in order for me to offer an amendment to the language proposed to be stricken by the pending Harkin amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SHELBY. I also call for the regular order.

The PRESIDING OFFICER. The regular order is the Harkin amendment.

AMENDMENT NO. 851 TO AMENDMENT NO. 829

(Purpose: To place a limitation on the use of funds for the Kinetic Energy Antisatellite (KE-ASAT) program)

Mr. SHELBY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself, and Mr. SMITH proposes an amendment numbered 851 to amendment No. 829.

Mr. SHELBY. 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 the matter proposed to be stricken, insert at the end the following:

(d) LIMITATION PENDING SUBMISSION OF REPORT.—No funds appropriated to the Department of Defense for fiscal year 1994 may be obligated for the Kinetic Energy Antisatellite (KE-ASAT) program until the Secretary of Defense submits to Congress the report required by section 1363 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2560) that contains, in addition to the matter required by such section, the Secretary's certification that there is a requirement for an antisatellite program.

Mr. SHELBY. Mr. President, I rise to offer an amendment on behalf of myself and the distinguished Senator from New Hampshire, Senator SMITH, to the Harkin amendment No. 829.

The Harkin amendment would strike funding for the Kinetic Energy Antisatellite Program that we know as ASAT.

As we know, the cold war may have ended, but we must continue to be concerned about the increasing number of nations that are developing their own space-launched capabilities.

The Air Force Aerospace Science and Technology Center projects that up to 10 potentially hostile countries could have within the decade tactical ballistic missiles and overhead targeting capability such to threaten the United States in Persian Gulf-type conflicts.

There are nine countries, including China, India, and Brazil, which now have their own overhead satellite. Iraq and Iran are among those nations seeking to purchase satellite capabilities. Much is available either from the former Soviet Union or upon the open international commercial market.

I believe, Mr. President, it is our obligation to continue to seek to counter this threat.

Last year in the fiscal 1993 authorization bill, Congress directed the Secretary of Defense to update the operational requirements document on the kinetic energy ASAT Program. Assistant Secretary Ashe Carter is currently working to provide this document to the Senate.

Thus, Mr. President, we currently have no real direction from the administration, leaving the issue unresolved.

The Armed Services Committee has strongly supported this program in the past, and $225 million has been spent so far on the KE-ASAT Program.

In order that the United States receives a return on its investment, the committee has now directed the Secretary of Defense to convert the current KE-ASAT Program to a tactical ASAT technologies program so that the Army can complete the demonstration validation phase and preserving an option to develop and deploy an ASAT system in the future.

To accomplish this task, the committee authorized $10 million—$4.5 million in unobligated fiscal year 1993 and $5.5 million in fiscal year 1994—in funds to continue engineering development work on the most critical ASAT technologies and produce a prototype for testing which we really need.

The amendment offered by the Senator from Iowa would kill this program at a time when we can finally derive real benefits.

The $5½ million in new funds will not build an ASAT system. It will not lead to destruction of any satellites in space, but, Mr. President, what it will do is prevent the United States from wasting the $225 million spent already on the program.

Mr. President, this amendment takes this process one step further. The amendment fences additional funding for the KE-ASAT Program until, first, the Secretary of Defense provides the operational requirements document required by the fiscal 1993 authorization bill, and, second, the Secretary of Defense certifies there is a requirement for this program.

This amendment would ensure that no additional funds are spent on the program until the administration determines that the program should continue.

Mr. President, funding in the bill before us represents a modest investment that will permit an orderly conclusion to the KE-ASAT Program leaving a prototype rather than simply pulling the rug and leaving us with nothing.

I urge adoption of this amendment.

The PRESIDING OFFICER. The Senator from New Hampshire [Mr. SMITH], is recognized.

Mr. SMITH. Mr. President, I am very pleased to join with my distinguished colleague from Alabama in sponsoring this amendment. It is a good amendment. I oppose the underlying Harkin amendment which would strike the committee legislation regarding ASAT.

The bill before us includes a very modest $10 million to continue engineering work on the most critical ASAT technologies. This represents a substantial reduction from the $25 million that was appropriated in fiscal year 1993.

I would emphasize, Mr. President, that only $5½ million of this is fiscal 1994 money. The remaining $4½ million comes from unobligated fiscal 1993 antisatellite funds.

To date, the United States has invested $225 million in the ASAT program. There has been a lot of progress made in developing a kinetic-kill vehicle and other key components and technologies. This technology is a national treasure. We must not waste our investment and lose its prospective return by terminating the program at a very, very critical juncture.

By providing $10 million a year over the next 3 years, we will be able to salvage the work that has already been done under the ASAT program, and to complete the engineering work on the kinetic-kill vehicle, the seeker, and the BMCU-cubed element. This will keep important skilled personnel on the job and provide us with a prototype for flight testing.

Most importantly, by sustaining this program at a reduced level, rather than terminating it, we will retain the capability to rapidly test and develop an operational ASAT system should urgent requirement arise. And we will maximize the return on the $225 million that we have already expended.

Mr. President, if we learned anything from the Persian Gulf war, it was that unfettered access to space is indispensable to modern warfare.

The use of satellites for early warning, intelligence, communications, navigation, and weather determination

was essential to our military success. Absolutely essential.

Could you imagine if Saddam Hussein had held the capability that we had in the gulf with satellites? The result could have been much different.

However, the use of space assets as a force multiplier is no longer solely the province of the United States and the former Soviet Union. Numerous countries, Mr. President, are developing indigenous capabilities or gaining access to space data that can be used for military operations. This poses a direct threat to United States security interests and our operational capability in future conflicts.

The United States must retain the technology to develop an ASAT system should the requirement arise. We have expended $225 million already and the $10 million per year for the next 3 years will complete the investment. The knowledge and experience gained from the program to date is a national treasure that should not be wasted. This $10 million will simply sustain the program at a reduced level to ensure that the ASAT industrial base is preserved, and that we take full advantage of the money already spent on the program.

Mr. President, the Air Force Aerospace Science and Technology Center projects that up to 10 potentially hostile countries could have, within the decade, tactical ballistic missiles and overhead targeting capabilities sufficient to threaten U.S. troops in a Persian Gulf-like conflict anywhere in the world. There are nine countries including China, India, and Brazil which now have their own overhead satellites. Iraq and Iran are among those nations seeking to purchase satellite capabilities.

General Horner, who my colleagues may recall directed the Persian Gulf air war and is now head of Space Command, has stated,

In the future, control of space will be every bit as important as control of the sea and air is today. Therefore, it is imperative that we support the development and deployment of a range of capabilities to counter adversary use of space.

General Horner, Mr. President, in a letter to me dated July 20, 1993, reaffirms that. I ask unanimous consent that his letter be printed in the RECORD.

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

UNITED STATES SPACE COMMAND,
Peterson Air Force Base, CO, July 20, 1993.

Hon. BOB SMITH,
U.S. Senate, Washington, DC.

DEAR SENATOR SMITH: Thank you for the opportunity to address the critical issue of anti-satellite (ASAT) with you and your colleagues.

There is a clear and unequivocal military requirement for a range of counterspace systems to deal with the evolving space threat. It is clearly unacceptable for a theater adversary to have unimpeded access to information from overhead assets on our intended actions and the disposition of our forces. Additionally, we may need to deny adversary use of space-based communications assets and our Global Positioning System (GPS).

We are in the process of redefining USSPACECOM's requirements in a mission need statement that will be reviewed by the Joint Requirements Oversight Council in the next several months. This document requests evaluation of a variety of capabilities including KE, directed energy, and electronic warfare to meet our needs.

As I stated in testimony to the Senate Appropriations Committee in May 1993, in the future, control of space will be every bit as important as control of the sea and air is today. Therefore, it is imperative that we support the development and deployment of a range of capabilities to counter adversary use of space. In this time of austere budgets, it is also imperative that we explore cost effective means of achieving new capabilities such as piggy backing on existing DoD programs.

Sincerely,

CHARLES A. HORNER,
General, USAF, Commander in Chief.

(Mr. PELL assumed the chair.)

Mr. SMITH. Mr. President, I cannot overstate the importance of satellites to our military's success in Desert Storm. Control of space was essential there and will be essential in all future conflicts.

Had Saddam possessed satellites for intelligence and targeting, General Schwarzkopf would never have been able to execute the famed end around and Iraq would have been able to more effectively target its Scud missiles on United States forces and our allies.

We were fortunate that we had the technology and we had those satellites.

There is no question that the United States has a clear military requirement for antisatellite capability. We have to retain that ability to protect our forces deployed abroad and our overhead satellites. Unfettered access and control of space will be essential in all future military conflicts, in my opinion.

Let me emphasize again to my colleagues, the Armed Services Committee bill would substantially reduce last year's funding. All it does is maintain life support for the most critical technologies. That is what is in the underlying bill. That is what Senator HARKIN would eliminate from the bill.

If we terminate the program, we forfeit any return on this investment. All will be wasted. And those who vote in favor of terminating ASAT will be saying that we do not need a counterspace program. They are essentially saying that we could have won the Persian Gulf war without the satellite technology; that there is no threat posed by the rampant proliferation of ballistic missiles, space launch capability, and satellites.

The truth is that this proliferation does pose a major threat to U.S. security interests and the safety of our combat troops. We must preserve the capability to defend our troops and our military assets in the future. Continuation of the ASAT program provides a hedge against these current and emerging threats.

The substitute amendment that the distinguished Senator from Alabama and I have offered would retain the $10 million in the ASAT funding, but it would fence the funds. We would have preferred to just keep the funding in there as it was in the committee. But because Senator HARKIN has moved to eliminate these funds, this is a compromise. It will fence the funds pending completion of an ongoing Defense Department study on satellites.

Assistant Secretary Carter, as has been stated, has written to the committee and indicated that the study will focus on the U.S. need for an ASAT system.

Thus, it is critical that the Senate preserve the very modest $10 million in the bill to sustain the contractor base and provide maximum flexibility to the administration. That is what the Shelby-Smith amendment does.

I urge my colleagues to support the substitute.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wonder if it is in order for the Senator from New Mexico to offer an amendment. Are the sponsors of this second-degree amendment finished yet?

Mr. SHELBY. If the Senator from New Mexico will yield, on this amendment we have been discussing, I have one unanimous-consent request to enter in the RECORD. Then I will ask for the yeas and nays, and then I will be finished.

Mr. President, I have here a letter addressed to Senator NUNN, chairman of the Armed Services Committee, from Ashton B. Carter, Assistant Secretary of Defense for Nuclear Security and Counterproliferation, regarding the preparation of the report dealing with the antisatellite, or ASAT, efforts. That report is not ready yet.

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

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

OFFICE OF THE SECRETARY OF DEFENSE,
Washington, DC, August 11, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Section 1363 of the National Defense Authorization Act for Fiscal Year 1993 (H.R. 5006) contains a provision requiring the Secretary to submit to Congress "a report on the foreign development of, acquisition of, or access to satellites with capabilities for military applications and the implications of such development, acquisition or access for the United States."

Preparation of the report is in progress. A main portion of the report focuses on a description of our current and planned antisatellite (ASAT) efforts to counter this global proliferation of satellites with capability for military applications. The Department is

currently reviewing our overall policy and approach for acquiring capabilities to counter an adversary's use of space systems to support hostile military action. The completion of the report, therefore, must be deferred until the ongoing review is completed. We will provide the report as soon as possible.

Sincerely,

ASHTON B. CARTER,
Assistant Secretary of Defense,
Nuclear Security and Counterproliferation.

Mr. SHELBY. I also ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, is it in order for the Senator from New Mexico to proceed with an unprinted amendment?

The PRESIDING OFFICER. The Senator may ask unanimous consent to lay aside the pending amendment and then it would be in order.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the pending amendment be laid aside so that I may offer an amendment.

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

AMENDMENT NO. 852

(Purpose: To ensure sound policy decision making concerning the testing of nuclear weapons to promote nonproliferation and to ensure the safety and reliability of the U.S. nuclear arsenal in accordance with Public Law 102-377)

Mr. DOMENICI. 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 New Mexico [Mr. DOMENICI] proposes an amendment numbered 852.

Mr. DOMENICI. 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, after line 12, insert:

"(3) Each year at the time of the President's submission of a budget under section 1105 of title 31, United States Code, the President shall submit a report covering the most recently completed calendar year setting forth—

(A) Whether the Stockpile Surveillance Program of the Department of Energy, and the calculations and experiments performed by Sandia National Laboratories, Lawrence Livermore National Laboratory, or Los Alamos National Laboratory have raised any concerns with regard to the safety, security, effectiveness, or reliability of existing U.S. nuclear weapons; and

(B) If such concerns have been raised, the President's evaluation of each concern and report on what actions are being or will be taken to address it."

Mr. DOMENICI. Mr. President, I might say to my colleague, Senator BINGAMAN, this is not the amendment on the single space rocket technology program, which I will offer shortly, so I will not inconvenience the Senator.

Mr. President, the amendment I have just sent to the desk has been approved by the majority and minority, so I will just take a moment.

With peace, it seems that some would like to forget about the nuclear stockpile. I compliment the President because he is concerned about its status through time; how reliable is it, how safe is it; and all of those qualities that we have been taking for granted, more or less, for the last 3½ decades, with a few years, exception.

In fact, the President has undertaken a program which will be called the Stockpile Stewardship Program. This amendment just builds on that and requires that the President report to the Congress if surveillance, calculation, and experiments have raised any question or concern and to report what he will do in response to it. It makes it clear to the Department of Energy, however, that it is for Congress to get detailed information as to the status of the nuclear weapons stockpile.

To reiterate, the amendment I offer today is intended to make sure that Congress is informed in detail and in a timely fashion of any events or conditions discovered in the DOE Stockpile Surveillance Program. Because nuclear weapons change in unpredictable ways, it is possible that nuclear weapons could become unsafe, unreliable, or even inoperable. It is important that Congress understand these facts in time to make arrangements to remedy the situation.

The President has recently recognized the potential seriousness of this problem when he announced that DOE will undertake a Stockpile Stewardship Program.

This amendment merely requires the President to report to Congress if surveillance, calculation, and experiments "have raised any concern," and to report what he will do in response. It makes it clear to DOE how important it is for Congress to get detailed information.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

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

Mr. DOMENICI. If the Senator will withhold, before that is done, may I just make a comment to the majority staff? I was told that the majority staff cleared this. Can we wait for a while and try again?

I ask unanimous consent that the amendment the Senator from New Mexico offered be laid aside temporarily so I can proceed with two other matters that are pertinent to the bill and I be permitted to return to this amendment as soon as I hear from the majority staff members.

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

Mr. DOMENICI. Mr. President, I was going to offer an amendment regarding a joint Sandia National Laboratory/Defense Nuclear Agency so-called Jupiter X-ray Simulator Program, but I am not going to do that because we are currently trying to draft a colloquy between the chairman and others—perhaps my colleague from New Mexico—regarding it. We all remember that when Congress voted in, by a rather large margin, the desire to at some point in the not too distant future stop underground testing, that everyone acknowledged on the floor if we were going to do that, that we clearly had to have better ways to do simulation so we would not jeopardize the safety and the reliability of the nuclear weapons that we had, because nuclear testing served many purposes. Underground testing served the purpose of determining safety and reliability while it was part of new weapons systems.

We are not engaged in any new weapons of nuclear quality in the Defense Department of the United States, but we have an ongoing responsibility—and shortly without underground testing—to determine the reliability and safety of the myriad of nuclear weapons that will be here for many decades to come as we build down.

This is what I will offer by way of a colloquy, hopefully before this evening passes; if not, tomorrow morning. It will be to assure that, since it seems the Department of Energy and the Defense Nuclear Agency agree we must take this vital step, to get ourselves ready to do so by simulation within the Defense Nuclear Agency and the National Laboratories headed by Sandia. Since we have to take this step, the amendment would have authorized its beginning.

It has been suggested we do not have to authorize it with specificity and, therefore, I will engage in a colloquy instead of an amendment.

This amendment would have authorized an additional $2 million for the design and engineering of the Joint Sandia National Laboratory/Defense Nuclear Agency Jupiter X-Ray Simulator Program.

Now that the President has extended the moratorium on nuclear testing, more than ever we need a simulation capability to ensure the safety of out nuclear weapons stockpile.

While there are many critical concerns regarding nuclear weapons such as safety and reliability, one concern often overlooked is the ability of U.S. weapon systems to operate reliably in hostile radiation environments. The radiation survivability issue is of key importance for the nuclear stockpile weapons and strategic military systems.

Approximately 80 percent of a nuclear bombs energy comes out in radiation, and most of that in x rays. In

the atmosphere, these x rays are absorbed rapidly by air to create blast, shock, and the so-called mushroom cloud. Outside the atmosphere, the radiation can damage or destroy nearby objects.

Most of the x-ray energy is in the warm regime where the x-ray frequencies are higher and can penetrate more deeply. These x rays are strongly absorbed within several centimeters of the most materials and can impart so much energy to objects they can do actual physical damage. It is these x rays that can break components, cause gaps to open up where two materials are joined, and knock small parts away from where they are attached.

The Joint Sandia National Laboratory/Defense Nuclear Agency Jupiter X-Ray Simulator Program will fill a critical gap in the United States ability to test for x rays which was lost with the shutting down of the underground nuclear test program.

Mr. BINGAMAN. Will my colleague from New Mexico yield? I am informed the concern that was earlier raised about going ahead with agreement on the earlier amendment has been resolved. If the Senator wants to complete action on that, the committee has no objection.

Mr. DOMENICI. I wonder if the Senator would like to cosponsor that?

Mr. BINGAMAN. I need to review it. I am just not familiar with the substance of it at this point.

Mr. DOMENICI. I assume we can proceed now to agree to the amendment, if there is no further debate.

The PRESIDING OFFICER. Is there any further debate on amendment 852? If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 852) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 853

(Purpose: To provide additional funding and program guidance for the single stage rocket technology and Single-Stage-to-Orbit Program of the Ballistic Missile Defense Organization)

Mr. DOMENICI. Mr. President, I will shortly send to the desk on behalf of myself and my colleague from New Mexico, a member of the Armed Services Committee, an amendment. It will have to do with continuing with the single stage rocket technology program. The first stage has just about been completed and there have been two successful early launches. What this amendment seeks to do is to put the second phase of the single stage rocket technology program—which we will probably call here for the next few minutes SSRT—to put the second phase into an authorized posture so the Appropriations Committee can decide whether they want, within the limits of defense dollar availability, to continue this second phase.

With that background I send an amendment to the desk on behalf of myself and Senator BINGAMAN, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment? The Chair hearing none, the clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself and Mr. BINGAMAN, proposes an amendment numbered 853.

Mr. DOMENICI. 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 65, between lines 13 and 14, insert the following:

SEC. 228. SINGLE STAGE ROCKET TECHNOLOGY.

(a) ADDITIONAL FUNDING.—In addition to the amount provided for programs managed by the Ballistic Missile Defense Organization pursuant to section 227 and in addition to the funds provided within such amount for research, development, test, and evaluation under the single stage rocket technology and single-stage-to-orbit program, there is authorized to be appropriated $75,000,000 for fiscal year 1994 for research, development, test, and evaluation under the single stage rocket technology and single-stage-to-orbit program.

(b) LIMITATION.—None of the amount authorized to be appropriated under subsection (a) may be obligated until the Secretary of Defense—

(1) submits to the congressional defense committees a program plan for phase two of the single stage rocket technology and single-stage-to-orbit program that sets forth the objectives and technical milestones for phase two; and

(2) certifies to such committees that adequate funding is provided in the future-years defense program for the single stage rocket technology and single-stage-to-orbit program for fiscal years 1995 and 1996.

(c) PROGRAM CHANGES.—It is the sense of Congress that the Secretary of Defense should—

(1) provide for transfer of responsibility for the single stage rocket technology and single-stage-to-orbit program from the Ballistic Missile Defense Organization to the Advance Research Projects Agency to be included under the space launch technology program element;

(2) provide for the management team that, as of the date of the enactment of this Act, is managing the single stage rocket technology and single-stage-to-orbit program to continue managing such program;

(3) conduct an open competition among businesses in the aerospace industry for entering into the contract or contracts for phase two of the single stage rocket technology and single-stage-to-orbit program; and

(4) examine options for sharing responsibility for defraying the costs of the single stage rocket technology and single-stage-to-orbit program among the Department of Defense, other departments and agencies of the Federal Government, and industry.

Mr. DOMENICI. Mr. President, I apologize for not seeking consent. I thought my previous unanimous consent had done that. If it did not, I should have done that myself. I thank the Chair.

As I indicated, the single-stage rocket technology program is currently authorized in the Senate House Armed Services Committee for a second phase authorized level of $75 million.

I could take a long time today on the floor singing the praises and potential of the single-stage rocket technology which the U.S. Defense Department has proceeded with through what is now called its first phase. I do not choose to do that, but, rather, to speak in a rather summary manner about it because I do not think there is any question that if we were not extremely worried about whether we can fit the defense dollar within the budget, that one of the best things we could do for our future, for the future in space and for carrying into space cheaply and responsibly and quickly heavy payloads, would be the adoption of the second phase of the single-stage rocket technology, hoping it will prove as feasible as is currently projected.

Frankly, almost everything that is being talked about on the floor of the Senate regarding space some way or another hearkens back to the Iraq war and to something that did not go as well as our military people wanted. Let me suggest I am not here trying to solve problems that will be solved by increasing the scope and optical capability of the second and third generation of orbiters that we put in space. I am here to talk about one problem, and that is, if you find in a war like the Iraq war that you cannot get certain kinds of surveillance, who do you ask and how do you get it done? Apparently the answer is quite clear. It was sought on three different occasions, but the system we have does not respond overnight. It takes a very long time and the response is not forthcoming.

If this dual use program were a success and we had a very long array of single-stage rockets around for use by the military, then it is pretty clear if there is a deficiency, that deficiency could be fulfilled unless the war was going to be over within a day or so. If it was going to go for any period of time, even as long as 3 or 4 days, this kind of system will solve the problem.

There is far more to it than that. Single-stage rocketry will build a whole new potential into the arsenal of the Defense Department in terms of space. Frankly, while this single-stage rocketry is being touted as having a great potential in the private sector for the development of commercial applications of quick and heavy loads to space that can be done over and over again, clearly the world is taking a step in the direction of producing this technology and gaining, if not surpassing, us.

I think it is commonly known that the French are moving with great diligence and significant dispatch in single-stage rocket technology. It is cheap, easy to build and perhaps a very reliable way to get things into space, both for defense and for commerce.

Having said that, it seems to me that the House is on the right track. They have authorized the second phase. They are saying this is so important to an arsenal of capability that will serve the defense needs of the future and, yes, the commercial needs of the future, that they seek to authorize it.

I hope that before the U.S. Senate decides that they are going to do nothing—which essentially, as I understand it, if it was carried out by both Houses, it would be the demise, the death, the end of single-stage rocket technology development and research within the Department of Defense. I do not think that would be good for the country, and in a defense budget of this magnitude, with as many programs in the R&D technology evaluation and development arena, it would seem to me that it is foolhardy not to set America on this path of at least looking at the second phase of the implementation and development of this very, very promising, reasonably priced, very responsive ability to get into space, to get into space with heavy loads at reasonable costs and responsive timeframes.

I have more detailed remarks indicating some of the testing that has already taken place, some of the successes of the existing contractors. No preference is intended for anyone here. The preference is a preference toward diversity of rockets in space technology, and $75 million does not seem an exorbitant cost.

The main issue is national security, because space has now become a critical component of modern warfare. During the Persian Gulf war, out troops were guided across trackless desert sands by nearly 5,000 NAVSTAR GPS receivers, enabled by satellitess 10,898 nautical miles above the battlefield; Army platoon leaders were so dependent on GPS for navigation that one lieutenant reported stopping his men in their tracks when he lost GPS coverage and waiting for over half an hour for the system to come back on line before marching on. It is also reported that Gen. Chuck Horner, commander of the air war at the time, wanted to launch satellites on three separate occasions during the conflict to replace defective satellites or to add additional capability, but was unable to because of the time required to build and stack an expandable launch vehicle on the pad.

Future conflicts will be no less dependent on the use of space satellites for navigation—GPS; weather—DMSP; and communications—DSCS; and for the national security reasons alone, we must maintain a strong responsive national launch capability. In order to fulfill these requirements, we need a launch capability comparable to what the DC-3 brought to the aviation industry—a low cost, fully reusable, reliable, maintainable, launch-on-demand space transportation system.

Maintaining a superior launch capability is key to maintaining our control of space assets during both peacetime and war. This capability has been called into question recently as the Nation's two main space vehicles—Atlas and Titan—were grounded by a series of tiny mishaps and one catastrophic failure. The reason is simple: We're using vehicles which are derivatives of the early expendable ICBM's designed and built in the late 1950's and early 1960's. Over time, modification of these vehicles has allowed DOD to meet minimum launch requirements; however, they remain costly and less responsive to the user when compared to the capabilities of our foreign launch competitors. The bottom line is a crying need in both our military and civilian sectors for modernization of our current fleet of space launch vehicles.

WHY REUSABLE SSTO'S

According to recent studies performed for the Air Force and NASA, fully reusable single stage to orbit [SSTO] vehicles have the potential of reducing the operational cost of delivering payloads to space by a factor of 10. By comparison, the lowest cost expendable launch vehicles under consideration have the potential of only lowering the cost by a factor of 2.

Studies performed by the Aerospace Corp.—advisors to the Air Force on space launch issues—show reusable SSTO's to be the most cost-effective solution, with the potential of reducing annual Government space transportation outlays from a current level of roughly $10 billion to only $1.2 billion. In addition, data from last year's NASA—MTS study shows a definite life cycle cost advantage for reusable SSTO's. Out of the 18 different alternatives to our current fleet that were studied, only one was significantly less expensive—a fully reusable single-stage-to-orbit system. The study showed that between now and the year 2020, SSTO's would produce a cost savings to the Government of $4 billion. Most of the other options studied were more expensive than retaining our current mix of expendables and the space shuttle, and some showed cost figures out through the year 2020 that were $40-$50 billion more than the cost of retaining our current fleet.

The two key factors that make reusable SSTO's radically lower in cost than today's launch systems are: They are fully reusable like an airplane—one piece up, one piece down. The rocket, or stages of the rocket, will not be thrown away during each launch, and they will be supported by a dramatically smaller ground crew, comparable in size to that needed by an airline.

In addition to the lower cost potential, SSTO's offer the military a whole new set of space missions, like reconnaissance; because of their ability to launch on demand and their ability to launch in any direction and reach any part of the globe within 45 minutes.

SSRT SOLUTION

In 1990, the Strategic Defense Initiative Organization—now called the Ballistic Missile Defense Organization—selected four of the Nation's leading aerospace contractors to conduct a phase 1 feasibility study of the single-stage-to-orbit [SSTO] concept based on available computer, propulsion, and materials technologies. The study's mandate was to answer three main questions:

First, can it be done?

Second, can it be done quickly?

Third, can it be done cheaply?

After a year of studies, all four contractor teams agreed. The answer to all three questions was yes, single-stage-to-orbit will work.

In August 1991, a competition was held, and the McDonnell Douglas Delta Clipper vertical takeoff and vertical landing concept was chosen to proceed into phase 2. To help keep development cost and risk to a minimum, the McDonnell Douglas proposal for phase 2 was to rapidly prototype X-vehicles of increasing size and performance to quickly demonstrate the technology a step at a time. This is the same approach that was so successfully used in the 1950's and 1960's to develop high-performance aircraft, such as the X-15. A series of experimental craft are built, each of which is tested and used to expand the envelope of what is known about the relevant technologies. This approach is being applied in the SSRT Program to demonstrate through flight tests that the technology for SSTO is available today; that is, that no new inventions are needed for SSTO.

The first such SSRT rocket, the DC-X, has been built by the McDonnell Douglas Delta Clipper Team—McDonnell Douglas, Martin Marietta, Pratt & Whitney, Aerojet, Harris, Honeywell, DASA, and Burt Rutan's Selected Composites. It was built in only 18 months by a new rapid prototyping organization, and has successfully completed its initial flight tests at the White Sands Missile Range in New Mexico. The DC-X is demonstrating low-speed, low-altitude flight, maneuverability, autonomous vertical landing, reusability and low-cost operations. A total of $70 million has been spent on the DC-X, and it requires $4.8 million in fiscal year 1994 to complete its flight test program, December 1993.

NEXT STEP

The second test vehicle in the SSRT Program, the SX-2, requires $75 million for fiscal year 1994 and a total of $350-400 million, depending on the option selected by BMDO/ARPA, to meet its 3-year development schedule. The SX-2

will demonstrate high-speed hypersonic performance to space altitudes using the same all-composite materials baselined for the full-scale operational vehicle. This will demonstrate the ability to build and fly vehicles with the mass fraction required for single stage to orbit.

The completion of the DC–X and SX–2 will give the Air Force and NASA a demonstrated SSTO technology option for consideration, rather than having to rely on paper studies and analyses during their deliberations on a next generation spacelift system.

WHY ARPA FUNDING

Because SSTO's could reduce the cost of launching payloads by a factor of 10, SSRT is a key technology not only for meeting the space launch needs of the military, but also for keeping the U.S. civilian and commercial launch industry competitive. As such, the Advanced Research Projects Agency [ARPA] is well suited for funding a triple-use technology program such as SSRT.

In 1975, U.S. industry owned 100 percent of the world commercial launch market. Today the United States only launches 28 percent of the world's commercial satellites. The French launch 60 percent of these satellites with their newer technology expendable Ariane rocket. Low-cost reusable SSTO rocket technology would allow U.S. industry to capture back 100 percent of this market.

The SSRT Program is a prime example of what the dual-use approach to DOD technology investment should be from now on. There is no other single DOD program that could be used for a variety of military missions and commercial applications than the SSRT Program. This program should also be heralded as the way DOD should do business from now on, especially in the development of technology for space applications.

The last major program in which DOD developed technology for commercial applications was the jet engine. The SSRT Program could have the same impact on the commercial use of space as the DOD jet engine development program had on the commercial airline industry.

WHY BMDO MANAGERS

The BMDO managers are now 3–4 years into the process of demonstrating a near-term SSTO capability. BMDO managers have been carrying out a well-planned Advanced Technology Demonstration [ATD] Program to demonstrate the availability and cost effectiveness of single-stage-rocket technology. They have demonstrated their ability to produce X-vehicles one step at a time, with confidence, within budget, and in a short time. And they have been able to do so while keeping BMDO overhead costs to less than 3 percent of appropriated funding, therefore most of the money goes into building the hardware. The SSRT team has been together for almost 4 years and has a considerable amount of experience and learning that can be best applied to the next phase. Because of this, they have the best understanding of cost and risk, and they have the best chance of coming in on schedule and budget.

Every effort should be made to continue DOD control of this program, so that continuity and continued success can be achieved.

AIR FORCE POSITION

General Horner, commander in chief of U.S. Space Command, feels that space launch is a critical national need, and that the system with the best cost and responsiveness should be the one pursued. All the studies point to SSTO's as best suited for fulfilling these needs. The Air Force is now beginning concept exploration studies for the next generation launch system, and they are going to consider both reusable and expendable vehicles. The SSRT Program will give them a demonstrated SSTO technology option for consideration, rather than having to rely on paper studies and analysis.

PILOT PROGRAM FOR ACQUISITION REFORM

The SSRT Program is an ideal pilot program for DOD technology acquisition reform. This space transportation system is being specified, designed, rapidly prototyped in X-vehicle stages, and tested for ground and flight operations in a commercial practices style, yet the program is DOD initiated and managed. This is accomplished with a small two-man Government program office who establishes a minimum set of requirements and then contracts out the development work, giving the contractor the freedom to demonstrate the technology in the most efficient, timely, and cost-effective manner.

In the words of Secretary of Defense Les Aspin and Deputy Secretary of Defense Bill Perry, the SSRT Program could be characterized as a "rollover-plus" development approach leading to a "silver bullet" operational capability. Rollover-plus is accomplished by the rapid prototype X-vehicle development stages allowing lessons learned in design, manufacturing, and operations to be rolled over into succeeding development stages. In this manner both overall development costs and risk are reduced. The silver bullet is accomplished with the operational SSTO, called the Delta Clipper DC–1, where a handful of very responsive vehicles will achieve a combination of space operations in a more rapid and timely manner. This could totally transform our ability to support new national security policies and strategies. This transformation will have immediate triple-use applicability—military, civil, and commercial.

MC DONNELL DOUGLAS TEAMMATES ON SSRT

The majority of the work accomplished to date on the SSRT Program has been performed in California, New Mexico, and Florida. Other States that have companies working on SSRT include Colorado, Missouri, Alabama, New York, Texas, and Vermont.

SSRT IN NEW MEXICO

Flight testing of the DC–X in New Mexico will proceed through December 1993. Development and flight testing of the SX–2 will continue in New Mexico, and a decision later to proceed with full-scale development will result in the construction of manufacturing facilities and a fully operational spaceport in New Mexico. Also, BMDO program managers have expressed their desire to move the SSRT Program office from Washington, DC, to New Mexico so that the program management can be executed out of the Air Force Phillips Lab located at Kirtland AFB, and Col. Rich Davis, the new commander of Phillips Lab, has concurred with this plan.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise to strongly support the amendment that has been offered by my colleague from New Mexico. The amendment would provide authorization for $75 million to proceed with the next stage of work on the single-stage-to-orbit program. This is a program that I have just become knowledgeable about in the last several months. It is one which has attracted my attention, of course, for a variety of reasons, both because of the work on the Armed Services Committee, but also because the testing of the program has occurred, as does the testing of many programs, at White Sands missile range.

There was a very successful test of this program just this past week. In fact, I noticed last night as I was flying back from New Mexico to Washington and watching the news program shown on the airplane, the evening news carried a very detailed report about the successful test of the program which we are discussing today.

This program holds tremendous potential and tremendous capability for the commercial access to space in that it provides much more flexibility than the alternatives that we are presently using. The suggestion was made by the program manager, one of the key industry people working on this program, that this is a rocket that can be used in the morning, flown for one mission, and then flown in the afternoon for another mission. There is no requirement for a long, drawn out turnaround and spacing period between the use of this rocket technology.

The other major factor that needs to be considered in support of this program is the cost. This is a tremendous advancement over where we are today in the reduction in cost which allows us to get into space. Present programs require very substantial costs. I have

seen figures, which I do not have right in front of me, indicating that the cost of a flight into space by this technology, this single-stage-to-orbit rocket is many times less expensive than the cost of the present systems being considered.

So I think the program is well worth the additional authorization that is being proposed by my colleague. I compliment him for the amendment. I hope very much we will follow the lead of the House of Representatives and go ahead with this authorization.

Mr. President, before I yield the floor, let me indicate to my colleague that I ask to be added as a cosponsor of his earlier amendment on weapons stockpile safety reports, if that is permitted.

Mr. DOMENICI. Mr. President, I ask unanimous consent that Senator BINGAMAN be made an original cosponsor of that amendment, which has already been adopted.

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

Mr. DOMENICI. Mr. President, I have nothing further to say on this amendment. I assume in due course we will have a vote on it. I wonder if it would be appropriate to ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. THURMOND. Mr. President, I am sorry that I cannot support the amendment proposed by the Senator from New Mexico. I was captivated, as he was, with the success of the McDonnell Douglas test flight. That team was able to put together a flying demonstrator in a remarkably short time. But that flight did not demonstrate the hardest part of getting to orbit. It was just the first step. We must realize that the full scale launch vehicle, the Delta Clipper, will be a high risk project.

Mr. President, all the experts agree that single stage to orbit has the smallest payload for a given weight of any launch system. To get 20,000 pounds to orbit, the Delta Clipper would have to weigh 1.4 million pounds. If there is the slightest weight growth, even 2 percent, that is 28,000 pounds, and the payload will be squeezed out. That is correct: The Delta Clipper could easily end up with no payload at all.

It is not clear that a Delta Clipper is what we need at all. The proponents say that we could be flying 10 tons to orbit 4 times a week with a Delta Clipper fleet. But what we need, what is costing too much with our current systems, is to get 20 tons to orbit four or five times a year. So if it works, it would be far more capacity than we need. And if it works, four flights a week mean 4 million pounds of payload per year into orbit. Now a pound of satellite costs at least $50,000. We clearly do not need to launch 4 million pounds of satellites: That would cost $200 billion per year. So Delta Clipper may be a terrific accomplishment, but may not be what we need at all.

I want to remind my colleagues that, even in the face of very severe problems with our national launch systems, DOD has not included any space launch modernization in the bottom-up review. DOD proposed to make do with the current launchers. So if we were to start a program in ARPA as the Senator suggests, it is doubtful that DOD will plan for further funding. Senators ought to realize that the contractor's estimate is that the R&D for this program will cost $3 billion. There is no way that DOD will be able to find funds for a program of this size.

But NASA is funding an SSTO program. Administrator Goldin has directed that the Marshall Space Flight Center begin a $200 million program to examine whether SSTO is possible. I would advise my colleagues to hold off until the facts become clear before we begin a research effort of this size.

Mr. EXON. Mr. President, I now wish to make some remarks—not too extended, but more than one sentence—with regard to the position of the Armed Services Committee and this Senator in opposition to the amendment offered by the Senator from New Mexico, Senator DOMENICI.

This amendment would add about $75 million, without an offset, to the ballistic missile defense budget for a program that the Ballistic Missile Defense Organization terminated—I emphasize "terminated"—earlier this year. BMDO does not need to develop a space launch vehicle. The administration's bottom-up review has been completed, and in this area, the President has decided as of now that the Department of Defense will not—I emphasize "not"—be investing in new space launch vehicle systems.

Mr. President, this amendment would undo a decision that the President has made after a very laborious review. This program would be extremely expensive. The amendment offered by the Senator from New Mexico is only a start, a very small start. This is a very expensive and extensive program. It would cost many billions of dollars. Let me repeat that, Mr. President: It would cost many billions of dollars to develop and deploy such a system, and the technical risks are very high. The amendment does not explain where this money would come from.

This is business as usual, that we have condemned ourselves time after time after time as we try to get a handle on the budget. We have been struggling for years and years to find funds for the national aerospace plane. Again, I emphasize it is a very expensive project. This space plane was also touted as a savior of the U.S. launch industry, and it was claimed that it would be developed in 5 years for just a few billion dollars. Years later, we now know that it would have cost many times more and would have taken far longer than first estimated.

Proponents of this version of the single stage to orbit system make similar promises. We have not been able to fund one of these high-risk endeavors. We certainly cannot afford two of them. Moreover, the Department of Defense logistics space booster systems, such as Titan IV, Delta II, and Atlas II, are already underfunded in the DOD future years budget by several billions of dollars.

This amendment would simply add to the Pentagon's already severe budget problems. It would add to the problems of the committee. And, in that event, I simply state that the committee in conference is facing a House bill that not only adds money for this program, but also for the national aerospace plane, a new expendable booster, and product improvements to all of our existing launch vehicles.

Mr. President, I simply say, in all sincerity, and after a thorough review, that the outyear tail—"tail" meaning future expenditures—on all of this the House is going to be confronting us with in conference, is in the neighborhood of $40 billion.

If ever there was a time when we should recognize and realize that "here we go again" it is the exciting programs that may be well received as far as the futuristic systems are concerned. I suggest that in the days of the cold war, this and every other system like it would roll through the Senate as it has rolled through the House, because we were in that era when anything that banged or exploded, especially in space, was something that we applauded and moved ahead on rapidly.

I simply say that in all good conscience at best these are questionable, high-risk technologies of the future, and I would simply say, Mr. President, that we just cannot afford these at this time.

Our job in conference will be devastated if this amendment passes the Senate. We would be going to conference with the House of Representatives spending on these programs with a tail, as I have said, of about $40 billion, and if they are approved in the U.S. Senate, we would not be in a position to do anything or make any changes significantly in conference with the House.

Therefore, I simply say that while these amendments are, unfortunately, in the House package, we are going to have a very difficult proposition to do what we in the Senate Armed Services Committee feel would be appropriate to scale them back significantly. It would take away whatever influence we have if the Domenici amendment is passed.

The committee bill provides a pool of money for space-launched technology

for the Secretary of Defense to allocate as he sees fit. If he chooses, he can provide funds for this program. I suspect after the bottom-up review he would not, but the Secretary would have that option.

Mr. President, this is a very irresponsible amendment for the country as a whole. The Secretary of Defense has terminated this program. I emphasize once again. The DOD budget cannot support this program. The Ballistic Missile Defense Organization does not need this system. The committee bill already provides a pool of money that could be used for this effort if the Secretary of Defense changes his mind and decides to pursue it.

Finally, this amendment would make it difficult for the committee to achieve a reasonable outcome in conference with the House of Representatives, as I have previously mentioned.

Certainly, with the added funds that this would provide indiscriminately spread about the space-launched wish list, we would be in a very, very difficult position.

Mr. President, I would like to respond briefly, if I might, to some of the points that were made by the proposer of this amendment.

The shuttle, I suggest, was originally promised to fly once a week, or about 65 times a year. The national aerospace plane was going to cost only $5 billion, take 5 years, and would weigh 50,000 pounds. Ten years later it will take another decade at a cost of $15 billion and weigh 500,000 pounds.

Mr. President, we have heard all of this kind of talk and less than thoughtful planning, I suggest, before.

The tests cited by my able colleague were very simple and do not begin to address the difficult and expensive technical hurdle that this program must clear to be successful, notwithstanding separate and apart from the tremendous costs that we do not provide for. And I emphasize once again that this is another program that we are beginning without any offset in the face of the bottom-up review by the Department of Defense and the President, which says we cannot afford it.

Mr. President, I certainly urge a vote against the amendment offered by the Senator from New Mexico. As I understand it, a vote has already been ordered. I ask the Chair; is that correct?

The PRESIDING OFFICER. The yeas and nays have been ordered.

ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

Mr. GORTON. I would like to engage the distinguished chairman and ranking member of the Armed Services Committee in a colloquy concerning the Department of Energy's Environmental Restoration and Waste Management Program.

Mr. NUNN. I would be pleased to discuss the matter with the Senator.

Mr. GORTON. It is my understanding that the committee's bill authorizes $5.302 billion for the Department of Energy's Defense Environmental Restoration and Waste Management Program. This amount is $164 million below the President's request and $48 million above the House authorization level. Are these figures correct?

Mr. NUNN. The Senator is correct.

Mr. GORTON. I also understand that the committee specified specific projects within the cleanup program that should be cut, whereas the reductions in the House bill are to be made at the Department's discretion. The cuts in the Senate bill include $85 million from the Hanford Waste Vitrification Plant and $27 million from the related multifunction waste remediation system. Is this also correct?

Mr. NUNN. That is correct.

Mr. GORTON. I thank the Senator from Georgia. As the Senator knows, cleanup of the Hanford site in Washington State is governed in part by a compliance agreement signed in 1989 by the State of Washington, the Department of Energy, and the Environmental Protection Agency. Known as the Tri-Party Agreement, this document has provided a legally enforceable timetable for cleanup of Hanford, while allowing the flexibility necessary to make adjustments due to technological advances and unforeseen circumstances.

The Department earlier this year announced that it would seek a series of amendments to the Tri-Party Agreement to accommodate major changes in the design of the tank waste remediation system. The Department has since been negotiating these amendments with the State and EPA according to the procedures contained in the Tri-Party Agreement. These negotiations are expected to be completed by September 30.

The Department has frequently cited Hanford's 177 waste tanks as its most pressing safety problem. One of the central issues in the negotiations is the schedule for construction of the vitrification plant, which is designed to stabilize in glass logs the dangerous radioactive and mixed wastes in these tanks. Construction of the plant was to start this spring, but was delayed 6 months at the request of the Department so that technical questions could be discussed with the State.

I am optimistic that the State, the Department of Energy, and EPA will be able to agree on a new construction start date for the vitrification plant at the conclusion of their negotiations. This new start date may require some or all of the President's $112 million request for the project.

In the meantime, I am concerned that the committee's targeted cuts in the cleanup program may prejudice these negotiations. While I understand the committee's interest in slowing the growth of the cleanup program, we must also recognize that the Department has certain legal obligations pursuant to the compliance agreements it has signed with individual States. As such, it seems to this Senator that we should allow the Department to distribute any necessary program cuts so that it can fulfill its legal obligations and protect the health of the public. This was the approach taken in the House bill.

I would like the chairman and ranking member to confirm that it was not the committee's intention to influence or prejudice the ongoing Tri-Party Agreement negotiations.

Mr. NUNN. The Senator from Washington is correct. The President's budget request for the vitrification plant and related facilities assumed start of construction in March 1993 to meet the Tri-Party Agreement milestone. As the State and the Department had already agreed to delay construction by 6 months, and because additional delays appeared possible, the committee felt it was appropriate to eliminate the fiscal year 1994 authorization for these programs. If, however, the State and the Department agree that some funding for the vitrification plant and related facilities will be required in fiscal year 1994, I would be willing to revisit the issue in conference or at the appropriate time.

Mr. GORTON. Does the distinguished ranking member concur with the chairman's view?

Mr. THURMOND. Yes, I agree with the chairman that it was not the committee's intention to prejudice ongoing Tri-Party Agreement negotiations. At the conclusion of these negotiations, I will work with the Senator from Washington to see that adequate authorization is provided for cleanup of the Hanford site.

Mr. GORTON. I thank my colleagues for this clarification. The timely and efficient cleanup of the Hanford site is a matter of the utmost importance to my State, and I very much appreciate the continued cooperation of the Armed Services Committee in this endeavor.

KC-135R REENGINING PROGRAM

Mr. DOLE. Mr. President, I wish to bring to the attention of the Senate a very important program to the Air Force and the Air National Guard. I am referring to the modernization of the KC-135 refueling tanker fleet.

Until recently, the tankers' primary mission had been to refuel the strategic bomber fleet. That role has now transitioned with the changes in our force structure. Forces focusing more on mobility from bases within the United States will be dependent on tankers for deployment. Smaller forces will need tankers as a force multiplier allowing them to carry more weapons, transport more cargo, and stay on station longer. The end of the cold war has not reduced the need for modernizing the tanker force. In fact, the need is even greater.

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Air refueling tankers played a very important part in the success of the Persian Gulf war, with, I note, Guard aircraft performing 33 percent of the tanker missions during the war. Nonetheless, tankers were the limiting element in that operation even though nearly 300 aircraft were committed to the theater. The necessity to fully modernize this operational asset is clear.

As many of my colleagues know, the KC-135 engine replacement program was initiated in the early 1980's as the most cost effective means of providing additional fuel offload capability required by the Air Force to meet mission commitments. The first completed replacement with a CFM-56 engine was delivered to the Air Force in 1984. Since then, Congress has appropriated funds to upgrade all 390 aircraft in the active Air Force fleet, as well as the first 10 Reserve tankers. This has been a highly successful, virtually problem free procurement modernization program, meeting or exceeding all specifications.

Mr. President, modernization of the KC-135E aircraft to the R model is essential for the Guard to meet mission requirements within budget and manpower constraints. The replacement engines allow a tanker aircraft to offload 27 percent more and utilize airfields with shorter runways and hotter climates. Fuel consumption in the new engines is 18 percent better. Engine maintenance is 90 percent less, eliminating the need for engine shops at each base. Unlike the KC-135E, the KC-135R meets all current and proposed noise requirements at Air National Guard bases. In summary, the modernized R aircraft are highly cost effective, paying for itself in 5 to 10 years.

I must remind my colleagues that, for the last several years, many important missions have been transferred in whole or in part to the Guard, with the result that the active military now relies much more heavily on the capabilities of the Guard and Reserve to effectively carry out their operations. Just last week, Secretary Aspin, in his briefing on the bottom-up review, stressed the importance of well-trained, well-equipped Guard and Reserve forces. In addition, in "The Bottom-Up Review: Forces for a New Era" dated September 1, Secretary Aspin has included the following statement:

> Large numbers of aerial refueling aircraft would be needed to support many components of a U.S. theater campaign. Fighter aircraft, deploying over long distances, require aerial refueling. Airlifters can also carry more cargo longer distances if enroute aerial refueling is available. Aerial surveillance and control platforms, such as AWACS and JSTARS, also need airborne refueling in order to achieve maximum mission effectiveness.

For these reasons, I believe it is essential to continue this vital program.

I yield to the distinguished Senator from Ohio for his comments.

Mr. GLENN. Mr. President, I have worked for many years in support of the KC-135R reengining program. The points raised by the distinguished Republican leader are accurate and to the point. Let me add just a few other pertinent comments.

First, the original Air Force plan in the late 1970's was to modernize every tanker in its fleet and in the Air National Guard. A critical shortfall in aerial refueling capability had been identified by that time, with the increased dependence on air refueling of greater numbers of bombers, fighters, and transport aircraft to carry out their missions. The Air Force correctly concluded that modernization of its entire active and reserve tanker fleet to the R configuration was the most cost-effective solution to the tanker shortfall.

The Air Force also planned to complete the active fleet modernization before continuing the program in the Guard. I have no quarrel over this prioritization by the Air Force. However, in the fiscal year 1994 budget request, the Air Force did not include funds to continue the Guard tanker modernization program.

I believe this is a very serious mistake on the part of the Air Force. Many high-ranking Air Force officials have expressed concern over the budgetary constraints which led to this omission, since tanker requirement studies continue to report significant shortfalls. I believe it is up to the Congress to ensure that the program is continued in the future.

Mr. THURMOND. Mr. President, I agree with the arguments of the Republican leader and the distinguished Senator from Ohio. This aircraft modernization program has proven to be effective, economical, and essential to the readiness of our Active and Reserve Forces. I fully support its continuation.

Mr. DOLE. Mr. President, I thank my colleagues for their support. Their efforts on behalf of this important program will ensure the readiness of the Guard tanker fleet to perform its mission in support of the Active Air Forces. I trust that the Air Force will take heed of the debate in this body today and will ensure that funding for the Guard's KC-135R reengining program is included in the fiscal year 1995 budget request.

THE MODIFICATION OF M-113 ARMORED PERSONNEL CARRIERS

Mr. COATS. Mr. President, I would like to take a few moments to join in a brief discussion with the distinguished chairman of the Senate Armed Services Committee, the senior Senator from Georgia, Senator NUNN, to clarify a matter we addressed in our recent committee markup regarding modifications necessary for the Army's M-113 armored personnel carrier.

Mr. NUNN. Mr. President, I would be happy to discuss this matter with the Senator from Indiana. This was an issue we took up in our markup this year. It is an important issue and I want to ensure that we make our intentions absolutely clear.

Mr. COATS. Mr. President, the M-113 armored personnel carrier has been a mainstay in the Army's inventory for many years. In the Army's heavy divisions, the M-113 family of vehicles serves as the primary carrier for mortars, as a frontline ambulance, and as a command and control vehicle. During the gulf war, many of these older versions of the M-113 had trouble keeping up with the M1A1 tank and the Bradley fighting vehicle.

The Army has had a program for years to upgrade the older model M-113's in both the active Army and the National Guard so they can keep pace with the more modern armored vehicles in our heavy forces. An upgrade program which includes a new power pack, the M113A3, is available now to redress the mobility deficiency.

Army funding for the M-113 family of vehicles conversion program was scheduled to begin in fiscal year 1994, but $70 million the Army had programmed for conversion was taken from the carrier modification program before the Army budget was submitted.

I am aware that in our committee bill and report, we provided the required funds in the carrier modification program so that the Army could carry out this program.

A provision in our bill, section 101(3) provides $1,009,679,000 for weapons and tracked combat vehicles.

Section 111 provides an additional $148 million for procurement of AGT-1500 tank engines and modified M-113 carriers. It is my understanding that of that amount, $60 million is for the modified M-113 carriers and cannot be obligated in fiscal year 1994 in accordance with section 111(b).

Mr. NUNN. That is correct.

Mr. COATS. The committee report reflects the fact that a total of $72 million is provided for the modified carriers. It is my understanding that $60 million is for the amount provided in section 111, and that $12 million is for the amount provided in section 101(3), and that the $12 million provided in section 101(3) may be obligated in fiscal year 1994.

Mr. NUNN. That is correct. The committee provided $12 million in the general authorization for tracked vehicles and that money may be obligated in fiscal year 1994.

Mr. COATS. That certainly makes it clear, and I appreciate the chairman's taking the time to do so.

Mr. NUNN. It is an important matter and I appreciate the Senator bringing the matter to my attention. As a result of his attention to the carrier modification program, we have been able to make some progress both in the active Army and the National Guard, upgrading some of the carrier fleet.

Mr. COATS. I thank the chairman of the Armed Services Committee for his courtesy and attention to this matter.

Mr. NUNN. I thank the Senator from Indiana for his superb work on this issue and his continuing fine work on our committee.

DEPARTMENT OF ENERGY PRODUCTION FACILITIES AND CRADA AUTHORITY

Mr. DANFORTH. Would the Senator from Georgia yield for a question?

Mr. NUNN. I would be happy to yield to the Senator from Missouri.

Mr. DANFORTH. A provision in the bill removes the substantial and primary purpose requirement from the definition of laboratory under the Stevenson-Wydler Act. Does this change mean that the weapons production facilities, including the Department of Energy Kansas City plant, now fall within the definition of a Federal laboratory as defined by Stevenson-Wydler and are eligible to enter into cooperative research and development agreements [CRADA's]?

Mr. NUNN. Yes, that is precisely what this provision does.

Mr. DANFORTH. Is the Senator from Missouri correct that this bill authorizes the use of funds appropriated to the Department of Energy for national security programs for partnerships, including CRADA's, for production facilities, including the Kansas City plant, to the extent such partnerships are consistent with the goals and objectives of such programs?

Mr. NUNN. The Senator from Missouri is correct.

Mr. DANFORTH. I thank the chairman of the Armed Services Committee for his clarification and for his help on these provisions. These provisions are very good news for the Kansas City plant and the Kansas City area.

Over the past several years, because of reductions in the United States's production of nuclear weapons, production facilities for components of nuclear weapons have experienced a diminished workload. Nevertheless, in order to meet future defense needs and maintain current weapons, certain capabilities must be maintained. The Department of Energy has selected the Kansas City plant as the main facility to produce nonnuclear components for nuclear weapons into the future.

Over its many years of producing nonnuclear components, the Kansas City plant has developed practical expertise in making very intricate parts. From machining miniature parts with precision dimension control, to producing fiber optic cables and digital electronics, Kansas City plant employees are knowledgeable in most of the world's highly advanced manufacturing processes and technologies.

Since 1989, the Department of Energy laboratories have been authorized to use cooperative research and development agreements, or CRADA's, for technology transfer activities. CRADA's are agreements that the laboratories are able to enter into with private companies to help the companies with research and development. The DOE production facilities—those facilities which refine, process, and produce the components—were, however, specifically kept from entering into relationships with the private sector. At that time, the production, maintenance, and upkeep of weapons was all that was thought appropriate for those facilities. In this bill, the Senate is recognizing that in a world of reduced activities for these facilities, an important part of maintaining technical expertise is in technology transfer. And in addition, the Senate is recognizing that these facilities, which have expertise in making very intricate equipment, can provide a significant benefit to the private sector by sharing their expertise.

The Kansas City plant has already proven to be helpful to Midwestern companies. Plant employees are currently advising a number of midwestern companies on environmentally benign methods for cleaning parts and assemblies. The Government's investment in cleaning equipment and in the chemistry of solvents, together with Kansas City plant employees' knowledge of solvents and EPA guidelines, have resulted in a number of lower-cost, environmentally beneficial methods to clean various products—methods passed on to the private sector at no cost to them. Up to now, however, because the Kansas City plant does not have CRADA authority, its technology transfer capability has been very limited.

Given the authority to enter into CRADA's with private companies in the Kansas City area and throughout the country, the Kansas City plant may eventually be providing components for an all-electric vehicle manufactured in the United States. Kansas City plant employees may be providing expertise and building components for an Earth-penetrating radar system which sees environmental contamination in the ground or can find weaknesses in bridges or other structures. Or they may be incorporating laser-based technology in the system of a major communications corporation.

I believe that giving the Kansas City plant CRADA authority will further the utility of the plant to the Kansas City community and to the country at large. Midwestern firms, which for years viewed the plant as a secretive, off-limits site, will now be able to look to the plant as a great resource for high-technology manufacturing techniques and processes.

ADMISSION OF HOMOSEXUALS

Mr. STEVENS. Mr. President, I want to commend the chairman and ranking member of the Armed Services Committee for their work to achieve a reasonable and balanced solution to the matter of the admission of homosexuals into the military. Their initiative, which addresses the concerns of the Joint Chiefs of Staff, reflects well on this body, and on behalf of the men and women who serve in uniform.

This issue has highlighted the many facets of military personnel and conduct policies. The 1991 Tailhook scandal and other events have brought attention across the country to how the military handles conduct questions. I think the Department and Congress should look further into this matter.

One approach might be to establish a Military Conduct Advisory Panel, that could serve to involve military personnel and senior departmental officials directly in a dialog on these issues. A key component of any initiative should be the involvement of the senior enlisted advisers of each service, to ensure that the men and women who constitute our military forces have a clear and direct voice in these discussions.

The development of such a panel could serve both the Congress and the Department in avoiding controversies such as those we have witnessed this year. While I will not offer an amendment to this bill on this matter, I would like to submit with my statement a draft of the amendment I have suggested.

I would like to ask the chairman and ranking member of the Committee on Armed Services if they would review this proposal, and consider the establishment of such a panel as they address this matter in the conference on this bill?

Mr. NUNN. I want to commend Senator STEVENS for his suggestion that the Department of Defense should establish a panel of senior civilian and military personnel officials to undertake a thorough review of how the Department handles military conduct issues. The Senator from Alaska, who is the ranking member of the Defense Appropriations Subcommittee, is one of our leading authorities on military policy.

Problems ranging from sexual harassment to drug and alcohol abuse present serious challenges to military morale, good order, and discipline. There is a need to ensure that the Armed Forces address such problems in a manner that strikes an appropriate balance between the rights of individuals and the needs of the Armed Forces. An organized means of obtaining the advice and recommendations of senior military and civilian officials on such issues certainly could be of benefit to the Secretary of Defense.

At this point, I do not have a firm view as to whether legislation is needed to establish such a panel, or whether the Secretary of Defense should have the flexibility to establish the structure that best suits his assessment of the Department's needs. I will certainly consider whether there would be

an appropriate opportunity to consider such legislation in conference. In any case, I would be pleased to work with the Senator from Alaska in communicating this idea to the Secretary of Defense.

Mr. THURMOND. I join with the chairman in commending my good friend, Senator STEVENS, for his thoughtful proposal. I agree with the chairman that the Secretary of Defense could benefit from establishing a panel to provide advice on these difficult conduct issues. The Senator from Alaska has my assurance that we will give this idea very careful consideration.

Mr. STEVENS. I ask unanimous consent that the draft amendment of the Advisory Commission on Military Conduct be printed in the RECORD.

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

DRAFT AMENDMENT

SEC. . ADVISORY COMMISSION ON MILITARY CONDUCT.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish the Advisory Commission on Military Conduct.

(b) INTENT.—To assist the Secretary, the Joint Chiefs of Staff and all senior leaders of the Department of Defense to fulfill all requirements of existing and potential personnel management and human relations issues, the Department shall create an Advisory Commission on Military Conduct to evaluate, comment on, design and implement policies related to the men and women serving in the military.

(c) MEMBERSHIP.—The Commission shall include the Assistant Secretary of Defense for Force Management and Personnel, the Vice Chairman of the Joint Chiefs of Staff, the General Counsel for the Department of Defense, the Inspector General for the Department of Defense and the Senior Enlisted Advisors of the Military Services. The Assistant Secretary of Defense for Force Management and Personnel shall serve as the Chairperson for the Commission. The Vice Commandant of the Coast Guard and the Senior Enlisted Advisor for the Coast Guard will be ex-officio members of the Commission.

(d) ACTIVITIES.—The Commission shall serve as a resource to the Secretary to evaluate personal conduct and performance issues associated with the Uniform Code of Military Justice and such other Department of Defense regulations and directives that impact on the conduct of military personnel. The Commission shall recommend specific changes to Departmental policies whenever necessary to help ensure that all Departmental and Service policies are consistent and fair in the treatment and regulation of conduct by military personnel.

(e) AUTHORITY.—The Commission shall respond to inquiries by the Department of Military Services on matters pertaining to military conduct. The Commission will review and comment on such regulations and directives as may be issued on matters related to conduct by military personnel. The Commission will also review and comment upon such legislation as may be enacted for implementation by the Department. The Commission shall have no authority to promulgate, change, modify, supersede or adjudicate any existing statute or Department of Defense regulation or directive.

(f) REPORTING.—The Commission shall on June 1, 1994 and thereafter annually issue a report to the Congress describing the Commission's work and activities in the review of military conduct issues. This report shall identify all regulations, directives and legislation reviewed by the Commission since the previous report.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. GLENN). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I seek the floor for just a few minutes—I am not going to take a long period of time like I did this morning. But because of intervening business, I did not have an opportunity to respond to some of the Members who disagree with my amendment. I would like to take a little time to do that for the benefit of people who, on a Monday, are just getting to town to participate in the process.

I would like to remind my colleagues about my amendment. My amendment deals with the defense business operations fund, which is a $120 billion in-out account, revolving account, by which the Defense Department pays and receives money from business that it does. It was set up several years ago possibly to replace the M accounts that were building up to $50 or $60 billion. We did away with those M accounts for the reason that they were becoming ways in which the Defense Department was getting around congressional control over expenditures. So we did away with the M accounts, and DOD set up the defense business operations fund.

I have offered an amendment on that, that will be up for a vote tomorrow at 2:15. It will be the second vote that we have in this series of votes that are being stacked for the business that we did today and Friday.

My amendment would do basically three things: My amendment would call for the General Accounting Office to study alternatives to the defense business operations fund and propose those to Congress by March of next year so they can be considered in the debate of the Senate Armed Services Committee.

Second, that the inspector general, under the Financial Officers Act, will audit the books and certify that the money has been spent legally, which is the third point.

My amendment simply does that, nothing more. My amendment basically says that you ought to be able to audit the books if you are going to know whether the money is being spent wisely. There is not any disagreement that I have heard on this floor about the poor condition of the books in this account—other books, for that matter. So that is not the basic disagreement. The basic disagreement is whether or not the procedure that is set up by the Senate Armed Services Committee in their milestones is the proper way to accomplish getting those books in order.

I have listened to people who have offered testimony in opposition to my amendment who say we ought to go with what the Senate Armed Services Committee has done and that will take care of it; that there are milestones set up to measure progress toward getting what everybody agrees needs to be done to get this accounting and expenditure situation under control.

Well, the point about the milestones is simply this—and it makes the point of my argument—if the accounting and the auditing are not in order, how are you going to be able to judge whether certain milestones are being met in the legislation that is before us?

My amendment would make a very definite procedure to get there, to make sure we can judge whether or not adequate changes are being made, whether the auditing can be done, whether the books are being kept as they should be kept, and then actually a determination of the extent to which the money is being spent legally.

We have the inspector general saying he cannot certify that this money has been spent legally. He cannot certify that the books are being kept accurately.

These milestones then are of good intent. I cannot argue with the intent of what the committee has tried to do. But the problem is you cannot measure progress toward milestones without accurate and complete financial data.

So my Defense business operations fund performance review will tell us by June 30, 1994, if we have accurate and complete financial data on DBOF's operation and if we are in a position to evaluate DBOF's progress toward a comprehensive management plan. If DBOF fails next year's audit evaluation, then we cannot evaluate DBOF's performance. If we cannot evaluate DBOF's performance, then the Defense business operations fund should be terminated and alternatives considered. And by that time, we will have alternatives presented to us by the General Accounting Office. That will be by March 1, 1994. Congress then would have ample time to formulate alternatives to DBOF for incorporation in the fiscal year 1995 defense authorization bill.

The bottom line is that the time for phony DOD-inspired fixes is over. DBOF will have had 3 years of failing performance reviews. And this is on top of what we discovered long ago about the M accounts. The M accounts were to get around congressional control over expenditures. By allowing the M accounts to be there, we were not meeting our constitutional responsibilities of making sure that every dollar was spent as a consequence of congressional enactment.

So it is time to take a stand. It is time to draw a line, and that is basically what my amendment does. The financial abuses must stop. If DBOF's books cannot be audited and a full accounting of the people's money cannot be rendered, then the time has come to call in the FBI, to lock the doors, to seal up the safes and the file cabinets and begin a top-to-bottom audit until we know how the money has been spent.

The distinguished Senator from Ohio spoke this morning. He is now in the chair. I do not speak to this because he is in the chair and he cannot respond. I will be glad to wait on the floor if I say something that he wants to counteract. I will be glad to stay here.

He made a very impassioned plea that my amendment went too far and the work of the committee has gone far enough. I cannot say that I disagree with what the Senator from Ohio considers good intentions on the part of the committee. And I can compliment him for the very good intentions he had when he passed the Chief Financial Officers Act. It is a very important piece of legislation, and it will go a long ways toward getting our books in order.

But in his conversation in rebuttal to my amendment he did mention there is this general feeling that the books are not in order and the committee recognizes that. So the Senator from Ohio heard me say, well, how are you going to really judge performance against the milestones that are in the Senate Armed Services Committee bill if we do not get the books in order and if they cannot be audited? Because you need successfully audited books to know that the performances which are demanded by the Senate Armed Services Committee are being met. And my amendment calls for that.

Well, the Secretary of Defense recognized that there were problems with this back on April 20. He directed a review of the Defense business operations fund. He set up a special committee to look into the situation. He said in his memo to the Chairman of the Joint Chiefs of Staff and a lot of other people whom I will not relate:

If acceptable oversight of this system cannot be established, it is highly unlikely that either the Department of Defense or the Congress will continue this system.

"This system" he is referring to is the Defense business operations fund.

Well, in today's Baltimore Sun we have an article. Again, this is something that the Senator from Ohio referred to in his remarks today. He said Deputy Defense Secretary Perry was looking into this. That is true, he is looking into it. And presumably the report has not been issued by the Secretary of Defense yet, but there was a 135-page report, a draft of which was obtained by the Baltimore Sun. And this is what this newspaper article, referring to this leaked report, says about DBOF and about the work of Perry:

The management team—

I am quoting from the Sun.

The management team, composed of senior defense and military officials, led by Deputy Defense Secretary William J. Perry, concedes that the bookkeeping is so bad it is virtually impossible to adequately manage any aspect of the operations.

Meaning the Defense business operations fund.

I am not going to read the whole article. I want to quote about three more paragraphs.

When Mr. Aspin ordered the review, he warned that the business fund may be replaced "if acceptable oversight of this system cannot be established."

I want to point out that Mr. Aspin is saying this. At the highest levels of the Defense Department, they are saying what I am saying in my amendment—that if we cannot audit this, then it ought to go out of existence in December of next year. That is the same date as in the bill.

The article goes on to say:

Since then—

Meaning since Aspin ordered this review—

an unpublicized audit by the Pentagon inspector general's office found that the fund's managers violated 15 laws and regulations mostly dealing with financial reporting, citing significant weaknesses in internal controls over money. Auditors said in the June 30 report that they are "unable to assure the public that the business fund assets were safeguarded against loss from unauthorized use."

Then the last paragraph, I want to quote:

The auditors actually threw up their hands saying they couldn't do a thorough review because the trail of checks, receipts, invoices, and records was incomplete. Records showing $3.1 billion in cash payments couldn't be verified.

I have taken all the time that I want to take. But I thought after an outstanding presentation on the part of the Senator from Ohio, Senator GLENN, in opposition to my amendment and out of my respect for the work that he has done on the chief financial officers legislation, I thought it important that I say where I agree with Senator GLENN and where I disagree with Senator GLENN and consequently, then, the importance of my amendment being adopted.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

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

The PRESIDING OFFICER. Amendment No. 853 is the pending business.

Mr. EXON. I advise the Chair that I assumed the Domenici amendment was the pending business. The Senator from Nebraska was prepared to answer and speak in opposition to the Domenici amendment. But we are trying to accommodate time constraints of several Members.

I have been requested by the Senator from Ohio if he would have a brief period of time for the purpose of offering an amendment. I am not sure what that amendment is. But to accommodate all Senators, I would like to ask unanimous consent at this time that we would agree to set aside the Domenici amendment for the time being, the Senator from Nebraska reserving the right to insert and have placed in the RECORD immediately following the presentation by the Senator from New Mexico on the remarks in opposition by the Senator.

Further, I ask unanimous consent that at this time we temporarily set aside the Domenici amendment and recognize the Senator from Ohio for up to 2 minutes; that following the presentation of that amendment, we will recognize the Senator from Pennsylvania for up to 5 minutes for some statements he cares to make; and then we would return to the Domenici amendment.

I hope to seek recognition at that time to make my remarks on behalf of the committee.

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

The Senator from Ohio is recognized for 2 minutes followed by the Senator from Pennsylvania for 3 minutes.

AMENDMENT NO. 854

(Purpose: To prohibit the use of funds for a Department of Defense task force on the effects of antitrust laws on the national defense technology and industrial base)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 854.

Mr. METZENBAUM. 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 190, after line 24, insert the following:

SEC. 825. PROHIBITION REGARDING A TASK FORCE ON ANTITRUST LAWS.

No funds available to the Department of Defense may be expended for the establishment or support of a task force for reviewing the antitrust aspects of defense industry consolidation.

Mr. METZENBAUM. Mr. President, this is a very brief amendment. It deals with the fact that the Defense Department is moving in an area to develop a task force which would inject itself into the question of whether or not the defense company mergers are or not appropriate. The Senator believes that

the FTC and the Antitrust Division of the Department of Justice already have sufficient authority and are already doing enough of a job in this area. We do not need a task force. I therefore ask that the amendment be considered at the appropriate time.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on the adoption of the amendment.

Mr. EXON. I object. There was no agreement that we would accept this amendment. We were simply offering the Senator from Ohio the opportunity to propose the amendment. We would not agree to a vote at this time until we have had an opportunity to review the amendment in more detail. As far as I know——

Mr. METZENBAUM. The Senator from Ohio recognizes that as a fair position. I was not moving forward in preparing to have it adopted. I am perfectly agreeable to having it considered at a later point or, if necessary, by a rollcall vote. I have not asked for a rollcall vote as yet. But if it will be accepted without a rollcall vote, that would be fine with me. If not, I will ask for it.

Mr. EXON. It may very well be that we would agree, although we have not checked with the other side on this. The Senator has a right to a rollcall vote if it is not agreed to at a later time.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 3 minutes.

Mr. SPECTER. Mr. President, the time requested was 5 minutes articulated by the distinguished Senator from Nebraska.

Mr. President, I thank the Chair. I thank my colleague, the Senator from Nebraska, for yielding me the time. I want to comment briefly on four amendments which I have filed.

Amendment No. 787 was designed to accelerate the pace where women would be—Mr. President, the Senate is not in order.

The PRESIDING OFFICER. Will all conversations cease? The Senator deserves to be heard. Please take conversations to the Cloakroom.

Mr. SPECTER. Mr. President, as I was saying, amendment No. 787 is designed to expedite the entry of women in combat and it was designed to correspond to legislation passed in the House, an amendment passed in the House, which would accomplish that, and after discussion of this amendment with a number of interested parties, it was my conclusion that it would be preferable to enter into a colloquy among Senator ROTH, Senator KENNEDY, Senator SHELBY, and myself with the thrust being that this be accommodated in conference and not take up the time of the Senate with a request for a rollcall vote when there appeared to be substantial opposition. I think the objective can be accomplished with a colloquy and the conference. So I am not taking up the time for a rollcall vote.

Amendment No. 788 is an amendment to provide for more input from a variety of sources on the redevelopment programs when military bases are closed or are converted to civilian use.

There has been a problem that a number of interested parties are not consulted. I have had concerns expressed to me by employees, for example, at the Philadelphia Navy Yard that $50 million has been allocated but nobody is listening to their concerns.

I had discussed this matter with the distinguished chairman of the Armed Services Committee, Senator NUNN, and the staffs have been working on it. I think this is going to be a matter which is going to be relatively easy to work out.

I am not asking that it be adopted now because Senator NUNN has to pass on it. But the way the schedules work around here, I wanted to get a minute or two to explain the purpose of the amendment which is to give employees a chance to be heard and to have the regional and local chambers of commerce and local, State, and regional governments in whose jurisdictions receive more than 5 percent of the civilian employees so that people are consulted and heard and have input. How it will be decided will depend upon the specific circumstances.

Mr. President, amendment No. 789 was an effort to use zinc which had been stockpiled for the U.S. Mint. I have been informed that there is a serious question as to the quality of the zinc. Rather than try to resolve that in the time that this issue is on the floor, I have decided to defer this amendment until another time.

There is one other amendment which I have filed, Mr. President. That relates to—Mr. President, I suggest the absence of a quorum for a moment until I get my papers. That will just a take a minute.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, I have the paper now before me.

This amendment No. 786 relates to action to be taken where there are grossly inadequate estimates as to closure costs. It had seemed to me that we ought to have some sort of a provision which would require the Department of Defense to absorb the excessive closing costs from their other appropriations.

But after reflecting on the matter and discussing it again with the distinguished chairman of the Armed Services Committee, I have decided to modify that amendment, which would require an audit. We have a real concern. The navy yard in Philadelphia, for example, was estimated to cost $126 million, and the most recent estimates are up to $574 million. The Naval Warfare Center estimated the cost at $180 million to close, and it is now reported to be up to $300 million. The Charleston naval complex estimated the cost to be $1.5 billion. Now it is up to $4 billion.

I must say candidly that there is a question in my mind as to what the Department of Defense is doing. They are putting in figures which make it look like all savings, and they are unrealistic. I wonder how sincere they are and what the issue of good faith is. Unless we know what these costs are, we cannot evaluate whether the bases ought to be closed.

The Department of Defense estimates we will save $13.2 billion by 1998 as a result of base closures. But now we are told that the cost to close the bases will be about $14.2 billion—for a net cost of $1 billion.

Obviously, when Senators are called upon to consider base closures in their area, which are very difficult matters, and we do not know what the cost is to close them, we cannot make a determination as to what ought to be done.

The provisions are now being reviewed by staff, and I think we can work something out on this in short order but, again, it is not ripe for consideration until Senator NUNN returns. I wanted to make those points. That will take care of these important but relatively uncontested as-modified amendments in closing this evening.

Mr. EXON. Mr. President, the previous unanimous consent we entered into was to have the Senator from Nebraska recognized after the conclusion of the remarks and action by the Senator from Ohio and the Senator from Pennsylvania. I believe, though, to cooperate with my fellow Senators—I hope that the Chair will recognize the manager on the other side of the aisle at this time for some requests that he has, with the understanding then that the previous agreement under the unanimous-consent request would take over and the Senator from Nebraska would be recognized for remarks in opposition to the amendment offered previously by Senator DOMENICI.

The PRESIDING OFFICER. The Republican manager is recognized.

Mr. KEMPTHORNE. Mr. President, I want to associate myself with the remarks of the junior Senator from Arizona. Senator JOHN MCCAIN is the ranking member of the Subcommittee on Military Readiness and Defense Infrastructure and it is reassuring to watch this American hero fight to maintain the readiness and capability of our Armed Forces. As you watch JOHN MCCAIN in action, it quickly becomes clear that no one cares more

about the fighting ability of our forces, and the welfare of our men and women in uniform, than the Senator from Arizona. Senator MCCAIN and his staff have taken it upon themselves to alert the Senate and the Nation about the looming readiness problems stemming from the proposed deep cuts in defense spending requested by this administration. I want to thank Senator MCCAIN for his effort and I want to reiterate my commitment to work with Senator MCCAIN and my colleagues to do everything we can to maintain the readiness and capability of the Armed Forces that this administration inherited from Presidents Reagan and Bush.

Mr. President, the readiness of our Armed Forces is the key factor that will determine whether our men and women in uniform can defend the interests of the United States.

Readiness means we recruit the best people, we pay them a decent salary, we give them the best training, we give them the best equipment, and we maintain the equipment so that the men and women who wear the uniform of the United States can fight and win this Nation's battles.

In the past, we have seen the consequences of our failure to maintain military readiness. If our troops are not properly trained and equipped to fight, we inevitably pay for this failure with increased casualties. This is the history of our Nation's previous efforts at downsizing the military.

I am committed to working to see that this does not happen again.

Mr. President, earlier this year the Deputy Secretary of Defense, Dr. Bill Perry, came to the Armed Services Committee to discuss the DOD fiscal year 1993 outlay problem with the committee. At that hearing, I asked Dr. Perry if the outlay problem was a result of the fact that we had so little cushion in the readiness accounts. To my astonishment, Dr. Perry testified that we did not have a small cushion in the readiness accounts but instead, Dr. Perry acknowledged that we had a negative cushion.

Mr. President, if we underfund the operations, maintenance, procurement, munitions, logistics, training, and personnel accounts with this negative cushion, we will be headed toward a hollow military.

This year, the Armed Services Committee made some tough choices so that we could forestall some of the projected decline in readiness. However, this is not enough. Instead, the administration and the Congress need to make a better effort to understand all of the factors that contribute to readiness, sustainability, and capability. The work of Senator MCCAIN represents an important contribution toward this understanding and I urge my colleagues to heed the words of our friend from Arizona.

Mr. President, I yield the floor.

GOING HOLLOW: THE RISING THREAT TO AMERICAN MILITARY READINESS

Mr. MCCAIN. Mr. President, I would like to congratulate Senator NUNN, Senator THURMOND, and Senator GLENN for what I believe is an important beginning. This year's Authorization Act takes an important step toward coming to grips with the problem of readiness.

For far too long, readiness has been the stepchild of the executive branch and the Congress. The executive branch has used readiness funds for operations, and to maintain immediate operational tempos at the expense of future capabilities. The Congress has focused on procurement and technology, and has raided both manpower, and operations and maintenance funds for defense budget cuts and special interest projects.

A BEGINNING IS NOT A SOLUTION

This year, despite a continuing real decline in defense spending, the Authorization Act preserves readiness funding, and even makes some limited improvements.

This funding is a recognition of the most critical lesson of Desert Storm: That it was the readiness of our personnel and equipment which allowed us to win a massive victory in a few weeks over one of the largest armies and air forces in the world, with minimal losses of American and allied lives. It was readiness that allowed us to end Iraq's aggression with minimum losses of civilian life. We were even able to greatly reduce the casualties of our enemy.

The fiscal year 1994 Authorization Act, however, is only a beginning. Our Chiefs of Staff have already warned us that we are on the razor's edge of going hollow. They have told us in hearings and in letters that we are losing the combat readiness and edge that is an essential aspect of deterrence, defense, and the ability to repel aggression.

This act will not make up for the inadequacies of the President's budget request, or the past actions of Congress. It will not avoid a slow but catastrophic loss of readiness unless we moderate the proposed cuts in our defense budget, and do a better job of matching our forces to the changing requirements of the post-cold-war era.

Both this act and the House version of the Authorization Act talk a great deal about preserving readiness. Rhetoric, however, is not readiness and neither bill responds to the recent letters and testimony of the Joint Chiefs of Staff. Nor, will it stop us from going hollow.

WHY WE ARE GOING HOLLOW IN SPITE OF THE FISCAL YEAR 1994 DEFENSE AUTHORIZATION ACT

This fact becomes all too clear when we compare that act we are debating, and the budget request upon which it is based, to what we need to keep our forces ready and keep them from going hollow:

First, the act still mirrors the amended fiscal year 1994 defense budget request in fully funding only one narrow part of readiness. The only aspect of readiness we properly fund is the tempo of operational activity or OPTEMPO.

This kind of funding not only fails to preserve readiness, it ultimately renders our forces hollow. If we continue to fund high levels of near term OPTEMPO at the expense of other longer term aspects of readiness, we will delay and reduce major overhauls and depot maintenance, and keep personnel deployed for excessive periods in the field. We will reduce sustainability, use war reserve munitions and parts for OPTEMPO activity, and increase wear on our major combat equipment.

We must put an end to statements in both our budget requests, our report language, and our floor statements to any claim that funding OPTEMPO funds readiness. Such statements mislead our men and women in uniform and mislead the American people.

Second, we are only increasing the funding of operations and maintenance by a net of $25 million. We have no precise figure for the resulting shortfall in funding, but it is at least several billion dollars.

Third, our depot level maintenance backlogs have been rising for the last 3 years, despite many cuts in our forces. They total $2.1 billion today, versus $420 million in 1991. Similarly, the cost of our backlogs in real property maintenance have risen from $3 billion in the mid-1980's to $14 billion today.

We do add, or transfer, $200 million to reduce depot maintenance backlog to address this readiness shortfall. However, this scarcely compensates for a total backlog that is now over $2 billion and growing.

We add, or transfer, $100 million to reduce real property maintenance backlog to address this part of our readiness shortfall. Yet, this will leave a total backlog that is now over $14 billion and growing.

These trends are clear proof that maintaining high OPTEMPO without funding other aspects of readiness is driving our forces hollow. They are also building the kind of massive funding gap we had when our forces went hollow in the 1970's.

Fourth, we are continuing to misuse and underfund the Defense Business Operations Fund, or DBOF. For the last 3 years, the Department of Defense and the Congress have combined to slash these readiness funds. The DBOF is short of funds and the services are running short of cash to support operations.

The DBOF account was short in fiscal year 1993 by billions and the Stockpile Transaction Fund was $200 million short of their directed fiscal year 1993 rebate. Nevertheless, we have agreed to again underfund O&M and readiness by $3.5 billion in fiscal year 1994.

It is meaningless to talk of preserving readiness when the administration's amended budget request has a

built-in deficit that will probably reach at least $3.5 billion, and when we do not end this deficit or make up for the shortfall in prior years.

We urgently need to reform the Defense Budget Operations Fund, as is called for in the fiscal year 1994 Defense Authorization Act, properly fund it, and make it work. If we do not, we will continue to tax our combat units for readiness services they do not receive. At the same time, operations and maintenance funds will remain a target for Members of Congress who use the money for pork or token budget cuts.

Fifth, we are underfunding at least some war reserves and munitions stocks. Each of the services now tends to meet its munitions goals by redefining the stocks on hand as adequate to meet a shrinking force posture, or by using war reserves to provide munitions and other supplies for training.

The net result is smaller stocks of munitions per weapon, and a failure to purchase the most advanced forms of smart weapons, fuses, and conventional weapons in the amount required. In the process, we are risking our industrial base for smart and conventional munitions by reducing orders below a critical threshold.

Sixth, we are underfunding major equipment life cycles. History has shown us that periods of diminishing defense resources inevitably mean that equipment and munitions must be kept in service much longer than the military services originally planned. Unless a concerted effort is made to adjust maintenance and overhauls to provide for longer life cycles, existing readiness standards will still mean we drift toward a hollow force.

Seventh, we are underfunding the upgrading of existing weapons and munitions. Lower defense budgets mean weapons and munitions must have longer lives of effective service, and we must shift part of our remaining R&D and procurement dollars to upgrade the weapons we already have.

Our present budget puts far more emphasis on high technology and R&D for new weapons—most of which will not deploy until well after the year 2000—than it does on upgrading when they go into combat. Until we have a new and comprehensive upgrading strategy, reflecting real-world shifts in our retention of combat equipment, we will move toward hollow forces.

Eighth, we are underfunding manpower quality. More than anything else, our victory in Desert Storm was a tribute to manpower quality. Men and women worked around the other problems in readiness, and exhibited an overall level of individual combat performance that had previously been limited to a small portion of our total force.

Maintaining this manpower quality requires decent pay. Providing a 2.2 percent pay raise is only a modest step in providing such support. It does not compensate for the fact that military pay has already fallen more than 18 percent behind comparable civilian pay by the late 1980's.

The act does properly fund recruiting, but does not fully fund proper living conditions and morale and welfare services. It does not ensure reasonable tours of duty, or that future budget submissions will deal fairly with pay and other personnel issues and avoid fiscal opportunism.

Each service is also experiencing near record levels of turbulence and insecurity. This is reflected by extended tours of duty, sudden changes of assignment, high rates of relocation, and a series of changes in personnel policies which confront all men and women in service with the inability to predict their career patterns or know whether they can stay in the service.

These problems are compounded in the case of military families. Spouses often lose their jobs with relocations. Moves entail significant unexpected expenses. And, dependents often have adjustment problems. At the same time, unit and crew continuity is lost as moves break up well trained and cohesive units—depriving them of much of their readiness.

Ninth, I believe that we are underfunding manpower strength. President Clinton has already stated that the United States needs military forces of at least 1.4 million men. This is 200,000 men less than the force called for by President Bush, and may well push the services towards personnel levels that are too low to meet our readiness needs.

It is my view that the amended fiscal year 1994 budget request, and this act, put us on a path where we are only budgeting the money to maintain a force of about 1,000,000 men at the end of the 1990's. The end result may well be personnel levels that are too low to provide effective combat capability.

Tenth, we are funding operations at the expense of readiness. We are using readiness funds to pay for peacekeeping and humanitarian operations. In theory, much of this expenditure will be repaid through supplemental appropriations or out of Department of Defense contingency funds. In practice, it is very unlikely that the services will ever be fully repaid for the cost of their operations, and they will be forced to pay for peacekeeping and humanitarian actions to an extent that will affect their readiness.

Eleventh, we are spending savings before we know they are achievable and realized. It is very easy to achieve management efficiencies on paper, and to cut infrastructure or reduce support funding to achieve budget savings. In practice, however, there is an increasing tendency to cut first and determine the practicality of such savings later.

Twelfth, we are misusing and underallocating base realignment and closing funds. Unlike regular military construction funds, the Department of Defense has considerable discretion in how it allocates BRAC funds for both military construction and environmental cleanup. The Department has begun to systematically abuse this funding under the guise of flexibility in several different ways. The net result is that BRAC underfunds clean up activities in its budget—forcing costly drawdowns from fast-spend accounts like operations and maintenance which directly affect readiness.

The Authorization Act attempts to correct this situation, but we are concerned that the Department violates at least the spirit of the base closing legislation by shifting the target of BRAC funding and does not provide all of the funding necessary to actually transfer a given function. It also is failing to adequately fund housing and morale, welfare, and recreation facilities.

Finally, we are using defense funds to pay for new lower priority programs. This administration's fiscal year 1994 budget request identifies $1.6 billion worth of defense reinvestment and economic growth initiatives. Many of the activities funded under this title are useful programs, but many are simply bright ideas that have to be funded out of readiness funds, essentially trading important existing jobs for the possibility of creating new ones.

Another $888 million is to be spent on reducing the threat from the former Soviet Union and global cooperation initiatives. Many are useful programs, but should be funded as foreign assistance. The present act reinforces this tendency in a number of ways. We need to concentrate on using the defense budget to pay for defense.

The Armed Services Committee is also to blame. We added an amendment in markup to give $20 million per year, indefinitely, to the American Metalcasters Consortium for R&D. The funds are to come from stockpile sales. Yet, the stockpile funds cannot meet the fiscal year 1993 rebate; and probably cannot meet the $500 million rebate for fiscal year 1994. This $20 million special interest, set-aside R&D program will cause a chain reaction reduction to O&M and readiness.

THE NEED FOR ACTION BY THE CHIEFS, THE ADMINISTRATION AND THE CONGRESS

There is one portion of the present act that may help us come to grips with some of these issues. The act requires a new annual assessment of the readiness and capability of U.S. military forces to carry out the full range of their assigned missions. It tasks the chairman and each of the service chiefs with providing their personal judgment regarding any significant problems or risks affecting the capabilities and readiness of U.S. forces, and to identify any areas which may lead to a decrease in force readiness.

This legislation will only work, however, if the chairman and each service chief fully meet their commitment to the committee to provide their personal advice, frankly and honestly. We can do nothing with comforting illusions, or can-do responses that disguise the facts. We must have the timely warning we did not receive in the late 1970's. If we do not get that warning, we will save dollars and pay in body bags.

We also cannot succeed without budget requests from the administration that fully fund readiness. No warning from our military can substitute for a far more honest approach to defense budgeting and programming. No bottom-up review can be anything other than a delusion if it does not realistically examine readiness and readiness costs, and ensure we can actually afford the strategy and force posture we need.

More broadly, the Congress needs to understand that it may pose a more serious threat to the American military than any single foreign enemy. It cannot continue to raid readiness for domestic spending, earmarked projects, and pork without making our forces hollow and risking the lives of our men and women in uniform.

AMENDMENT NO. 842

Mr. EXON. Madam President, I ask unanimous consent that the yeas and nays on Senator LEVIN's amendment No. 842 regarding Serbian sanctions be vitiated, that the amendment be agreed to, and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Without objection, it is so ordered.

So, the amendment (No. 842) was agreed to.

AMENDMENT NO. 850

Mr. EXON. Madam President, I ask unanimous consent for the regular order with respect to the Bingaman amendment No. 850.

The PRESIDING OFFICER. Are there amendments to the amendment?

Mr. EXON. I believe we are not asking for a vote at this time.

Let me clarify this before the Chair makes a ruling.

AMENDMENT NO. 855

Mr. EXON. Madam President, on behalf of Senator MITCHELL, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] for Mr. MITCHELL proposes an amendment numbered 855.

Mr. EXON. Madam 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:

In the language proposed to be stricken insert the following: On page 231, line 10, insert after "(f)":

NATIONAL SECURITY COUNCIL REVIEW PROCESS.—In addition to the interagency review process for arms sales to foreign governments referred to in subsection (e), the National Security Council shall review the proposed defense sale and determine that it is in accord with U.S. security interests, that it contributes to collective defense burden sharing, and that it is consistent with United States nonproliferation goals.

"(g)"

The PRESIDING OFFICER. If there is no further debate, without objection, the Mitchell amendment is agreed to.

So, the amendment (No. 855) was agreed to.

Mr. EXON. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. EXON. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Madam President, I am offering two amendments in behalf of myself, Senator MOSELEY-BRAUN, Senator BOND, Senator DANFORTH, Senator GRASSLEY, and Senator HARKIN. Let me explain the amendments very briefly.

One is an amendment that simply says to the Corps of Engineers they may—not they shall—they may pay 100 percent on reconstruction or repairing levees in the floods that we have had in the Midwest.

There are local levee districts that, frankly, cannot come up with the 20-percent matching funds, or in some cases they had been local levees built by local farmers in levee districts, and the Corps of Engineers acknowledges they are extremely important but these farmers just do not have the resource to say do it, and there ought to be a mechanism by which we can do it.

The second thing is we urge the Corps of Engineers, insofar as practicable, to get the levees finished by December 15 so that we will not have spring flood problems.

My staff and the staffs of Senator BAUCUS and Senator CHAFEE have been working on this. It may be that we will not have to have a rollcall on these two amendments.

The second amendment simply asks for a long-term study of where we go.

On the Mississippi, south of Cairo, IL, south of Illinois, the Corps of Engineers handles all the levees. North of the southern tip of Illinois, there is no system. It is just patchwork, a Federal levee here, a State levee there, a local levee district somewhere else.

I want to offer these two amendments at this point, and I would like to have either one of my colleagues on the floor or you, Madam President, to proceed. What I would like to do is ask for a rollcall. I hope we can get an agreement so that we can vitiate the rollcall, but I ask unanimous consent that we have rollcalls tomorrow on these two amendments.

Mr. EXON. Madam President, the Senator from Illinois is correct. He is certainly entitled to a rollcall vote, as I understood him to say, though he had hoped we would be able to work something out. As I understand the statement he just made, that indicated he wishes to reserve his right for a rollcall vote in case we cannot get something worked out that would be unanimously agreed to.

Is that correct?

Mr. SIMON. That is correct.

What I would like to do is ask for a rollcall on these two amendments, and then I may very well tomorrow move to vitiate the request for a rollcall.

Mr. EXON. I suggest that we have no opposition to that on this side of the aisle and I suspect not on the other.

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

Mr. SIMON. I am advised that my amendments have to be pending before I can ask for the yeas and nays.

So I will propose the two amendments at this point, Madam President.

Mr. EXON. Madam President, I suggest that we must go through the procedure of setting aside the pending amendment. Is that not correct?

The PRESIDING OFFICER. That is correct.

Mr. EXON. The Senator from Illinois will have to set aside the pending amendment, which is a Domenici amendment, to allow consideration of his amendments.

Mr. SIMON. Madam President, I ask unanimous consent that the pending amendments to the Domenici amendment be set aside so that I may offer these two amendments.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

AMENDMENT NO. 856

(Purpose: To authorize the Secretary of the Army to pay 100 percent of the repair costs of Federal and non-Federal levees damaged as a result of the widespread flooding in the Midwest in 1993)

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

The PRESIDING OFFICER. The clerk will report the first Simon amendment.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] for himself, Ms. MOSELEY-BRAUN, Mr. BOND, Mr. DANFORTH, Mr. GRASSLEY, and Mr. HARKIN proposes an amendment numbered 856.

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

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

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . PAYMENT OF FLOOD-DAMAGED LEVEE REPAIR COSTS.

Notwithstanding the Act of May 15, 1928 (45 Stat. 534, chapter 569; 33 U.S.C. 702a et seq.), the Act of June 15, 1936 (49 Stat. 1508, chapter 548; 33 U.S.C. 702a-1 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any other provision of law, the Secretary of the Army may—

(1) pay 100 percent of the costs of repair of Federal and non-Federal levees (including land, easements, rights-of-way, source of borrow, and construction costs) damaged as a result of the wide-spread flooding in the Midwest referred to in the Emergency Supplemental Appropriations for Relief From the Major, Widespread Flooding in the Midwest Act of 1993 (Public Law 103-75); and

(2) ensure, to the maximum extent practicable, that all repair referred to in paragraph (1) is completed not later than December 15, 1993.

Mr. SIMON. Madam President, I ask for the yeas and nays on that amendment tomorrow.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

AMENDMENT NO. 857

(Purpose: To direct the Secretary of the Army to conduct a study to assess the adequacy of current flood control measures on the Upper Mississippi River and its tributaries)

The PRESIDING OFFICER. The pending amendment is laid aside and the clerk will report the second amendment

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] for himself, Ms. MOSELEY-BRAUN, Mr. GRASSLEY, Mr. BOND, Mr. DANFORTH, and Mr. HARKIN, proposes an amendment numbered 857.

Mr. SIMON. Madam 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 appropriate place, insert the following new section:

SEC. . STUDY OF FLOOD CONTROL MEASURES ON UPPER MISSISSIPPI RIVER AND TRIBUTARIES.

(a) PURPOSES.—The purposes of this section are—

(1) to improve the flood protection on the Upper Mississippi River and its tributaries in order to protect public health and safety, maintain commerce, and reduce economic losses due to flooding;

(2) to assess the adequacy of flood control measures in use at the time of the assessment (referred to in this section as "then current flood control measures"), both Federal and non-Federal, on the Upper Mississippi River and its tributaries and recommend improvements to protect critical public facilities and prevent the release of hazardous materials into flood waters; and

(3) to study environmentally constructive options; and

(4) to examine the Federal and non-Federal roles in funding the construction and maintenance of flood control measures on the Mississippi River and its tributaries and recommend changes to improve flood protection for high priority facilities.

(b) STUDY.—

(1) IN GENERAL.—The Secretary of the Army shall conduct a study to assess the adequacy of then current flood control measures on the Upper Mississippi River and its tributaries.

(2) CONTENTS.—In conducting the study under this subsection, the Secretary shall—

(A) identify critical water, sewer, transportation, and other essential public facilities that do not have adequate flood protection at the time of the study;

(B) identify high priority industrial, petrochemical, hazardous waste, and other facilities that require additional flood protection due to the special health and safety risks caused by flooding;

(C)(i) evaluate then current Federal, State, and local flood impact review requirements for infrastructure improvements and other development in the flood plain of the Upper Mississippi River and its tributaries; and

(ii) recommend changes to reduce the potential loss of life, property damage, economic losses, and threats to health and safety caused by flooding, and to preserve a healthy environment;

(D) examine the differences in Federal cost-sharing for construction and maintenance of flood control projects on the Upper and Lower Mississippi River systems and assess the effect of the differences on the level of flood protection on the Upper Mississippi River and its tributaries;

(E)(i) assess the then current Federal policy on pre-event repair and maintenance of both Federal and non-Federal levees; and

(ii) recommend actions to help prevent the failure of the levees during flooding;

(F)(i) assess the impact of the then current system of levees and flood control projects on the flood levels experienced on the Upper Mississippi River and its tributaries in 1993; and

(ii) evaluate the cost-effectiveness of alternative flood control measures, such as the preservation and restoration of wetlands;

(G) recommend flood control improvements, changes in Federal cost-sharing, and other measures to reduce economic losses, damage to critical public facilities, and the release of hazardous materials from industrial, petrochemical, hazardous waste, and other facilities caused by flooding of the Upper Mississippi River and its tributaries; and

(H) assess the environmental impact of then current flood control measures and the flood control improvements recommended pursuant to this subsection.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under this subsection.

Mr. SIMON. Madam President, again I ask for the yeas and nays on this amendment tomorrow if we are not able to work this thing out.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. SIMON. Madam President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. While the Senator from Illinois is here, I wonder, Madam President, if I might enter into a colloquy with him about an amendment on which the Senator and I are cosponsors.

This amendment is cleared on my side. It is under examination on the other side.

This is to expedite the conversion of Fort Sheridan, IL, to civilian uses acceptable to the affected communities, and the Secretary of the Army may, subject to Fort Sheridan conceptual land use improvement and boundary plan, et cetera. I am just trying to go through this thing quickly.

It is to swap land here in Arlington. The Senator is familiar with this.

Mr. SIMON. I am.

Mr. WARNER. I hope the Senator would be here this evening so that we could again address this to the majority side in the hopes that we can docket this one along with the others.

Mr. NUNN. Who has the floor, Madam President?

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

Mr. NUNN. I ask the Senator from Virginia if he would yield to me for a moment.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. I thank the Senator from Virginia.

Madam President, on this question—because the staff has just briefed me on this particular proposal—while the Senator from Illinois is here, is this something that the Senator from Illinois is in favor of and both delegations are in favor of?

Mr. SIMON. Yes.

Mr. WARNER. Mr. President, I might also add, this is an amendment by myself, the Senator from Virginia [Mr. ROBB] and both Senators from the State of Illinois.

Mr. NUNN. I thank the Senator.

While Senator GLENN is here on the floor, since he chairs the Military Construction Subcommittee and normally this kind of matter would go through the Senator from Ohio, I would like him to either ask a question or give us his views on it. I just told him about it, because I felt he had to be acquainted with it as we looked at it and tried to decide the committee's position on it.

Mr. GLENN. I thank the chairman. I just heard about this a few minutes ago and was briefed on it back in the cloakroom. I would be glad to comment on it.

I understand the views of the Senator from Illinois, the delegations, and the Senator from Virginia. I do question, though, whether we should be putting it through in this manner.

You have a lot of things to be considered here. It is not just getting the agreement of the two States. You have zoning considerations. You have the National Capital Planning Commission—and we have all been up against that one as we tried to get the Korean War Memorial, and all sorts of things, trying to find a spot for these things. You

have the National Park Service consideration. You have to look into the title of the land, as to how it was deeded over to the Marriott people back many years ago, way back some 35 years or 40 years ago now, and what the arrangements were on that.

The value of the land, we would have to have it appraised.

It would not follow at all the normal procedures that we normally would go into.

I would be happy to have the Armed Services Committee, the staff on military construction and Government property, be glad to have them look at it.

I just would not be able to agree to it here on the floor without having a signoff of all these other people. It is a major consideration.

Mr. WARNER. Madam President, our distinguished colleague brings up a very valuable point, but I assure him this amendment is drawn carefully, such that it does not override any of those jurisdictions and their authority enumerated by the distinguished Senator from Ohio. It does not in any way infringe on the National Park Service jurisdiction or anything else.

I can assure the Senator of that.

Mr. GLENN. I am questioning whether it would be a transfer of land, without checking with those people to see if other uses might be contemplated for that land. I did not know the land would be becoming available, nor do I think most people in the different commissions and committees around Washington that have jurisdiction over these things. I doubt that many of them were even aware of this. I was not aware of it.

Mr. WARNER. I have to tell my good friend, this has been in your staff for 1 week today.

Mr. GLENN. Well, I say to the Senator from Virginia, why was it not in our staff 6 months ago so we could consider it in committee and have hearings on it?

Mr. WARNER. I would have to yield to my colleague from Illinois.

Mr. GLENN. The fact it had been there 1 week ago today, we were in recess during that period. And here we are back and the Senator wants a transfer because it was in our committee 1 week ago today.

Mr. SIMON. I have to tell the distinguished Senator from Ohio, there is no attempt to bypass him. I just found out about this, I guess, about 2 weeks ago, when Congressman PORTER contacted me. We checked with the local people. I know the Illinois side of it. I, frankly, do not know anything about the Virginia side of this.

On the Illinois side, the communities involved have agreed. They have agreed we are going to have 250 acres set aside as forest preserve, and the other part of this can be developed.

I say to my colleague from Virginia, if I could have his attention, it occurs to me if we could work out an agreement with the Senator from Ohio and agree to put it on tonight, with the understanding that if, after his staff checks this out and you are in conference and there is any problem at all, that if we just get the word from the Senator from Ohio, we will pull it off.

Mr. WARNER. Madam President, if I could read just one provision which is typical throughout.

The Secretary of the Army shall establish at the Twin Bridges parcel conveyed pursuant to subsection (a)(2) a National Museum of the United States Army. The development, operation, and all improvements related to the development of the Twin Bridges parcel for the National Museum of the United States Army shall comply with the zoning, site planning, and permit requirements of the County of Arlington, Virginia, and the Commonwealth of Virginia and shall be subject to a memorandum of understanding entered into by the Secretary of the Army and Arlington County, Virginia. The Secretary may use only donated funds to pay for the costs of development, construction, and infrastructure improvements related to the establishment of the National Museum of the United States Army.

We did these things and we wrote it carefully, I say my good friend, the Senator from Ohio, so as not to override any jurisdictional, local, or State requirement.

Mr. GLENN. Madam President, I appreciate this, and I know that the Senator from Virginia is very serious about this.

I understand his desire to have this established there. I appreciate that.

But this does not address what the Park Service might have in mind for a parcel like that; it does not address what the National Capital Planning—which is very tight in their restrictions—what they might have to say about this.

I would be very happy to have a hearing on it and be glad to commit to a hearing and see if we could examine both ends of it. I do not know, out at Fort Sheridan, whether there are other Federal uses of that land that anyone has contemplated or not.

So these are things that we normally try to consider in committee when we can have hearings, have witnesses, and get everyone signed off on them, before they come to the floor. I am sorry that was not done in this case. I would have been happy to take it up in the subcommittee or full committee, as far as that goes.

I find it very difficult to agree here on the floor at this late time.

Mr. WARNER. Will the Senator be kind enough just to have the staff take a look at it and brief him carefully on it? I recognize he has just come into the equation. This often happens on any bill. Very few of the floor amendments have been before our committee, or have been before subcommittees. The staff has been working 2 days on this. I understood there was almost complete closure on it, and I ask the Senator for the courtesy of whether or not he could take a look at it with the staff before he takes his position.

Mr. GLENN. I will be glad to look at it overnight and get back on the floor tomorrow.

Mr. WARNER. Madam President, the bill is to be brought down tonight. Unless this amendment is acted upon tonight, or voted tomorrow, then it is not to be a part of the legislation.

Mr. GLENN. I am sorry, I just—to say we agree to it tonight and run the traps, in effect, through all the different groups: National Planning Commission, the National Park Service, and the value of the lands, and all the other things that I think should be done in making certain all these things are considered—it would not be possible to do that this evening.

The PRESIDING OFFICER. The Senator from Virginia.

AMENDMENT NO. 858

(Purpose: To provide for the community reuse of Fort Sheridan, IL, and the acquisition by the Army of property in Arlington, VA, through exchange of property at Fort Sheridan, IL)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. ROBB, Mr. SIMON, and Ms. MOSELEY-BRAUN proposes an amendment numbered 858.

Mr. WARNER. Madam 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 353, between lines 4 and 5, insert the following:

SEC. 2842. LAND CONVEYANCES AND EXCHANGE, FORT SHERIDAN, ILLINOIS.

(a) REUSE AND EXCHANGE AUTHORITY.—(1) Notwithstanding any other provision of law and in order to expedite the conversion of Fort Sheridan, Illinois, to civilian uses acceptable to the affected communities, the Secretary of the Army may, subject to the Fort Sheridan Conceptual Land Use Improvement and Boundary Plan adopted by the Fort Sheridan Joint Planning Committee, on September 2, 1993, convey to The Equitable Life Assurance Society of the United States (hereafter in this section referred to as "The Equitable"), or a person designated by The Equitable—

(A) all right, title, and interest of the United States in and to any or all of the surplus real property of the United States that is within the historic district of Fort Sheridan, together with any improvements thereon; and

(B) all right, title, and interest of the United States to any or all of the surplus real property of the United States at Fort Sheridan, that is commonly referred to as the "Northern Lands".

(2) As consideration for the conveyances of surplus real property authorized by paragraph (1), The Equitable shall—

(A) convey, or cause to be conveyed, to the United States all right, title, and interest in

and to a parcel of real property, consisting of approximately 7.1 acres, that is located in Arlington County, Virginia, and is commonly known as the "Twin Bridges" parcel, together with any improvements thereon; and

(B) pay to the United States the amount, if any, by which the fair market value of the surplus real property conveyed to The Equitable or its designee pursuant to paragraph (1) exceeds the fair market value of the real property conveyed to the United States pursuant to subparagraph (A).

(b) CONVEYANCE FOR FOREST PRESERVE PROTECTION AND ENHANCEMENT.—(1) In order to ensure the continued protection and enhancement of the open spaces of Fort Sheridan, the Secretary of the Army shall, subject to the Fort Sheridan Conceptual Land Use Improvement and Boundary Plan adopted by the Fort Sheridan Joint Planning Committee, on September 2, 1993, convey to the Lake County Forest Preserve District, Illinois (in this section referred to as the "District"), all right, title, and interest of the United States to a parcel of surplus real property at Fort Sheridan consisting of not less than 250 acres located north of the southerly boundary line of the historic district at the post, including improvements thereon.

(2) As consideration for the conveyance by the Secretary of the Army of the parcel of real property under paragraph (1), the District shall provide maintenance and care to the remaining Fort Sheridan Cemetery, pursuant to an agreement to be entered into between the District and the Secretary.

(c) NAVY PARCEL.—(1) In order to facilitate the reuse of Fort Sheridan, the Secretary of the Navy may, subject to the Fort Sheridan Conceptual Land Use Improvement and Boundary Plan adopted by the Fort Sheridan Joint Planning Committee, Sept. 2, 1993 convey to The Equitable, or a person designated by The Equitable, all right, title, and interest of the United States in and to a parcel of real property, consisting of approximately 11.48 acres, that is located immediately west of and adjacent to the historic district of Fort Sheridan, Illinois, and is under the administrative control of the Secretary, together with any improvements thereon.

(2) As consideration for the conveyance authorized by paragraph (1), The Equitable shall—

(A) construct, or pay the costs of constructing, at a location on land at Fort Sheridan, Illinois, that is under the administrative jurisdiction of the Secretary of the Navy 30 units of military family housing that, as determined by the Secretary, are suitable replacements for the 30 units of military family housing that are located on the property conveyed pursuant to paragraph (1); and

(B) pay to the United States the amount, if any, by which the fair market value of the property conveyed pursuant to paragraph (1) exceeds the cost of constructing such replacement units of military family housing.

(d) USE OF TWIN BRIDGES PARCEL.—The Secretary of the Army shall establish at the Twin Bridges parcel conveyed pursuant to subsection (a)(2) a National Museum of the United States Army. The development, operation, and all improvements related to the development of the Twin Bridges parcel for the National Museum of the United States Army shall comply with the zoning, site planning, and permit requirements of the County of Arlington, Virginia, and the Commonwealth of Virginia and shall be subject to a memorandum of understanding entered into by the Secretary of the Army and Arlington County, Virginia. The Secretary may use only donated funds to pay for the costs of development, construction, and infrastructure improvements related to the establishment of the National Museum of the Unites States Army.

(e) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary of the Army, with respect to the transactions described in subsection (a), and the Secretary of the Navy, with respect to the transaction described in subsection (c), shall determine—

(1) the fair market value of the parcels of real property to be conveyed pursuant to this section; and

(2) the fair market value of any other consideration to be provided under this section.

(f) DESCRIPTIONS OF PROPERTY.—The exact boundaries, acreage, and legal descriptions of the real property conveyed pursuant to subsections (a), (b), and (c) shall be determined by surveys that are satisfactory to the Secretary of the Army (in the case of property conveyed pursuant to subsections (a) and (b)) and the Secretary of the Navy (in the case of property conveyed pursuant to subsection (c)). The costs of such surveys shall, in each case, be borne by the person to whom such real property is conveyed, except that, in the case of the Twin Bridges parcel conveyed pursuant to subsection (a)(2), the survey cost shall be borne by The Equitable.

(g) PROCEEDS.—Any proceeds received by the Army pursuant to the transactions described in subsections (a) and (b) shall be deposited in the Department of Defense Base Closure Account established under section 207 of the Defense Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) or, in the case of any proceeds received after closure of such account, in the Department of Defense Base Closure Account 1990 established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(h) USE OF FUNDS.—The Secretary of the Navy shall use any amounts paid to the Secretary of the Navy under subsection (c)(2)(A) to pay for the construction of 30 units of family housing to replace the units located on the property to be conveyed under subsection (c)(1). Any amount paid to the Secretary under subsection (c) that is not expended for the construction of such military family housing units shall be deposited in the Department of Defense Military Family Housing Management Account in accordance with section 2831(b)(3) of title 10, United States Code.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army, with respect to the transactions described in subsections (a) and (b), and the Secretary of the Navy, with respect to the transaction described in subsection (c), may require any additional terms and conditions and undertake any additional obligations and actions that such Secretary considers appropriate under the circumstances to enhance or encourage the reuse of Fort Sheridan, Illinois, or to protect the interests of the United States.

Mr. WARNER. Madam President, I ask that this amendment be subject to a record vote. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Mr. NUNN. Did the Senator from Virginia ask for a rollcall vote? I will be glad to.

Mr. WARNER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. If the Senator will yield, this has hit me cold. I have not had a chance to review it. I did have a chance to talk with the staff about it.

I have some questions that really maybe the Senator can answer now. It is my understanding we have not done this with any bases before that have been closed, and that the law requires the proceeds from the sale of base property, where the bases have been closed, will go into the BRAC account; and that BRAC account is part of what we get from the closing of the bases.

If we are going to start directly swapping lands out of a closed base for another purpose, that bypasses the BRAC account, that starts a new project on it and the Government gets no proceeds from it at all, then closing the base would have been to no avail to the taxpayers.

As a matter of fact it seems to me we are about to spend more of the taxpayers' money. Maybe the Senator can disabuse me of that concern.

Mr. WARNER. The distinguished chairman raises valid questions. I am going to suggest momentarily—it is on the docket for tomorrow. I can assure the Senator, given an opportunity to speak on this—No. 1, it is costing the Government $5 million a year, sunk, lost funds—am I not correct, I ask the Senator from Illinois, just to keep Fort Sheridan open?

Mr. SIMON. That is correct.

Mr. WARNER. They tried to sell it for 3 years and had no buyers.

Mr. SIMON. That is correct.

Mr. WARNER. And if there is a difference in value between the two properties it does go into the BRAC account.

Mr. SIMON. That is my understanding.

Mr. WARNER. I assure my colleague the two members of the delegation being on the committee, the Senators from Illinois and Virginia, being on the Senator's committee, we are not trying to pull the wool over anybody's eyes. We have been working on it for several days and I understood the staffs were ready for signoff. I suggest overnight we look at this.

Mr. NUNN. That is a good suggestion. As the Senator from Virginia knows, I will be glad to work with him on any amendment, but what we have to watch is doing something in one case so that all of a sudden everybody else who has a base being closed or has community problems says, "Wait a minute, this is what we ought to do," and all of a sudden we have a precedent here that none of us quite know what we are doing.

I think we have to think it through. We have to know what we are doing. I

think we have to know what the precedent is. I think we have to know whether there is a precedent for other transactions or whether this is unique. I know nothing about why Fort Sheridan has not been able to be sold. I have no knowledge of that. Perhaps the Senator from Illinois could enlighten us on that point.

I guess what we are saying here is we believe we have to slow down on this amendment and know what we are doing.

Mr. GLENN. Will the Senator yield for just one additional comment? The kind of things that come up, and this has just come to my attention a few minutes ago, but another consideration is I see nothing in here that says what happens if there is contamination—at either end: Fort Sheridan in the conveyance of land, or over here at the Marriott property at the other end of the 14th Street Bridge. What if we are in the millions of dollars worth of cleanup? Do we have to add that? I do not know. I do not know if there is any contamination there, but we have a whole list of things we check off every time a piece of Government property is to be transferred or sold to make sure what the Government's future liability may or may not be. And that has not been considered. Nor do I see language in here that would deal with that. Nor do I know it is a problem. But it may or may not be a problem. I do not know. That is just one of the great number of things we consider when these land transfers are underway.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Let me suggest to our colleague from Ohio, if he would have his staff look at this overnight, let us see if we can get this thing worked out. If we cannot, we cannot. We may decide to go ahead and ask for a rollcall and get a recorded vote on this.

The other option is, if the Senator sees there are still some problems, if the Senator could give us the assurance we are going to move quickly in the Senator's subcommittee on this, that would be an option. It is not my preferred option but it is at least another option we could consider.

Obviously I do not speak for the chief sponsor on this. I would like to see this worked out by tomorrow if we at all possibly can. But I understand the points raised by Senator NUNN and Senator GLENN on this.

Mr. NUNN. I would say to my friend from Illinois, and my friend from Virginia, I think that would be the best course of action, just to take a look at it overnight. For instance, we do not know, has the Army requested this?

Mr. WARNER. Oh, surely. Madam President, absolutely. This is not some sort of a midnight expedition by four Senators. This is a request from the Department of Army, with DOD concurrence.

Mr. NUNN. Have we gotten any letter or anything on that?

Mr. WARNER. Madam President, I think it would be advisable if the majority side had an opportunity to let the two staffs operate.

Mr. NUNN. That will be good. And we can see where we are tomorrow. The Senators of course can either decide to go ahead with a rollcall vote tomorrow if we have not been able to agree, or the Senator's suggestion is possible. We will have other legislation coming through this year.

The thing I would worry about is not this transaction per se, but I worry about what this does to every other base that has been closed and whether we are doing something here, all of a sudden, that is going to harm us somewhere else.

Mr. WARNER. For 14 years I have had the privilege of working with our distinguished chairman. I know he is absolutely fair and very conscientious not to let our committee invade the territory or jurisdiction of other committees and, indeed, try to set those precedents. We have stood with him.

To the best of my knowledge this amendment does not constitute that type of situation. I must tell the Senator in good faith, overtures from the staff of the majority indicated that this possibly could be achieved. But I will let them speak for themselves.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Madam President, not all of the land involved in this swap is military land, so it does not necessarily come under just the military committee. Normally on an acquisition of property, which you would have to have before you swapped it, it would come under the General Services Administration and all their rules for how we acquire property and so on. We have in effect, as far as the disposal of military property goes, we have cut GSA out of that program and basically assigned the program of disposal of military property to the Pentagon but with the understanding they will basically follow the GSA procedures, even though they are doing it independently. So that is just another consideration here.

I am not trying to throw roadblocks in the way, I am just trying to be realistic about what we can honestly do here on the floor without triggering things like our distinguished chairman indicated might occur. There might be 50 different land swaps like this around the country. So I think we do have to look at it and consider everything. I will be glad to do that as best we can overnight and come back on the floor tomorrow.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LEVIN. Madam President, I ask unanimous consent that the senior Senator from Indiana, Senator LUGAR, be added as a cosponsor to my Serbian sanction amendment which was adopted earlier today.

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

Mr. LEVIN. I understand that the rollcall which had previously been ordered on that amendment has now been vitiated. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. I thank the Chair.

UNANIMOUS CONSENT AGREEMENT

Mr. NUNN. Madam President, I want to propound four unanimous-consent requests relating to amendments that have been debated.

Madam President, I ask unanimous consent that the vote on, or in relation to, Senator SHELBY's amendment No. 851 occur, without any interventing action or debate immediately upon the disposition of Senator GRASSLEY's amendment No. 840 and that no second-degree amendments or amendments to language that may be stricken be in order prior to the disposition of Senator SHELBY's amendment.

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

Mr. NUNN. Madam President, I ask unanimous consent that the vote on, or in relation to, Senator HARKIN's amendment No. 829 occur, without any interventing action or debate immediately upon the disposition of Senator SHELBY's amendment No. 851 and that no second-degree amendments or amendments to language that may be stricken be in order prior to the disposition of Senator HARKIN's amendment.

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

Mr. NUNN. Madam President, I ask unanimous consent that the vote on, or in relation to, Senator BINGAMAN's amendment No. 850 occur, without any interventing action or debate immediately upon the disposition of Senator HARKIN's amendment No. 829 and that no second-degree amendments or amendments to language that may be stricken be in order prior to the disposition of Senator BINGAMAN's amendment.

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

Mr. NUNN. Madam President, I ask unanimous consent that the vote on, or in relation to, Senator DOMENICI's amendment No. 853 occur, without any interventing action or debate immediately upon the disposition of Senator BINGAMAN's amendment No. 850 and

that no second-degree amendments or amendments to language that may be stricken be in order prior to the disposition of Senator DOMENICI's amendment.

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

Mr. NUNN. I thank the Chair.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. 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.

Without objection, the previous amendment will be set aside.

AMENDMENT NO. 859

(Purpose: To limit the amount to be made available for the Trident II missile program)

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 859.

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

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

The amendment is as follows:

On page 33, following line 24, insert the following:

SEC. 136. TRIDENT II MISSILE PROGRAM.

Of the funds authorized to be appropriated in this Act for procurement of TRIDENT II Missiles, none may be obligated prior to April 1, 1994 unless the President has certified to Congress that he has unsuccessfully attempted to reach an agreement with Russia, Ukraine, Kazakhstan and Belarus on detubing as a means of reducing launchers to meet the START II limits.

Mr. EXON. Mr. President, reserving the right to object, the Senator from Nebraska does not know the content of the amendment being offered by the Senator from Arkansas. Which slot has the Senator from Arkansas decided he would employ under the slot agreement that we had with regard to the amendment he has just offered? I agree to not reading the amendment, but I would like to have an explanation as to the nature of the Senator's amendment.

Mr. BUMPERS. Mr. President, this amendment deals with whether or not we want to continue buying D-5 Trident II missiles at the rate we have been buying them, in light of the START II treaty. That limits us to 1,750 SLBM warheads.

Mr. EXON. I ask the Senator from Arkansas, then, did he have a slot reserved on the list of amendments that we had with regard to a D-5 amendment?

Mr. BUMPERS. I did not, Senator. You raise a perfectly legitimate point. When we called, we told them my amendment dealt with the D-5, but when it was transcribed they put SDI instead of D-5.

Mr. EXON. That explanation is satisfactory with me, although I did not think there was a D-5 amendment.

Mr. BUMPERS. The Senator is correct. I did not realize that was the objection. My staff told me that somebody made a mistake.

Mr. EXON. Somebody transferred that. I can see how it could happen. I thank you.

Mr. NUNN. Mr. President, the Senator from Arkansas is correct. He put us on notice several weeks ago that he was going to have a D-5 amendment, and I think this was a staff error that labeled it the wrong amendment. So I encourage the debate to go ahead and take place.

Will the Senator yield to me for a few unanimous-consent requests?

Mr. BUMPERS. Yes, I am happy to yield.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, I ask unanimous consent that the vote on or in relation to Senator METZENBAUM's amendment No. 854 occur without any intervening action or debate immediately upon the disposition of Senator DOMENICI's amendment 853, and that no second degree amendment or amendments to language that may be stricken be in order prior to the disposition of Senator METZENBAUM's amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, I ask unanimous consent that the vote on or in relation to Senator SIMON's amendment No. 856 occur without any intervening action or debate immediately upon the disposition of the Metzenbaum amendment No. 854, and that no second-degree amendment or amendments to the language that may be stricken be in order prior to the disposition of Senator SIMON's amendment.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, I ask unanimous consent that the vote on or in relation to Senator SIMON's amendment No. 857 occur without any intervening action our debate immediately upon the disposition of the Simon amendment No. 856, and that no second-degree amendment or amendments to the language that may be stricken be in order prior to the disposition of Senator SIMON's amendment.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, I ask unanimous consent that the vote on or in relation to Senator BROWN's amendment No. 825 occur without any intervening action or debate immediately upon the disposition of Senator SIMON's amendment No. 857, and that no second-degree amendment or amendments to language that may be stricken be in order prior to the disposition of Senator BROWN's amendment.

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

Mr. BUMPERS. Mr. President, this amendment, for people who do not follow strategic warfare in the Senate—and there are several Members who do not—this amendment is fairly complicated. I am going to do my very best to simplify it so that everybody can understand it.

First of all, there are a few things that you have to keep in mind. No. 1, at the conclusion of building all of our Trident submarines, we will have 18 Trident submarines. We now have eight Trident submarines, equipped with what we call the C-4, popularly known as the Trident I missile. Each one of those missiles on the Trident submarine, each Trident I missile has eight warheads.

For all practical purposes, the Senate should bear in mind that it was our intention to put 24 missiles on every Trident submarine; all 18 of them are equipped to carry 24 missiles. It was our intention to put eight warheads on each missile.

Here is where we are right now, Mr. President. We have eight Trident submarines equipped with the C-4 Trident missile, with eight warheads each. We have in our inventory, 415 C-4 missiles. We have in our inventory—or will have shortly—235 D-5 missiles, which also carries 8 warheads, and which we intend to put on the last 10 Trident missiles. Bear in mind that the first 8 Trident submarines are already at sea, have been for a long time, and they all carry 24 missiles each with 8 warheads on each missile.

We have about 6 more of the remaining 10 Trident submarines at sea, and they are equipped right now—the ones that are at sea—they are equipped with the D-5 Trident II missile with 8 warheads each.

Mr. President, this gives us today, and this is very important —I want everybody to look at this chart—today we have 650 missiles for our Trident fleet each with 8 warheads. That is in our inventory today. And 650 missiles times 8 warheads gives us 5,200 warheads on what we call SLBM's. They are missiles and warheads to be fired from submarines. Bear in mind some of these missiles—I forgot to tell you—some of these missiles are on Poseidon subs, all of which will be phased out in about 1996. But the main point is we have 5,200 warheads on our submarines

today, or in inventory, and under the START II treaty we are going to be allowed 1,750 warheads.

Mr. President, what this debate is about and what this amendment is about is how are we going to download or detube submarines to reduce the existing inventory of 5,200 warheads to 1,750? We have to get rid of 3,450 warheads.

Let me go to the second chart, and I will show you a couple of options on how I think we ought to do it and how the Navy says they want to do it. And that is really the issue for the Senate to decide.

I will tell you on the front end, if you do it the way I want to do it you will sacrifice nothing strategically, you will come out with precisely the same number of warheads that the Navy will come out with under their plan. Only under my plan you will save $9.6 billion. We are not talking about peanuts, Mr. President. We are talking about real money at a time when the Secretary of Defense is going to have to come up with $13 billion in additional cuts over the next 5 years that he has not yet figured out how he is going to attain.

So here are the two ways we can approach this. Option I we will call the Bumpers option, and the one that this amendment would provide for. We will put 12 missiles on each submarine, rather than 24, and we will put 8 warheads just as we do now on each missile. If you put 12 missiles on each of our 18 submarines and each missile with 8 warheads, you will come out with 1,728 warheads or 22 less than we are going to be permitted under the SALT treaty and which must meet that limit around the turn of the century.

Now, Mr. President, what does this mean? I said in my earlier remarks that there are 24 tubes for missiles on every Trident submarine. If you put 12 missiles instead of 24 you have to do what the Navy calls detubing. You can fill the other 12 with concrete or anything to prove to the Russians, for example, that we are in compliance with the 1,728 warhead level that we agreed to in the START II treaty.

Here is what the Navy wants to do. Now bear in mind under option I, I am saying we need to detube 12 tubes on every Trident submarine and leave 8 warheads on each missile and can come to 1,728. The Navy predictably says, "No", we want to put a missile in every tube; we still want 24 missiles on every submarine.

"What we want to do," says the Navy, "is reduce the number of warheads on each missile from 8 to 4." That might just be hunky-dory, Mr. President, except for one thing. That will cost us, the taxpayers of America, $9.6 billion more money. I could stand here all night and talk about all the nuances of this, but here is the simple option that this Senate is going to have to make. Do you want to put 12 missiles with 8 warheads on each submarine or do you want to put 24 missiles with 4 warheads on each submarine? You get absolutely nothing, no military, no strategic advantage, and you do it the way the Navy wants to do it, and you are going to spend $9 billion-plus that we can save.

Mr. President, you do not have to be a mathematician to figure that out.

I made this chart as simple as I know how. Everybody ought to be able to understand it if they will just focus on it.

Tragically when people come in here to vote on these amendments they have not heard the debate, have not thought about it, they do not know what you are talking about, and they vote "no," and say, Dale Bumpers—why would I take his word over the Navy's?

I will tell you the reason for that, because I am using common sense and good judgment in trying to make sure that we maintain the strategic advantage we have always had at sea. At sea is where we have always had our advantage, and my amendment is just plain old common horse sense.

The only reason in the world the Navy can give you for wanting to download every nose cone to four warheads is because that way they get to keep buying missiles. If they get their way, they are going to buy somewhere between 133 missiles and 300 missiles that we do not need, do not want, should not buy. You know what they cost? Forty-five million dollars each.

You think about a missile that costs $45 million for one, and us getting ready to buy somewhere between 133 and 300 that we could not use to save our life or ought to use. It is nothing in the world but a way to spend money.

So, Mr. President, here is the reason for the amendment. Here are the savings of option I over option II. If we cancel the purchase of 133 missiles, and that is the bare minimum—if you cancel the purchase of those 133 missiles, at $45.7 million each there is a savings of $6.1 billion.

Then if you do what I want to do it costs $1 billion to detube 12 missile tubes on each submarine. So you have a net savings after you do what I want to do of $5.1 billion.

But there is more to the story. How about these eight submarines out there with C–4's on them, not the D–5 which we consider buying now but the C–4's that we long since bought and do not build anymore?

First of all, if you cancel retrofitting the eight submarines I am talking about, and what the Navy wants to do is to go back and retrofit the first eight submarines, take the C–4 missiles off of them and retrofit them with the D–5 missiles, there is absolutely no justification for doing that. The C–4 missile is a fine missile and has eight warheads on it, individually targeted warheads. But the Navy says, well, at some point they are going to wear out and they are not going to be useful. That is true, and there is a lot more to the story on what we might do. But what they want to do, of course, is to keep buying these missiles and retrofit the first eight that are already outfitted with a fine missile. It does not need to be replaced.

So if you cancel what the Navy is planning to do in retrofitting those first eight submarines and cancel the purchase of the 200 D–5 missiles that they are going to buy to put in those tubes, you save $9.1 billion.

And then if you cancel the retrofitting of the first eight submarines, you save another $8.5 billion, then you save $17.6 billion. And then you offset that with the cost of extending the life of C–4 missiles at $8 billion and detube the C–4 subs, that is detubing down to 12 missiles per sub, that is another $1 billion. All of that costs you $9 billion.

When you count the savings of $17.6 billion and subtract from that the cost of extending the life of the C–4 missile and detubing the first eight submarines, you have a net savings of $8.6 billion from canceling the retrofitting and a potential total savings of $13.7 billion for my option over the Navy's option.

Mr. President, I know that this is not a very sexy subject. I know that when you are throwing out numbers the way I have been throwing them out here, some people understand it and some people do not. I do not know how you deal with that on the Senate floor. I have been in this posture before, of getting into a fairly complicated argument with people who have not kept up, as I said, and who just come in and vote "no."

But I can tell you one thing: If you want to maintain a strategic deterrence, if you want our submarine fleet to continue being the star of our strategic forces, the most invulnerable part of our strategic forces, and with the ability to wipe out, let us say, of the old Soviet Union, wipe out every city of 100,000 people or more twice, maybe three times, the Navy fleet could do it under my amendment. Even if we did not have bombers or ICBM's, we could do it with our submarine fleet alone and save up to $13.7 billion.

Mr. President, Les Aspin is going to come before the Appropriations Subcommittee on Defense in the morning and one of the first questions he is going to be asked is: "Mr. Secretary, how are you going to come up with this additional $13 billion you say the Defense Department is going to save? It is not in this bill; no savings in this bill. How are you going to do this? How are you going to do it administratively? What kind of legislative recommendations are you going to make to the U.S. Congress to save $13 billion over the

next 5 years and meet the President's target that he gave us and we adopted here that night in September when we voted on the President's economic package?"

I can tell you right now, here is one of the simplest ways in the world.

Mr. President, there is one other element I want to talk about before I yield the floor, and it is this: I confess to you that I wrote the President about this sometime ago. I set out precisely the arguments I have made here. My guess is the President sent it over to the Navy and they sent it back to him and he sent me a letter. Let me paraphrase:

DEAR DALE: I love to save money, but if we do what you want to do, we are going to have to go back and renegotiate the START Treaty with Russia, Kazakhstan, Belarus, and the Ukraine. Considering the fight between the Ukraine and Russia over those missiles in the Ukraine, which Ukraine did not want to give up, I think it would be very difficult, if not impossible, to get them to agree to this.

Now the President—my very dear friend—and I disagree on that.

I do not think you can assume on the front end that the Russians and the Kazakhstans and the Ukranians and the Belarussians would object to this. Why would they object? They lose nothing by allowing us to do it.

And START II provides for a lot of on-site inspections.

Let me ask you this, Mr. President, and Members of the Senate: If the Navy gets its way and they detube, I mean if they put 24 missiles on each submarine, as they want to do, they have to download the warhead on each one of those missiles and put 4 warheads on it instead of 8. Now, the Russians are going to say, "You say there are only four warheads under that cone. How do we know there is not eight? We want a verification of that." And they are entitled to it.

So what is the difference? The Navy wants to talk about verification. What is the difference in Russia wanting to see under the nose cone to make sure there is only 4 warheads there and wanting to go aboard a submarine to make sure you put concrete in 12 tubes?

It is going to have to be verified either way. So why would the Russians object to the President saying, "How about us saving ourselves about $10 billion here and you helping us do it?"

Do you know what I think Boris Yeltsin would say? I think he would say, "That's just jake with me. I couldn't care less. As long as you only have 1,728 warheads on your submarines, that is all we care about. How you do it, we couldn't care less."

So, Mr. President, in my amendment, I have said that we will not spend any of the money in this bill to buy any more D-5 missiles than we have bought right now, and we have them coming out of line and they are going to be building them all next year whether my amendment passes or fails.

But what I am saying is, none of the funds appropriated will be spent until April 1, 1994—unless—unless the President certifies to the Congress that he has unsuccessfully attempted to get all the parties to agree to this proposal.

In my opinion, if the President made an honest, all-out effort to get that done, it would be a piece of cake. I do not think it will be a problem at all.

I will tell you what the problem is. The problem is how are we going to get the defense budget down to stay mean and lean. The problem is how are we going to reduce the deficit, how are we going to get rid of the national debt.

And it is not going to be by walking in here and knee jerking a vote on a very important issue here, where we have a chance to save $10 billion with absolutely no sacrifice, no jeopardizing of our strategic forces.

Mr. President, I yield the floor.

Mr. NUNN. Mr. President, 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. NUNN. 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.

Mr. NUNN. Mr. President, I congratulate the Senator from Arkansas for his diligence and tenacity in this area, if not for the proposal itself. He has looked at this program over the years very carefully and he makes, in any presentation, a very persuasive and powerful argument, even though in this case I think that there are very significant facts that go strongly against the Bumpers' amendment.

Let me start by reading into the RECORD certain parts of a letter dated August 2, 1993, from President Clinton, relating to this amendment.

He says, in a letter addressed to me,

DEAR MR. CHAIRMAN: During floor debate on the FY 1994 defense authorization bill, an amendment may be offered to delete further funding for procurement of Trident D-5 submarine-launched ballistic missiles.

I know the Senator's amendment is not precisely that amendment but that is where it is aimed. Continuing to quote from President Clinton:

I wanted to advise you that I would be strongly opposed to such an amendment.

As you know, the United States currently plans to deploy a fleet of 18 Trident nuclear-powered ballistic missile submarines (SSBNs) as the sea-based leg of the Triad of strategic nuclear forces the United States will maintain under the START II Treaty.

I am skipping some of that letter, but getting down to the point of most relevance:

Some have suggested that the United States could save money by simply deploying half as many D-5 missiles on each Trident submarine while doubling the number of warheads carried by each missile. In other words, instead of having each submarine carry 24 missiles, each of which would be armed with 4 warheads, we would deploy only 12 D-5s on each Trident while having each missile carry 8 warheads.

Continuing to quote from President Clinton,

There are a number of major problems with this "detubing" proposal. First, we have negotiated the START II Treaty on the assumption that each D-5 would be attributed as carrying 4 warheads, not eight. Second, under START rules the 12 "empty" missile tubes on each submarine would count as though they were each occupied by a D-5 missile with four warheads. As a result, this approach would place the United States in violation of the START II warhead ceilings unless we obtained permission from our treaty partners to change the Treaty.

"Unfortunately"—and this goes to the heart, Mr. President—this goes to the heart of the Bumpers amendment, because the Senator from Arkansas, to his credit, recognizes the START II Treaty would have to be changed and he is, in effect, in this amendment, trying to get to this result by saying to the President go back and negotiate it again with Russia and the other parties that would have to give their consent.

Going back to the President's letter:

Unfortunately, a U.S. proposal along these lines would open a pandora's box in terms of inviting counterproposals by our START partners for relief from other treaty dismantlement requirements they find onerous. If the United States were to ask Russia, Ukraine, Belarus and Kazakhstan for permission to revise or eliminate the strict START SLBM launcher elimination procedures, each of these states would likely demand a quid pro quo in areas under both START and CFE where they are already pressing us to simplify or waive weapons elimination requirements. The result would be an unraveling of the meticulously negotiated dismantlement procedures contained in both accords, with an attendant degradation in the irreversibility of these agreements.

For this and other reasons which Secretary Aspin has enunciated in a recent letter to you, I am opposed to any amendment that would, if adopted and enacted into law, terminate D-5 production after the FY 1993 procurement is completed.

Sincerely,

BILL CLINTON.

I also submit for the RECORD a letter from Secretary Aspin where he says, quoting him at the bottom of his letter, not reading it all:

Terminating D-5 missile production now would shut down the only operating strategic ballistic missile production line in the United States. Sustaining a low rate of D-5 production, and the associated industrial and technology bases, provide a key and unique hedge against future uncertainties.

Finally, ending production would also eliminate incentives for Russia to implement both START I and START II. While we are optimistic that START I and START II will ultimately enter into force, it is highly premature and unwise to make force structure decisions now—such as stopping D-5 missile production—based on that optimism.

Continued D-5 production is, therefore, essential to the future health of our deterrent capability. I strongly urge your continued support for this critical program.

Mr. President, I ask unanimous consent the complete text of the President's letter, as well as Secretary Aspin's letter, be printed in the RECORD.

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

(See exhibit 1.)

Mr. NUNN. I also submit a letter by the Chairman of the Joint Chiefs of Staff, Colin Powell, dated July 27, 1993. Again, skipping the first three paragraphs and getting down to the heart of the letter:

I do not support the proposal to renegotiate the terms of the START II Treaty with Russia to allow either country to decrease the number of missiles carried by a submarine. The Russians have already indicated there are parts of the Treaty they would like to renegotiate. Our goal of early ratification and entry-into-force of START I and II would be undercut if negotiations were reopened with little certainty of where they might lead.

I believe that production of the D-5 should not be prematurely terminated. The vast majority of the TRIDENT investment is behind us, and procuring the remaining missiles for Atlantic Ocean TRIDENT submarines will ensure a credible deterent force well into the 21st century.

That is the end of General Powell's letter. I will come back to the "21st century" remarks in my own remarks.

I ask unanimous consent the Powell letter be printed in the RECORD.

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

(See exhibit 2.)

Mr. NUNN. This is a June 30, 1993, letter from Gen. George Butler, U.S. Air Force, commander in chief of the Strategic Command.

Quoting from General Butler:

As to the first option, START requires counting all SSBN missile tubes, whether they contain a missile or not. If D-5 missile production is halted now, the Navy may be forced to field new TRIDENT II submarines with only 12 missiles while, in order to comply with START II, attributing 24 missiles to each TRIDENT II boat. With fewer missiles per boat, more warheads would have to be loaded on the existing missiles, incurring severe operational drawbacks in terms of survivability and targeting flexibility.

Again, I will come back to that reference. And I ask unanimous consent that that letter be printed in the RECORD.

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

(See exhibit 3.)

Mr. NUNN. Finally, if the Senator from Arkansas is not by this time persuaded with the overwhelming evidence I have presented from his President, the Chairman of the Joint Chiefs, the Secretary of Defense, and Chairman of the Strategic Command, I am going to leap over the ocean to the United Kingdom or further, I hope, persuasive evidence.

This letter is from Simon Webb, British Defense Staff in Washington. Quoting from that letter:

The construction of British Trident submarines will continue until around the end of the decade, and a significant number of our remaining missile inventory remains to be purchased. On current plans the UK would not complete its missile procurement for another 4 to 6 years. Any radical change in US missile procurement would have significant implications for the UK's ability to fund other defence commitments.

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

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

(See exhibit 4.)

Mr. NUNN. Mr. President, the bottom line of the START concerns—and the Senator certainly acknowledges this—is that if the Bumpers amendment, that would basically require the President to renegotiate these agreements, is agreed to by the U.S. Senate, we in effect are taking an already enormously complex situation, with the Ukraine involved, their Parliament being reluctant to ratify, with Kazakhstan being involved, with Belarus being involved, we would have to renegotiate not only with the Russians but with each one of those countries. We would have to basically renegotiate the START agreement, and who knows how long it would take? We do not know whether it is going to be ratified now by all the parties because there is an enormously complex kind of struggle and debate going on in the Ukrainian Parliament about whether they ought to follow President Kravchuk's commitments and actually enter into START agreement.

We do not know what kind of Pandora's Box we would be opening here. I know no one has been more dedicated to arms control than has the Senator from Arkansas over the years. He has been a real leader. I commend him for that—in pursuing arms control agreements and encouraging the Senate to pursue arms control agreements. I really cannot imagine an amendment that would require the President in this kind of complicated, complex environment, dealing with all the countries of the former Soviet Union and dealing with one of our major allies, trusted ally, Great Britain—saying go back and renegotiate all of this and come back and tell us in April.

I think this would open up tremendous problems, and I know the Senator from Arkansas is very conscientious, and I know he has thought about these.

Mr. President, what is the reason for doing this? The reason is to save money, and that is an understandable reason. We could save money if we shut down the Trident line. But let us assume for a minute that we did not have any of these complications, that the Russians would come in here tonight and say, "We agree," the Ukrainians would come in here and say, "We agree," and we do not want anything else for it. The first thing that would happen is I would probably faint if they said that because there is quid pro quo and leverage in every one of these negotiations. It is certainly possible the Russians would agree but, believe me, no one knows right now what they would ask for in return.

What about the Ukrainians? They are negotiating every single small or even large bit of enriched material coming out of their warheads now. If we basically said to the Ukrainians right now, "We want you to not only ratify START, which you have not done, we want you to agree to this change, which, by the way, will save us $9 billion," how much is that going to cost us? I do not know. I know we would have some very serious negotiations. There would be an awful lot of leverage. We cannot even get to that point because the Ukrainians are not willing to ratify START right now; their Parliament has not, even though the Government has committed to it.

The British have relied on us for years for their own Trident program. They went into that program on good faith believing that the United States would not basically make such precipitous changes in the program that it would cause severe disruption in their own plans for their own program, which, of course, involves buying D-5 missiles from us. That would be something that the British would take very seriously if we were to make this kind of step.

But let us assume all of that happened. Let us assume just for the purposes of argument the Russians came in and said, "We'll agree. We'll change START II. You save $9 billion. We want to help you, and we don't want anything in return. We want to help the American taxpayers save $9 billion."

Let us assume the Ukrainians came in and said, "We'll help you save money. We'll agree to change START II. Now we'll ratify it. We like the change, perhaps we'll ratify it. We want to help the American taxpayer. We don't want anything in return."

Let us assume the Kazakhstan Government did the same thing. And then let us assume the British came in and said, "Well, we had a Trident program, but we are willing to let it go down the tube and tell our taxpayers that we wasted millions and millions of dollars. We can't complete our program, but we will do everything to help the Americans save money in defense." Let us assume all that would happen. Would we still want to adopt the Bumpers amendment? The answer, Mr. President, is no. Why? Because, Mr. President, the Trident program is supposed to last and these missiles are supposed to last and these boats are supposed to last for the next 33 years.

In the last 5 years, since 1988, we have seen the most radical changes in the world since World War II, maybe even going back beyond World War II:

The end of the Soviet Union; the falling of the Berlin Wall; the changes in Eastern Europe, thank God, moving toward democracy and sovereignty; moving toward democracy in Russia. We have seen the Russian empire basically break up. We have seen South Africa end apartheid, at least the beginning of the ending of apartheid, and we also are very thankful for that.

We also have seen today a historic—historic, unprecedented—event that many people in this country, if not most and throughout the world, never dreamed would happen in their lifetime, and that is a signing of an agreement between the Palestine Liberation Organization and the State of Israel.

Mr. President, who can predict what the next 3 years are going to hold, let alone the next 5 years, 10 years, 33 years? Are we willing to make a change on the floor of the U.S. Senate to our most survivable leg of the triad based on knowledge now that is so limited in terms of what is going to happen in the future? I do not think so. I do not think we want to take the heart of our survivable deterrent and make that kind of sweeping change.

So I hope that there will be some serious thought given to this amendment. As General Butler said, head of the strategic command, now a unified command, or rather a command that basically includes the other elements, not just the Air Force, of the overall deterrent, including the ships and missiles and so forth, General Butler makes it clear that even if all of these things happened that I described and every country signed up and said, "We are so anxious to help you to save money that we are going to ask you for nothing and we are going to change the START agreement to help you," even if that happened, we would be reducing the operational flexibility of the U.S. submarines. We will be doing it for the next 33 years.

What is operational flexibility? It means that when you have eight warheads on a missile, those eight warheads are independently targetable, but they have to go in an envelope. There is a certain area they go to. You have to shoot within a certain area if, God forbid, we ever did. The whole targeting of the strategic command planning would be radically changed. I do not know how much that would cost. Believe me, the whole targeting would be changed because where they plan it now, you would have four warheads going in an envelope and you would have twice as many envelopes. With this you would cut the number of envelopes down to the number that would be required for eight warheads. So you would be making a very large change in the targeting.

I will have to admit this: We are going to have to review that whole targeting anyway. There is no doubt in my mind that the targeting of the U.S. strategic forces is going to have to be updated.

Mr. President, we also need to think about this: We basically agree to dramatically reduce our missiles. We have taken our bombers off alert. We do not have bombers in the air now. We are not as concerned about a surprise attack, or bolt out of the blue, as we formerly were. Yet, we still do not want to ever—now, 5 years from now, 10 years from now, 15 years from now—as long as there are nuclear weapons, we do not want to ever put all our eggs in one basket and say to our adversaries or would-be adversaries or whoever they will be in 20 years, "Here is the basket."

If we basically have eight warheads per missile, what that does is it reduces the range at which these Trident boats can go in the ocean and still be able to reach a target. You have less range when you have a missile with eight warheads. You have more range if you have less warheads. In other words, the boat can be further from the target and still hit the target. That means you have more oceans to use if you have less warheads. That is one of the many reasons some people wanted for a long time, including the Vice President, to move to much more of a single-warhead situation. That is the reason some people want a different kind of submarine and were opposed to the Trident, because it tends to put so many warheads on one missile.

We would basically be saying if we do get into a difficult situation 5 years from now or 10 years from now, we are going to have less operational range, and if there were breakthroughs in antisubmarine technology, it gives the adversary less ocean to have to deal with because those boats, in a confrontational situation or period of high tension, whether it lasted 2 years, 3 years, or 5 years, would have to be much closer to the target because they would not have the range on the missile.

So, Mr. President, for these reasons, even if everyone agrees —and I think it is pretty obvious to anyone observing the situation getting agreement with no quid pro quo, no very expensive quid pro quo from other countries, would be very difficult—I do not think we would want to do this even in our own interest.

As has been said in the letters I put in the RECORD, this would eliminate the last missile production line in the United States. We no longer produce the MX missile. We no longer produce the Midgetman missile. We no longer produce the Minuteman missile. We no longer produce the Trident I missile or C-4 missile. All of those production lines are shut down. This is the last one.

Are we so sure of world events, not just now but next year, the year after, 3 years, 5 years, 10 years from now, that we want to be completely out of the missile business altogether? The Russians are not. The Chinese are not. The North Koreans are not. Although they do not have the kind of range, they are busy producing missiles. The Middle Eastern countries that are trying to buy missiles, they are getting into the business. Are we so sure that we are going to get rid of all our missile production lines? I do not think so.

Mr. President, I know the Senator from Arkansas has presented this amendment in good faith. I think his arithmetic is basically correct. I think he has multiplied correctly. I think he has added correctly. He has subtracted correctly. I think the dollars are pretty well correct. But the substance of the amendment is badly flawed, and I hope that my friend from Arkansas, who is so thoughtful on these issues, would think very carefully before pushing this amendment to a vote. I hope, if it is pushed to a vote, our colleagues will have followed this debate and will understand that this is a very serious amendment. It would have very serious consequences. I would think at this point in our history it is ill-advised.

So, Mr. President, I yield the floor.

EXHIBIT 1

THE WHITE HOUSE,
Washington, August 2, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: During floor debate on the FY 1994 defense authorization bill, an amendment may be offered to delete further funding for procurement of Trident D-5 submarine-launched ballistic missiles (SLBMs). I wanted to advise you that I would be strongly opposed to such an amendment.

As you know, the United States currently plans to deploy a fleet of 18 Trident nuclear-powered ballistic missile submarines (SSBNs) as the sea-based leg of the Triad of strategic nuclear forces the United States will maintain under the START II Treaty. My FY94 budget request contains $1.14 billion to procure the next annual increment of D-5 SLBMs to go aboard the Trident SSBNs and to purchase long-lead items for the FY 1995 buy. Although the Bottom-Up Review (BUR) is considering a number of options for reducing the number of Trident SSBNs below the eighteen currently planned, no decisions have been made to do so. Moreover, even at the lowest Trident levels that remain under review pursuant to the BUR, additional D-5 missile procurements are required in FY 1994 and 1995.

Some have suggested that the United States could save money by simply deploying half as many D-5 missiles on each Trident submarine while doubling the number of warheads carried by each missile. In other words, instead of having each submarine carry 24 missiles, each of which would be armed with 4 warheads, we would deploy only 12 D-5s on each Trident while having each missile carry 8 warheads.

There are a number of major problems with this "detubing" proposal. First, we have negotiated the START II Treaty on the assumption that each D-5 would be attributed as carrying 4 warheads, not eight. Second, under START rules the 12 "empty" missile tubes on each submarine would count as

though they were each occupied by a D-5 missile with four warheads. As a result, this approach would place the United States in violation of the START II warhead ceilings unless we obtained permission from our treaty partners to change the Treaty.

Unfortunately, a U.S. proposal along these lines would open a Pandora's box in terms of inviting counterproposals by our START partners for relief from other treaty dismantlement requirements they find onerous. If the United States were to ask Russia, Ukraine, Belarus and Kazakhstan for permission to revise or eliminate the strict START SLBM launcher elimination procedures, each of these states would likely demand a quid pro quo in areas under both START and CFE where they are already pressing us to simplify or waive weapons elimination requirements. The result would be an unraveling of the meticulously negotiated dismantlement procedures contained in both accords, with an attendant degradation in the irreversibility of these agreements.

For this and other reasons which Secretary Aspin has enunciated in a recent letter to you, I am opposed to any amendment that would, if adopted and enacted into law, terminate D-5 production after the FY 1993 procurement is completed.

Sincerely,

BILL CLINTON.

THE SECRETARY OF DEFENSE,
Washington, DC, July 19, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In advance of the upcoming mark-up of the President's FY 93-94 Defense Budget, I would like to reaffirm the importance I attach to continued Trident II (D-5) missile production.

While the risk of nuclear war is at an all time low, maintaining a robust and credible nuclear deterrent is critical as we work to reduce the residual nuclear threat. Looking out to our nuclear force under START II, the United States will rely more heavily on submarine launched ballistic missiles (SLBMs). Terminating D-5 missile production now would have the following adverse consequences:

The D-5 missile production requested for FY 94 and FY 95 is required to equip the ten Atlantic SSBNs scheduled to carry D-5 missiles, of which five are now operational and the remainder are in various stages of construction. Continued production in these years will be needed even if we were to reduce the number of operational tests to below currently accepted levels. D-5 procurement in FY 96 and beyond depends upon future judgments regarding overall Trident submarine force size, the possible D-5 retrofit of C-4 missiles now carried by older Trident submarines, and the size of the operational test program.

Modifying the submarines under construction—as some have suggested—to carry C-4 missiles would leave us with brand new SSBNs carrying an aging, less capable missile whose service life is limited.

Terminating D-5 missile production now would shut down the only operating strategic ballistic missile production line in the United States. Sustaining a low rate of D-5 production, and the associated industrial and technology bases, provide a key and unique hedge against future uncertainties.

Finally, ending production would also eliminate incentives for Russia to implement both START I and START II. While we are optimistic that START I and II will ultimately enter into force, it is highly premature and unwise to make force structure decisions now—such as stopping D-5 missile production—based on that optimism.

Continued D-5 production is, therefore, essential to the future health of our deterrent capability. I strongly urge your continued support for this critical program.

LES ASPIN.

EXHIBIT 2

THE CHAIRMAN, JOINT CHIEFS OF STAFF,
Washington, DC, July 27, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As we near markup of the President's FY 1994 Defense Budget, some in Congress are questioning the need for continued production of the TRIDENT II (D-5) missile. I strongly support D-5 production and urge your support of this critical strategic program.

The D-5 missile on TRIDENT submarines will be the backbone of US strategic deterrent forces in the START II environment. START II negotiations eliminated MIRVed land-based missiles and shifted 50 percent of the deterrent burden to the survivable and more stabilizing sea-based leg of the TRIAD.

D-5 missiles are required for equipping, testing certification, and logistic support of the 10 Atlantic Ocean TRIDENT submarines (the last 4 of which are still under construction). These submarines were designed to carry the D-5 and, with a minimum 30-year hull life, will constitute the heart of our strategic force structure when START II takes effect. If funding for D-5 production is discontinued now, we must either send submarines to sea with empty tubes or conduct costly modifications to the Atlantic Ocean TRIDENT submarines to carry the older and less capable C-4 missile, which has a limited service life. Either option impacts operational flexibility and creates significant inefficiencies in our strategic program.

I do not support the proposal to renegotiate the terms of the START II Treaty with Russia to allow either country to decrease the number of missiles carried by a submarine. The Russians have already indicated there are parts of the Treaty they would like to renegotiate. Our goal of early ratification and entry into force of START I and II would be undercut if negotiations were reopened with little certainty of where they might lead.

I believe that production of the D-5 should not be prematurely terminated. The vast majority of the TRIDENT investment is behind us, and procuring the remaining missiles for Atlantic Ocean TRIDENT submarines will ensure a credible detterent force well into the 21st century.

I appreciate your support for continued D-5 production.

Sincerely,

COLIN L. POWELL,
Chairman of the Joint Chiefs of Staff.

EXHIBIT 3

DEPARTMENT OF DEFENSE,
U.S. STRATEGIC COMMAND,
OFFUTT AIR FORCE BASE, NE,
June 30, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: In anticipation of the FY94 Defense Budget mark-up, I would like to offer my observations regarding TRIDENT II submarines and missiles.

For the post-START strategic force, the TRIDENT II submarine and D-5 missile will remain a critical element. Terminating D-5 missile production now, as some have suggested, would force a choice between two equally undesirable options: (1) fill only a portion of the missile tubes on the TRIDENT submarines currently under construction; or (2) modify these new submarines to carry older C-4 missiles.

As to the first option, START requires counting all SSBN missile tubes, whether they contain a missile or not. If D-5 missile production is halted now, the Navy may be forced to field new TRIDENT II submarines with only 12 missiles while, in order to comply with START II, attributing 24 missiles to each TRIDENT II boat. With fewer missiles per boat, more warheads would have to be loaded on the existing missiles, incurring severe operational drawbacks in terms of survivability and targeting flexibility.

The second option, modifying the new submarines to carry C-4 missiles, would likely cost as much as procuring the additional D-5's. Further, it would result in new SSBNs carrying an aging, less capable missile.

For these reasons, I conclude that FY94 budget proposal for D-5 production funding is essential to the U.S. strategic deterrent capability. I ask your support for these critical programs.

Warm regards,

GEORGE L. BUTLER,
General, USAF Commander in Chief.

EXHIBIT 4

BRITISH DEFENCE STAFF WASHINGTON,
Washington, DC, July 28, 1993.

Hon. SAM NUNN.

DEAR MR. CHAIRMAN, A paper was circulated to members of Congress recently by the British American Security Information Council ("Trident Termination: British Program No Barrier"). I would like to correct the seriously misleading impressions about the British Trident missile procurement which this paper contains.

Firstly, the paper suggests that because the UK has ordered sufficient missiles to meet its current requirement, there would be no impact on the UK if US missile production were to terminate early. This is wrong. The construction of British Trident submarines will continue until around the end of the decade, and a significant number of our remaining missile inventory remains to be purchased. On current plans the UK would not complete its missile procurement for another 4 to 6 years. Any radical change in US missile procurement would have significant implications for the UK's ability to fund other defence commitments.

Secondly, the paper suggests that the UK may be paying less than the full cost of Trident missiles. This, too, is wrong. Under the terms of the international agreement governing British procurement of Trident missiles and associated equipment from the US, all purchases are made under joint US/UK contracts. Common prices and conditions apply irrespective of which country receives the missiles or equipment. There is no differentiation. In addition to these basic costs, the UK pays an additional administrative surcharge on all its purchases. The full cost of the missile procurement programme—whether US or UK—is reflected in full in estimates published by the two Governments each year and subject to normal audit procedures.

Far from increasing US costs this highly successful transatlantic cooperation has reduced costs of Trident missiles to both countries.

Yours sincerely,

SIMON WEBB,
Minister, Defence Materiel.

Mr. BUMPERS addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I will not belabor this amendment much longer, but I do want to respond to some of the things the distinguished Senator from Georgia, the chairman of the committee, has said that I think deserve a response.

First of all, not one of the letters from the President, Secretary of Defense, Chairman of the Joint Chiefs, or General Butler, who is commanding officer of the strategic command, not one of those letters said that doing what I am suggesting we do and save $10 billion would jeopardize our strategic forces one iota.

The reason they do not make that argument is because it would not. We do not lose militarily. This is a very important point. We lose nothing militarily by putting 8 warheads on 12 missiles rather than 4 warheads on 24 missiles. Nobody argues that.

Number two, to suggest that the Russians would probably not agree to this because it would reopen the whole thing, I understand why that argument would be made but I simply strongly disagree.

Mr. NUNN. If the Senator will yield on that point, I do not think I made that argument. I did not try to make that argument. The Russians might agree to this, but they would want something in return.

For instance, what the Russians want now from us is they want us to relax the conventional forces agreement which basically, as the Senator well knows, tells where they can deploy their conventional military forces. They want to move more conventional forces into the regions where they have had conflict—for instance, the Armenia-Azerbaijan region. That is an area in which they want to move. They want to move forces closer to the border areas. They have areas where we are trying to work with other countries to bring about an end to ethnic hostilities.

So I am not saying the Russians will not agree. I think there is a strong chance they might agree in exchange for some other things, and it is those "other things" that we do not know. I cannot predict what they would do. My guess is though they would want some substantial changes in the CFE agreement and perhaps in the START agreement for their own purposes. I think the last thing we want to do right now though is make major changes in the CFE agreement that would heighten the problem with possibilities of really very large conflict in the former Soviet Union.

Mr. BUMPERS. Mr. President, let me say to the Senator from Georgia that we are talking about apples and oranges now when we talk about the CFE, the Conventional Forces Europe Treaty, and the START Treaty. The CFE Treaty deals with conventional forces. The START Treaty deals with strategic forces.

I agree with the Senator from Georgia that the Russians might want something in exchange, but so far as I am concerned, if I were a negotiator, I would say to them, "The CFE agreement is not at issue here. What is at issue here is the START Treaty and the ability for us to make a savings of $10 billion, some of which, incidentally, Russia, we might be willing to share with you." They want American aid.

If I were our START negotiator and I went there and I said, "How about you all agreeing to the Bumpers amendment," and they said, "Well, we will do that if you will let us move more tanks down closer to where the fighting between the Armenians and Azerbaijanis is taking place," "No dice. If you want to negotiate that separately, we will get the CFE negotiator over here, but do not mix that up with this."

Number two, my father taught me you do not ever get anything unless you try. It seems to me the defense against this amendment is we should not even try to save $10 billion, not even broach the subject with the Russians for fear they might want something in exchange. Well, let them ask. It might be something that would strengthen the treaty from our standpoint. But when you talk about reaching 1,728 warheads and how you do it, what possible difference could that make to the Russians? I am not saying that they would not object. But if you walk into the grocery store and you buy $2 worth of groceries and you give the guy a $20 bill and you say, "Would you give me two 5's and eight 1's instead of a 10 and a 5 and three 1's," and the clerk says, "Certainly, I would be happy to," what does he care as long as he gives me $18 change? And so here it is the same thing.

Let me make a very salient point. As a matter of fact, I do not know of a point I could make that I think is any greater. I think the Russians would jump on this like a chicken after a Junebug, and here is why.

But before I tell you why, let me tell you why I think we negotiated for four warheads per missile instead of eight. Two reasons; one, as long as you put four warheads on instead of eight, you need more missiles. The more missiles you need, the longer you can keep that line open.

Now, Mr. President, you are looking at a Senator who is not very impressed with that bottom-up review I have been hearing so much about. I do not think we need 12 aircraft carriers. And I do not think we need 8 warheads on all these missiles. But I think the reason we negotiated, it was not only to keep the missile line open, but the other reason we did it, because I know how the military thinks, as long as they have 24 missiles on every submarine with 4 warheads, any time there is a crisis, a breach of relations between the United States and Russia, they can upload every one of those 24 missiles back to 8 warheads, and instead of 1,728 warheads, they have 3,456 warheads. I know how they think.

But the Russians are not stupid. They know that, too. And do you know one of the biggest problems Boris Yeltsin has had with his Parliament on the START II Treaty? This very proposition.

Let me read a little something here from a CBO report. I want you all to know I have read this sucker from cover to cover, and that is not one night's reading. Listen to this. This is on page 77 of the CBO study on Trident force options dated July 1993, 2 months ago, less than 2 months ago. Here is what they say:

> Second, it could be difficult for Moscow to argue that filling tubes with concrete is not a verifiable method given that the United States accepted the Russian proposal to convert its SS–18 silos for use by smaller missiles by partially filling them with concrete.

We agreed to let them fill their SS–18 silos with concrete to put in a smaller missile.

They have their own detubing and we have already agreed.

> Third, Yeltsin might be willing to consider detubing if curtailing the D–5 arsenal could help him get the START II treaty ratified by a skeptical Russian parliament. Detubing might modify some hard line critics of the treaty who argue that it is too favorable to the United States because it forces Russia to eliminate the core of its nuclear arsenal—that is, its large multiple warhead ICBM's—without limiting the strength of the United States arsenal.

It goes on. It says:

> Indeed, some Russian deputies in the parliament have complained about the ease with which the United States could upload its SLBM's.

Their fears are justified. I am as certain as I am of my name that the reason we negotiated for four warheads per missile instead of eight was precisely for that reason. They may be hardliners, and they may be Communist, but they "ain't" stupid. They know exactly why we wanted four warheads on a missile.

That is the reason I think they would jump on it like a chicken after a Junebug and say, you bet you.

Mr. President, how is this going to be verified? I will tell you. The Russians call up and they say, "We will be there in 24 hours. We want to look over your submarines. We want to be sure there are only 4 warheads under each nose cone." We have to open it up and let them look.

If you adopt the Bumpers amendment, you do not change one word of the treaty. They call, and they say, "We will be there within 24 hours to make sure you put concrete in 12 of those tubes." Come on. You are welcome.

So if verification is no argument, you will have to verify what is on these submarines either on the nose cone or whether we have detubed and put concrete in 12 of those missile tubes.

Mr. President, let me go to another point here. The argument is made here that we are going to have to reopen—even the President of the United States and the Secretary of Defense all made the same argument—that we are going to have to go back to the Russians, and the Kazakhs, and the Belarussians, and so on, and renegotiate the whole thing. That is going to open Pandora's box.

No. 1, I do not think it would take 30 days to change a couple of paragraphs of that treaty and save the U.S. taxpayers $10 billion without sacrificing one iota of strategic defense.

But No. 2, same CBO study. You do not have to alter the START II treaty. Listen to this. I especially want the attention of my distinguished Senator from Georgia on this. Here is what the CBO report says. It is rather lengthy. I hope I could have his attention.

If detubing can be viewed as an issue of eliminating launchers, formal changes to the START Treaty itself may not be required—may not be required.

Instead, the procedures for launcher elimination established in the conversion or elimination protocol could be altered by the Joint Commission established to implement START. That is the Joint Compliance and Inspection Commission. Indeed the text of the protocol obligates the parties to use this Commission for changes that "May be necessary to improve the viability or effectiveness of the treaty," rather than resort to formal amendments but only as long as those changes "do not affect the substantive rights or obligations of the parties."

Mr. NUNN. Mr. President, will the Senator yield briefly?

Mr. BUMPERS. Yes.

Mr. NUNN. I say to the Senator, the President of the United States has said the treaty would have to be renegotiated. The Secretary of Defense has said the treaty would have to be renegotiated. The U.S. Secretary of State has said the treaty would have to be renegotiated. All of this is a matter of public record.

If the Bumpers amendment were to pass, and we were to have a change, is the Senator serious in thinking or believing that our negotiators could go over there and say, "Wait a minute. We have read a CBO report, and notwithstanding what the Secretary of State said, the Secretary of Defense, and the President, about their treaty having to be renegotiated, we made these changes, we are relying on CBO, the Congressional Budget Office. We think they are right now and we have all changed our mind."

And the Russians would say, "Whoops, we will go along with that. That is CBO. They are a powerful outfit. We believe they are right. We think you were probably originally wrong when you made that statement. Maybe the CBO has something they know that the State Department, Defense Department, and the White House don't know, but it is too late now when you have the President of the United States and all of these people on record saying that this kind of fundamental change that would require renegotiation to hold up the CBO report and say it could."

I mean that is an interesting point, I say to my friend from Arkansas. But it has no practical application.

Mr. BUMPERS. The CBO has nothing to do with it. CBO is not a negotiator. CBO is not even a player. The CBO report is nothing in the world but a discussion most factually of what is involved here.

Mr. NUNN. Correct.

Mr. BUMPERS. CBO says you may be able to amend the treaty this way. But I will tell you what it does say. It says that the START treaty itself provides for the Joint Compliance and Inspection Commission to deal with precisely the thing I am talking about here. CBO has nothing to do with it.

All I am saying is the President could call Boris Yeltsin on the phone. I assume he would answer. And he would say, "Mr. President, we have this little problem. We have a chance to save $10 billion here if we could make a couple of changes in the START treaty. But if you would rather not address it in the START treaty, we could take it up with the Joint Commission and you could come before the Joint Commission and complain or object if you want to."

That is another method of doing it. "We will negotiate with you directly or we will go to the Joint Commission."

There is something else that I would say if I were the President. If Yeltsin said, "I do not know about that." I would say, "Mr. President"—to Yeltsin—"you did it in a similar almost identical way in implementing the INF Treaty, the Intermediate Nuclear Forces Treaty."

We had the same kind of commission. We used it time and time again instead of going back to the negotiations with the Russians and resolved every single dispute with that commission.

Mr. NUNN. I say to my friend from Arkansas, I think if President Clinton did call President Yeltsin and said, "We believe, or we had believed, Mr. President, that we had to renegotiate this but if you renegotiate under the terms of the treaty—we have said that publicly—but if you will agree to go back to this commission, we won't have to renegotiate it."

I think the first thing President Yeltsin would say is, "I've enough problems with my Parliament now. They ratified this treaty. Now, do you believe that we really need an amendment, and you are going to bypass our Parliament, you are going to bypass the Senate which has ratified it, and simply go over and renegotiate it?"

I say to the Senator, I think the CBO points may have been interesting at one point in time. But that horse is out of the barn.

Mr. BUMPERS. This study by CBO was compiled long after the START II treaty was negotiated.

Mr. NUNN. It was out of the barn before they ever started looking at the barn then because at that stage when the President of the United States has said this requires an amendment to the treaty, we are not going to be able basically in this body—is this body going to accept that?

Mr. BUMPERS. He misspoke because he indicated that this is the only way we could do this. And I am saying it is not the only way. It is not the only way just because CBO says it. It is a fact that the Commission was set up in the treaty itself to deal with precisely this kind of thing.

Mr. NUNN. Is the Senator saying that the treaty that has been ratified by the U.S. Senate—basically we are going to allow this kind of bypassing of the treaty process?

Mr. BUMPERS. Absolutely. We did it time and time again on the Intermediate Nuclear Forces Treaty. That Commission made change after change after change when we brought it up to them.

Mr. NUNN. To the treaty or to the interpretation?

Mr. BUMPERS. If there was any question about it, but this Commission could actually decide that as long as we were within the 1,728 warhead level, and the Russians did not object, we could go right now to 8-missile warheads, on 12 missiles per submarine.

I promise you. And I will tell you something else. If I were the President of the United States and I called Boris Yeltsin, I would say: Mr. President, here is the proposition. And then after I gave him the proposition, I would say: You know, you have some hardliners in your Parliament, and Boris would say: Tell me all about it. I know I have hardliners in my Parliament. And he would say: You remember how they squawked because in the START agreement you allowed us to put 4 warheads on each of 24 missiles? And the reason they squawked was because they knew we could upload those warheads in nothing flat. Here is our deal: We will opt for 12 missiles with 8 warheads and put concrete up there so we cannot upload. And your hardliners ought to love that, and you will save us $10 billion.

Mr. NUNN. The Senator has a much greater sense of anxiousness for countries all over the world to save us money than I do. I say to the Senator that here is a set of questions for the administration from the House Armed Services Committee on arms control implications of the ballistic missile submarines, July 1993.

Question to the administration:

Is it possible for an SLBM detubing procedure to be negotiated without reopening the START treaties?

Answer from our administration:

The procedures for removing launchers from accountability are found in the conversion or elimination protocol of the START I, which is an integral part of the START I Treaty. Any change to that would require agreement of the five START I parties: Belarus, Kazakhstan, Russia, United States, and Ukraine. If such a change offered substantive rights and obligations, the change could only be made by amendment, which would require not only agreement, but also ratification by the five parties to START I. For example, while it is impossible to state for certain in the absence of a formal proposal, incapacitating tubes rather than removing them would almost certainly be a change involving substantive rights and obligations.

Senator, this is as close as it gets.

Mr. BUMPERS. That is an opinion like the CBO's.

Mr. NUNN. The only difference is they are not the executive branch of Government.

Mr. BUMPERS. Who is answering the question?

Mr. NUNN. The Clinton administration.

Mr. BUMPERS. I promise you they do not want it, because they are negotiating something that will allow us to upload in case of a crisis. I am telling you that we lose nothing if we really are sincere about the START Treaty. We lose nothing strategically, militarily, by doing what I am proposing to do and will save ourselves $10 billion. I do not care whether the Russians and the Kazakhs want to save us $10 billion or not. I can tell you the folks in Arkansas are depending on me to save all the money I can.

Mr. NUNN. Senator, as I said, even if they agreed, it is fundamentally against our national security interest to make this kind of change. As I said, and General Butler, the head of strategic command, said, it limits the flexibility, the targeting, and limits the overall space in which our Trident submarines will be operating, not just this year but next year, 5, 10, 15, 20 years from now. None of us know what will happen in the future. This is fundamentally against our national security interests according to all of the military experts, even if all of those people agree.

Mr. BUMPERS. Let me ask you this, Senator. You made a statement. Why is this against our national security interest?

Mr. NUNN. I read the letter from General Butler which said basically that this kind of proposal would limit the flexibility of targeting. As I explained a few minutes ago, when you put eight warheads on one missile as opposed to four, and you have to shoot those warheads, the targeting has to be within a certain geographic zone. If you have two packages of four each, you have two zones. You have much more flexibility of targeting. So it limits our targeting flexibility.

It limits the range of the missile when you put on more warheads; the missile goes a shorter distance. This means the Trident boats have to be closer to the target. That means there is less ocean for them to operate in, and they themselves are more vulnerable.

The Senator may be able to tell me no one in the world is ever going to try to make our submarines vulnerable. We have Russian scientists right now who say they spent 10, 15 years—and even one Russian scientist says they developed a technique so they would be able to detect our submarines. I would think, Senator, if we are going to make our submarines more vulnerable, it ought to be done under great care and circumstances.

Mr. BUMPERS. Senator, you know we are going to have 18 submarines with 1,728 warheads. What on Earth does that have to do with the debate?

Mr. NUNN. I will repeat. If you have eight warheads on a missile, that missile has shorter range. It will not go as far as when you have four warheads on a missile. Therefore, if you get into any kind of crisis, whether 5 years or 10 years from now, or even if you are operating in a state of hostility, you have to have your submarines operating closer to the adversary, in closer proximity.

That means that anyone trying to make your submarines vulnerable can draw a map on the ocean and say we do not have to look in nearly as much of the ocean, because they have a limited range, and they have to be closer to the target. So that is why it limits the flexibility. I am not saying that is going to happen 2 years or 3 years from now. It has been the case for the last 25, 30 years, and we have tried to open up as much of the ocean as possible.

The Trident submarines, the missiles, the things we have designed have been trying to open up the oceans. Now we put a lot of warheads on for economic purposes. But many people debated whether that was wise. There were many who believed we should have less warheads or less warheads per missile tube, more submarines, cheaper submarines. That argument lost, and those who favored less boats—we used to have 40, 45 boats; now we have 18. So that in itself means that we have less targets, and now we are moving less warheads per tube.

Thankfully, this is not an arms control environment. The other side is doing it, too. That gives us more flexibility and makes targeting more difficult.

That is what I mean by our own national security. It may be at some point we should move in the direction the Senator wants to. The world may be different. But at this juncture, I think it is adverse to our national security interests to move in that direction.

Mr. BUMPERS. Let me say——

Mr. NUNN. A part of the CBO report that was not quoted by the Senator is on page xix of the CBO report, in the summary that the Senator referred to.

Mr. BUMPERS. What page are you on?

Mr. NUNN. Page xix, under the section called "Effects on Cost and Capability."

Mr. BUMPERS. OK.

Mr. NUNN. At the top of page xix, the right-hand column.

Option 4, however, raises important concerns about timing. If the United States and Russia cannot reach an agreement over the next 18 months to allow detubing, this option would terminate D-5 procurement before detubing was accepted as a permissible method for meeting the limits of the START II treaty.

If subsequent negotiations fail, the United States, having terminated the D-5 program, would be unable to deploy about 500 of the 1,750 SLBM warheads that would be permitted by START II.

I understand that was the Senator's proposal at one point, and he is now saying let us negotiate first. I think his amendment, which we are dealing with, has addressed this problem. You are saying go out and negotiate it first before you do it.

But if we do not reach that conclusion to terminate that Trident line, it would have the result that the CBO itself points out.

Mr. BUMPERS. In a briefing by the Navy of congressional staffers, the Navy said that detubing submarines and putting 12 missiles with 8 warheads each on them will not change our sailing orders, our modus operandi, one whit.

I have to ask, who are we trying to get close to? These are the same arguments I listened to ever since I have been in the Senate, when the Soviets were considered to be coming up the Potomac River any day getting us. We spent $2 or $3 trillion during the eighties, quite certain that whole thing was going to happen any minute.

I never bought into that, and the Senator from Georgia knows this is not the first time I tried to bring a little sanity to the Defense Department.

But here we are now. The cold war is supposed to be over. We are supposed to be friends with our former enemies. Yet we do not dare approach them about a proposition which cannot possibly make any difference to them strategically and cannot possibly make any difference to us strategically, if the Navy told the staffers correctly when they said this does not make one iota of difference.

Here you have a chance not only to bring sanity to it as you reduce from 5,200 to 1,728; you have a chance to save money.

Why is it we always wanted the cold war over?

No. 1, we wanted a good night's sleep; and No. 2, we wanted to save billions of dollars that we had been squandering not just on strategic, but conventional forces, too.

Here you have one of the most beautiful opportunities you will ever have to maintain everything you want strategically and save $10 billion at the same time.

I know everybody wants to go home, and I do not want to belabor this. Momentarily, I am going to withdraw the amendment.

I will tell you why I offered the amendment. It is complex, and unless Senators hear the debate, I know how they are going to vote. So I am going to do my best to enlighten the Members of the Senate. I have been working on this for a year. I am going to do my very best between now and in the appropriations process on defense to enlighten Senators as to what we are talking about, and the ability to save a lot of money.

If I get the opportunity, I am also going to try to enlighten the President about what is involved.

It makes no earthly sense to say we should not even try—should not even try—to save $10 billion.

As far as the Brits are concerned, let them order all the D-5's they want.

But to us, what is the purpose of the START treaty? I could not care less in the START treaty, if it does not mean we bring some stability to the nuclear forces of the world—namely, Russia and the United States—and save a bundle of money. They need to save it worse than we do. God knows, they ought to understand our argument that we are trying to save $10 billion.

So, Mr. President, with that—I do not want to cut off the debate—I am prepared to withdraw the amendment.

Did the Senator from South Carolina wish to speak?

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. THURMOND. Mr. President, as I understand, the Senator is withdrawing his amendment?

Mr. BUMPERS. Yes.

Mr. THURMOND. After all that big speech he made, he is going to withdraw his amendment?

Mr. BUMPERS. I am bursting to hear what the Senator from South Carolina says. I postpone withdrawing the amendment until we hear his eloquent voice.

Mr. THURMOND. Mr. President, I want to read from a letter from the President.

Unfortunately, a U.S. proposal along these lines would open a Pandora's box in terms of inviting counterproposals by our START partners for relief from other treaty dismantlement requirements they find onerous. If the United States were to ask Russia, Ukraine, Belarus and Kazakhstan for permission to revise or eliminate the strict START SLBM launcher elimination procedures, each of these states would likely demand a quid pro quo in areas under both START and CFE where they are already pressing us to simplify or waive weapons elimination requirements. The result would be an unraveling of the meticulously negotiated dismantlement procedures contained in both accords, with an attendant degradation in the irreversibility of these agreements.

This is like the amendment the Senator from Arkansas offered last year; he was not able to convince the Senate to approve it last year, and he should not now. This amendment would terminate the program with a total of 235 Trident missiles. But the Navy has to have 188 for tests and logistics over the 33-year life of the Trident force. That leaves 47 missiles, less than 2 boats. Mr. President, 8 of the 10 Trident submarines will have no missiles. Even if the Navy were to deploy all the test missiles in the submarines, there are only enough for seven boats. So we would retire three brand-new boats now, and one more each 4 years starting in 1995. Mr. President, this is the most precipitate and thoughtless disarmament that this body has ever considered.

What the Navy has asked for is to build 193 more missiles at an efficient rate, and then to decide in 1996 whether or not to modify or backfit the eight older boats for the D-5 missile. The options are not attractive: It will cost $14 billion to upgrade the old missile to last the lifetime of the submarines. Mr. President, I submit that is not money wisely spent.

But the Senator from Arkansas has an alternative proposal: He would have the Navy put the Trident to sea with only half its missiles. Well, this is even worse. We would have to abandon a Trident submarine every 2 years.

Some have suggested that since these boats would only be half loaded, they would only count as half as many launchers under START. Mr. President, that is illegal; START counts all Trident boats as having 24 launchers. There is no provision for detubing. We would have to renegotiate START—a very bad idea, because Ukraine and Kazakhstan, and even the Russian Legislature have been pushing to renegotiate. I assure the gentleman from Arkansas that we do not want to go down that road.

This amendment would unilaterally force the United States to go down to START II levels, regardless of what Russia and the other former Soviet states do. The United States would go to START II levels even before the Russians have gone to START I. We would have removed the primary incentive for the former Soviets to disarm. And we would have disarmed ourselves.

Mr. President, I want to read further from a letter from the President to me dated August 2, 1993:

During floor debate on the fiscal year 1994 defense authorization bill, an amendment may be offered to delete further funding for procurement of Trident D-5 submarine-launcher ballistic missiles. I wanted to advise you that I would be strongly opposed to such an amendment.

I agree with the President. I support the President. And I urge my colleagues to defeat the amendment.

Mr. BUMPERS. Mr. President, I want to say to the distinguished Senator from South Carolina, he should save all the eloquence and all the ideas he was getting ready to talk about, because we are going to talk about it again when it comes up on the appropriations bill, and at that time the amendment is not going to be withdrawn.

With that, Mr. President, I withdraw the amendment.

The ACTING PRESIDENT pro tempore. Without objection, the amendment will be withdrawn.

So, the amendment (No. 859) was withdrawn.

AMENDMENT NO. 858

The ACTING PRESIDENT pro tempore. The pending business is the amendment by Senator WARNER numbered 858.

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

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

Mr. WARNER. Mr. President, earlier in the day the Senator from Virginia, together with Senator SIMON, Senator ROBB, and Senator MOSELEY-BRAUN, sent to the desk an amendment which is now numbered 858. At this time I withdraw that amendment—ask unanimous consent that amendment be withdrawn.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is withdrawn.

The amendment No. 858 is withdrawn.

Mr. WARNER. Mr. President, what I want to do is couple together in the RECORD what I am about to do with the earlier remarks so anyone studying the RECORD can have a sequence here, so they can follow what has been done.

What I propose to do now is send to the desk an amendment which in a sense is in the nature of a substitute for the previous amendment.

AMENDMENT NO. 860

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself, Mr. SIMON, Mr. ROBB, and Ms. MOSELEY-BRAUN, proposes an amendment numbered 860.

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

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

The amendment is as follows:

At an appropriate place in the bill, insert the following new section:

The Secretary of Defense shall review, and shall provide a report of such review to the Committees on Armed Services of the Senate and the House of Representatives not later than September 24, 1993, a proposed transfer of lands under the control of the Secretary of the Army, and lands under the control of the Secretary of the Navy, locates at Fort Sheridan, Illinois, for a parcel of real estate, consisting of appropriately 7.1 acres, located in Arlington County, Virginia and commonly known as the "Twin Bridges" parcel, including the proposal to utilize the "Twin Bridges" parcel for the purpose of constructing and operating the National Museum of the United States Army, utilizing solely donates funds for the construction and operation of such museum.

Mr. WARNER. Mr. President, what I am recommending now to the Senate—and I am informed by the distinguished chairman it is acceptable on the majority side—is that rather than effect this land transfer by law now, we would ask the Secretary of Defense and the Secretary of the Army to conduct certain studies so the Senate has a complete assurance that this proposed transfer of land is consistent with the wishes of the local communities as well as the Department of Defense and that the Secretary of Defense will take into consideration the views of other parties.

It is my hope this public session, of course, of the Senate, will serve as notice for parties who are interested to come forward and express any concerns, if there exist any concerns. I am advised by the chairman of our subcommittee he will promptly hold a hearing to ascertain the propriety of such recommendations as may be further made by the Secretary of Defense or the Secretary of the Army and to take into consideration concerns of any viewpoints that might be inconsistent with the goals of this substitute amendment.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. NUNN. I urge the adoption of the substitute amendment—amendment in the nature of a substitute that the Senator from Virginia has sent to the desk. This would give us some time to look into this. I do not think it will take a lot of time. We are asking the Secretary of Defense to give us a report within a very limited period of time.

I will also, with the Senator from Ohio, Senator GLENN, give his subcommittee a chance to look into it and determine whether they need any kind of a hearing—maybe they will, maybe they will not—and also give any parties, as the Senator from Virginia has noted, opportunity to note any objections if they have any. It is my hope this can be worked out and we will be able to accommodate the Senator from Virginia and the Senator from Illinois and the delegations who are interested in seeing this military base be put to some use, and are also interested in seeing a museum located here in the Washington-Virginia area.

Mr. WARNER. Mr. President, I ask unanimous consent other material be printed in the RECORD subsequent to the remarks of the Senator from Virginia and the chairman.

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

SECRETARY OF THE ARMY,
Washington, DC, September 8, 1993.

Memorandum for the Secretary of Defense.

Subject: Proposed Exchange of Portions of Fort Sheridan, Illinois, for Property in Arlington, Virginia, for the National Museum of the U.S. Army—Information Memorandum.

The Army has been discussing with Arlington County, Virginia, and the cities of Highland Park, Highwood, Lake Forest, and Lake County, Illinois, the merits of using a portion of Fort Sheridan, Illinois, in a value-for-value exchange for a parcel of land in Arlington County. The Arlington County parcel is owned by Equitable Real Estate Management, Inc. Authorizing legislation, which is being sponsored by Arlington County and the three Illinois communities and Lake County at Fort Sheridan, is required to provide authority for the exchange.

Fort Sheridan closed June 1, 1993, in accordance with the Base Closure and Realignment Act of 1988, and the Army is in the process of disposing of the property. To date there has been no viable interest for acquisition of the Historic District, other than that expressed by Equitable. Disposal and exchange will expedite the adaptive reuse of the Historic District and save the Department approximately $5.7 million per year in maintenance and protection costs.

Preliminary estimates indicate that the two properties are roughly equivalent in value. Once the development parameters of the Fort Sheridan property have been identified, appraisals will be obtained, and an exchange agreement negotiated. If the Fort Sheridan property is valued at more than the Twin Bridges property, Equitable will be required to pay the difference for the exchange to occur.

The Joint Planning Committee at Fort Sheridan, composed of elected representatives from the three Illinois communities and Lake County, is now working on guidelines governing the reuse proposal by Equitable. Any development would, of course, be subject to restrictive covenants concerning the Historic District, and local planning and zoning procedures.

The Army plans to use the Arlington County site, formerly the site of the Twin Bridges Marriott Hotel, for the construction of the National Museum of the U.S. Army. The museum will tell the story of the Army and its role in the development of the Nation and be a tribute to the American soldier. The Army is the only military service without a national museum, and the United States is the only one of today's leading powers without a national museum for its Army. Construction of the museum would be funded by private donations.

The Army began searching for a site in the National Capital Region for the National Museum of the U.S. Army over ten years ago. During this period the Army evaluated sites at Fort Myer, Arlington Cemetery, and over 50 locations in and around the Washington area. It was during this search that the possibility of using the Twin Bridges site was raised. However, no appropriated funds have been set aside to purchase property for the National Museum and the Equitable is not amenable to simply donating the property to the Army.

Should authorizing legislation be obtained, both the Army and Equitable must be satisfied that the property to be acquired is suitable for its intended purpose, is economically viable, and environmentally clean. An exchange agreement would be negotiated only after all of these conditions have been satisfied.

After investigating the potential benefits of this exchange both for the Army and for the reuse and development of Fort Sheridan, we have determined that this exchange is advantageous to the government and also meets the desires of the Fort Sheridan communities for a reuse plan protecting open space and preserving the cultural resources of the Historic District. In the event that this exchange becomes infeasible, the Army will not complete the transaction and will proceed with the traditional disposal methodology.

Members of Congress from Virginia and Illinois are introducing and supporting special legislation to authorize this exchange. I will keep you informed on the progress of this action.

GORDON R. SULLIVAN,
Acting General.

OFFICE OF THE UNDER SECRETARY OF DEFENSE,
Washington, DC, September 8, 1993.

Memorandum for Special Assistant to the Secretary of Defense through the Deputy Under Secretary of Defense (Environmental Security).

From: Special Assistant to the Deputy Under Secretary of Defense (Environmental Security).

Subject: Fort Sheridan Land Swap Legislation.

Purpose: ACTION—to provide information on the Fort Sheridan land swap between Equitable Real Estate Management Inc. and the Army and provide a recommendation relative to special legislation seeking authority to exchange land rights.

DISCUSSION

The Army has been discussing with the communities surrounding Fort Sheridan, and with Arlington County the merits of a land exchange for a 7.1 acre parcel of land in Arlington for 156 acres of Fort Sheridan land.

Concern arose over this potential deal because of: a perception that the Fort Sheridan lakefront land is significantly more valuable than land in Arlington with limited commercial value; a perception that the Army was so eager to build a museum that it is willing to make a bad deal; it would take the Fort Sheridan property out of the base closure disposal procedures; and Arlington County might block the museum leaving the Army with an unmarketable piece of property.

However, based on recent developments, we should not oppose the proposed legislation and, therefore, kill the deal because: the legislation is permissive, not mandatory; Arlington County has indicated it will not block the museum, if parking and traffic flow conditions are met; the legislation requires Equitable to pay the fair market difference between the Arlington and Fort

Sheridan parcels; if we oppose the legislation, we will kill the deal and be back to square one at Fort Sheridan (a 1988 base closure site which is costing DoD $5 million per year to maintain) opening us up to Chicago area criticism that we are thwarting the local reuse efforts; and the local planning board on Thursday, September 2, 1993, voted 8-0 to support the proposal.

RECOMMENDATION

Do not oppose the legislation because opposing it would kill a locally supported reuse effort. The legislation is permissive and does not lock us into a deal. However, OSD should closely monitor the future negotiations.

Mr. WARNER. Mr. President, I would also like to serve notice we will explore openings in this matter, assuming there is a sequential flow of actions of the Department of Department of Defense of a more formal nature than have taken place thus far, and a hearing if necessary by our subcommittee, that we might be able to dispose of this matter somehow in conference. I will address that later.

The ACTING PRESIDENT pro tempore. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 860) was agree to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 861

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of the Senator from Kansas, Mr. DOLE, and the Senator from Massachusetts, Mr. KENNEDY, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. DOLE, for himself, and Mr. KENNEDY, proposes an amendment numbered 861.

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

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

The amendment is as follows:

At the appropriate place in the bill, add the following new section:

Of the funds authorized to be appropriated in Section 201(1), $2,000,000 shall be available to continue the support of advanced laser burn treatment diagnostics and therapeutic research under the Army's medical research program.

Mr. DOLE. Mr. President, I offer an amendment which would designate $2 million of the funding authorized in this bill for DOD's medical research program to continue the vital research into advanced laser burn treatment diagnostics and therapeutic research.

Mr. President, burns affect over 1.4 million Americans annually, almost 40 percent of whom are children. Additionally, over 100,000 of these victims have severe burns requiring extensive hospitalization and treatment. Nearly 6,000 civilians die from burn injuries each year. Hospital stays are lengthy; recovery is slow and painful. The economic cost of these tragedies is staggering, exceeding $3.8 billion.

Burns also affect the national security of the United States because burn trauma is the leading cause of combat casualties during armed conflict, accounting for approximately 20 percent of all military injuries. With advancements in modern weaponry, unfortunately these types of injuries will become an even greater problem in military medicine.

In 1992, Congress was made aware that recent developments in laser medicine, using so-called smart lasers, had led to possible new diagnostics and therapeutic treatments for burn victims and significantly higher expectations for success. The Congress instructed the Department of Defense to initiate funding for this work in 1992 on a peer-review basis at hospital-based institutions which demonstrated expertise in medical laser system development and which were recognized for their expertise in the diagnosis and treatment of burns.

This peer-reviewed laser burn program has been well managed by the Department of Defense. It is my understanding that an innovative application of smart lasers, robotics, and computer-assisted real time imaging has created a significant advance in the treatment of burn injuries. The previous method entails tremendous loss of fluids which must be replaced by transfusion, increasing the risk of infection, and the area of burn damage removal must be covered by skin grafts which are often a less than optimal solution.

The breakthroughs developed by this program in burn diagnostics and therapy promise a substantial reduction in the morbidity and mortality of burns, because of the speed of identification of the degree of tissue damage, minimal loss of fluids and electrolytes, and more rapid skin healing. The minimized transfusions required with the new laser therapy similarly minimize the risk of infection with AIDS or hepatitis-B.

Laser burn therapy will help reduce health care costs because much in-patient therapy can be transferred to an out-patient arena. Millions of dollars will be saved on transfusions, and invasive procedures are minimized, speeding recovery time. By being able to perform diagnostic work more quickly and precisely and by being able to treat burns precisely and in a minimally invasive manner, we can now have burn patients up and about much quicker and more economically in the past.

The immediate impact of this research is the alleviation of some of the pain and suffering which attends any victim of burn trauma. Beyond that immediate reward, the victim's family and the American people as a whole benefit because of the less costly, speedy recovery of victims and the reduced morbidity and mortality resulting under the new treatment.

This program also has the potential to involve some of the National Laboratories. It is my understanding that a CRADA has already been issued to help develop the robotics that will be necessary to transform this technology to private use. The National Labs have already converted some of their weapons dollars into health care applications since the robotics necessary to ready this project for commercialization will be assisted by the Labs.

Mr. President, this is a classic example of converting military dollars to a commercial application. A technology developed for use in the military arena has the added advantage of benefiting hundreds of thousands of American citizens every year. The Congress and the Department of Defense should be congratulated on the success of this effort to date.

In terms of funding commitment, the dollars allocated to this program are insignificant in light of the potential benefits of this technology. Very rapid strides have been made in the past year. This program has enjoyed bipartisan support since its inception, and that support continues today in the cosponsorship of this amendment by my colleagues from Massachusetts, Senator KENNEDY.

Mr. President, I am happy to support this successful, humanitarian program and highly recommend that it be continued. I urge my colleagues to support the amendment.

Mr. KENNEDY. Mr. President, this amendment supports a program begun in fiscal year 1992 for the more effective treatment of burn injuries. In the National Defense Authorization Act for fiscal years 1992 and 1993, Congress recognized the importance of developing innovative therapies for the diagnosis and treatment of these injuries, and provided for $1 million in funding for each year. This amendment authorizes $2 million for the third year of this four-year program, with an authorization of $1 million planned for fiscal year 1995.

Combat burns are a major source of military field casualties requiring specialized treatment. With advancements in modern weapons, it is anticipated that burns will become an even greater problem in military medicine.

This program, managed by the Department of Defense, has made significant advances in laser medicine that promise significantly higher success rates in treating these injuries. The program is also developing important techniques that will be beneficial to civilian burn injuries as well.

Each year, approximately 1.5 million Americans sustain such injuries, and many of them require hospitalization. Six thousand persons die from their injuries. Hundreds of thousands of the victims are children, and their recovery is slow and painful. The health care provided for burn patients is expensive—requiring nearly $4 billion a year.

I commend the Department of Defense for their management of this program, and I am pleased to join Senator DOLE in supporting it. Boston's Wellman Laboratories at Massachusetts General Hospital has received some of these funds, and important biomedical applications have already been developed there.

The Wellman Laboratories is a hospital-based, multidisciplinary research facility. It has long been recognized as one of the world's most preeminent laser medicine research laboratories. Its innovative applications of lasers for medical treatment are widely used throughout the world.

Because of the Wellman Laboratories' research, some burn-related conditions which were once untreatable now respond to laser treatment. Diseases which had required invasive surgery and long-term hospital stays have been replaced by noninvasive, outpatient procedures that reduce hospital stays and make it possible for patients to return sooner to their families and to their jobs.

This research program serves as a model for developing productive partnerships among industry, academic faculties, and the Federal Government to expedite the transformation of promising research discoveries into practical applications. It is also a model for facilitating the transfer of research technology to the Armed Forces and the private sector. It promises new jobs and a wealth of new opportunities for business and greater competitiveness in domestic and foreign markets. Governments of other nations, including Austria and Germany, already have established national centers in laser medicine. Despite the governmental assistance by other countries to their domestic laser medicine industries, the United States remains the world's undisputed leader in this vital area of research. Congress and the administration can and should help this Nation maintain our lead.

Laser burn treatment is an excellent example of the effective use of defense spending to benefit nondefense industries and all Americans. I urge my colleagues to support this valuable program.

Mr. NUNN. Mr. President, this is an amendment I urge be passed. The Army medical laser burn treatment program has been a successful program and promises to revolutionize the way burns are treated. I urge passage.

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

The ACTING PRESIDENT pro tempore. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 861) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 862

(Purpose: To require the administrator of the Environmental Protection Agency to establish a program to provide career training through the hazardous substance research center program of the Environmental Protection Agency to qualified military personnel and qualified Department of Energy personnel in order to enable such individuals to acquire proficiency in hazardous and radioactive waste management)

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. DOLE, for himself, Mrs. KASSEBAUM, and Mr. BURNS proposes an amendment numbered 862.

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

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

The amendment is as follows:

On page 242, after line 19, add the following:

SEC. 1067. ENVIRONMENTAL EDUCATION OPPORTUNITIES PROGRAM.

(a) PROGRAM REQUIRED.—(1)(A) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the EPA and the Secretary of Energy, shall establish a scholarship program for education and training for qualified individuals in order to enable such individuals to acquire career training in environmental engineering, environmental sciences, or environmental project management in fields related to hazardous waste management and cleanup.

(B) The program established pursuant to paragraph (A) may include educational activities and training related to—

(i) site remediation;

(ii) site characterization;

(iii) hazardous waste management;

(iv) hazardous waste reduction;

(v) recycling;

(vi) process and materials engineering;

(vii) training for positions related to environmental engineering, environmental sciences, or environmental project management (including training for management positions); and

(viii) environmental engineering with respect to the construction of facilities to address the items described in clauses (i) through (vii).

(C) The program established pursuant to paragraph (A) shall include educational activities designed for personnel participating in a program to achieve specialization in the following fields:

(i) Earth sciences.

(ii) Chemistry.

(iii) Chemical Engineering.

(iv) Environmental engineering.

(v) Statistics.

(vi) Toxicology.

(vii) Industrial hygiene.

(viii) Health physics.

(ix) Environmental project management.

(b) FUNDING.—(1) From amounts appropriated pursuant to this authority, the Secretary of Defense shall award scholarships to individuals described in paragraph (g) to attend programs at institutions of higher education at both undergraduate and graduate levels which lead to the awarding of an academic degree or a certification that is supplemental to an academic degree.

(c) REPAYMENT.—(1) Any individual receiving educational assistance from the United States under the program carried out under this section shall agree to pay to the United States the total amount of the educational assistance provided to the individual by the United States under the program, plus interest at the rate prescribed in paragraph (4), if the individual does not complete the educational program for which the assistance is provided.

(2) If an individual fails to pay to the United States the total amount required pursuant to paragraph (1), including the interest, at the rate prescribed in paragraph (4), the unpaid amount shall be recoverable by the United States from the individual or his estate by—

(A) in the case of an individual who is an employee of the United States, set off against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the United States; and

(B) such other method as is provided by law for the recovery of amounts owing to the United States.

(3) The Secretary of Defense may waive in whole or in part a required repayment under this subsection if the Secretary of Defense determines that the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) The total amount of educational assistance provided to an individual under a program carried out under subsection (a) shall, for purposes of repayment under this section, bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(d) COORDINATION OF BENEFITS.—Any educational assistance provided to an individual under the program carried out under subsection (a) shall be taken into account in determining the eligibility of that individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(e) COST AND FUNDING.—(1) The cost of carrying out the program required by this section may not exceed $8,000,000 in any fiscal year.

(f) REPORT TO CONGRESS.—Not later than January 1, 1995, the Secretary of Defense, in consultation with the Secretary of Energy and the Administrator of EPA, shall submit to the Congress a report on activities undertaken under the program established under this section and recommendations for future activities under the program.

(g) DEFINITIONS.—In this section:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "hazardous substance research centers" means the hazardous substance research centers described in section 311(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(d)). Such term includes the Great Plains and Rocky Mountain Hazardous Substance Research Center, the Northeast Hazardous Substance Research Center, the Great Lakes and Mid-Atlantic Hazardous Substance Research Center, the South and Southwest Hazardous Substance Research Center, and the Western Region Hazardous Substance Research Center.

(3) The term "hazardous waste" means—

(A) waste listed as hazardous waste pursuant to subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.);

(B) radioactive waste; and

(C) mixed waste.

(4) The term "mixed waste" means waste that contains a mixture of waste described in subparagraphs (A) and (B) of paragraph (3).

(5) Individuals eligible for training, assistance, and services—

(1) CERTAIN MEMBERS OF THE ARMED FORCES.—A member of the Armed Forces shall be eligible for training, adjustment assistance, and employment services under this section if the member—

(A) was on active duty or full-time National Guard duty on September 30, 1990;

(B) during the 5-year period beginning on that date—

(i) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

(ii) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title;

(C) is not entitled to retired or retainer pay incident to that separation; and

(D) applies for such training, adjustment assistance, or employment services before the end of the 180-day period beginning on the date of that separation.

(2) CERTAIN DEFENSE EMPLOYEES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a civilian employee of the Department of Defense or the Department of Energy shall be eligible for training, adjustment assistance, and employment services under this section if the employee—

(i) during the 5-year period beginning on October 1, 1992, is terminated or laid off (or receives a notice of termination or lay off) from such employment as a result of reductions in defense spending, as determined by the Secretary of Defense or the Secretary of Energy, except that, in the case of a notice of termination or lay off, the eligibility of the employee shall not begin until 180 days before the projected date of the termination or lay off; and

(ii) is not entitled to retired or retainer pay incident to that termination or lay off.

(B) SPECIAL RULE FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE EMPLOYED AT CERTAIN MILITARY INSTALLATIONS.—

(i) IN GENERAL.—A civilian employee of the Department of Defense employed at a military installation being closed or realigned under the laws referred to in clause (ii) shall be eligible for training, adjustment assistance, and employment services under this section beginning on the date on which such employee receives actual notice of termination, or the date determined by the Secretary of Defense under clause (iii), whichever occurs earlier.

(ii) CERTAIN DEFENSE LAWS.—The laws referred to in this clause are—

(I) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); and

(II) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(iii) DATE.—The date determined under this clause is the date that is 24 months before the date on which the military installation is to be closed or the realignment of the installation is to be completed, as the case may be.

(6) The term "radioactive waste" means solid, liquid, or gaseous material that contains radionuclides regulated under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) of negligible economic value (considering the cost of recovery).

Mr. WARNER. This amendment is forwarded also on behalf of Senators KASSEBAUM and Senator BURNS. I urge its adoption.

Mr. NUNN. Mr. President, I urge the adoption of the amendment. This expands the existing scholarship program in the environmental area where the United States will need trained professionals in the future.

Mr. DOLE. Mr. President, when it comes to cleaning up our hazardous waste sites, we face a major obstacle—we lack trained professionals. Last year, a Department of Energy review determined that there is a shortfall of over 13,000 scientists, engineers, and technicians in the environmental disciplines. This lack of individuals with technical expertise hinders the cleanup process and the construction of new environmentally safe facilities.

Mr. President, the amendment I introduce today capitalizes upon the prior training of men and women within the Departments of Defense and Energy that have hands-on experience dealing with the environmental problems facing our Nation, and who may be affected by our continued defense drawdown.

This legislation expands the Department of Defense's existing scholarship program, enabling those individuals to obtain scholarships for education in environmental sciences and engineering at the 24 universities, in 14 States and the District of Columbia, which participate in the EPA's Hazardous Substance Research Center Program. Upon receiving their degrees, these individuals will be fully prepared to compete for well-paying jobs in the private sector.

The amendment allows the Department of Defense, the EPA, and our Nation's universities to work together to increase the number of individuals qualified to address our Nation's environmental problems. While providing technical training for the men and women transitioning out of defense-related jobs, we will expand the pool of qualified professionals, and expedite the environmental cleanup of our hazardous substance sites.

Mr. President, this amendment is one I think everyone here can support. Now, as with all newly established programs, we may discover some aspects of the program that require fine tuning, however, this amendment is fiscally responsible—it is paid for. It is an amendment that will ease the transition of, and increases access to higher education for our men and women in uniform. It is an amendment that will make it possible for us to solve the environmental problems, that are facing our Nation. I look forward to reviewing the Secretary's report on the implementation of the program, and will work to ensure that all taxpayers' dollars utilized under this program are responsibly and effectively spent. I urge my colleagues to join me in supporting this amendment.

Mr. THURMOND. Mr. President, I support the amendment offered by my distinguished colleague, the Republican leader, Senator DOLE. This amendment would enable the Secretary of Defense to provide funds for individuals from the Department of Defense and the Department of Energy to study environmental sciences, an area which is in great need of people with these types of skills.

I commend my colleague for his foresight in this matter. The amendment would address a deficiency, provide needed skills in the work force, and become an important aspect of defense conversion.

I urge my colleagues to support this amendment.

The ACTING PRESIDENT pro tempore. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 862) was agreed to.

AMENDMENT NO. 863

(Purpose: To conform the statutory ethics requirements affecting Department of Energy employees to the Government-wide statutory ethics requirements codified at 18 U.S.C. 207 and 208 and 41 U.S.C. 423)

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. JOHNSTON, proposes an amendment numbered 863.

The ACTING PRESIDENT pro tempore. Without objection, reading of the amendment will be dispensed with.

The amendment is as follows:

On page 413, after line 18, insert the following new section:

SEC. 3139. STANDARDIZATION OF REQUIREMENTS AFFECTING DEPARTMENT OF ENERGY EMPLOYEES.

(a) Part A of title VI of the Department of Energy Organization Act (42 U.S.C. 7211 through 7218) is repealed.

(b) The table of contents for the Department of Energy Organization Act is amended

by striking out the matter relating to part A of title VI.

Mr. JOHNSTON. Mr. President, this amendment repeals eight sections of the Department of Energy Organization Act (P.L. 95-91) that were enacted in 1977 and that deal with conflict-of-interest requirements, financial reporting requirements, and post-employment restrictions for Departmental employees. These sections were enacted by the Congress prior to passage of government-wide ethics requirements in the Ethics in Government Act of 1978, and in some sense served as a prototype for these requirements. Since the passage of the Ethics in Government Act and the Ethics Reform Act of 1989, though, the need for specific statutory ethics requirements that are different from government-wide requirements and unique to the Department of Energy [DOE] has disappeared.

Adoption of the amendment would not affect the applicability of government-wide conflict-of-interest requirements, financial reporting requirements, and post-employment restrictions to DOE employees. These restrictions, codified in 18 U.S.C. 207 and 208 and 41 U.S.C. 423, are not affected by the amendment and would remain fully in force for DOE employees. In fact, adoption of the amendment would remove the rationale for a current exemption to government-wide financial disclosure requirements (contained at 5 CFR 2634) that DOE has been granted by the Office of Government Ethics.

This amendment has been cleared by the Committee on Governmental Affairs. The language of this amendment is identical to language approved by the Senate in the fiscal year 1992-93 Department of Defense authorization bill, and Congress has twice enacted into law temporary suspensions affecting these sections of the Department of Energy Organization Act.

The Department of Energy and the administration strongly support this amendment, as does the exclusive bargaining representative for DOE headquarters employees, the National Treasury Employees Union. Repeal of these sections of the Department of Energy Organization Act has also been recommended by the National Academy of Sciences in its 1992 report on "Science and Technology Leadership in American Government: Ensuring the Best Presidential Appointments."

I ask unanimous consent that the following letter from the Secretary of Energy be entered into the RECORD.

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

THE SECRETARY OF ENERGY,
Washington, DC, September 10, 1993.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am taking this opportunity to provide Department of Energy views on a proposed amendment to S. 1298, the Department of Defense Authorization Act for Fiscal Year 1994. The amendment would repeal part A of title VI of the Department of Energy Organization Act.

This part imposes unique requirements on the Department's employees in the areas of conflict-of-interest, financial reporting and post-employment contact with the agency. Repeal of these requirements simply would put the Department on the same basis as every other civilian agency with respect to these areas.

The Department of Energy strongly supports this amendment. The language is identical to language approved by the Senate in the FY 1992-93 Department of Defense authorization bill; and Congress has twice enacted into law temporary suspensions of these provisions. From December 1, 1989 through May 31, 1991, part A of title VI was not in effect.

The Office of Management and Budget has advised that there is no objection to the submission of this letter.

Sincerely,

HAZEL R. O'LEARY.

Mr. NUNN. Mr. President, this proposed amendment would promote uniformity in the administration of conflict-of-interest laws by repealing statutes that impose undue requirements on the Department of Energy. I urge the adoption of the amendment.

The ACTING PRESIDENT pro tempore. Is there further debate?

Mr. WARNER. Mr. President, the amendment is acceptable to this side.

Mr. THURMOND. Mr. President, the Republican members of the committee do not object to the Johnston amendment repealing specific conflict-of-interest restrictions on Department of Energy personnel. These restrictions were put into law at a time when there were few comprehensive statutes covering all Government employees. Since the passage of the Procurement Integrity Act, such special coverage is duplicative and unnecessary. The Senate already approved the repeal of these provisions as part of action taken on the Department of Defense Authorization bill for fiscal year 1992. It is my hope that more comprehensive action reconciling duplicative conflict-of-interest statutes can be taken in the near future.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 863) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 864

(Purpose: To authorize National Guard and Reserve aircraft replacement)

Mr. WARNER. Mr. President, on behalf of Senators STEVENS, BYRD, HATFIELD, and INOUYE, I send an amendment to the desk to add some $150 million to the National Guard account to be used for updating outdated aircraft.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. STEVENS, for himself, Mr. BYRD, Mr. HATFIELD, and Mr. INOUYE, proposes an amendment number 864.

The ACTING PRESIDENT pro tempore. Without objection, further reading of the amendment will be dispensed with.

The amendment is as follows:

On page 16 of the bill, "SEC. 106. RESERVE COMPONENTS.", is modified by adding at the end of the section the following new item:

"(8) For National Guard aircraft replacement and modernization, $150,000,000."

Mr. STEVENS. Mr. President, I propose this amendment on behalf of myself and Senators BYRD, HATFIELD, and INOUYE. We offer this increase to the National Defense Authorization Act to provide funds for the National Guard to replace and modernize critically needed aircraft.

Numerous recent disasters have highlighted our Nation's dependence on the National Guard in times of emergency. In my State, during the *Exxon Valdez* oilspill and through other crises, that airlift capability of the National Guard has been an irreplaceable component of relief efforts.

The $150 million proposed in this amendment would permit the Chief of the National Guard Bureau to prioritize funding to replace and modernize aircraft in the Army and Air National Guard and permit the retirement of aging aircraft that have little safe flying life remaining.

It is the intention of the sponsors of this amendment that these funds be authorized in this bill to facilitate the appropriation of funds for fiscal year 1994 to meet critical National Guard requirements.

On behalf of the sponsors of this amendment, I want to express our appreciation to Chairman NUNN and Senator THURMOND, the ranking minority member of the committee, for their support of this amendment. They are both longstanding advocates for the National Guard, and we look forward to working with them to ensure that the needs of the National Guard across the country are addressed by the Congress.

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

Mr. WARNER. Mr. President, I ask unanimous consent that a letter to Senator THURMOND be printed in the RECORD.

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

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 7, 1993.

Hon. STROM THURMOND,
Ranking Minority Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR STROM: We are aware that the National Guard faces the retirement of a number of key cargo and mission support aircraft

in the coming years, due to age and safety of flight limitations. Recognizing that the Department has been slow to meet the equipment modernization needs of the National Guard, we ask that you consider and accept an amendment to the 1994 National Defense Authorization Act that would provide an additional $150 million for National Guard aircraft replacement and modernization.

We appreciate your concern over the direct earmarking of funds for specific aircraft. Consequently, we propose that the funds be allocated by the Chief of the National Guard Bureau to meet the needs of the Army and Air National Guard. We would include the funds in the same fashion in the FY 1994 Defense Appropriations bill.

Recent disasters have illustrated again the vital role played by the National Guard in every state, and the continuing ability of the Guard to provide critical cargo and personnel transportation in such emergencies is essential.

We appreciate your attention to this matter, and look forward to working with you on passage of the 1994 Defense Authorization and Appropriations bills.

With best wishes,
Sincerely,

ROBERT C. BYRD.
TED STEVENS.
MARK O. HATFIELD.
DAN INOUYE.

Mr. NUNN. Mr. President, I urge the adoption of the amendment. I want to clarify an important concern on this matter.

The Senator from Georgia and I think the Senator from Virginia both recognize the need for ongoing modernization of operation support aircraft operated by the National Guard. There has been controversy in recent years, however, with earmarking funds for specific types of operational support aircraft by the Congress.

I have received a letter, which the Senator from Virginia put in the RECORD, from the sponsors of the amendment. They state:

We appreciate your concern over the direct earmarking of funds for specific aircraft. Consequently, we propose funds be allocated by the Chief of the National Guard to meet the needs of the Army and Air National Guard. We would include the funds in the same fashion in the fiscal year 1994 Defense Appropriations bill.

I believe that letter has been inserted in the RECORD.

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

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 864) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 865

(Purpose: To determine whether certain land in Fort Missoula, Missoula County, MT, shall be conveyed to the Northern Rockies Heritage Center; and to make such conveyance, if necessary)

Mr. WARNER. Mr. President, on behalf of the Senator from Montana [Mr. BURNS], I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BURNS, proposes an amendment numbered 865.

The ACTING PRESIDENT pro tempore. Without objection, further reading of the amendment will be dispensed with.

The amendment is as follows:

On page 353, between lines 4 and 5, insert the following new section:

SEC. 2842. CONVEYANCE OF LAND IN FORT MISSOULA, MONTANA.

(a) LAND USE DETERMINATION.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Army shall determine whether a parcel of land consisting of approximately 11 acres, and improvements thereon, located in Fort Missoula, Missoula County, Montana, is excess to the needs of the Department of the Army.

(b) AUTHORIZATION.—If the Secretary determines that the property identified in subsection (a) is excess to the needs of the Department of the Army, the Secretary may, subject to subsection (c), convey to the Northern Rockies Heritage Center, a nonprofit corporation incorporated in the State of Montana, all right, title, and interest of the United States to such property.

(c) CONDITIONS.—The conveyance authorized in subsection (b) shall be subject to the conditions that—

(1) the property conveyed may be used only for historic, cultural, or educational purposes;

(2) the Northern Rockies Heritage Center shall enter into an agreement with the Secretary of Agriculture concerning the use of the property by the Department of Agriculture;

(3) the Northern Rockies Heritage Center shall indemnify the United States against all liability in connection with any hazardous materials, substances, or conditions that may be found on the property; and

(4) the Northern Rockies Heritage Center shall, prior to the conveyance and for the first year of operation of the Northern Rockies Heritage Center after the conveyance, establish, to the satisfaction of the Secretary of the Army, that it has the ability to maintain G.L. the property described in subsection (a) for the purposes described in paragraph (1).

(d) REVERSIONARY INTEREST.—If the property conveyed pursuant to subsection (b) is used for purposes other than those specified in subsection (c)(1), all right, title, and interest to and in the property shall revert to the United States at no cost to the United States, which shall have immediate right of entry on the land.

(e) DESCRIPTION.—The exact acreage and legal description of the property conveyed under subsection (b) shall be determined by surveys that the Secretary determines are satisfactory. The Northern Rockies Heritage Center shall pay the cost of any survey required by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may establish such additional terms and conditions for the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(g) CONGRESSIONAL NOTIFICATION.—If the Secretary determines that the property identified in subsection (a) is not excess to the needs of the Department of the Army, the Secretary shall notify Congress in writing of the plans of the Department of the Army for maintaining and utilizing the property. Such notification shall be made not later than 60 days after the date of enactment of this Act.

Mr. BURNS. Mr. President, I rise to offer an amendment to S. 1298 which authorizes the Secretary of the Army to convey a portion of Fort Missoula, MT, to the Northern Rockies Heritage Center.

This amendment is the cumulation of over 2 years of hard work by numerous groups and individuals in the Missoula community. When the Army stated its intention to declare excess most of the land it owned at the historic Fort Missoula, the idea was born for a consortium of museums and organizations to form an educational and historical center at the fort. The Northern Rockies Heritage Center, a nonprofit corporation, was established with support from the city of Missoula, Missoula County, the Missoula Chamber of Commerce, the University of Montana, Missoula school districts, and the Missoula Economic Development Corp. The Center's major goals are threefold: To preserve the integrity of historic Fort Missoula; to collect, preserve, interpret the natural and cultural history of the Northern Rockies and its role in national and international events, and to improve Montana's economy by creating an end destination for tourism.

I agree with the above-named parties that the Northern Rockies Heritage Center is the best use of this portion of Fort Missoula, and I believe that the center will be a tremendous benefit to the Missoula area and the State of Montana.

Throughout the process of putting this project together I have enjoyed working with all the parties whose commitment and dedication made the Northern Rockies Heritage Center a reality. The Missoula Chamber of Commerce and the center's board of directors, especially its president, Roger Bergmeier, were integral to this project. I commend everyone for their hard work.

Mr. BAUCUS. Mr. President, I rise in support of the amendment to convey a portion of Fort Missoula, MT, to the Northern Rockies Heritage Center. This amendment is an excellent way for local communities to make use of land and facilities that the Army no longer needs as a result of the end of the cold war. It represents a realization that the end of the cold war can produce new opportunities for the Government and for the people.

The Northern Rockies Heritage Center will offer new educational opportunities for the citizens of Montana. Once

in operation, the center will provide visitors with greater insights into the natural and cultural history of the Northern Rockies. It will also provide an economic opportunity by creating a noteworthy tourist attraction that can draw visitors from outside Missoula and also Montana. I want to commend the public-private partnership that has been created which has allowed this effort to take place.

Mr. WARNER. Mr. President, this amendment has been agreed to by both sides. It relates to a piece of land in the State of Montana. I urge its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate?

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

Mr. WARNER. I urge the adoption.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 865) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 866

(Purpose: To make miscellaneous amendments to the bill)

Mr. NUNN. Mr. President, on the amendment I send to the desk on behalf of myself, I will also say that the Senator from Colorado, Senator CAMPBELL, and the Senator from Mississippi, Senator LOTT, are very concerned with this amendment. They brought it to my attention.

This amendment clarifies a provision in the bill concerning the authority for personnel rated 100 percent disabled to receive military retired pay and VA disability compensation concurrently without any offset. And it revises authority of crediting of gifts to the national security education funds and authorizes military construction projects at Army medical facilities in Colorado and National Guard at Biloxi, MS.

I urge the adoption.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] proposes an amendment numbered 866.

The ACTING PRESIDENT pro tempore. Without objection, further reading of the amendment will be dispensed with.

The amendment is as follows:

On page 104, between lines 2 and 3, insert the following:

SEC. 340. REVISION OF AUTHORITIES ON NATIONAL SECURITY EDUCATION TRUST FUND.

(a) CREDITING OF GIFTS TO THE NATIONAL SECURITY EDUCATION TRUST FUND.—Section 804(e) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1904(e)) is amended by adding at the end the following:

"(3) Any gifts of money shall be credited to and form a part of the Fund.".

(b) REPEAL OF AUTHORIZATION REQUIREMENT.—Section 804(b) of such Act is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

On page 153, strike out line 15 and all that follows through page 154, line 6, and insert in lieu thereof the following:

SEC. 632. SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.

(a) SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.—A person who has a service-connected disability rated as total may be paid a special pay under this section if the person is entitled to emergency officers', regular, or reserve retirement pay based solely on—

(1) the person's age;

(2) the length of the person's service in the uniformed services; or

(3) both the person's age and the length of such service.

(b) AMOUNT OF SPECIAL PAY.—The amount of special pay that may be paid a person under subsection (a) for any month may not exceed the monthly amount of the compensation that is paid such person under laws administered by the Secretary of Veterans Affairs.

(c) FUNDING.—The cost of the special pay authorized to be paid under this section shall be paid out of funds available to the Department of Defense for travel of personnel of the Department of Defense in positions within the Office of the Secretary of Defense, the Office of the Secretary of the Army, the Office of the Secretary of the Navy, and the Office of the Secretary of the Air Force.

(d) DEFINITIONS.—In this section, the terms "compensation" and "service-connected" have the meanings given such terms in section 101 of title 38, United States Code.

(e) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), this section shall take effect on January 1, 1994.

(2) This section shall not take effect if, before January 1, 1994, the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives the report required by section 641 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2424).

(f) APPLICABILITY.—(1) Except as provided in paragraph (2), this section shall apply to months that begin on or after the effective date of this section.

(2) This section shall not be effective for months that begin after September 30, 1994.

On page 269, line 8, strike out "$599,153,000" and insert in lieu thereof "$603,553,000".

On page 269, in the table below line 11, strike out the item relating to Fort Carson, Colorado, and insert in lieu thereof the following:

Colorado	Fitzsimons Army Medical Center.	$4,400,000
	Fort Carson	$4,050,000

On page 272, line 6, strike out "$2,364,930,000" and insert in lieu thereof "$2,369,330,000".

On page 272, line 9, strike out "$599,153,000" and insert in lieu thereof "$603,553,000".

On page 303, line 8, strike out "$230,993,000" and insert in lieu thereof "$233,793,000".

Mr. WARNER. Mr. President, we concur in the adoption of the amendment and urge its adoption.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 866) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 867

(Purpose: To amend, and express the sense of Congress regarding, the defense acquisition pilot program authority provided in Section 809 of Public Law 101-510)

Mr. WARNER. Mr. President, I send an amendment to the the desk on behalf of Mr. ROTH.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. ROTH, for himself, Mr. NUNN, Mr. BINGAMAN, Mr. THURMOND, Mr. SMITH, Mr. GRASSLEY, and Mr. COHEN, proposes an amendment numbered 867.

The ACTING PRESIDENT pro tempore. Without objection, further reading of the amendment will be dispensed with.

The amendment is as follows:

On page 190, after line 24, insert the following:

Subtitle D—Defense Acquisition Pilot Program

SEC. 831. DEFENSE ACQUISITION PILOT PROGRAM AMENDMENTS.

(a) REPEAL OF LIMITATION ON NUMBER OF PARTICIPATING DEFENSE ACQUISITION PROGRAMS.—Section 809(b)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) is amended by striking out "not more than six".

(b) REPEAL OF REQUIREMENT TO DESIGNATE PARTICIPATING PROGRAMS AS DEFENSE ENTERPRISE PROGRAMS.—Section 809 of such Act is amended by striking out subsection (d).

(c) PUBLICATION OF POLICIES AND GUIDELINES FOR PUBLIC COMMENT.—Section 809 of such Act is amended by striking out subsection (e) and inserting in lieu thereof the following:

"(d) PUBLICATION OF POLICIES AND GUIDELINES.—The Secretary shall publish in the Federal Register a proposed memorandum setting forth policies and guidelines for implementation of the pilot program under this section and provide an opportunity for public comment on the proposed memorandum for a period of 60 days after the date of publication. The Secretary shall publish in the Federal Register any subsequent proposed change to the memorandum and provide an opportunity for public comment on each such proposed change for a period of 60 days after the date of publication.".

(d) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Section 809 of such Act is amended—

(1) by redesignating subsection (f) as subsection (e); and

(2) in paragraph (2)(D) of subsection (e), as so redesignated, by striking out "specific budgetary and personnel savings" and inserting in lieu thereof "a discussion of the efficiencies or savings".

SEC. 832. REFERENCE TO DEFENSE ACQUISITION PILOT PROGRAM.

A reference in this subtitle to the Defense Acquisition Pilot Program is a reference to

the defense acquisition pilot program authorized by section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note).

SEC. 833. MISSION ORIENTED PROGRAM MANAGEMENT.

It is the sense of Congress that—

(1) in the exercise of the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), the Secretary of Defense should propose for one or more of the defense acquisition programs covered by the Defense Acquisition Pilot Program to utilize the concept of mission oriented program management that includes—

(A) establishing a mission oriented program executive office; and

(B) designating a lead agency for the mission oriented program executive office;

(2) the duties of the program executive officer for each of one or more of such programs should include—

(A) planning, programming, and carrying out research, development, and acquisition activities;

(B) providing advice regarding the preparation and integration of budgets for research, development, and acquisition activities;

(C) informing the operational commands of alternative technology solutions to fulfill emerging requirements;

(D) ensuring that the acquisition plan for the program realistically reflects the budget and related decisions made for that program;

(E) managing related technical support resources;

(F) conducting integrated decision team meetings; and

(G) providing technological advice to users of program products and to the officials within the military departments who prepare plans, programs, and budgets;

(3) the Chairman of the Joint Chiefs of Staff, in consultation with the Under Secretary of Defense for Acquisition, should prescribe policies and procedures for the interaction of the commanders of the unified and specified combatant commands with the mission oriented program executive officers, and such policies and procedures should include provisions for enabling the user commands to perform acceptance testing; and

(4) the management functions of a program manager should not duplicate the management functions of the mission oriented program executive officer.

SEC. 834. SAVINGS OBJECTIVES.

It is the sense of Congress that the Secretary of Defense, on the basis of the experience under the Defense Acquisition Pilot Program, should seek personnel reductions and other management and administrative savings that, by September 30, 1998, will achieve at least a 25-percent reduction in defense acquisition management costs below the costs of defense acquisition management during fiscal year 1993.

SEC. 835. PROGRAM PHASES AND PHASE FUNDING.

(a) ACQUISITION PROGRAM PHASES.—It is the sense of Congress that—

(1) the Secretary of Defense should propose that one or more defense acquisition programs proposed for participation in the Defense Acquisition Pilot Program be exempted from acquisition regulations regarding program phases that are applicable to other Department of Defense acquisition programs; and

(2) a program so exempted should follow a simplified acquisition program cycle that is results oriented and consists of—

(A) an integrated decision team meeting phase which—

(i) could be requested by a potential user of the system or component to be acquired, the head of a laboratory, or a program office on such bases as the emergence of a new military requirement, cost savings opportunity, or new technology opportunity;

(ii) should be conducted by a program executive officer; and

(iii) should usually be completed within 1 to 3 months.;

(B) a prototype development and testing phase which should include operational tests and concerns relating to manufacturing operations and life cycle support and should usually be completed within 6 to 36 months and should produce sufficient numbers of prototypes to assess operational utility;

(C) a product integration, development, and testing phase which—

(i) should include full-scale development, integration of components, and operational testing; and

(ii) should usually be completed within 1 to 5 years; and

(D) a phase for production, integration into existing systems, or production and integration into existing systems.

(b) PHASE FUNDING.—To the extent provided in legislation pursuant to subsection of (c)(1)(B) of section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) and to the extent provided in appropriations Acts, the Secretary of Defense is authorized to expend for a defense acquisition program participating in the Defense Acquisition Pilot Program such sums as are necessary to carry out a phase of the acquisition program cycle after the Secretary determines that objective quantifiable performance expectations relating to the execution of that phase have been identified.

(c) MAJOR PROGRAM DECISION.—It is the sense of the Congress that the Secretary of Defense should establish for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program an approval process having one major decision point.

SEC. 836. PROGRAM WORK FORCE POLICIES.

(a) IN GENERAL.—The Secretary of Defense shall review the incentives and personnel actions available to the Secretary for encouraging excellence in the acquisition workforce of the Department of Defense and may provide an enhanced system of incentives, in accordance with applicable law, for the encouragement of excellence in the work force of a participating acquisition program.

(b) ENHANCED SYSTEM OF INCENTIVES.—The Secretary of Defense should consider providing for program executive officers, program managers, and other acquisition personnel of defense acquisition programs participating in the Defense Acquisition Pilot Program an enhanced system of incentives which—

(1) in accordance with applicable law, relates pay to performance; and

(2) provides for consideration of the extent to which the performance of such personnel contributes to the achievement of cost goals, schedule goals, and performance goals established for such programs.

SEC. 837. EFFICIENT CONTRACTING PROCESSES.

It is the sense of the Congress that the Secretary of Defense, in exercising the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), should seek to simplify the procurement process, streamline the period for entering into contracts, and simplify specifications and requirements.

SEC. 838. CONTRACT ADMINISTRATION: PERFORMANCE BASED CONTRACT MANAGEMENT.

It is the sense of the Congress that the Secretary of Defense should propose under section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) that, for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program, payments under section 2307(a) of title 10, United States Code, be made on any of the following bases:

(1) Performance measured by statistical process controls.

(2) Event accomplishment.

(3) Other quantifiable measures of results.

SEC. 839. CONTRACTOR PERFORMANCE ASSESSMENT.

(a) COLLECTION AND ANALYSIS OF PERFORMANCE INFORMATION.—The Secretary of Defense shall collect and analyze information on contractor performance under the Defense Acquisition Pilot Program.

(b) INFORMATION TO BE INCLUDED.—Information collected under subsection (a) shall include the history of the performance of each contractor under the Defense Acquisition Pilot Program contracts and, for each such contract performed by the contractor, a technical evaluation of the contractor's performance prepared by the program manager responsible for the contract.

Mr. ROTH. Mr. President, once in awhile, an opportunity for significant improvement in Government efficiency presents itself. I believe that we have such an opportunity through reforming the Defense Department's acquisition process. Many efforts are coming together to create this opportunity. Among these are: the President's initiative to reinvent the Federal Government and show the American people a concrete, credible plan to streamline and revitalize the Federal Government; the House and Senate passage and the President's signing of my bill, S. 20, "The Government Performance and Results Act of 1993"; the establishment of the Deputy Under Secretary of Defense for Acquisition Reform; and the bi-partisan Governmental Affairs Committee and Armed Services Committee joint initiative to streamline Federal procurement laws.

I am offering this amendment for myself and for Senators NUNN, BINGAMAN, THURMOND, SMITH, GRASSLEY, and COHEN to take advantage of such an opportunity. I want to thank my colleagues, Senators NUNN, THURMOND, BINGAMAN, SMITH, GLENN, LEVIN, and COHEN and their staffs for their expert support in reaching an agreement on this amendment. I also wish to thank Deputy Secretary of Defense, William Perry for his support of the concepts I am proposing.

Mr. President, many taxpayer dollars can be saved by reforming the Federal buying system. Vice President GORE's report noted that it is possible to save more than $20 billion through acquisition reforms. Deputy Secretary of Defense Perry has said that savings for the Defense Department could reach $40 billion per year.

As you know, Mr. President, for many years I have identified significant problems associated with the defense acquisition system and I have worked to address these problems. Developing and buying today's weaponry is important work. It's also expensive. This year, Congress gave the Department of Defense $92 billion for researching, developing, and buying new weapons. Another $50 billion will have been spent in buying items such as spare parts and diesel fuel. Several billion dollars more will be spent to pay hundreds of thousands of Defense Department employees who develop, buy, maintain, and upgrade weapon systems. While the system is able to produce good weapons, it is wasteful, inefficient, and takes too long to field needed technologies.

There has been little progress in the 2 years since I introduced an earlier version of a comprehensive acquisition reform bill. Currently, a Defense Department program manager still has to follow more than 840 bureaucratic procedures in order to get a weapons system concept into production. In 1991, the Defense Sciences Board Task Force study found that DOD required 16 years to field a new weapon which was about twice as long as the private sector is fielding similar high technology items four times as fast as the Defense Department.

In addition, the Defense Department has become increasingly unable to produce the best technology in an affordable manner, when it's needed. The vast majority of weapon acquisition programs are experiencing serious cost and schedule problems. The GAO reported that program cost increases on the order of 20 to 40 percent are common. Acquisition costs for Navy major weapons systems are over budget by as much as 179 percent, Air Force systems by as much as 158 percent, and Army systems by as much as 220 percent, even after accounting for the effects of inflation and quantity.

However, the winds of change are beginning to stir, both within the administration and within the Congress, and the need for change is being widely understood. For example, the Armed Services Committee in its report on S. 1298 has expressed clearly the Congress' dissatisfaction with the C–17 Program. I quote, "The committee is at the limit of its patience with the C–17 Program, due to serious mismanagement by the Air Force and the contractor, and is approaching the point of advocating program termination." The C–17 transport's cost and schedule overruns have seriously delayed its availability. It now costs several times more than the C–5 transport. After spending $10.4 billion developing the C–17, the aircraft is basically unaffordable and does not meet all of its requirements. Again, to quote from the authorization bill report, "Having to pay per-unit costs exceeding $380.0 million on a cargo aircraft is alarming. A unit cost this high further concerns the committee that this may be the harbinger of continuing cost problems." After spending billions of dollars and about two decades to develop the C–17, the Air Force and the Congress are considering other alternatives, including buying commercial aircraft.

I have given careful though to this issue for many years, and over the years, my conclusion has not changed: without major cultural and structural reform, the Pentagon cannot make major reductions in the cost and time it takes to field a technology. In December 1992, GAO reported that: "the fundamental problem of the acquisition process is a prevailing culture that is dependent on generating and supporting new weapons acquisition." Until the buying system is changed, the results won't change. Cost and schedule overruns will continue.

Dr. Perry recently stated that reform will not happen "* * * all at once. The barnacles have taken decades to accumulate; it will take years to scrape them off." He also commented that he was summoning "* * * the spirits of acquisition reform from the deep. They have been called before, but have not come." This is exactly why the timing of this amendment is excellent. It is an immediate opportunity to start scraping some of the barnacles off an outdated, inefficient acquisition system.

Mr. President, I wish to congratulate Senator NUNN, Senator THURMOND, the other members of the Armed Services Committee, and the leadership of the Defense Department on setting a course that allows us to join forces to start solving these huge and costly problems. I have talked with Dr. Perry, Dr. John Deutch, and Ms. Colleen Preston on these issues. I am very pleased to see that a major part of the Defense Department's acquisition reform focuses on taking advantage of the pilot programs authorized by Congress in the National Defense Authorization Act for fiscal year 1991. This amendment enhances the pilot program concept to test reforms in a framework Vice President GORE calls a reinvention laboratory.

The amendment that I am offering provides policy guidance to the Defense Department to test a comprehensive reform of the defense buying system in order to achieve a goal of reducing the Pentagon's acquisition management costs by 25 percent. The acquisition reform vision which I am proposing is entirely consistent with Vice President GORE's National Performance Review recommendations. These reforms will be applied on a trial basis using the DOD pilot programs. I would like to take the time to mention two of the National Performance Review's recommendations so that you can see how we are providing the opportunity for the Defense Department to establish reinvention laboratories.

First, on acquisition reform, the Vice President's report on the National Performance Review states that "The DOD acquisition is large and extraordinarily complex. It needs to enable DOD to take advantage of the technological advances and efficient procurement practices of the commercial marketplace." A key goal of my amendment is to authorize pilot programs the freedom to take advantage of efficient procurement procedures and technology currently in use in the commercial world.

Second, the Vice President's report identifies the need for Congress to "Encourage More Procurement Innovation." The report calls on the Congress to "Provide new legislative authority to test innovative procurement methods. Establish a mechanism to disseminate information governmentwide on innovative procurement ideas." My amendment does exactly that. It provides the legislative authority and suggests a number of innovative methods; in addition, the Defense Department is encouraged to develop and test innovative concepts of their own.

Mr. President, this amendment provides the opportunity to test many more of the NPR findings including recommendations to: build an innovative procurement work force, ensure customer focus in procurement, foster reliance on the commercial marketplace, expand electronic commerce for the Federal marketplace, promote excellence in vendor performance, authorize multiyear contracts, and others. I think you can see that my initiatives in this amendment, through the enhancement of the pilot program, provide the freedom and opportunity to test acquisition innovations.

My proposal incorporates the principles of unity of command, lean management structure, fast processes, and pay for performance for both Government workers and contractors. Under the current law, the Defense Department can select up to six programs for special waivers from Federal procurement laws. But, these laws were put in place for a reason, generally to prevent future recurrences of a horror story. With my amendment, DOD will identify management and process reforms that show promise for achieving the program objectives. In addition, my amendment will enable the Defense Department to identify additional pilot programs. The law requires that Congress approve defense acquisition programs included in this pilot program and my amendment does not change this.

This amendment establishes the sense of Congress that DOD recommend at least one defense acquisition program within the pilot program to implement the concepts making the defense buying system more responsive

to its customers. The proposal includes the authority for DOD to establish a mission oriented program executive office.

Second, my amendment provides policy to DOD for programs to follow a results oriented acquisition process. Program managers will be given the authority and accountability for achieving results. The pilot programs will be exempt from acquisition regulations regarding program phases and will use a simplified acquisition program cycle. My proposal also provides full funding for each phase of the acquisition cycle which removes the major source of program instability.

Third, my legislation establishes a DOD-wide goal for reducing acquisition costs by 25 percent over the next 4 years.

Fourth, it proposes an incentive structure tied to program results for program executive officers, program managers, and staff. The rate of pay will be related to the contribution to the achievement of cost, schedule, and performance program goals.

Fifth, the legislation encourages defense acquisition programs to seek to simplify the procurement process, to streamline the timeline for entering contracts, and to simplify contract specifications and requirements.

Sixth, the amendment enables pilot programs to manage its contractors on the basis of performance. Currently, contractors are rewarded with greater profits when cost and schedule overruns occur rather than for minimum cost. In my concept of performance-based contract administration, contractors are given a financial incentive to act ethically and efficiently.

In summary, Mr. President, there is both a need and an opportunity for reforming Defense acquisition. But, I must point out that bureaucracies are inherently unable to reform themselves. S. 1298, the pilot program, and my amendment, together, provide an initial step. This update to the pilot program legislation supports the acquisition reform initiatives of DOD, provides legislative authority to test innovative procurement methods, and demonstrates the savings to be realized from a streamlined acquisition vision. Later in this session of Congress, I will introduce legislation that will provide the comprehensive reinvention of the Defense Department's acquisition system.

I want to thank Senators NUNN, BINGAMAN, THURMOND, SMITH, GRASSLEY, and COHEN for joining me in offering this amendment. The approach that I am proposing has been endorsed by the Business Executives for National Security and the Center for Strategic and International Studies. I ask unanimous consent that two letters along these lines that I have received be printed in the RECORD.

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

BUSINESS EXECUTIVES
FOR NATIONAL SECURITY, INC.,
Washington, DC, August 23, 1993.

Hon. WILLIAM V. ROTH,
U.S. Senate,
Washington, DC.

DEAR SENATOR ROTH: On behalf of Business Executives for National Security (BENS), I am writing to express our strong support for your proposal to create a Reinventing Defense Acquisition Pilot Program. This innovative proposal offers an excellent opportunity to save money while also ensuring that U.S. troops fight with state-of-the-art technologies.

BENS has long supported efforts to streamline the defense acquisition process. Our 1992 Commission on Fundamental Defense Management Reform laid out a number of proposals for change. Your amendment is an important step in implementing many of these proposals, including pay for performance, increased use of commercial specifications, greater flexibility for program managers, and a streamlined acquisition process.

We are pleased that your pilot program will be applied to the Strategic Lift Warfare Mission. As you know, the Senate Armed Services Committee has been especially critical of the Pentagon's management of airlift programs. This area is certainly ripe for reform.

BENS commends you for your outstanding work in developing this proposal and we stand ready to work with you in securing its final passage. If we can be of assistance, please do not hesitate to contact me or Erik Pages of the BENS policy staff. We look forward to working together.

Sincerely,

TYRUS W. COBB,
President.

CENTER FOR STRATEGIC & INTERNATIONAL STUDIES,
Washington, DC, September 8, 1993.

Senator WILLIAM V. ROTH, Jr.,
Hart Senate Office Building,
Washington, DC.

DEAR BILL: It is encouraging to know that you are developing a comprehensive proposal to reform defense acquisition as we know it. To your credit, you are leading your colleagues in the Senate with a vision seldom found for this arcane field of public policy.

As you know, over the past six years the Center has produced several substantive reports on the necessity of transforming the way that the Department of Defense does its business. Later this month we will publish Securing a Viable Defense Industrial Base: Policy Choices for an Era of Austerity. Co-chaired by Senator Christopher Bond and Representative Dave McCurdy and led by Dr. Dan Goure of our staff, this study group again calls for major acquisition reform—this time as one of six complementary policy thrusts needed to transform the defense industrial base into that needed for the post-cold war era.

While our latest report by the Bond-McCurdy study group covers much more than acquisition reform, I note that the content of its recommendations on that subject closely parallel those outlined in your vision document. As we all know, there is no shortage of problem analysis, nor even of good ideas for acquisition reform. The real problem is creating political support for such a comprehensive package. For that purpose, your approach to implementation—limited pilot projects to demonstrate both feasibility and positive results from a performance-based acquisition system—should be strongly welcomed by your colleagues.

With warm regards.

Sincerely yours,

DAVID M. ABSHIRE,
President.

Mr. THURMOND. Mr. President, I rise in support of the amendment offered by the Senator from Delaware, Senator ROTH. This amendment establishes a series of important approaches to effective implementation of the pilot authority for innovative acquisition management that was enacted as section 809 of the Defense Authorization Act for fiscal year 1991.

Over the last 10 years, Senator ROTH has been one of the leading proponents of a thorough reform of the defense acquisition process. The amendment before us today is one result of a reform proposal Senator ROTH has been refining for the last several years. This proposal has been developed in close cooperation with the Department of Defense and the Senate Armed Services Committee and I commend the Senator from Delaware and his staff for his willingness to work with all interested and affected parties in putting together his reforms.

I urge the adoption of the amendment.

Mr. GRASSLEY. Mr. President, I rise today in support of the amendment offered by the distinguished Senator from Delaware, Senator ROTH, to enhance the management performance of certain defense acquisition pilot programs. As an original cosponsor of this amendment, I wish to commend my friend from Delaware for his continued fine work and leadership in the area of effective management of Federal dollars. Not just in the area of defense dollars, but tax dollars throughout the entire Government.

In a sense, you might say that this amendment represents a reinvention of defense acquisition. It follows closely the Vice President's reinvention lab concept. It will allow Congress to test out reform concepts in the hope that we can learn and expand the use of performance management in Federal programs.

What this amendment does is allow Congress to set up an exchange—of traditional checks and balances for new performance management standards. As the Defense Department seeks to free itself from the barriers to effective management—many placed in its way by Congress—we in turn respond, through this amendment, with the flexible yet results-oriented requirements for better management performance. This results-oriented process would replace the management by consensus approach used by DOD managers over the past 16 years. In other words, instead of a process that requires 846 approvals, DOD officials can now manage for results.

For example, the amendment requires a definable goal by a date certain. By 1998, the Defense Department must show that it has implemented the lessons learned from these pilot programs to reduce overhead costs by 25 percent across the DOD buying system. The SECDEF would be required to track actual contractor performance by contract to see if removing statutory authority actually leads to lower costs and greater time savings. Finally, the amendment would—perhaps for the first time in a defense program—link pay for Government managers and progress payments for defense contractors to the achievement of the cost, schedule, and performance goals as set out for these pilot programs. This will be a unique approach to incentivizing for better results and improving accountability in the acquisition of defense goods.

Once again, Mr. President, let me commend the Senator from Delaware for his unique and insightful contribution to the management of Federal programs. I am pleased to be associated with this amendment and I hope we can continue to apply such reinvention techniques for management improvements—and not just to defense programs, but to all Federal programs.

Mr. WARNER. Mr. President, this amendment is acceptable on both sides, and I urge the adoption.

The ACTING PRESIDENT pro tempore. Is there further debate?

Mr. NUNN. I urge the adoption of the amendment. I would like to be added as a cosponsor to the amendment. I ask unanimous consent that I be added.

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

Mr. NUNN. Mr. President, I would like to make a couple remarks about the amendment.

This amendment is an expansion of the pilot project program that we put in the authorization bill in 1990. We, in effect, urged the Department of Defense in 1990 to undertake pilot projects, and we waived almost all the normal procurement laws and rules relating to those projects so that they would be able to determine if we could begin moving away from the cumbersome acquisition process that is encumbered not only by laws but also by rules and regulations of DOD.

I sponsored that amendment that was in the bill. It was never really implemented by DOD. Even though they constantly complained about having all the rules and regulations, they had the authority under the law, under six pilot projects I believe it was, to waive all of those requirements. They did not avail themselves of this. I believe Secretary of Defense Aspin and Under Secretary Perry will avail themselves of this authority. This is an expansion and clarification of that authority, and I think it is a good amendment.

I urge its adoption.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 867) was agreed to.

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

Mr. WARNER. I move to lay that motion on the table. The motion to lay on the table was agreed to.

AMENDMENT NO. 868

(Purpose: To provide for the termination of certain existing reporting requirements of the Department of Defense)

Mr. WARNER. Now, Mr. President, I send to the desk an amendment on behalf of the Senator from Arizona [Mr. MCCAIN].

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. MCCAIN, proposes an amendment numbered 868.

The ACTING PRESIDENT pro tempore. Without objection, further reading of the amendment will be dispensed with.

The amendment is as follows:

On page 242, below line 19, add the following:

SEC. 1067. TERMINATION OF CERTAIN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.

Not later than April 30, 1994, the Secretary of Defense shall submit to the Armed Services Committees of the Senate and House of Representatives a list of the reports required of the Department of Defense by law on that date that the Secretary determines are unnecessary or incompatible with the efficient management of the Department of Defense. Unless otherwise provided by a law enacted after the date of the enactment of this Act, the requirement for the submittal to Congress of any report included in the list submitted under this section shall expire on October 30, 1995.

Mr. WARNER. Mr. President, this amendment is acceptable on both sides.

Mr. MCCAIN. Mr. President, my amendment would, as of October 1995, sunset hundreds of reports we require the Department of Defense to submit annually to Congress. This would provide 2 years for the Congress and the Department of Defense to determine the reports actually required to supply Congress with the essential information it needs to provide and care for the Armed Forces of the Nation. After that time, it would eliminate the countless unnecessary reports we have mandated over the years.

Let me stress that my amendment is not designed to eliminate any report or source of information that the Congress actually needs. It is instead designed to force the Congress, in conjunction with the Department of Defense, to come to grips with the need to decide on a reporting system that actually meets its needs and serves the public interest. My amendment would sunset reports required by law and by the reporting language accompanying congressional bills.

My amendment also would not deny any Member of Congress any necessary information on Defense. It would not inhibit the ability of Members to make telephone or letter requests for information. It would simply stop the wasteful expenditure of time and money on reports.

Sunsetting the existing reporting system at the end of 2 years provides ample time in which to decide on the reforms we need. Any report that cannot win congressional support within that time is almost certain to be unnecessary.

This will almost certainly mean eliminating hundreds of our present reports. It will produce major savings of taxpayer dollars, and substantially reduce the administrative workload of the Department of Defense. It will allow DOD personnel to focus on their real mission: National defense.

THE GROWING BURDEN OF CONGRESSIONAL REPORTS

The need for this amendment should be clear to every Member of this body. For years, the Congress has placed massive and costly reporting burdens on the Department of Defense.

Far too many of these requirements are duplicative and inefficient. Many are imposed as a way of avoiding legislative action. The current system does not provide an efficient transfer of useful information, nor does it help Congress to effectively "* * * raise and support Armies * * * and make rules to govern the Armed Forces," as the Constitution charges us to do.

This burden has gotten so large and so costly that it is difficult for the Department of Defense to determine the number of reports it is required to provide to the Congress, and their costs. However, in a 1990 report by Secretary Cheney to the President, the Department of Defense found that the average congressional reporting requirement cost $50,000 and took about 1,000 man-hours to prepare.

We can be more precise about the trend in the number of reports the Congress has required. Secretary Cheney noted in his report that only 36 reports were required of DOD in 1970, while in 1990 the number has grown to 861.

This year, DOD must produce well over 1,000 reports for the Congress. This total is more than 360 times larger than the number of reports required in the darkest periods of the cold war, and it does not include responses to daily individual requests for information made by Members of Congress.

Given the growth in the number of reports and their individual cost over the last 3 years, it is likely that Congress' present reporting requirements cost close to $70 million, and consume a total of over 1.3 million man-hours.

This incredible paper chase has become an enormous burden on the Department. In response, the Department

has contracted civilian firms to produce some of the data and language for the reports, while has given rise to a whole new industry of professional consulting firms around the beltway.

THE RIGHT TO INFORMATION VERSUS THE RIGHT TO WASTE

The Congress does, of course, need to receive information from the Department of Defense. It needs to allow DOD to preserve an efficient management information system, to support its budget requests, and to explain its policies. The Congress and the American people have a need and a right to know.

The Congress should not mandate waste. it should not have a right to mismanage or impose reporting burdens which inhibit the Department from accomplishing its primary mission of national defense. Just as importantly, however, the American people have a right to expect that their hard-earned tax dollars are well spent and not frittered away on unnecessary or duplicative reports.

Instead of serving the public interest, we are abusing it. We have more than 30 full committees and 77 subcommittees claiming some measure of DOD oversight responsibility. We keep adding to the reporting burden, and time and again, the resulting reports are unnecessary and/or duplicative.

Leading Members of the Congress acknowledged this fact in their comments about the Secretary's 1990 report to the President. That June, then chairman of the House Armed Services Committee, Les Aspin, said,

> Dick Cheney has been complaining about having to send over too many reports. We took a close look at it and concluded he was right * * * Reports often materialize out of nowhere. They get tucked into legislation with little or no thought given to the burden they impose.

I am sure that Secretary of Defense Aspin now agrees even more fully with that assessment.

EXAMPLES OF UNNECESSARY REPORTS

Let me be more specific about some of the abuses and waste that now occur, and provide you with a few cases of wasteful reporting requirements.

There are 22 separate reports about environmental cleanup, planning, and other issues required this year, including one report on "Environmental Scholarship and Fellowship Programs." There is no excuse for this many reports on the same subject. There is no earthly reason why funds for the defense of our Nation should be spent on a report on environmental scholarship programs.

We have mandated a Kurdish relief reporting requirement which is currently due quarterly until the end of time. This should not be a Department of Defense report. It should be a State Department requirement.

We require a report on controllable pitch propellers for sealift vessels. This report is a classic case of micromanagement, has dubious value, and does not even have a specified due date.

We have a long list of similar reporting requirements which micromanage to no apparent purpose. These include reports on the Restriction on Obligation of Funds for New Museums, Dental Readiness of Members of Early Deploying Units, Separate Departments of Social Work and Optometry, Report on Reductions in Uncertain Programs, Report on International Mine Clearing Efforts in Refugee Situations, Consideration of Community Ability to Compete for the Relocation of Finance and Accounting Activities, Service Credit for Concurrent Enlisted Active Duty Service Performed by ROTC Members While in the Selected Reserve, Combat Boots, Mail Service Pharmacy Benefit, and the Pacific Environmental Leadership Effort.

Sometimes reports combine waste with pork. There are numerous examples of reports with the sole purpose of justifying a pork project, or which are pork because the money necessary to complete the report must be spent in a Member's district or State. Examples include the report on the Defense Access Road, Pohankaloa Training Area, HI; report on the Elmendorf Air Force Base Hospital Replacement; Muskingum, OH, Training Area report; report on Fort Ray; Eaker Air Force Base, AR, study; report on the Professional Military Education Center in Tennessee. None of the operations or actions at these facilities are more important than those at the hundreds of other facilities which are not reported on.

Our micromanagement of military acquisition programs is evident in the fact that every major Defense acquisition program has to report quarterly on its unit costs, prior to adjustments if adjustments are required, if any waivers are required, if there are any cost increases, and quarterly if any determinations are made. It is no wonder that our weapons systems cost so much with all the wasted time spent reporting on every half step made in the program.

We even try to micromanage the fine details of defense industry. We require the Department to prepare a report on the "Defense Industry Executive Salaries and Benefits." We add this requirement to all the other countless burdens we place on defense industry.

SOLVING THE PROBLEM INSTEAD OF DISCUSSING IT

Mr. President, we have gone far beyond the bounds of reason in creating a reporting system whose impact is often to waste taxpayer dollars or keep Defense personnel from doing their proper job.

We do not need 1,000 reports. In fact, this number is so large that it often obscures the information we really do need. I would venture to say that a majority of my distinguished colleagues have not seen or read more than one or two such reports this year.

In many cases, reports from DOD are not read by any Member of Congress, which guarantees that the information contained is not used to make legislative decisions, and that the time and money spent by the Department is totally wasted.

The sentiments embodied by this amendment were echoed in Vice President GORE's National Performance Review report which was unveiled this week. On page 34 of that report, "Reduce the burden of congressionally mandated reports," is listed as a major action item by the Vice President, who went on to state that:

> In fiscal year 1993, Congress required executive branch agencies to prepare 5,348 reports. Much of this work is duplicative. * * * Meanwhile, trapped in this blizzard of paperwork, no one is looking at results.

Vice President GORE continued:

> We propose to consolidate and simplify reporting requirements, and to redesign them so that [there is] a clear picture of the agency's financial condition, the condition of individual programs, and the extent to which the agency is meeting its objectives. We will ask Congress to pass legislation granting OMB the flexibility to consolidate and simplify statutory reports and establishing a sunset provision in any reporting requirements adopted by Congress in the future.

My amendment supports the desires of many people, in all branches of the Government, to truly make an effort to reform the way our Government does business. My amendment will give Congress ample time to agree on the reports it actually needs.

At the same time, it recognizes that the time is at hand to cut costs, improve efficiency, and put an end to the wasteful reporting practices mandated by the Congress. We must act decisively, and I urge you to support this amendment to the fiscal year 1994 Defense Authorization Act.

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

The ACTING PRESIDENT pro tempore. Is there further debate?

Mr. NUNN. Mr. President, I again urge adoption of this amendment.

This amendment directs the Department of Defense to submit by April 30, 1994, a list of reports it believes should be repealed. We have numerous reports that come from DOD. There are always complaints about the cumbersome nature of those reports. They are required by law. Many of them are necessary but for many of them time has passed if it was ever there.

It would be my hope that these reports could be cut down. Basically, this amendment says those reports that should no longer be prepared will not be renewed after October 30, 1995, unless specifically reenacted into law in the meantime.

In other words, DOD has the ability to come up and say there are too many

reports. Here is what we want to eliminate. If the Congress does not pass another law, then those reports will automatically be terminated.

Mr. President, I was interested to look back in the history of this. We passed a similar provision which I believe the Senator from Virginia and I cosponsored several years ago.

Mr. WARNER. That is correct, Mr. President.

Mr. NUNN. After hearing complaint after complaint about the number of reports, we said OK, here is the ball; you run with it. You tell us what you do not want and we will repeal them.

Lo and behold, DOD got over there and looked at the reports and decided they liked about 98 percent of them. The list they came back with eliminated about 2 percent of the reports. So we are reinventing the reinventing of Government here tonight, and I hope that with the Vice President's strong retention and commitment, and this administration getting rid of reports and paperwork, that they will take advantage of this invitation.

The ACTING PRESIDENT pro tempore. Without objection, the amendment (No. 868) is agreed to.

Mr. WARNER. Mr. President, we are fortunate here in the Senate to have the Senator from Georgia have a sense of humility and a sense of humor. It is needed.

Mr. NUNN. I thank the Senator from Virginia.

AMENDMENT NO. 869

(Purpose: To provide for the employment of certain Department of Defense civilian personnel to carry out environmental restoration at closed or closing military installations)

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mrs. BOXER, proposes an amendment number 869.

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

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

The amendment is as follows:

On page 323, between lines 19 and 20, insert the following:

SEC. 2816. EMPLOYMENT OF DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL TO CARRY OUT ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) IN GENERAL.—(1) The Secretary of Defense may, in keeping with the cost saving and cleanup schedule goals of the Department of Defense with respect to the closure of military installations—

(A) provide such training to the personnel described in paragraph (2) as the Secretary determines necessary in order to qualify such personnel to carry out environmental assessment, remediation, and restoration activities (including asbestos abatement) at military installations closed or to be closed pursuant to a base closure law; and

(B) employ such personnel to carry out such activities, or require contractors engaged in carrying out such activities to employ such personnel.

(2) The personnel referred to in paragraph (1) are Department of Defense civilian personnel whose employment would be terminated (except for the employment of such personnel under paragraph (1)) by reason of the closure of a military installation pursuant to a base closure law.

(3) This subsection shall not be construed to revise or modify any requirement established under Federal or State law relating to environmental assessment, remediation, or restoration activities at military installations referred to in paragraph (1)(A).

(b) PRIORITY IN TRAINING AND EMPLOYMENT.—The Secretary shall give priority in providing training and employment under subsection (a) to persons employed at any military installation whose closure pursuant to a base closure law will directly result in the termination of the employment of at least 1,000 Department of Defense civilian employees.

(c) FUNDING.—Notwithstanding any other provision of law, the Secretary may carry out the training and employment referred to in subsection (a) using funds available for environmental training in addition to funds in the following accounts:

(1) The Department of Defense Base Closure Account established under section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Department of Defense Base Closure Account 1990 established under section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(d) DEFINITION.—In this section, the term "base closure law" means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

Mrs. BOXER. Mr. President, this amendment addresses the need to speed the cleanup and conversion of our country's closing military bases, while at the same time easing the burden of military base closures on local communities. It will allow the Secretary of Defense to retain civilian base employees who would otherwise lose their jobs because of a base closure to assist in the environmental cleanup of those bases.

Mr. President, I cannot overstate how terribly important it is to my State, and our country, that closed and abandoned bases get cleaned up and returned to productive economic use as quickly as possible. These bases are often situated in heavily populated areas, where land is very valuable, and have developed infrastructure—roads, sewers, buildings—that give them tremendous economic potential. With millions of Americans out of work, it is imperative that we do whatever it takes to put the national investment in these bases to work for America's people. But there is a great obstacle to rapid conversion. The legacy of environmental contamination left at the closing bases blocks the way for rapid and productive reuse efforts to move forward. Nationally, nearly every base slated for closure has serious contamination problems. In California, all of the 28 bases proposed for closure are heavily contaminated, with no less than 10 of those 28 bases appearing on the Superfund national priorities list. Questions about the extent and cost of cleanup must be answered before local communities can seriously begin to plan for the eventual reuse of the base site. And cleanup activities must be well underway before land transfer and actual conversion activity can effectively take place.

The amendment I am offering today will give the Secretary of Defense a flexible tool to help break this jam and move the cleanup and conversion process forward. Under current practice, the Department of Defense puts most base environmental assessment and cleanup work out to bid. This process can be time consuming and cannot guarantee that local citizens will be employed in the process.

This amendment allows the Secretary of Defense to retrain and employ Department of Defense civilian employees to perform environmental cleanup work on closing military bases. It will complement the many measures proposed to make the environmental cleanup process more responsive to the needs of a closing base's surrounding community. This retrain and employ approach can create jobs for the affected community and help expedite the cleanup and conversion process.

Environmental cleanup cannot guarantee long-term work for a major base's entire civilian work force, but it can provide an employment bridge for significant numbers of workers while retraining them for productive future employment. Though private contractors may employ many workers, there is no guarantee that those workers' earnings would benefit the local community.

This amendment will also help speed the cleanup and conversion process by directly involving local community members in the environmental restoration of a closed base. Training and employing base workers should involve enough of the local community to give it a meaningful role in the cleanup process. Such community participation reduces the potential for conflict between the community and the regulatory agencies in charge of the cleanup and in that way removes potential obstacles to rapid cleanup.

Every base cleanup and conversion is unique. Each closing base confronts us with a different set of environmental problems. In some instances, retraining a base's civilian work force will not be

an appropriate and cost effective way of cleaning up that base's environmental contamination. My amendment addresses this fact by giving the Secretary of Defense flexibility in deciding where to utilize the amendment's retrain and employ approach. The amendment also gives the Secretary of Defense the authority to require, where appropriate, that private contractors hire former base employees for contracted base cleanup work.

Civilian defense employees in California tell me that they can clean up contaminated bases more cost effectively than private contractors. They have been unable to proceed, they tell me, because the Department of Defense is uncertain about its authority to retain base employees to do this work. I offer this amendment to remove this barrier; to leave no question about the Department of Defense's authority to so use base employees; to give the base employees who helped this country win the cold war the chance to prove whether in fact they can produce a more cost effective cleanup solution; and to add to the tools from which the Secretary of Defense can choose in managing the environmental restoration of closing bases, a tool that addresses the economic impact and environmental contamination problems raised by a base's closure.

Mr. NUNN. Mr. President, this amendment would provide discretionary authority to the Secretary of Defense to provide training to employees of the Defense Department or the military services to enable them to conduct environmentally related activities on the bases or facilities where they work if those bases or facilities are being closed pursuant to a base closure law.

The Secretary would only provide such training if the training and use of employees was economically sound, did not interfere with the existing military obligations, the Defense Department, or military services. If the training is provided, then the DOD must give hiring preference to those employees who receive the training.

I urge adoption of the amendment.

The ACTING PRESIDENT pro tempore. Is there further debate?

Mr. WARNER. Mr. President, we find the amendment acceptable. I urge its adoption.

The ACTING PRESIDENT pro tempore. Without objection, the amendment (No. 869) is agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to. And I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 870

(Purpose: To amend title X, United States Code, to ensure that small businesses are afforded the opportunity to participate fully in National Defense Technology and Industrial Base programs)

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. MITCHELL, proposes an amendment numbered 870.

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

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

The amendment is as follows:

On page 180, after line 24, insert the following

SEC. 804. SMALL BUSINESS PARTICIPATION.

(a) DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.—(1) Section 2511 of title 10, United States Code, is amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following new subsection (g):

"(g) SMALL BUSINESS PARTICIPATION.—(1) The Secretary shall ensure that small businesses and consortia involving one or more small businesses are afforded an opportunity to participate in the partnerships program.

"(2) The Secretary shall conduct seminars or similar programs for small businesses in order to disseminate information regarding the partnerships program widely to small businesses.

"(3) The Secretary shall establish a goal that at least 15 percent of the total amount appropriated for a fiscal year for partnerships under this section be expended for partnerships that involve small businesses or consortia involving one or more small businesses.

"(4) In this section, the term 'small business concern' has the meaning given the term 'small business' pursuant to section 3 of the Small Business Act (15 U.S.C. 632).".

(2) Not later than the date on which the President submits to Congress the budget for fiscal year 1995 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a plan for achieving the goal required by subsection (g)(3) of section 2511 of title 10, United States Code, as added by paragraph (1)(B).

(b) SBA MEMBERSHIP OF THE NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.—Section 2502(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) The Administrator of the Small Business Administration.".

Mr. NUNN. Mr. President, this amendment requires the Secretary of Defense to ensure that small businesses are afforded an opportunity to participate in the defense conversion program. It sets a goal of 15 percent participation in one conversion program, and places the administrator of the Small Business Administration on a National Defense Technology Industrial Base Council.

I urge adoption of the amendment.

Mr. MITCHELL. Mr. President, President Clinton last March fulfilled a commitment to help guide this country from an economy reliant on defense expenditures to one capable of realizing its civilian economic potential. This administration worked with the Congress to establish the technology reinvestment project and soon will announce recipients of initial grants. The money will be used to help develop technologies that have both military and commercial applications.

My amendment to the Defense authorization bill will help ensure that small businesses have a meaningful role in developing dual-use technologies. This legislation would include the Small Business Administrator on a panel created last year to advise the Department on industrial base critical technology investments. The amendment would as well set a goal of 15 percent for small business participation in dual-use technology contracts awarded by the Department of Defense. Congress would monitor progress toward achieving this goal through annual plans submitted by the Secretary of Defense. My amendment is an acknowledgment of the quality work done at small businesses by requiring that the DOD establish an information-sharing process that affords small businesses ample opportunity to receive technical assistance about, bid on, and win technology development contracts.

Our military recognizes the contribution small business makes to the defense of our Nation. Small businesses now receive 20 percent of all contracts awarded to business firms for work in America. Small businesses create and sustain the overwhelming number of jobs in the United States. This amendment is a statement of support for those enterprises as well as the men and women who operate them, and the workers who help them succeed.

Mr. WARNER. Mr. President, I ask unanimous consent that I may be designated as a cosponsor. This is an excellent amendment. I urge its adoption.

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

Is there further debate? Without objection, the amendment (No. 870) is agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 871

(Purpose: To make available certain Department of Defense food stocks for humanitarian assistance in Bosnia, Hercegovina and Armenia)

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

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOLE, for himself, Mr. WARNER, and Mr. LUGAR, proposes an amendment numbered 871.

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

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

The amendment is as follows:

On page 242, below line 19, insert the following:

SEC. 1067. DEPARTMENT OF DEFENSE FOOD STOCKS FOR ASSISTANCE IN BOSNIA-HERCEGOVINA AND ARMENIA.

Beginning not later than 10 days after the date of enactment of this Act, the Secretary of Defense shall make available to the Office of the Foreign Disaster Assistance of the Agency for International Development, out of stocks for which there exists appropriations, of the Department of Defense, 500,000 cases of meals ready to eat for distribution over the next four months, as humanitarian relief, in Bosnia-Hercegovina and Armenia. To the extent possible, these supplies should come from surplus stocks.

Mr. DOLE. Mr. President, I understand that this amendment has been cleared on both sides of the aisle.

Mr. President, my amendment urges the Secretary of Defense to make available to the U.S. Office of Disaster Assistance, 500,000 cases of meals ready to eat [MRE's] from Department of Defense stocks, for distribution to Bosnia and Herzegovina and Armenia. The amendment urges that these MRE's are to be taken from surplus stocks to the extent possible. The amendment leaves the amount to be distributed to each country to be determined by the U.S. Office of Foreign Disaster Assistance. In my view, a split of about 60 percent for Bosnia and Herzegovina and 40 percent for Armenia would be appropriate.

In many areas of Bosnia and Armenia, fuel and electricity are largely unavailable. Moreover, water supplies are limited. As such, there is an urgent need for prepared foods which do not require either cooking or water to be added. This need for prepared foods will increase as winter approaches and the impact of fuel shortages are more harshly felt. And, winter is around the corner—there is already snow on some of the mountains above Sarajevo.

Mr. President, last year the Congress provided funding for meals ready to eat above the request submitted by the Department of Defense. Therefore, the provision of these MRE's to the humanitarian relief operations in Bosnia and Armenia should not negatively affect United States Department of Defense requirements for MRE's.

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

The ACTING PRESIDENT pro tempore. Is there further debate? Without objection, the amendment (No. 871) is agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 872

(Purpose: To provide for notification and disbursement regarding funds made available in fiscal year 1994 for assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees)

Mr. WARNER. Mr. President, I send an amendment to the desk on behalf of Mr. DOLE and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOLE, proposes an amendment numbered 872.

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

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

The amendment is as follows:

On page 101, between lines 20 and 21, insert the following:

(e) NOTIFICATION AND DISBURSAL.—(1) The Secretary shall notify on or before June 30, 1994, each local educational agency eligible for assistance under subsections (b) and (d) of section 386 of Public Law 102-484 for fiscal year 1994 of such agency's eligibility for such assistance and the amount of such assistance.

(2) The Secretary shall disburse the funds made available pursuant to subsection (d) no later than 30 days after notification to eligible local education agencies.

Mr. DOLE. Mr. President, for 43 years, Congress has supported the education of the sons and daughters of military personnel through the Impact Air Program. The program has consistently funded strong instruction, but administrators have always been asked to do more with less. With such limited budgets these schools can barely maintain their academic programs, let alone introduce innovative instruction that will be necessary to meet the six education goals by the year 2000.

To help districts that have a high impaction of military-connected students, Congress has in the past provided $50 million in supplementary funds from the Department of Defense. I am pleased to see that we are continuing this practice, as these funds go a long way toward compensating impact aid districts for their limited budgets.

But money is still tight. And to make the most of each dollar, most impact aid school districts finish their school budgets in late spring to early summer. Which creates a problem when the Department of Defense does not notify them about supplemental money until the fall. It is just too late.

To resolve this problem, I have had an amendment accepted by both sides which will require the Department of Defense to notify applicant schools by June 30, 1994, and to disburse award amounts within 30 days after notification.

Mr. President, it is my understanding that this amendment is acceptable to both the Department of Education and Department of Defense, and most certainly to those hundred-plus schools who require early notification so that they can properly budget for the next academic year.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 872) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 873

(Purpose: To expand the scope of the authority to contract for certain services at military installations being closed and to place certain conditions on the exercise of such contracting authority)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator MITCHELL and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. Nunn], for Mr. MITCHELL for himself and Mr. THURMOND, proposes an amendment numbered 873.

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

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

The amendment is as follows:

After section 2918 (as added by amendment No. 828) insert the following:

SEC. 2919. AUTHORITY TO CONTRACT FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) SECTION NOT TO TAKE EFFECT.—Section 2916 shall not take effect.

(b) BASE CLOSURES UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(5)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services,

fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to a military installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this subsection a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.".

(c) BASE CLOSURES UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(4)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to a military installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this subsection a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.".

Mr. NUNN. This amendment would restrict the applicability of the provision in the bill which would waive the statutory authority for contracting of DOD in policing fire functions in the case of closing military bases. Senator MITCHELL's amendment would limit this waiver for last 180 days prior to such base's actual closure and ensure that such services will be provided by professional employees.

I urge adoption of the amendment.

Mr. WARNER. Mr. President, we find it acceptable.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 873) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 874

(Purpose: To make technical amendments to the bill and technical and clerical amendments to existing law)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator THURMOND and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. THURMOND, proposes an amendment numbered 874.

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

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

The amendment is as follows:

On page 37, strike out lines 9 through 11, and insert in lieu thereof the following:

(b) LEVEL FUNDING.—Of the amounts authorized to be appropriated in this title, $10,000,000 shall be available for fiscal year 1994 for engineering development under the program.

On page 65, line 19, strike out "or devices" and insert in lieu thereof ", or devices,".

On page 72, line 19, strike out "Amounts" and insert in lieu thereof "To the extent provided in appropriations Acts, amounts".

On page 152, between lines 11 and 12, insert the following:

(k) ARMY ENLISTMENT BONUS.—(1) Section 308f(c) of title 37, United States Code, is amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(2) The amendment made by paragraph (1) shall take effect as of September 30, 1992.

On page 192, strike out line 9 and all that follows through page 193, line 3.

On page 242, after line 19, insert the following:

SEC. 1067. TECHNICAL AND CLERICAL AMENDMENTS.

(a) MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 401 is amended by striking out subsection (f).

(2) Section 1408 is amended—

(A) in subsections (b)(1)(A), (f)(1), and (f)(2), by striking out "subsection (h)" and inserting in lieu thereof "subsection (i)"; and

(B) in subsection (h)(4)(B), by inserting "of" after "of that termination".

(3) Section 1605(a) is amended by striking out "(50 U.S.C. 403 note)" and inserting in lieu thereof "(50 U.S.C. 2153)".

(4) Section 1804(b)(1) is amended by striking out "his or her" and inserting in lieu thereof "the volunteer's".

(5) Section 2031(a)(1) is amended in the second sentence by striking out "Not more than 200 units may be established by all of the military departments each year, and the" and by inserting in lieu thereof "The".

(6) Section 2305(b)(4)(A) is amended by realigning clauses (i) and (ii) so that they are indented two ems from the left margin.

(7) Subsections (a), (e), and (g) of section 2371 are amended by striking out "Defense Advanced Research Projects Agency" and inserting in lieu thereof "Advanced Research Projects Agency".

(8) Section 2469 is amended by striking out ", prior to any such change,".

(9)(A) Section 2490a is transferred to the end of chapter 165, redesignated as section 2783, and amended—

(i) in subsection (b)(2)—

(I) by striking out "title 10, United States Code" and inserting in lieu thereof "this title";

(II) by striking out the comma after "Justice)"; and

(III) by striking out "of such title" and inserting in lieu thereof "of this title"; and

(ii) in subsection (c)(1), by striking out "Armed Forces" and inserting in lieu thereof "armed forces".

(B) The table of sections at the beginning of chapter 147 is amended by striking out the item relating to section 2490a.

(C) The table of sections at the beginning of chapter 165 is amended by adding at the end the following new item:

"2783. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds.".

(10) Section 2491 is amended—

(A) in paragraph (2), by striking out "nonmilitary application" and inserting in lieu thereof "nonmilitary applications"; and

(B) in paragraph (8), by striking out "subsection (f)" and inserting in lieu thereof "subsection (b)(4)".

(11) Section 2501(b)(2) is amended by striking out "and thereby free up capital" and inserting in lieu thereof "that, by reducing the public sector demand for capital, increases the amount of capital available".

(12) Section 2513 is amended—

(A) in subsection (b), by striking out "ELIGIBLE CENTERS.—" and inserting in lieu thereof "ELIGIBLE ALLIANCES.—"; and

(B) in subsection (c)(2)(B)—

(i) by striking out "two" in clause (ii) and inserting in lieu thereof "one"; and

(ii) by redesignating the clause (iii) added by section 4223(d) of Public Law 102-484 (106 Stat. 2681) as clause (iv); and

(iii) by striking out "an" in clause (iv), as so redesignated, and inserting in lieu thereof "An".

(13) Section 2771 is amended—

(A) in subsection (a), by striking out "who dies after December 31, 1955"; and

(B) in subsection (b), by striking out "for the" and all that follows and inserting in lieu thereof "for the uniformed services.".

(14) Section 9315 is amended—

(A) in subsection (b), by striking out "Air Training Command" and inserting in lieu thereof "Air Education and Training Command"; and

(B) in subsection (c), by striking out "Air Force Training Command" and inserting in lieu thereof "Air Education and Training Command of the Air Force".

(b) SUBSECTION HEADINGS.—

(1) Section 2507 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting "AUTHORITY.—" after "(a)";

(B) in subsection (b), by inserting "CONDITION FOR USE OF AUTHORITY.—" after "(b)";

(C) in subsection (c), by inserting "PENALTY FOR NONCOMPLIANCE.—" after "(c)";

(D) in subsection (d), by inserting "LIMITATIONS ON DISCLOSURE OF INFORMATION.—" after "(d)";

(E) in subsection (e), by inserting "REGULATIONS.—" after "(e)"; and

(F) in subsection (f), by inserting "DEFINITIONS.—" after "(f)".

(2) Section 2523 of such title is amended—

(A) in subsection (a), by inserting "IN GENERAL.—" after "(a)"; and

(B) in subsection (b), by striking out "(b)(1)" and inserting in lieu thereof "(b) PROGRAM REQUIREMENTS.—(1)".

(c) AMENDMENTS TO PUBLIC LAW 102-484.—Public Law 102-484 is amended as follows:

(1) Section 1051(b)(2) (106 Stat. 2498) is amended—

(A) by striking out "'section 101(47) of title 10,'" and inserting in lieu thereof "'section 101(47) of title 10'"; and

(B) by striking out "'section 101 of title 10,'" and inserting in lieu thereof "'section 101 of title 10'".

(2) Section 1313(2) (106 Stat. 2548) is amended, effective as of October 23, 1992, by striking out "'structure and'" and inserting in lieu thereof "'structure, and'".

(3) Section 1365 (106 Stat. 2561) is amended by striking out "(e) DEFINITION.—" and inserting in lieu thereof "(d) DEFINITION.—".

(4) Section 1441 (106 Stat. 2566) is amended in the matter preceding paragraph (1) by striking out "the FREEDOM Support Act of 1992" and inserting in lieu thereof "the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102-511; 106 Stat. 3345; 22 U.S.C. 5861)".

(5) Section 1505(e)(2) (106 Stat. 2571) is amended by striking out "(d)(2)" in the matter preceding subparagraph (A) and inserting in lieu thereof "(d)(4)".

(6) Section 1828 (106 Stat. 2585; 36 U.S.C. 5108) is amended by striking out "board of the directors" and inserting in lieu thereof "board of directors".

(d) CROSS REFERENCE AMENDMENTS IN OTHER LAWS.—

(1) Effective as of December 19, 1991, section 12 of the Coast Guard Authorization Act of 1991 (Public Law 102-241; 105 Stat. 2213) is amended by striking out "Section 406(b)(2)(E) of title 37," and inserting in lieu thereof "Section 406(b)(1)(E) of title 37,".

(2) Section 3(c)(2) of Public Law 101-533 (22 U.S.C. 3142) is amended by striking out "section 2522 of title 10" and inserting in lieu thereof "section 2506 of title 10".

(3) Section 109(17) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking out "section 101(8) of title 10" and inserting in lieu thereof "section 101(a)(9) of title 10".

(4) Section 179(a)(2)(B) of the National and Community Service Act of 1990 (42 U.S.C. 12639(a)(4)) is amended by striking out "section 101(4) of title 10," and inserting in lieu thereof "section 101(a)(4) of title 10,".

On page 266, line 7, strike out "1208)" and insert in lieu thereof "1207)".

On page 275, in the table below line 16, strike out the item relating to Land Acquisition, Various Locations, and insert in lieu thereof the following:

Land Acquisition $2,140,000

On page 347, line 25, strike out "Maricopa County, Arizona," and insert in lieu thereof "the Flood Control District of Maricopa County, Arizona (in this section referred to as 'the Flood Control District'),".

On page 348, line 1, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 348, line 3, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 348, beginning on line 15, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 348, line 17, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 348, line 18, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 348, line 24, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 349, line 1, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 349, line 4, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 349, line 9, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 349, line 12, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 349, beginning on line 16, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 392, line 3, strike out "chlorofluorocarbons" and insert in lieu thereof "substances".

On page 412, beginning on line 24, strike out "the congressional defense committees" and insert in lieu thereof "Congress".

On page 431, line 5, insert "(a) ADDITIONAL USES.—" before "Section".

On page 431, between lines 11 and 12, insert the following:

(b) CONFORMING AMENDMENT.—Section 9 of such Act is amended by striking out paragraph (4).

On page 431, line 17, strike out "'total mobilization'" and insert in lieu thereof "', based upon'".

Mr. NUNN. Mr. President, a number of technical amendments are contained in the amendment I propose. This is necessary because, since the bill was reported to the Senate July 17, we have identified the need for a number of technical amendments.

I urge its adoption.

Mr. WARNER. Mr. President, this amendment is acceptable, and we urge its adoption.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 874) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 875

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator REID and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for Mr. REID, proposes an amendment numbered 875.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new sections:

SEC. . PROHIBITION ON MILITARY ACTIVITIES, DUCK VALLEY RESERVATION, NEVADA/IDAHO.

(a) MILITARY OVERFLIGHTS.—Notwithstanding any other provision of law, aircraft under the jurisdiction of the military departments may not carry out flights for military purposes in the airspace that is less than 15,000 feet above ground level of the Duck Valley Reservation of the Shoshone-Paiute Tribes, Nevada/Idaho.

(b) OTHER ACTIVITIES.—Notwithstanding any other provision of law, the restriction referred to in subsection (a) applies to the area that extends 15 miles from the boundary of such reservation.

(c) DEFINITION.—In this section, the term "military departments" has the meaning given such term in section 101(a) of title 10, United States Code.

SEC. . PROHIBITION ON ESTABLISHMENT OF THE IDAHO TRAINING RANGE, MOUNTAIN HOME AIR FORCE BASE, IDAHO.

Notwithstanding any other provision of law, the Secretary of the Air Force may not carry out any activities with respect to the development or establishment of the Idaho Training Range.

Mr. NUNN. Mr. President, this amendment will have a second-degree amendment to be proposed on behalf of Senator KEMPTHORNE by the Senator from Virginia.

Very briefly, this is a Reid original amendment that has been sent to the desk. It will provide a prohibition against the expansion of low-flying aircraft in the vicinity of Duck Valley Reservation in Idaho and Nevada. I believe the Senator from Virginia will have a second-degree amendment.

Mr. REID. Mr. President, the Department of the Air Force is currently planning to create a 150,000-acre training area, called the Idaho Training Area, in southwest Idaho in the vicinity of the Duck Valley Indian Reservation of the Shoshone-Paiute Tribes.

It is a training area that, by admission of the Department of Defense, is unneeded.

No other group of people will be so strongly impacted by this proposed range expansion of Mountain Home Air Force Base than the people of the Duck Valley Reservation, a reservation which straddles the Idaho/Nevada border.

Not only have the people on this reservation suffered from low-level and supersonic overflights, not only have they suffered loss of land and livelihood, but the people who were originally removed from the proposed range area have never been compensated.

That is not the case with ranchers in the area who want to leave because of the expansion. One of them is receiving $1.7 million.

Two separate treaties were signed in the 1860's by the Idaho Territorial Governor and the chiefs of the Boise Basin and Bruneau Shoshone. Those treaties have not been honored.

The native Americans who live on this reservation have been loyal and patriotic, serving in our Armed Forces even before they became official citizens in 1924. Now, the Government wants more.

The Air Force has proposed creating a huge training area that will impact

even further upon the Duck Valley Reservation. This is a training area that the Department of Defense says it can live without.

This is land that the Shoshone-Paiute Tribes say was set aside perpetually for hunting and other traditional uses. It also includes historical and archeological sites important to the tribes. It is the site of graves, battlefields, and sacred land.

It has been preserved in almost pristine condition by its isolation, making it an invaluable archeological area.

Currently, the Indian Affairs Committee is considering a bill that would protect these sacred sites, and that bill is probably going to become law very shortly. But, until then, the Native Americans have no protection.

The alleged need for the training area is for a composite wing being located at Mountain Home Air Force Base. A move that has been criticized by the General Accounting Office.

The GAO report states that:

The Air Force's use of the range has raised some environmental concerns, including impacts on and changes in management of vegetation and wildlife, recreation, Native American culture, wilderness values, and special land use designations.

In this era of military build-down, why are we expanding a military installation when the job can be done with existing facilities?

The Defense Department has stated in writing that the Saylor Creek Training Range—a range that already exists at Mountain Home Air Force Base—"is capable of supporting much of the day-to-day training performed by composite wings."

The Defense Department also stated that the 20 percent of the training that cannot be accommodated at Saylor Creek can easily be accommodated at Nellis Air Force Base in Nevada and at the Utah Test and Training Range.

In fact, the Defense Department said that flying time to these other ranges would enhance training by including midair refuelings and by adding realism to training missions.

So the questions remain: Why are we going to spend money on an unneeded military installation? Why are we going to take more away from the Shoshone-Paiute tribes? Why are we going to desecrate lands sacred to a people who have already been taken advantage of?

There is another issue at stake here that has great importance to the integrity of the Congress. And that is that the Air Force is attempting to sidestep the Engle Act, which requires that all land withdrawals over 5,000 acres be approved by Congress.

The land is to be acquired by buying out two ranches and through a land exchange with the Bureau of Land Management.

This is a clear attempt to go around Congress. And the Congress ought to stop it.

The amendment I am offering puts a halt to the unneeded Idaho Training Range.

In addition, my amendment would require that overflights of the Duck Valley Reservation be at least 15,000 feet above ground level, and it creates a buffer zone of 15 miles around the reservation.

The Native Americans who live on this reservation attempt to live a quiet pastoral life. But that isn't always easy with fighter jets flashing by overhead.

The reservation has been bombarded with the roar of low-flying jets and jolted by window-breaking sonic booms—the flights coming out of Mountain Home Air Force Base.

Military airspace covers the entire Duck Valley Reservation and the noise will only get worse if the Idaho Training Range is established. Not only does the noise disrupt the lifestyle of the tribes, but it has created certain dangers.

Cattle have been spooked in the valley, and ranchers have lost control of their horses and been bucked off. It is only a matter of time before somebody gets hurt.

The tribes have been fighting for almost 130 years to be free and live the life they love. That is why I am offering this amendment to give them some relief. I hope my colleagues will support this amendment—an amendment which will also save the taxpayer millions of dollars.

There was a story told by a Duck Valley medicine man named Powonto, who, at the time of the telling in 1962, was 104 years old. He told the story of the day in 1866 when the white man came to wipe out his people.

My people were camped at Sihwigyo (which means Willows all in a row) repairing our equipment and digging wild potatoes. It was morning when the soldiers rode over the hill to the west of the willows. They came shooting, but our braves held them off while the people withdrew under the rimrock to the east. There a stand was made until nightfall. A council was held and it was decided to pull out to the water in the canyon. A trail was to be left so that the soldiers would follow. An ambush was planned. Our braves would be positioned so as to keep the soldiers from water. We would force them to withdraw.

Pawonto's people were successful that day in making the soldiers withdraw. But the soldiers are still coming, and they are more powerful this time. Pawonto's people are still fighting the battle of North Fork.

I understand that a substitute is being offered to this amendment. Though I will accept this substitute at this time, it should be known that I will continue to pursue this issue in the Appropriations Committee.

Mr. INOUYE. Mr. President, I rise to express my strong support of the amendment offered by the distinguished Senator from Nevada.

The Shoshone-Paiute Tribes of the Duck Valley Reservation have advised me of the proposed bombing range expansion. Apparently, their reservation communities are subject to constant low-level overflights and four or five sonic booms each day by military aircraft. The low-level flyovers and the bombing range expansion pose a serious threat to the free exercise of the Shoshone-Paiute Tribes' religion—some of their most sacred sites are affected by these assaults.

I have been told by tribal officials of the Shoshone-Paiute Tribes that the proposed range is 5 miles from the Duck Valley Reservation, and that the land involved is the location of their most sacred religious sites, of burial sites, and the spiritual heart of their people. It is also the location of the battlefield on which, 100 years ago, efforts were made to exterminate their ancestors. It would be most unfortunate if the U.S. Government now returns to this site to exterminate the spiritual existence of these tribes.

The impact of the establishment of this bombing range threatens an area revered and used by the tribes for centuries as their most sacred traditional place of worship and should not be underestimated. The proposed bombing range and the low-level flyovers would cause serious damage to the sacred areas which are an integral and necessary part of the Shoshone-Paiute Tribes' spiritual belief systems and traditional religious ways of life.

The Shoshone-Paiute Tribal leaders have requested that I take the necessary steps to put a stop to the expansion of the bombing range and the low-level overflights. The amendment proposed by my esteemed colleague, Senator REID, would require a 6-month study to evaluate the effects of the low-level overflights and put a halt to the expansion of the development of the Idaho Training Range until after the completion of the study. This study is vitally important to determine the proper means necessary to protect the tribes sacred religious sites from being desecrated.

AMENDMENT NO. 876 TO AMENDMENT NO. 875

(Purpose: To provide for a study of the effects of Air Force activities on the Duck Valley Reservation of the Shoshone-Paiute Tribes)

Mr. WARNER. Mr. President, I send a substitute amendment on behalf of Senator KEMPTHORNE to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. KEMPTHORNE, proposes an amendment numbered 876 to amendment No. 875.

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

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

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 2854. STUDY OF EFFECTS OF AIR FORCE ACTIVITIES ON DUCK VALLEY RESERVATION.

(a) STUDY.—The Secretary of the Air Force shall carry out a study to determine—

(1) the effects on Air Force operations of a requirement that overflights of the Duck Valley Reservation of the Shoshone-Paiute Tribes occur no lower than 15,000 feet above ground level of such reservation;

(2) the effects on such operations of a requirement that no military activities occur within such reservation or the area within 15 miles of the boundary of such reservation; and

(3) whether such operations can be carried out within the areas referred to in paragraph (2) in accordance with the following:

(A) The provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(B) The provisions of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

(b) REPORT.—The Secretary shall submit to Congress the report required under subsection (a) not later than 120 days after the date of the enactment of this Act.

Mr. KEMPTHORNE. Mr. President, on Friday the Senator from Nevada, Senator REID, stated his intent to offer an amendment concerning the Duck Valley Reservation and the proposed Idaho training range.

The Idaho training range is a proposal supported by the Governor of Idaho, the Air Force, and the National Guard Bureau. The proposed range will augment the existing Saylor Creek range used by the Air Force Composite Wing at Mountain Home Air Force Base. The proposed range will allow us to maximize the investment the Nation has made in the composite wing based at Mountain Home.

The Reid amendment would require the Air Force to complete a study on the effect of air operations on the Duck Valley Reservation before funds for the Idaho training range could be spent. Parts of the study called for in the Reid amendment would duplicate work that is already being conducted as part of the environmental impact statement for the Idaho training range. In an effort to delete this duplication, I am offering a substitute amendment that will limit the Air Force study to items not covered by the environmental impact statement.

I want to thank the Senator from Nevada for agreeing to accept my substitute amendment.

At the same time, I understand that the Senate Appropriations Committee will have to consider the issue of appropriating the authorized funds for the Idaho training range. The entire Idaho delegation supports the proposed Idaho training range and will work together in support of this appropriation. At the appropriate time, I hope my colleagues will take the time to consider my reasons for supporting the range proposal.

I look forward to working with my colleagues in the Senate to secure the funding for this important training range proposal.

Mr. WARNER. Mr. President, this amendment would require the Secretary of the Air Force to study the effects of the Air Force activities on the real estate described by the distinguished chairman. I understand that Senator REID accepts this substitute.

Mr. NUNN. It is my understanding that Senator REID will accept the substitute which has been worked out.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment (No. 876) to amendment No. 875 was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, I urge the Reid amendment as amended.

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

So, the amendment (No. 875) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 877

(Purpose: Base closure surplus military equipment)

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

The PRESIDING OFFICER. The clerk will report.

This legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for Mr. LEVIN proposes an amendment numbered 877.

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

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

The amendment is as follows:

At the end of title XX, insert the following section:

SEC. . AVAILABILITY OF SURPLUS MILITARY EQUIPMENT.

The Secretary of Defense shall make his best effort to make available surplus military equipment scheduled for retirement or disposal owing to military downsizing, base closure or realignment to communities suffering economic hardships from the closure of a military base, if such equipment is important to the economic development efforts of those communities, and if such equipment does not have an alternative military use.

Mr. NUNN. Mr. President, this amendment on behalf of Senator Levin encourages the Secretary of Defense to make his best effort to make available excess military equipment scheduled for retirement or disposal from military downsizing, base closure, or realignment, to communities that have suffered economic hardship from the closure of military bases.

I urge adoption of the amendment.

Mr. LEVIN. Mr. President, the committee bill contains several important provisions to assist communities that are being affected adversely by base closure and realignments, and additional provisions were added on the Senate floor to make certain that assistance is swift and fair.

My amendment would direct the Secretary of Defense to extend the Department's efforts in this regard to communities that have already suffered economic dislocation from base closures, even where those closures may have occurred in the seventies or eighties.

The amendment states simply that "the Secretary of Defense shall make his best effort to make available surplus military equipment scheduled for retirement or disposal owing to military downsizing, base closure or realignment to communities suffering economic hardships from the closure of a military base, if such equipment is important to the economic development efforts of those communities, and if such equipment does not have an alternative military use."

This would enable a community such as Kincheloe in Michigan's Upper Peninsula, which suffered the closure of an Air Force base over a decade ago, to receive full consideration from the Department of Defense where economic redevelopment projects could benefit from certain items of surplus military equipment.

Mr. President, at bases closed before 1988, there may no longer be a formally constituted conversion authority like there is at the bases now in the process of being closed, but there may still be community redevelopment efforts that would benefit from the conveyance of surplus military equipment.

The assistance programs we are putting into place for the most recent base closure communities are essential, but for communities where bases were closed years ago without the benefit of such programs, the Defense Department may still be able to help by conveying surplus equipment that does not have an alternative military use where that equipment would directly help new development.

This amendment instructs the Secretary of Defense to help where he can in this regard. I urge the Senate to adopt this amendment.

Mr. WARNER. Mr. President, I ask unanimous consent I might be designated a cosponsor of the amendment.

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

Mr. WARNER. I urge its adoption.

Mr. THURMOND. Mr. President, The Senator from Michigan, Senator LEVIN, has an amendment which permits the Secretary of Defense to make excess

military equipment available to communities impacted by base closure. The amendment is in keeping with the President's Community Assistance Program and the Pryor provision accepted earlier by the Senate.

Mr. President, I agree with the amendment and urge its adaptation.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is agreed to.

So, the amendment (No. 877) was agreed to.

AMENDMENT NO. 878

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

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BREAUX proposes an amendment numbered 878.

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

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

The amendment is as follows:

At the end of title subtitle C of title I (page 26, after line 16), insert the following new section:

SEC. 124. LONG-TERM LEASE AUTHORITY FOR CERTAIN ROLL-ON/ROLL-OFF VESSELS.

(a) AUTHORITY.—The Secretary of the Navy may enter into a long-term lease or charter for not more than five vessels described in subsection (b) without regard to the provisions of section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).

(b) COVERED VESSELS.—Subsection (a) applies to roll-on/roll-off (RO/RO) vessels which are required by the Department of Defense for propositioning or related point-to-point service and which, in the case of vessels for which work is required to make the vessel eligible for such service and for documentation under the laws of the United States, have such work performed in a United States shipyard.

(c) LIMITATION ON SOURCE OF FUNDS.—The Secretary may not use funds appropriated for the National Defense Sealift program that are available for construction of vessels to enter into a contract for a lease or charter pursuant to subsection (a).

(d) CONDITIONS ON OBLIGATION OF FUNDS.—The Secretary may not enter into a contract for a lease or charter pursuant to subsection (a) unless the contract includes the following provisions:

(1) 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 lease or charter.

(2) 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 that lease or charter for that fiscal year.

(3) A statement that such an commitment given under paragraph (2) does not constitute an obligation of the United States.

(e) DEFINITION.—For purposes of subsection (a), the term "long-term lease or charter" has the meaning given that term in section 2401(d)(1)(A) of title 10, United States Code (without regard to subparagraph (B) of that section).

Mr. NUNN. Mr. President, this amendment would allow the Military Sealift Command to enter into a long-term charter. It can charter up to five roll-on/roll-off vessels to serve as prepositioning ships or related point-to-point service. This will permit the Navy to extend lease terms for sealift operations.

I understand there has been objection raised to this amendment.

Mr. WARNER. Mr. President, that is my understanding. I am informed there is objection on this side.

Therefore, to protect this objection, this matter cannot be acted on finally tonight and should be sequenced for tomorrow in the course of rollcall votes.

Mr. NUNN. Mr. President, I understand the Senator is attempting to work out the difficulties. It may be by tomorrow this amendment will be able to be agreed upon on both sides before the scheduled rollcall votes.

Mr. THURMOND. Mr. President, I rise today to oppose the amendment by Senator BREAUX that will authorize the Secretary of the Navy to enter into a long-term lease for a maximum of five roll-on/roll-off vessels that are required by the Department of Defense for prepositioning or related point to point service.

I am concerned that this amendment might threaten the results of the Department's mobility requirement study. Until new construction contracts are awarded and a full commitment is made to the execution of this congressionally mandated program, I do not support any attempts to solve our strategic mobility requirements by chartering existing vessels, especially any that may be of foreign construction.

I encourage my colleagues to vote against this amendment.

UNANIMOUS-CONSENT AGREEMENT

Mr. NUNN. Mr. President, to protect the Senator from Louisiana and also to protect those who object to the amendment, I ask unanimous consent that the vote on, or in relation to, Senator BREAUX's amendment occur, without intervening action or debate, immediately upon the disposition of Senator BROWN's amendment No. 825, and that no second degree amendments or amendments to language that may be stricken be in order prior to the disposition of Senator BREAUX's amendment; that upon disposition of the Breaux amendment the bill be read a third time and, without intervening action or debate, the Senate proceed to vote on final passage of the bill.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. NUNN. Mr. President, I ask for the yeas and nays on final passage of the bill.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. NUNN. Mr. President, I ask unanimous consent that following the vote on the Leahy amendment, No. 821, each succeeding vote relative to the amendments on the DOD bill be 10 minutes in duration.

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

Mr. NUNN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

POLICY CONCERNING HOMOSEXUALS IN THE ARMED FORCES

Mr. LEVIN. I would like to engage the chairman of the committee, Senator NUNN, in a colloquy concerning section 546 of the bill, entitled "Policy Concerning Homosexuality in the Armed Forces."

My first question is as follows: Have many homosexuals, including some whose orientation was known, served and do they continue to serve in the Armed Forces, with distinction, patriotism, and honor?

Mr. NUNN. In our hearing on July 20, 1993, General Powell testified that "homosexuals have privately served well in the past and are continuing to serve well today." There have been instances, such as the circumstances described in *Watkins* v. *United States*, 875 F.2d 699 (9th Cir. 1989), cert. denied 111 S.Ct. 384 (1990) where an individual has served openly, but open homosexuality appears to be an exception because DOD's longstanding policy provides for discharge in such circumstances.

Mr. LEVIN. The administration's policy, announced on July 19, 1993, acknowledges that one should not be separated from military service unless one's homosexual orientation is manifested by homosexual acts, or statements that demonstrate a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempted marriage. Is this pending legislation consistent with this policy?

Mr. NUNN. The July 19, 1993 policy states:

> Servicemembers will be separated for homosexual conduct * * * Homosexual conduct is a homosexual act, a statement by the servicemember that demonstrates a propensity or intent to engage in homosexual acts, or a homosexual marriage or attempted marriage. A statement by a servicemember that he or she is a homosexual or bisexual creates a rebuttable presumption that the servicemember is engaging in homosexual acts or has a propensity or intent to do so.

The pending legislation, which is conduct-based, is consistent with that policy.

Mr. LEVIN. The administration's policy of July 19, 1993, makes a distinction between homosexual orientation and a propensity to engage in homosexual conduct. Is this pending legislation consistent with that distinction?

Mr. NUNN. As used in the July 19, 1993 policy, the term homosexual orientation does not include homosexual conduct, statements, or marriages. An individual will be separated under the July 19, 1993 policy for homosexual conduct, statements, or marriages. The pending legislation, which is conduct-based is consistent with the July 19 policy. The only grounds for separation in the legislation are homosexual acts, statements, and marriages.

Mr. LEVIN. On July 20, 1993, I asked General Powell whether he agreed that people should not be subjected to harassment, including homosexual persons who comply with the administration's policy of July 19, 1993. He answered "yes" to that question. Does the Chairman agree?

Mr. NUNN. Yes. The committee report, on pages 288–89, contains a very clear statement condemning harassment or mistreatment of persons who are gay or lesbian.

Mr. LEVIN. Is the language in this bill consistent in all respects with the President's policy of July 19, 1993?

Mr. NUNN. Yes. Nothing in the legislation is inconsistent with any aspect of the July 19, 1993 policy as described by authoritative administration witnesses in testimony before the Armed Services Committee. While we believe that the legislation improves the clarify of the policy, the legislation is consistent with the administration's policy as certified to the committee by the DOD General Counsel, Jamie Gorelick.

Mr. LEVIN. Under this legislation, is a person who considers him or herself homosexual in orientation alone, while making no statements regarding his or her sexuality and abstaining from any action in violation of the Uniform Code of Military Justice [UCMJ], allowed to serve?

Mr. NUNN. Because of the concept of orientation can mean many different things, the pending legislation does not use that term as a basis for separation. Instead, the committee specified those matters that demonstrate a propensity or intent to engage in homosexual conduct: homosexual conduct, statements, or marriages. An individual may not be separated under this legislation unless there is evidence of homosexual acts, statements, or marriages.

Mr. LEVIN. In the policy prior to 1982, homosexual tendencies were grounds for discharge. The word tendencies was used to describe a person's speech, appearance, or mannerisms. Does this legislation provide, in any way, for a person in the military to be separated because he or she is thought to have homosexual tendencies?

Mr. NUNN. The statute does not authorize use of the pre-1982 homosexual tendencies standard.

Mr. LEVIN. Does the prohibition on sodomy in the UCMJ, including consensual sodomy, apply to both homosexual and heterosexual sodomy? If so, is that changed in any way by this legislation?

Mr. NUNN. Article 125 of the Uniform Code of Military Justice prohibits sodomy, including homosexual and heterosexual sodomy. The legislation does not affect article 125.

Mr. LEVIN. The administration's policy of July 19, 1993, provides that there will be evenhanded investigations under the UCMJ and that this policy applies equally to both heterosexual and homosexual conduct. Does the pending legislation affect the administration's ability to investigate violations of the UCMJ evenhandedly?

Mr. NUNN. The July 9, 1993, policy states that commanders "will investigate allegations of violations of the Uniform Code of Military Justice in an evenhanded manner without regard to whether the conduct alleged is heterosexual or homosexual or whether it occurs on-base or off-base." The pending legislation does not affect the administration's ability to investigate violations of the UCMJ evenhandedly.

Mr. LEVIN. With respect to investigations, is there anything in this legislation that is inconsistent with the administration's policy of July 19, 1993, which states that the Armed Forces will use its scarce resources in a manner which acknowledges that sexual orientation is a private and personal matter?

Mr. NUNN. There is nothing in the legislation that is inconsistent with the administration's July 19, 1993 policy on investigations, as explained in testimony before the committee by the General Counsel of the Department of Defense, Jamie Gorelick. The term sexual orientation, as used in the July 19, 1993 policy, does not include homosexual conduct, statements, or marriages.

Mr. LEVIN. Does the requirement for detailed explanations of applicable law and regulations governing sexual conduct referenced in sec. 654(d) include those laws and regulations prohibiting adultery and heterosexual sodomy, even between consenting adults?

Mr. NUNN. The legislation requires the briefings to cover all elements of sexual conduct covered by military laws and regulations, including sexual harassment, adultery, and sodomy, including consensual and nonconsensual homosexual and heterosexual sodomy.

Mr. LEVIN. Would the chairman agree that under the administration's July 19, 1993, policy, that a local commander who believes that there is no propensity on part of the servicemember to violate the UCMJ or other regulations, but also believes that person has a homosexual orientation, can choose not to separate the servicemember?

Mr. NUNN. The term homosexual orientation, as used in the July 19, 1993 policy, does not include homosexual conduct, statements, and marriages. The only grounds for separation in the pending legislation are homosexual conduct, statements, or marriages. Therefore, if the commander does not have evidence of homosexual conduct, statements, or marriages, there is no basis for separation under the statute.

Mr. LEVIN. I appreciate the opportunity to engage in this colloquy with the chairman of the committee.

Mr. NUNN. I appreciate the opportunity to engage in this discussion with my good friend from Michigan. He has given a great deal of thought to this subject, and his probing questions made an important contribution to our hearings and debates. While we have not always agreed, I know that he has approached this issue with care and diligence.

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

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

The legislative clerk proceeded to call the roll.

Mr. NUNN. 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.

Mr. NUNN. Mr. President, I have been informed that there were some amendments that we did approve here tonight by unanimous consent that were not reconsidered and tabled. I ask unanimous consent that those amendments that were not reconsidered and tabled be considered as having been reconsidered and tabled.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WARNER. I agree with the distinguished chairman.

We also thank very much the staff of the Senate for bringing that to the attention of the managers.

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

Mr. WARNER. I wonder if the chairman and I should not have a brief colloquy here now.

It appears to this Senator, and I am sure the chairman, that we are nearing the conclusion, and that there is a unanimous-consent order that, at the conclusion of business tonight when the Senate stands in recess, there shall be no further consideration of this bill, apart from the votes that are to be calendared in tonight; am I not correct?

Mr. NUNN. The Senator from Virginia is exactly correct.

Mr. WARNER. Therefore, if there are Senators still considering some matters relating to this bill, I think the chairman would want to put them on notice at this time that the time remaining is very short.

Mr. NUNN. I say to the Senator from Virginia, he is exactly correct.

We do not know of any other amendments that are planned to be offered

this evening, and the unanimous-consent agreement does require the amendments to be offered this evening or today before the close of business, otherwise they will not be eligible to be presented tomorrow.

Mr. President, the managers have been on the floor for over 9 hours today handling amendments, excluding the 3-hour break for the White House signing ceremony. The floor has been open to business for over 9 hours, and there have been very few moments of quorum calls, so it has been a productive day.

I believe that 12 rollcalls have been ordered for tomorrow beginning at 2:15. I suggest that any Senator who wants to preserve a voting record would take note of that because we will have an unusual number of rollcall votes and they will be sequenced, with no second-degree amendments in order on these amendments.

So unless any other Senators want to offer their amendments tonight—and we have several we are still working on—I put anyone on notice who is listening that we are not going to be in business much longer unless there is someone here who wants to offer an amendment.

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

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

The legislative clerk proceeded to call the roll.

Mr. NUNN. 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.

Mr. NUNN. Mr. President, I want to make a few comments tonight about four very special individuals who have worked long and hard on this bill and many other defense fills.

Mr. President, this defense authorization bill marks the culmination of months and months of work by the Armed Services Committee members and our dedicated staff. We began work in this bill with full committee hearings in February and March. We followed then full committee hearings with subcommittee hearings in April, May, and June. In July, we went through a lengthy markup process that produced the bill we have been debating on the Senate floor since last Wednesday evening.

This year, as in years past, throughout the process of working on this bill and on our other legislative and oversight activities in the committee, the members and staff of the committee on both sides of the aisle have worked together very closely.

The staff of the Armed Services Committee is a highly capable, professional, and dedicated group of individuals who work together as an effective team under the leadership of the staff director, Arnold Punaro.

Unfortunately for the committee, but fortunately for the executive branch and for the Clinton administration, one member of the committee staff has already left to join the executive branch, and the departure of three others of our professional staff is imminent. I want to thank these individuals tonight for their dedicated service to the work of the Armed Services Committee and to the national security of our country.

Back in January, Robert Bell of the committee staff left to join the staff of the National Security Council. Bob had been on the committee staff since December 1984, and he worked in the areas of arms control and strategic programs. Bob's encyclopedic knowledge of arms control issues and his keen insight into the process of negotiating arms control agreements made him an invaluable member of the committee staff. Members on both sides of the aisle on the committee and in the Senate, as well as many in the House, looked to Bob Bell for advice on arms control and proliferation issues because they knew they would get an up-to-date objective advice from a nationally recognized expert in the field. They knew they would get that advice candidly and frankly and honestly.

If we had to lose Bob, I am at least pleased that Bob continues to work closely with the committee from his important, new position on the staff of the National Security Council in the Clinton White House.

Just before the August recess, President Clinton nominated John Hamre of the committee staff to be the Comptroller of the Department of Defense, a very important position. I certainly would not presume to prejudge the outcome of the confirmation process. I still would like to retain just a modicum of leverage over Mr. Hamre for the next couple of weeks, but I do think he will be confirmed because he is an excellent choice for this important position.

John Hamre came to the staff of the Armed Services Committee in May 1984 from the staff of the Congressional Budget Office. He has been the principal staff member for the committee on conventional programs, including research and development, and acquisition of ground combat systems, tactical aircraft and tactical missile programs. John has also worked a great deal on overall budget analysis, he has worked closely with the Budget and Appropriations Committees.

During his 9 years on the committee, John has worked with all members of the committee and earned their respect and gratitude for his professionalism, his bipartisan approach to national security issues, and his detailed knowledge of defense programs. John also understands and appreciates Congress' role in the authorization and appropriations process. I look forward to working with him in his new position, assuming he is confirmed.

When we returned from the August recess, Mr. President, President Clinton nominated Fred Pang of the committee staff to be the Assistant Secretary of the Navy for Manpower and Reserve Affairs. Again, without presuming the outcome of the confirmation process, I think the President has made an excellent choice and I believe that Fred will enjoy the support of all members of our committee and all Members of the Senate.

Fred Pang joined the committee staff in January 1987, after a distinguished career in the Air Force and the Office of the Secretary of Defense. From Fred's vantage point in the Defense Department, or on the committee staff, he has been heavily involved in every major piece of military personnel legislation enacted by the Congress in the last two decades, whether it was the Defense Officer Personnel Management Act in 1981, the reform of the military retirement system in 1986, or the Persian Gulf Benefits Act of 1991.

Most members of the armed services that are leaving the military early are grateful for the severance benefits and the options they have with various severance benefit plans. I can say to the members of the military that they have several more options than they would have had, had it not been for Fred Pang.

Fred is dedicated to the men and women in the military. He has spent his entire adult career working for the men and women in the military on personnel matters.

I know every member of the Armed Services Committee will agree with me that Fred's expertise in the area of defense manpower and personnel issues is exceeded only by his commitment to the welfare of the men and women of the Armed Forces and their families. Like John Hamre and like Bob Bell, we will miss Fred very much.

Finally, Robert Bayer of the committee staff will be heading across the river in the near future to be Deputy Assistant for Defense for Economic Adjustment and Base Realignment and Closure. Bob has handled military construction, base closure and community impact issues for the committee since he joined the staff in October 1983.

Bob has been by my side this week as we have debated and changed some of the base closing procedures. Bob will be implementing these procedures that he has had so much to do with in his new position.

It is easy to see why Secretary Aspin wants Bob in this tough job, important job. Bob will be helping those communities that already have base closings and realignment adjust to the very difficult economic circumstances, as well as looking down the read to what bases we are going to retain in our overall force structure in the future.

Bob worked closely with two Senate task forces, one headed by Senator RIEGLE in 1990, and one headed by Senator PRYOR last year. The Pryor task force has given more recommendations this year for overall adjustment for communities and for individuals that are incorporated in this bill by amendment.

Both of these task forces looked at ways to mitigate the impact of the defense drawdown on local communities, and Bob has played a key role in that as well as drafting the base closure legislation that set up the current base closing process.

I really hate to see these members of the staff leave. We already miss Bob Bell. Fortunately, as I said he is at the National Security Council and we can still manage to get him on the telephone for both advice from our perspective, as well as, of course, his vigorous representation of the administration viewpoint on national security issues.

We will miss John Hamre very much. He is going to be extremely difficult to replace. Fred Pang is going to be very difficult to replace and Bob Buyer will be difficult to replace. These four staff members represent more than 33 years of combined service to the Armed Services Committee, to the Senate, and to the men and women in the military, as well as—bottom line—our national security.

I can say to my friend from Virginia that these are people going to work for a Democratic administration and a Democratic President. But we have never asked our staff in a single interview whether they were Democrats or Republicans. I have worked with these individuals for many years, a cumulative total of 33, if you take them altogether—I have not been here that long, but that is adding them altogether—and I would say they are excellent. I even suspect one or two of them may have Republican tendencies. We hope that that will not in any way impede their objective and wise analysis of the issues because of what happened in the U.S. Senate.

Mr. WARNER. Mr. President, you said it; I did not. But it is true.

Mr. NUNN. It is true. I will say to my friend from Virginia, he knows each of these individuals almost as well as I do. I know all members of the Armed Services Committee—I am confident I can speak for all Members on both sides of the aisle in saying thank you to the two Bobs and to Fred and to John, all of whom are true professionals.

They do not get much credit. They do not get their name in the paper, because they are truly professional staff members and they do their job. But this Nation's security is dependent on these individuals, and other individuals on our staff on both sides like them.

They deserve an awful lot more thanks, and I must say—the taxpayers may not like this, but it is true nevertheless—there is not a single one of them that could not go out in the private sector and double or triple their salaries tonight. Each one of them is dedicated to the Nation's security and feels they can do better even at much less pay than they would be able to command in the private sector. There is not a single one of these individuals, and I must say others on our committee staff on both sides, who is not in great demand in the private sector.

They do sacrifice for the public service, and we truly are indebted to them.

Mr. WARNER. Mr. President, I do not know if there is anything I could say to add to the comments by our distinguished chairman. Indeed, each of these individuals has been here for the 14 years I have been privileged to serve in the Senate. I would say, Mr. President, despite whatever political leanings they may have, certainly during the period of President Reagan and President Bush, each of these individuals worked very closely with the Department of Defense, the NSC staff and, as you said, in fulfillment of the nonpartisanship for which our committee has been noted for over many, many years, long prior to when you and I joined this committee, and all of our predecessors, beginning I think with the distinguished chairman from Georgia, who set the mold on that many years ago. Richard Russell, I think, followed by John Stennis, John Tower, Barry Goldwater, and Scoop Jackson. These gentlemen worked for them, as they did for the Secretaries of Defense and the White House staff.

It is fortunate that President Clinton and Secretary Aspin will be gaining their services. It is a real credit to our country. They are fine men; well trained.

Mr. NUNN. I thank the Senator from Virginia. I certainly know each one of these staff members treasures the time they have spent on the committee and working with the Senator from Virginia as the ranking Republican, before the Senator from South Carolina. I am sure I can speak for each of them what a great pleasure it was—because the staff, under the guidance of the Senator from Virginia during the time he was the ranking member of this committee and they continued working with him as a member of this committee—but during that time, I do not think there has ever been better staff cooperation.

Mr. WARNER. I concur in that. I think our remarks are stated on behalf of all members of our committee and, indeed, the balance of the senior staff that are fortunately staying on to assist the chairman, myself, and others.

Mr. NUNN. I might add that if this pace continues, and the administration continues to raid the Armed Services Committee staff, we may lose through turmoil the capable staff director, Mr. Punaro, who is under considerable strain. And he has served notice to me that if one more member of the staff goes to the Clinton administration, he is going to probably leave himself because after putting together such a capable staff—and Arnold has done it as well as anybody I have known—losing people like this is a blow to all of us, but particularly to the director of the staff, who is responsible for making these key personnel decisions, subject, of course, to my approval.

So, Mr. President, I thank each of them. I thank the members for their cooperation with these fine staff members over the years.

I also wanted to thank the Presiding Officer, who may be learning more about the defense bill than he ever cared to know. He has been sitting in the chair since, I believe, about 6:30 or 7 o'clock this evening, and has done an excellent job.

I say to the Senator from Tennessee, we are grateful to the Chair for presiding, and for his patience.

Mr. WARNER. Mr. President, I join in that; not only exercising patience, but exercising the rights of the Chair to seek brevity in the repetitive presentation of a number of these amendments.

AMENDMENT NO. 879

(Purpose: To require the submittal to Congress of reports on special access programs and similar programs carried out by certain departments and agencies of the Federal Government)

Mr. NUNN. Mr. President, on behalf of the Senator from West Virginia, Senator BYRD, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BYRD, proposes an amendment numbered 879.

The ACTING PRESIDENT pro tempore. Without objection, further reading of the amendment will be dispensed with.

The amendment is as follows:

On page 242, after line 19, insert the following:

SEC. 1067. REPORTS RELATING TO CERTAIN SPECIAL ACCESS PROGRAMS AND SIMILAR PROGRAMS.

(a) IN GENERAL.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to the appropriate oversight committees a report on each special access program carried out in the department or agency.

(2) Each such report shall set forth—

(A) the total amount requested by the department or agency for special access programs within the budget submitted under section 1105 of title 31, United States Code, for the fiscal year following the fiscal year in which the report is submitted; and

(B) for each program in such budget that is a special access program—

(i) a brief description of the program;

(ii) in the case of a procurement program, a brief discussion of the major milestones established for the program;

(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

(iv) the estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

(b) NEWLY DESIGNATED PROGRAMS.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to the appropriate oversight committees a report that, with respect to each new special access program, provides—

(A) notice of the designation of the program as a special access program;

(B) justification for such designation; and

(C) the current estimate of the total program cost for the program.

(2) In this subsection, the term "new special access program" means a special access program that has not previously been covered in a notice and justification under this subsection.

(c) REVISION IN CLASSIFICATION OF PROGRAMS.—(1) Whenever a change in the classification of a special access program of a covered department or agency is planned to be made or whenever classified information concerning a special access program of a covered department or agency is to be declassified and made public, the head of the department or agency shall submit to the appropriate oversight committees a report containing a description of the proposed change or the information to be declassified, the reasons for the proposed change or declassification, and notice of any public announcement planned to be made with respect to the proposed change or declassification.

(2) Except as provided in paragraph (3), a report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change, declassification, or public announcement is to occur.

(3) If the head of the department or agency determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change, declassification, or public announcement concerning a special access program of the department or agency, the head of the department or agency may submit the report required by paragraph (1) regarding the proposed change, declassification, or public announcement at any time before the proposed change, declassification, or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

(d) REVISION OF CRITERIA FOR DESIGNATING PROGRAMS.—Whenever there is a modification or termination of the policy and criteria used for designating a program of a covered department or agency as a special access program, the head of the department or agency shall promptly notify the appropriate oversight committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e) WAIVER OF REPORTING REQUIREMENT.—(1) The head of a covered department or agency may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the head of the department or agency determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

(2) If the head of a department or agency exercises the authority provided under paragraph (1), the head of the department or agency shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the appropriate oversight committees.

(f) INITIATION OF PROGRAMS.—A special access program may not be initiated until—

(1) the appropriate oversight committees are notified of the program; and

(2) a period of 30 days elapses after such notification is received.

(g) DEFINITIONS.—In this Act:

(1) The term "appropriate oversight committees", in the case of a special access program carried out in a covered department or agency, means—

(A) each committee of the Senate and the committee of the House of Representatives having jurisdiction over legislation that authorizes the program, as determined under the Standing Rules of the Senate and the Rules of the House of Representatives, respectively; and

(B) the Committees on Appropriations of the Senate and House of Representatives.

(2) The term "covered department or agency" means any department or agency of the Federal Government that carries out a special access program (other than the Department of Defense or an agency in the Intelligence Community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a))).

(3) The term "special access program" means any program that, under the authority of Executive Order 12356 (or any successor Executive order), is established by the head of a department or agency whom the President has designated in the Federal Register as an original "top secret" classification authority that imposes "need-to-know" controls or access controls beyond those controls normally required (by regulations applicable to such department or agency) for access to information classified as "confidential", "secret", or "top secret".

Mr. NUNN. This is an important amendment, and I believe it will be agreed to on both sides.

It extends to all Federal agencies and departments that have initiated special access programs in the national security area the same reporting requirements that are now in place for the Department of Defense and the intelligence community. It requires an annual report of such special restricted programs to the committees of their jurisdiction, their budgets, their rationale, and milestone. In any case, where an agency or department head feels extraordinary sensitivity pertains to bearing on the national security, he may provide separate reporting restricted to the chairmen and ranking members of the committee of jurisdiction. The experience we have had over the last decade with DOD and the intelligence community is that the level of security and protection for the reported information is very high.

Mr. President, this is an important amendment, and I urge its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate?

Mr. WARNER. Mr. President, I concur in the remarks by the distinguished chairman. This amendment is put forth by a Senator who has a knowledge of the Government and of this Congress second to none and I think is long overdue. I commend the Senator from West Virginia and urge adoption of the amendment.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is agreed to.

So the amendment (No. 879) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider.

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

The motion to lay on the table was agreed to.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. 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.

AMENDMENT NO. 880

(Purpose: To amend title 10, United States Code, to remove a restriction on the requirement for the disposition of real property at deactivated intercontinental ballistic missile facilities to adjacent landowners)

Mr. NUNN. Mr. President, I send an amendment to the desk by Senator DASCHLE.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. DASCHLE, proposes an amendment numbered 880.

The ACTING PRESIDENT pro tempore. Without objection, reading of the amendment is dispensed with.

The amendment is as follows:

On page 356, between lines 19 and 20, insert the following:

SEC. 2854. DISPOSITION OF REAL PROPERTY AT MISSILE SITES TO ADJACENT LANDOWNERS.

Section 9781 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by substituting "Administrator of General Services" for "Secretary of the Air Force";

(2) in subsection (a)(2), by striking out subparagraph (D) and inserting in lieu thereof the following:

"(D) is surrounded by lands that are adjacent to such tract and that—

"(i) are owned in fee simple by one owner, either individually or by more than one person jointly, in common, or by the entirety; or

"(ii) are owned separately by two or more owners."; and

(3) in subsection (b)—

(A) by inserting "(1)" after "(b)"; and revising the single paragraph thereof to read as follows:

"(b)(1) the Administrator shall convey, for fair market value, the interest of the United

States in any tract of land referred to in subsection (a) or in any easement in connection with any such tract of land to any person or persons described in paragraph (a)(2)(D)(i) who, with respect to such land, are ready, willing, and able to purchase such interest for the fair market value of such interest. Whenever such interest of the United States is available for purchase under this section, the Administrator shall transmit a notice of the availability of such interest to each such person or persons."

(B) by adding at the end the following new paragraph:

"(2)(A) In the case of a tract of land surrounded by lands that are adjacent to such tract and are owned separately by two or more owners, the Administrator shall dispose of that tract of land in accordance with this paragraph.

"(B) The Administrator shall conduct a sealed bid competitive sale at which all of such owners are afforded the opportunity to compete to acquire the interest of the United States in such tract. The Administrator shall restrict to the owners of the adjacent lands the opportunity to compete in the sealed bid competitive sale.

"(C) Subject to paragraph (C), the Administrator shall convey the interest of the United States in the tract to the highest bidder.

"(D) The Administrator shall satisfy the requirements of paragraph (1) regarding notice, fair market value, and the qualifications of the purchaser in disposing of the tract in accordance with the results of the sealed bid competitive sale.

"(E) If all bids received by the Administrator pursuant to subparagraph (A), are less than the fair market value of the tract of land, the tract of land shall be disposed of in accordance with the provisions of title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).".

(4) In subsection (c), by substituting "Administrator" for "Secretary;"

(5) In subsection (e), by substituting "Secretary of the Air Force" for "Secretary" as it first appears in the subsection and by substituting "Administrator" for "Secretary" as it last appears in the subsection; and

(6) In subsection (f), by substituting "Administrator" for "Secretary."

Mr. NUNN. Mr. President, it is my understanding the amendment will be agreed to on both sides. I will not ask for a vote until the Senator from Virginia returns. In the meantime, I will explain it.

It is my understanding this amendment deals with contiguous property owners of the former sites of the Minuteman missiles. Those missile silos are now being dismantled in large numbers, have been and will be over a period of time. The current law provides anyone who owns property anywhere around the silo, in other words, all around the perimeter, would have the right to bid on that land so it could be reclaimed as part of their property at the fair market value.

The provision in the statute does not provide, however, if there are multiple owners of the several different tracts of land contiguous to the silo. This amendment being proposed by Senator DASCHLE would allow all of those owners to have a right to bid on their former property or on the entire site. The bidding would be required to bring a fair market value. If not, it would not be sold.

So this would provide for many cases where there is not one owner of all the property surrounding.

So when the Senator from Virginia returns, I will urge adoption of this amendment.

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

The ACTING PRESIDENT pro tempore. Without objection, the amendment is agreed to.

So the amendment (No. 880) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 881

(Purpose: To ensure that there is full and open competition in the procurement of operational support aircraft for the Department of Defense)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Texas, Mrs. HUTCHISON.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mrs. HUTCHISON, proposes an amendment numbered 881.

The ACTING PRESIDENT pro tempore. Without objection, reading of the amendment will be dispensed with.

The amendment is as follows:

On page 33, after line 24, insert the following:

SEC. 136. OPERATIONAL SUPPORT AIRCRAFT.

None of the funds appropriated for the Department of Defense for fiscal year 1994 may be obligated for a procurement of any operational support aircraft without full and open competition (as defined in section 2302(3) of title 10, United States Code), unless—

(1) the procurement is within an exception set forth in section 2304(c) of title 10, United States Code;

(2) the justification and certification requirements of section 2304(f) of such title are satisfied; and

(3) the Under Secretary of Defense for Acquisition certifies to the congressional defense committees that the procurement is within an exception set forth in section 2304(c) of such title.

Mrs. HUTCHISON. Mr. President, the amendment I offer today will ensure that future procurement of operational support aircraft for the Department of Defense be accomplished through a fair and open competitive bid process. There are several capable aircraft that can be utilized in the operational support aircraft role, and I simply wish to ensure that there be a fair and open competition for their acquisition.

Mr. WARNER. I understand the amendment is acceptable on the other side. Therefore, I urge its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate?

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

This amendment requires competition in the procurement of small VIP-type passenger and cargo aircraft. I heartily endorse the amendment and urge its adoption.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is agreed to.

So the amendment (No. 881) was agreed to.

AMENDMENT NO. 882

(Purpose: To provide for reports on the costs of the closure or realignment of military installations)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Pennsylvania [Mr. SPECTER] and ask for its consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SPECTER, proposes an amendment numbered 882.

The ACTING PRESIDENT pro tempore. Without objection, reading of the amendment is dispensed with.

The amendment is as follows:

On page 323, between lines 19 and 20, insert the following:

SEC. 2816. REPORTS ON COSTS OF THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.

(a) ESTIMATED COSTS OF CLOSURES AND REALIGNMENTS.—(1) The Secretary of Defense shall submit to the congressional defense committees a report on the costs (other than costs related to environmental restoration and remediation) estimated at the time of the report of the closure or realignment of any military installation referred to in paragraph (2) under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) as follows:

(A) Not later than 6 months after the date of the enactment of this Act, in the case of such installations approved for closure or realignment under such Act in 1991 and not closed or realigned on such date.

(B) Not later than January 1, 1995, in the case of such installations approved for closure or realignment under such Act in 1993.

(2) A military installation referred to in paragraph (1) is an installation whose closure or realignment results in the termination of employment at the installation of not less than 1,000 Department of Defense civilian employees.

(b) EXCESS COSTS.—If the costs (other than costs related to environmental restoration and remediation) to be incurred by the Secretary in carrying out the closure or realignment under a base closure law of a military installation referred to in subsection (a) exceeds by more than 50 percent the costs estimated for such closure or realignment in the cost estimate prepared by the Secretary in recommending the installation for closure or realignment—

(1) the Secretary shall notify the Comptroller General that the costs of such closure or realignment will exceed such estimated costs; and

(2) not later than 6 months after the date of such notification, the Comptroller General shall submit to such committees a detailed audit of the costs to be incurred by

the Secretary in carrying out such closure or realignment, including an assessment of the reasons that such costs differed from the cost estimated for such closure or realignment in such costs estimate.

(c) ANNUAL REPORT ON EXCESS COSTS.—(1) The Secretary shall submit to the congressional defense committees an annual report on the estimated costs of activities related to the closure or realignment, as the case may be, of each installation for which the Secretary makes the determination referred to in subsection (b).

(2) Each report under paragraph (1) shall include—

(A) an estimate of the costs to be incurred by the Secretary in completing the closure or realignment, as the case may be, of the installation; and

(B) if the amount of such costs exceed the amount of estimated costs for such completion in the report on the installation submitted under this section in the previous year, an explanation of such excess.

(3) The Secretary shall submit the report required under paragraph (1) at the same time as the President submits to Congress the budget for the Department of Defense under section 1105 of title 31, United States Code. The Secretary shall submit a report for each installation referred to in that paragraph until the completion of the closure or realignment, as the case may be, of such installation.

(d) REQUIREMENT RELATING TO REPORTS.—Costs shall be expressed in each report required under this section in constant fiscal year 1993 dollars.

(e) DEFINITION.—In this section, the term "base closure law" means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

Mr. WARNER. I understand this amendment has been cleared on the other side.

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

The ACTING PRESIDENT pro tempore. If there is no objection, the amendment is agreed to.

So the amendment (No. 882) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 883

(Purpose: To provide that local base closure reuse authorities consult with certain persons and entities affected by base closures)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Pennsylvania, Mr. SPECTER, and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SPECTER, proposes an amendment numbered 883.

The ACTING PRESIDENT pro tempore. Without objection, reading of the amendment is dispensed with.

The amendment is as follows:

After section 2818 (as added by amendment No. 828), insert the following:

SEC. 2819. CONSULTATION REQUIREMENT FOR LOCAL REUSE AUTHORITIES AND GOVERNMENTS.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2907, is further amended by adding at the end the following new subparagraphs (I) and (J):

"(I) Subject to subparagraph (J), the local reuse authority with respect to a military installation closed under this part, or the local government in whose jurisdiction the installation is wholly located, as the case may be, shall certify to the Secretary that such authority or government, as the case may be, has consulted in the efforts of such authority or government on such plan and, to the maximum extent practicable, included in such efforts the following:

"(i) The civilian employees of the Department of Defense at such installation.

"(ii) The regional and local chambers of commerce, if any, in such vicinity of the installation.

"(iii) Appropriate representatives of any governmental entity in the region in which such installation is located, if the number of employees of such installation on the date of the approval of closure of such installation constitutes more than 5 percent of the total civilian workforce of the area under the jurisdiction of such governmental entity.

"(J)(i) The certification required under subparagraph (I) shall be submitted, in the case of installations approved for closure under this part for which no reutilization and redevelopment plan has been submitted to the Secretary on or before the date of the enactment of this Act, before the submittal of such plans for such installations.

"(ii) Each local reuse authority or local government, as the case may be, that has submitted an interim reutilization and redevelopment plan to the Secretary under this part on or before the date of the enactment of this Act shall submit a certification to the Secretary under subparagraph (I) before the submittal of its final reutilization and redevelopment plan.".

Mr. WARNER. I understand the amendment has been cleared on both sides. I urge its adoption.

The ACTING PRESIDENT pro tempore. Is there further debate?

Without objection, the amendment is agreed to.

So the amendment (No. 883) was agreed to.

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

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

The motion to lay on the table was agreed to.

DEFENSE FINANCE AND ACCOUNTING SERVICE, KIRTLAND AFB

Mr. DOMENICI. Mr. President, I have an amendment concerning the Defense Finance and Accounting Service operation at Kirtland Air Force Base. I wonder if I could have the chairman's attention on this. I may decide not to submit this amendment, but would want to seek some assurances from the chairman.

Mr. President, first let me summarize the situation. The Defense Finance and Accounting Service was established in 1991 to achieve savings through standardizing and consolidating the finance and accounting policies and operations of the various services and agencies of the Department of Defense.

We have a DFAS installation in New Mexico at Kirtland Air Force Base. This facility was originally an Air Force finance and accounting office and has responsibility for managing the large complicated contracts in the Air Force.

The Defense Department plans to close the Kirtland DFAS site and move it to Columbus where DFAS operates the remainder of the contract payment operations.

The problem is it is my understanding that the Columbus operation is not capable at this time of undertaking the contract operations currently underway at Kirtland. And there are serious questions whether Kirtland is more cost effective than Columbus, even with larger and more complex contracts.

I support DFAS and the need to consolidate, but not at the expense of orderly operations at Kirtland and fairness to the people who work there.

I am convinced that if DFAS proceeds with their announced plans on consolidation, they will jeopardize critical contract management activity currently under way at Kirtland. My amendment would prevent any transfer of operations from Kirtland to Columbus for fiscal year 1994 until I can receive the assurances I believe we all need that the operations will be continued smoothly and the people at Kirtland will be treated fairly.

Mr. NUNN. Mr. President, if the distinguished Senator from New Mexico will yield on this point.

I have learned a good deal more about this issue since I have talked with the Senator and my staff has looked into this issue. I too believe you deserve the assurances that DFAS will be able to continue to process contract activities smoothly and that DFAS employees in Kirtland are treated fairly.

Let me say to the Senator that while I cannot provide the assurances he seeks today, I know how we can secure those assurances.

The President has nominated a new comptroller for the Department of Defense. That individual—Mr. John Hamre—happens to be a member of the staff of the Armed Services Committee. We will be holding a nomination hearing for this position and for several other positions in coming weeks.

I will be pleased to work with the distinguished Senator from New Mexico and with Senator BINGAMAN, who is a member of the Armed Services Committee, to develop a series of questions concerning the Defense Finance and Accounting Service operation at Kirtland Air Force Base. As part of the nomination process, we will pose those

questions to Mr. Hamre to insure that he is fully aware of the situation and your concerns about the future of the Defense Finance and Accounting Service at Kirtland.

THE SHELBY SUBSTITUTE TO THE HARKIN AMENDMENT TO DEAUTHORIZE THE ASAT PROGRAM

Mr. THURMOND. Mr. President, I offer my strong support to the substitute amendment offered by Senators SHELBY and SMITH to the Harkin amendment.

Senator HARKIN'S amendment would kill the Asat Program. But I believe the Armed Services Committee acted wisely and responsibly in keeping a minimal Asat technology program alive. To allow it to die at this stage simply for lack of the modest $10 million we authorized would waste the $225 million already invested, and just as the program had reached the threshold of success. No argument on grounds of economy can justify cutting the $10 million in the Asat Program if it causes $225 million to be wasted.

Some Members do not want to militarize space. But I must remind my colleagues that space is already militarized. In fact, space has become the decisive theater of modern warfare. As the gulf war showed conclusively, the U.S. military relies on space for navigation, surveillance, intelligence, targeting, attack warning, command, control, and communications. While the platforms performing these missions may not be offensive weapons, they are still essential elements of a modern military, a vital force multiplier. They militarize space as much as Asat weapons would. I also remind my colleagues that ballistic missiles are space weapons. Their warheads pass through space on the way to their targets. To suggest otherwise is like saying that a battleship is not a weapon of the highs seas—simply because it spends time in port.

Space has become such a vital a factor in U.S. military operations that space control—or at least assured access to space and unrestricted freedom to operate—are essential to our long-term national security. Military leverage is shifting to the ultimate strategic high ground of space. Space control and space denial may determine the course of a future ground war without a shot ever being fired by terrestrial forces.

Right now U.S. space platforms can operate with relative safety. But space launch and satellite technology are proliferating all over the world. A future enemy may well develop the ability to blind our forces by attacking our satellites. The modest $10 million Asat technology program approved by the Armed Services Committee is simply a hedge against that day. It would allow work to continue on the key technologies and so that the United States does not forfeit space control in a future conflict. Those Senators who worry about weapons in space need not worry, for this is not an acquisition program. It would simply keep us on track to completing an Asat prototype which we could then put on the shelf, or produce and deploy if ever needed. It would make sure the $225 million already invested is not wasted.

Rather than kill Asat outright, I hope the Senate will accept the Shelby-Smith substitute, which is a reasonable compromise. This amendment fences the $10 million in the bill for Asat until the Secretary of Defense completes an Asat study already in progress. If the Defense Department certifies that there is a valid Asat requirement—as General Horner, head of Space Command believes there is—then the money could be released to keep the program on life support. If no requirement is validated, then those who want to leave us defenseless in space can have their way. But in the meanwhile, it would be irresponsible to kill this modest program.

I urge my colleagues to accept the Shelby-Smith substitute to the Harkin amendment.

DEPARTMENT OF DEFENSE PROGRAM ON LYME DISEASE

Mr. COATS. Mr. President, I would like to take a few moments to join in a brief discussion with the distinguished chairman of the Force Requirements and Personnel Subcommittee of the Armed Services Committee, the Senator from Alabama, Senator SHELBY, concerning a Department of the Army program on Lyme Disease.

Mr. SHELBY. Mr. President, I would be happy to discuss this matter with the Senator from Indiana. Armed Forces personnel can and are contracting this disease throughout their world assignments.

Mr. COATS. Mr. President, the U.S. Army Environmental Hygiene Agency is the lead agency in the Department of Defense [DOD] Lyme Disease Program. It has been actively involved evaluating the risk of soldiers exposed to tick-borne disease since 1984 and Lyme disease since 1987. It has conducted over 180 assessments during operational field studies on tick control and repellent measures. Educational materials and training, including lectures, audio-visual materials, posters, and technical guides have been produced. All these efforts have been done through use of normal operational funding. In fiscal year 1992, $300,000 was spent on this effort. In fiscal year 1993, the available funding was cut to an estimated $200,000, a level at which, due to military downsizing, it will remain in fiscal year 1994. It is my understanding that the other body will address this issue during it's deliberation of the Defense Authorization bill this week.

Mr. SHELBY. This is correct. Congressional efforts in the past have proven to be unsuccessful in supporting this lead agency effort.

Mr. COATS. Mr. President, we need to expand this effort to include research and development of preventative measures for use in both military and civilian environments, including: Evaluation of antitick repellents in clothing, studies comparing tick control measures, and tick carriers, along with anti-tick pesticide dispersal. The environmental Hygiene Agency at Aberdeen Proving Grounds in Maryland has assisted many Lyme organizations and groups across the country. Important discoveries have led to significantly improved disease protection for the Armed Forces.

Mr. SHELBY. It is my understanding that arthropods (ticks, insects, etc.) spread diseases which injure more Armed Forces personnel during wartime than all the direct contact injuries.

Mr. COATS. Mr. President, funding for this program could evaporate at any time it is operationally funded. A DOD Lyme Disease Program with the U.S. Army Environmental Hygiene Agency providing the lead would require a $500,000 one time start up cost for equipment, facilities and software purchases. Labor and operating expenses would cost an additional $500,000 per year.

Mr. SHELBY. Lyme disease is a debilitating disease which saps its victims of strength and spirit. Nearly 50,000 cases have been recorded by the Center for Disease Control [CDC] since it began tracking Lyme disease in 1982—10,000 of them last year alone.

Mr. COATS. Mr. President, this area of effort has a proven track record and a history of military and public support. It takes a long time to develop this type of excellent reputation. I urge that we join with the other body during the Joint Conference on the DOD Authorization bill later this month, and show our support for this important effort. I thank the Senator from Alabama for his time and support on this effort.

Mr. SHELBY. I thank the Senator from Indiana for his efforts on behalf of men and women in uniform.

KC-135R REENGINING PROGRAM

Mr. DOLE. Mr. President, I wish to bring to the attention of the Senate a very important program to the Air Force and the Air National Guard. I am referring to the modernization of the KC-135 refueling tanker fleet.

Until recently, the tankers' primary mission had been to refuel the strategic bomber fleet. That role has now transitioned with the changes in our force structure. Forces focusing more on mobility from bases within the United States will be dependent on tankers for deployment. Smaller forces will need tankers as a force multiplier allowing them to carry more weapons, transport more cargo, and stay on station longer. The end of the cold war

has not reduced the need for modernizing the tanker force. In fact, the need is even greater.

Air refueling tankers played a very important part in the success of the Persian Gulf war, with, I note, Guard aircraft performing 33 percent of the tanker missions during the war. Nonetheless, tankers were the limiting element in that operation even though nearly 300 aircraft were committed to the theater. The necessity to fully modernize this vital operational asset is clear.

As many of my colleagues know, the KC–135 engine replacement program was initiated in the early 1980's as the most cost effective means of providing additional fuel off-load capability required by the Air Force to meet mission commitments. The first completed replacement with a CFM–56 engine was delivered to the Air Force in 1984. Since then, Congress has appropriated funds to upgrade all 390 aircraft in the active Air Force fleet, as well as the first 10 Reserve tankers. This has been a highly successful, virtually problem free procurement modernization program, meeting or exceeding all specifications.

Mr. President, modernization of the KC–135E aircraft to the "R" model is essential for the Guard to meet mission requirements within budget and manpower constraints. The replacement engines allow a tanker aircraft to offload 27 percent more fuel and utilize airfields with shorter runways and hotter climates. Fuel consumption in the new engines is 18 percent better. Engine maintenance is 90 percent less, eliminating the need for engine shops at each base. Unlike the KC–135E, the KC–135R meets all current and proposed noise requirements at Air National Guard bases. In summary, the modernized "R" aircraft are highly cost effective, paying for itself in 5 to 10 years.

I must remind my colleagues that, for the last several years, many important missions have been transferred in whole or in part to the Guard, with the result that the active military now relies much more heavily on the capabilities of the Guard and Reserve to effectively carry out their operations. Just last week, Secretary Aspin, in his briefing on the bottom up review, stressed the importance of well-trained, well-equipped Guard and Reserve forces. In addition, in "The Bottom-Up Review: Forces for a New Era" dated September 1, Secretary Aspin has included the following statement:

> Large numbers of aerial refueling aircraft would be needed to support many components of a U.S. theater campaign. Fighter aircraft deploying over long distances, require aerial refueling. Airlifters can also carry more cargo longer distances if enroute aerial refueling is available. Aerial surveillance and control platforms, such as AWACS and JSTARS also need airborne refueling in order to achieve maximum mission effectiveness.

For these reasons, I believe it is essential to continue this vital program.

I yield to the distinguished Senator from Ohio for his comments.

Mr. GLENN. Mr. President, I have worked for many years in support of the KC–135R reengining program. The points raised by the distinguished Republican leader are accurate and to the point. Let me add just a few other pertinent comments.

First, the original Air Force plan in the late 1970's was to modernize every tanker in its fleet and in the Air National Guard. A critical shortfall in aerial refueling capability had been identified by that time, with the increased dependence on air refueling of greater numbers of bombers, fighters, and transport aircraft to carry out their missions. The Air Force correctly concluded that modernization of its entire active and reserve tanker fleet to the "R" configuration was the most cost effective solution to the tanker shortfall.

The Air Force also planned to complete the active fleet modernization before continuing the program in the Guard. I have no quarrel over this prioritization by the Air Force. However, in the fiscal year 1994 budget request, the Air Force did not include funds to continue the Guard tanker modernization program.

I believe this is a very serious mistake on the part of the Air Force. Many high-ranking Air Force officials have expressed concern over the budgetary constraints which led to this omission, since tanker requirement studies continue to report significant shortfalls. I believe it is up to the Congress to ensure that the program is continued in the future.

Mr. THURMOND. Mr. President, I agree with the arguments of the Republican leader and the distinguished Senator from Ohio. This aircraft modernization program has proven to be effective, economical, and essential to the readiness of our active and reserve forces. I fully support its continuation.

Mr. DOLE. Mr. President, I thank my colleagues for their support. Their efforts on behalf of this important program will ensure the readiness of the Guard tanker fleet to perform its mission in support of the active air forces. I trust that the Air Force will take heed of the debate in this body today and will ensure that funding for the Guard's KC–135R reengining program is included in the fiscal year 1995 budget request.

AMENDMENTS NUMBERED 856 AND 857

Mr. BAUCUS. Mr. President, the Senator from Illinois has two amendments: One allowing the Secretary of the Army to pay 100 percent of the cost for repairing Federal and non-Federal levees damaged by the recent flooding in the Midwest; and one directing a Secretary of the Army to conduct a study to assess the adequacy of current flood control measures on the Upper Mississippi River.

Both amendments are under the jurisdiction of the Environment and Public Works Committee because they direct the Secretary of the Army's flood control responsibilities, which are within the scope of the Civil Works division.

I am sympathetic to the plight of the victims of this recent disaster and I understand the motivation of my colleague from Illinois to take action to address the immediate needs of his constituents. However, I cannot support his amendments.

The amendment to provide 100 percent Federal repair of levees weakens the foundation of the Corps of Engineers' policy on cost sharing.

Currently, the Corps has authority to provide assistance to Federal and non-Federal levees damaged from flooding. In the emergency supplemental appropriations bill enacted last month, the Congress provided a total of $180 million to repair approximately 40 Federal and 164 non-Federal levees eligible for Federal assistance.

Some of that work has already started. And the Corps hopes to complete a minimum level of protection at all those levees by the end of the construction season this year. So there has already been substantial resources committed to the flood recovery.

One of the criteria for assistance to non-Federal levees is a 20 percent local cost sharing requirement. Given the widespread devastation from this disaster, I understand that it may be difficult for some local levee sponsors to meet that requirement at this time.

However, the Corps of Engineers reports that the cost-share requirement under this emergency repair program can come in various forms of in-kind contributions, including providing personnel and equipment for the repair effort. That should help ease some of the burden.

I also pledge to work with the Senator and the administration to see if there are other ways to ease the immediate burden, possibly by deferring any necessary cost sharing that cannot be met by in-kind contributions, while maintaining the integrity of the Corps' emergency assistance program. The Corps of Engineers has already indicated a willingness to review this issue. If such action can be taken administratively by the Corps, the Senator's constituents may receive some relief in the near future.

Furthermore, as chairman of the Environment and Public Works Committee, I will be conducting a oversight hearing on the Corps' response to the flooding in the Midwest and their overall policy on flood protection in the near future. The wisdom of the levee construction on the Upper Mississippi has received increased attention as a

result of the recent flooding, and I believe it is an issue the authorizing committee needs to take a serious look at.

I also will work with the Senator to outline a study that addresses his concerns and request the Corps of Engineers to develop alternatives to the traditional cost-share policy for this unprecedented situation and present them to the committee within 60 days.

Finally, the Senator's amendments fall within the purview of the Environment and Public Works Committee, not within the authority of the Armed Services Committee and this bill. Thus, I must oppose them on jurisdictional grounds. This simply is not the bill on which to debate the serious questions that have been raised about this Nation's flood control policy in the wake of the devastation in the Midwest this summer.

So I urge my colleague from Illinois to withdraw his amendments from this bill and to work with me, the Environment and Public Works Committee, and the Corps of Engineers to address his concerns so that the levees can be repaired in a timely and responsible way.

THE REPEAL OF U.S. CODE SECTION 6015, THE COMBAT EXCLUSION LAW

Mr. SPECTER. Mr. President, I would like to address some concerns surrounding the process of review included in the repeal of the combat exclusion law which is contained in this bill. As you know, the notification requirements contained in the bill prevent the Secretary of Defense from implementing a new policy before 60 congressional business days and 90 calendar days have elapsed—a period of time that could amount to 6 months or even a full year. While prudence and congressional oversight are essential on this issue, I am concerned that the process outlined creates an indefinite and unnecessarily lengthy delay that could adversely impact the morale and readiness of our Armed Forces.

Until the military is certain that it will be allowed to assign women to combat units, military leaders will not begin training individuals for assignment to new billets or be able to accurately plan ahead for the necessary structural changes. Therefore it is possible that an even longer delay than the one provided in the notification requirements will result. The military should not be given a carte blanche to make whatever changes it sees fit in its assignment policies, but it should be informed as to when the personnel changes it requests will take effect so that it can plan accordingly.

Mr. ROTH. I applaud the senior Senator from Pennsylvania for his efforts in addressing the important issue of timely implementation of personnel changes regarding military personnel policies for female service members. The notification delay is time consuming and there is no intention that it would have any positive effect on military capability.

Having expressed our concerns with the consequences of the process outlined in this bill, I now wish to express our disagreement with the assumption of the need for such stringent restrictions on the implementation of new policy. If the military had a history of rash and unwise decisions in the area of personnel assignments, then we would be more compelled to intervene. But it has historically been conservative about taking large steps in this area, and can be expected to do so in the future as well.

Mr. KENNEDY. I thank my colleagues from Delaware and Pennsylvania for their statements. I have always supported relaxing all restrictions on women from serving in any combat tasks that they can fulfill. As a member of the Armed Services Committee, I am pleased that the committee's bill removes the current statutory ban on women serving on combat ships. This step removes the final legal restriction on women's combat roles.

I share the concerns of my colleagues, however, about the lengthy notification requirements required in the bill. I would like to see the requirements eliminated. I believe that the Defense Department is fully capable of setting personnel policies to meet its needs. I am confident that as in the past, Congress will retain its ability to deal with departmental personnel policies, without cumbersome notification requirements.

Under the 150 legislative day notification period in the committee bill, the services could be restricted from making optimal use of available personnel. The Navy, under the assumption that the ban on women serving on combat ships will be lifted, is now going through its assignment process for the next 6 months. Five hundred female officers and sailors are prepared to fill billets currently filled by males. To impose a lengthy notification period could interfere with this planning process, forcing the Navy to make less effective use of its available personnel. The Navy has carefully prepared for this policy change, and it is ready to implement it now. Any additional delay will serve no constructive purpose.

Mr. SPECTER. I thank the senior Senator from Massachusetts for his thoughtful comments. The House version of the repeal of the combat exclusion law outlines a process of review that imposes a fixed delay of 60 calendar days between the day the Secretary proposes a policy and the day that he can begin its implementation. This language avoids the problems of the two-stage notification process in that it sets a definite period of delay. It also gives the military the ability to plan for change in advance. I would like to ask the Senators from Alabama and Massachusetts if they would be willing to keep an open mind on the issue of notification requirements as they go to conference on this bill.

Mr. SHELBY. I appreciate the concerns expressed by the Senators engaged in this colloquy, and will be happy to consider their concerns when I deal with this matter in conference. I trust that my colleagues understand the purpose of the notification requirement, which was sponsored by Senator COATS, is to ensure proper congressional oversight.

From my perspective, I believe it is very important that we make sure that the Defense Department's policies with regard to the assignment of women in the military allow for the broadest opportunities for women consistent with combat readiness and privacy requirements. In general, I believe the review procedure provided for in the bill will help us to fulfill our responsibilities in this regard; however, I will review the details to conference to ensure that the Defense Department is not unnecessarily impeded in implementing policies in this area.

JUPITER

Mr. DOMENICI. Mr. President, last spring the President announced his decision to extend the nuclear testing moratorium for the United States. The moratorium was extended because the administration believes that this policy will assist in countering nuclear proliferation world wide. I hope this is true and I support the President's efforts.

Nonetheless, although we have stopped testing, the DOD and the DOE will still need to test military equipment against nuclear weapon effects to assure survivability.

Underground nuclear tests were the cheapest and best way to test for survivability. With the test moratorium, DOE and DOD will have to simulate nuclear weapons effects with large electrical machines. Without nuclear tests, the Jupiter program will be needed to test our defense systems.

Would the Senator from Georgia engage me in a colloquy on this matter?

Mr. NUNN. The Senator from New Mexico raises a very important issue. In the absence of nuclear weapons testing, we will have to look to machine simulation to test our military systems and equipment for survivability against the radiation effects caused by nuclear explosions. Machine simulation is the only means by which we can test the survivability of military equipment, particularly communication equipment.

Mr. DOMENICI. I thank the Senator from Georgia for those comments.

Mr. President, the Defense Nuclear Agency plans to expend $6 million in fiscal year 1994 for the development of the Jupiter X-ray Simulator. The Department of Energy will add several million to this effort in fiscal year 1994.

The total cost of the Jupiter program is $240 million over 6 years.

Mr. President, with the testing moratorium in place, I cannot overestimate the importance of having the capability to test our weapon systems against the radiation effects of nuclear weapons. I will work with the committee to make sure we have the testing capability that we need.

Mr. NUNN. I share the Senator's concerns and will work with the Senator from New Mexico to that end.

Mr. NUNN. Mr. President, I have several parliamentary requests I would like to frame for the Chair, so I will make sure that we appear on the floor and all Senators understand the parliamentary situation. So I ask to clarify, am I correct in stating that after the Senate recesses tonight no more amendments will be in order to the DOD authorization bill?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. NUNN. I thank the Chair.

Mr. President, am I correct in stating that the only amendments that will be voted on tomorrow are those 11 amendments which have been subject to a unanimous-consent agreement on sequencing?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. NUNN. I thank the Chair.

Mr. President, am I correct in stating that no second-degree amendments will be in order tomorrow?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. NUNN. I thank the Chair.

Am I correct, Mr. President, in stating that no debate will be in order tomorrow on any amendment on or to the bill?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. NUNN. Mr. President, am I correct in stating that upon disposition of the Breaux amendment, we will immediately have a third reading of the bill and then immediately vote on the final passage without any intervening action or debate?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. WARNER. Mr. President, I would like to begin by commending the distinguished chairman of the Armed Services Committee, Senator NUNN, and the distinguished ranking member, Senator THURMOND, for their outstanding work on this bill.

A unanimous vote by the committee to report this bill favorably to the floor reflects their exemplary leadership and the bipartisan spirit which characterized this entire process.

Mr. President, I am extremely proud of the conduct of our military establishment over the past several years. I know of no other military force in history which has so faithfully and effectively executed so many difficult, disparate missions while at the same time reducing its own size, scope, and strength.

The men and women—both military and civilian—who have been involved in this effort deserve our praise and commendation. Many of them in fact were involved in actions which, in effect, limited or perhaps terminated their own careers and livelihood.

This complex endeavor has been characterized by outstanding leadership and management. I would like to take this opportunity to commend the former Secretary of Defense, Dick Cheney, and the Chairman of the Joint Chiefs, Gen. Colin Powell, who set such high standards for a reasonable, rational downsizing of our Armed Forces. General Powell of course has continued to assist the new Secretary of Defense, Les Aspin, and his new management team as they strive to achieve an appropriate force structure with declining resources.

General Powell will be retiring from active duty at the end of this month and I would like to take this opportunity to commend him for his outstanding service as the Chairman of the Joint Chiefs of Staff. I believe he will go down in history as one of the best Chairmen of the Joint Chiefs this country has ever had.

One of the more recent efforts of the new DOD management team is the bottom-up review. I commend Secretary Aspin, his Deputy Secretary Bill Perry, and Under Secretary John Deutch as well as General Powell, the Joint Chiefs, and the military service for a job well done.

The bottom-up review is an impressive, forward-looking effort to properly size our forces for the future. It is realistic and quite frankly, very close to what I believe the Bush administration would have recommended, in time.

However, I am concerned that the recommendations of the bottom-up review may require some $15 to $20 billion more over 5 years than the Clinton administration had planned for. We are still awaiting word on whether or not the 5-year defense plan incorporating the result of the bottom-up review is in fact underfunded, and if so how the administration intends to cope with this problem. In any event, I do not believe we can reduce the defense budget further, nor do I believe we can reduce our Armed Forces below that recommended in the bottom-up review in the foreseeable future.

Mr. President, it is essential that we maintain the high quality of personnel we already have in our Armed Forces, and that we continue to modernize our forces and provide sufficient funds for operations, maintenance, and training.

Mr. President, we must stop using the defense budget as a source of funds for domestic programs. I have a copy of a letter dated August 4, 1993, from Secretary of Defense Aspin to the chairman of the Armed Service Committee which expresses his concern about this problem.

Secretary Aspin points out in his letter that since 1985, the peak year for the Reagan defense buildup, the constant dollar value of the defense budget has declined by 34 percent and by 1998 it will have declined by 41 percent.

I would like to quote one short paragraph from Secretary Aspin's letter:

> The Department of Defense has carried its fair share of the sacrifice necessary to put our nation's fiscal house in order. The Department cannot be looked on as a bank to be used for financing domestic programs.

Mr. President, I ask unanimous consent that Secretary Aspin's complete letter be included in the RECORD.

Mr. President, I also want to express my concerns regarding the administration's ballistic missile defense program. As my colleagues know, I have been a strong supporter of missile defenses for many years. The gulf war affirmed my convictions that we have the technologies at hand or in development to make these missile defenses work. And, when you need missile defenses, it is absolutely essential that they exist and are operational.

Through the bottom-up review process, the Clinton administration has decided to refocus the ballistic missile defense program with an emphasis on robust theater missile defenses to counter the threat resulting form proliferation of ballistic missile technology and weapons of mass destruction. I concur with the administration decision to field a robust theater missile defense system.

On the other hand, I regret that the Clinton administration has decided to reduce funding for national missile defenses, downgrading this program to a mere technology program. I still believe, as the Congress mandated in the Missile Defense Act of 1991 and its amendment of 1992, that we should move to develop and deploy national missile defenses in a timely and deliberate manner.

I regret also that the Armed Services Committee decided to subject theater missile defense components and systems upgrades to Anti-Ballistic Missile [ABM] Treaty compliance review and fenced one-half of all funds for these systems and upgrades until a compliance review report is submitted to the Congress. In this case, the committee's action could not only increase costs and delays in fielding theater missile defense but yield less capable systems once they are deployed if ABM compliance becomes a fixed position.

I am disappointed that the committee could not arrive at a more favorable consensus on this issue. At some point we will have to answer the fundamental question: Why should the United States take steps that will cost extra money, cause delays, and lead to less technically capable systems when these steps were not envisioned by the

drafters of the ABM treaty? In 1972, and in the years prior, no one had in mind a theater missile threat—intercontinental missiles were the problem.

Mr. President, at this point I ask that a letter from the Under Secretary of Defense, John Deutch to the chairman of the Armed Services Committee, Senator NUNN, dated September 7, 1993, be entered in the RECORD.

Secretary Deutch urges in his letter that the Senate adopt the funding level of $3.5 billion for ballistic missile defense and that we not allocate funds by program elements in order to allow flexibility to the Department

Secretary Deutch states and I quote:

Budget cuts below the Armed Services Committee level and program defences this year will endanger our ability to deliver our new plan.

I am aware that there are those who annually attack the ballistic missile defense program in order to reduce its funding. I hope that this year the Senate will refrain from reducing the Armed Services Committee recommended level of $3.5 billion, and allow the new administration to pursue its new approach which Secretary Deutch describes as "fiscally and technically conservative, based on valid requirements and responsive to Congressional direction." The proliferation of theater missiles is, in my view, the most serious military threat facing the free world.

Mr. President, on another issue although the administration had not recommended nor provided funds for a pay raise for our military personnel for fiscal year 1994, I am pleased that the Armed Services Committee agreed that we should do so.

The committee has recommended a 2.2 percent pay raise for military personnel effective in January of fiscal year 1994.

Mr. President, as I close, I would like to express my high regard, respect, and admiration for the chairman and ranking member of the Armed Services Committee as well as the other committee members on both sides of the aisle. We are indeed fortunate to have such a splendid group of Senators on this committee, including two new members, Senator HUTCHISON from Texas, and Senator BRYAN from Nevada who have already demonstrated their high capabilities in our committee markups this year.

Mr. President, I yield the floor.

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

THE SECRETARY OF DEFENSE,
Washington, DC, August 4, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: When you take the FY 1994 National Defense Authorization Bill to the Senate floor, I urge you to continue to guard against attempts to use defense funds for domestic programs.

Our defense program, as outlined by President Clinton in his economic plan, reflects a new way of thinking about national security and represents a dramatic shift away from the Cold War forces of the past. However, we still face challenges and dangers. Strong, ready and capable military forces are an important element in our national security strategy for meeting these challenges. The proliferation of weapons of mass destruction and the means of delivering them constitute a real danger. We also confront a variety of regional problems that could erupt into armed conflict affecting vital U.S. interests. We must promote and defend democracy as it emerges around the world. And we must be capable of delivering flexible, adaptable forces for the challenges of peacekeeping and peace enforcement in this new era.

With the demise of the Soviet threat, there is no question that our forces can be smaller; we are reducing them substantially. Our challenge is to protect key defense capabilities while this downsizing takes place. The budget proposed by President Clinton sets the Department on a measured course toward forces capable of meeting the challenges of the future, while avoiding serious disruption to military capability, readiness or the domestic economy.

Those who think that the Department has been insulated against the painful budget cuts needed to reduce the deficit are misinformed. The FY 1994 request submitted by the Administration for the Department of Defense is $8.8 billion in discretionary budget authority below the level approved by Congress for FY 1993. FY 1994 outlays for the Department are projected to be $13.6 billion below the FY 1993 level. From 1985, the peak year for Department of Defense military funding since the end of the Korean war, the constant dollar value of the Defense program has declined by 34 percent, and by 1998 it is projected to decline by 41 percent. That is a real budget cut, no matter how you measure it. Since the 1990 budget summit agreement, defense spending is the only category of discretionary spending that has been cut. These budget cuts have had a real impact on programs. Our plans to restructure the defense force require cuts of several hundred thousand active duty military personnel to achieve a force level of about 1.4 million by 1997. The National Defense budget authority reductions of $85 billion from the Bush Administration adjusted baseline for FY 1994-97 require substantial force structure cuts, elimination of weapons procurement, and tightening the belt on infrastructure. These currently planned reductions are painful, not easy. Within the reduced budget levels, funding must be provided for new missions such as environmental cleanup, defense conversion, and for rising health care costs.

The Department of Defense has carried its fair share of the sacrifice necessary to put our nation's fiscal house in order. The Department cannot be looked on as a bank to be used for financing domestic programs.

I look forward to working with you as we reshape our defense program for the twenty-first century.

Sincerely,

LES ASPIN.

OFFICE OF THE UNDER SECRETARY OF DEFENSE,
Washington, DC, September 7, 1993.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: When you take the Fiscal Year 1994 Defense Authorization Bill to the Senate floor, I realize you will be under strong pressure to reduce funding for the Nation's ballistic missile defense (BMD) program. I urge you to support the funding level approved in your committee and to fight attempts to further cut this important program's budget.

As you are aware, the Department of Defense (DoD) has completed the Bottom-Up Review and refocused the BMD program. The revised BMD funding profile through the Future Year Defense Plan is $18 billion—averaging about $3.6 billion a year. Your committee approved $3.2 billion, plus $250 million for the Brilliant Eyes program, which totals about $3.5 billion for the missile defense effort. The Department supports the Senate Armed Services Committee position and will do so in the House of Representatives as well.

Given the present and projected threat of potential adversaries acquiring ballistic missiles, and possibly arming them with weapons of mass destruction, the Administration has decided to proceed with a robust theater missile defense (TMD) acquisition program. At the same time, the national missile defense (NMD) program approach will be refocused toward technology development. We are also focusing our advanced technology efforts towards emerging theater missile threats.

Now that the Department has made the difficult choices with regard to missile defenses, I am certain you will appreciate the importance of continuing the program on the right course. I urge you and your colleagues to adopt your committee funding level and not allocate funds by program elements. This combined budget and programmatic flexibility will enable the Department to provide for a more rational transition to meet the objectives set out by the Secretary of Defense. Budget cuts below the Armed Services Committee level and program fences this year will endanger our ability to deliver our new plan.

I know how strenuously you have worked over the years on this issue. The Department has adopted a new approach that is fiscally and technically conservative, based on Valid requirements and responsive to Congressional direction. I trust we can count on your continued support.

Sincerely,

JOHN M. DEUTCH.

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

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

The legislative clerk proceeded to call the roll.

Mr. NUNN. 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.

Mr. NUNN. Mr. President, I ask unanimous consent that Senators may insert statements in the RECORD tomorrow on either the bill or amendments thereto as though read.

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

MORNING BUSINESS

Mr. NUNN. Mr. President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein.

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

INTERNATIONAL CONFERENCE ON PROTECTION OF WAR VICTIMS DECLARES SUPPORT FOR HUMANITARIAN LAW

Mr. PELL. Mr. President, over 100 government delegations met in Geneva August 30 to September 1 for an International Conference for the Protection of War Victims, organized by the Government of Switzerland, with the active participation of the International Committee of the Red Cross.

This is the first time governments have met in a conference specifically for this purpose, and the meeting could not have been more timely. The conflict in the former Yugoslavia, renewed fighting in Somalia, Sudan, Angola, and elsewhere in Africa, the proliferation of regional conflicts in the territory of the former Soviet Union, all provide a stark, tragic background for a conference on protection of war victims. The Government of Switzerland should be commended for its initiative in convening this conference as an urgently needed way to reaffirm support for international humanitarian law.

The Geneva Conventions, first agreed to in 1864, mark the beginning of the modern era of humanitarian law in armed conflicts. The original conventions, their periodic updating and improvement, and their 1977 protocols, embody the basic principles and rules aimed at protecting the sick and wounded, prisoners of war, the civilian population, and other war victims.

I would like to pay particular tribute to the International Committee of the Red Cross, in practice the moral custodians of the Geneva Conventions. In his statement to the conference, the U.S. representative, Ambassador Warren Zimmermann, described the ICRC as "an organization marked by dedication, a strong humanitarian spirit, professionalism, and a rare courage." Just a few days before the conference, three ICRC delegates were killed while on duty in the field, bringing the total of ICRC representatives killed to 17 in 1993 alone.

The United States has long contributed to the ICRC's humanitarian programs, and I am glad to note Ambassador Zimmermann's statement that "the U.S. will continue to provide strong support for the ICRC's work and the work of the Red Cross movement as a whole." I hope the International Conference of the Red Cross and Red Crescent will be able to meet again soon without the problems of participation that plagued its last two meetings. This conference provides a good precedent for that.

The main purpose of this conference was to reaffirm governmental support for international humanitarian law. The final declaration of the conference, adopted by consensus on September 1, is an eloquent plea for an end to the violence and hatred that we see expressed in such horrific ways: massacres and mistreatment of women and children, rapes, torture, starvation, denial of medical care, displacement of civilians, and failure to account for the missing. We should be proud that the United States took part in this conference and played a vital role in drafting the declaration.

It is similarly important that the United States complete its review of the 1977 Protocol I to the Geneva Conventions with a view to submitting it to the Senate for ratification, along with Protocol II which was submitted in 1987. I am glad to note that the administration's review is proceeding on the 1954 Convention on the Protection of Cultural Property, and the 1980 Convention on Certain Conventional Weapons and its protocols, particularly the one concerning land mines. Our capacity for leadership in humanitarian law will be enhanced by our ratification of these important treaties.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point the declaration adopted by the International Conference for the Protection of War Victims, and the excellent statement to the conference by the U.S. representative, Ambassador Warren Zimmermann.

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

DECLARATION ADOPTED BY CONSENSUS, SEPTEMBER 1, 1993

The participants in the International Conference for the Protection of War Victims, held in Geneva from August 30 to September 1, 1993, solemnly declare the following:

I

1. We refuse to accept that war, violence and hatred spread throughout the world, and fundamental rights of persons are violated in an increasingly grave and systematic fashion. We refuse to accept that wounded are shown no mercy, children massacred, women raped, prisoners tortured, victims denied elementary humanitarian assistance, civilians starved as a method of warfare, obligations under international humanitarian law in territories under foreign occupation not respected, families of missing persons denied information about the fate of their relatives, populations illegally displaced, and countries laid to waste.

2. We refuse to accept that, since war has not been eradicated, obligations under international humanitarian law aimed at limiting the suffering caused by armed conflicts are constantly violated. We vigorously condemn these violations which result in a continued deterioration of the situation of persons whom the law is intended to protect.

3. We refuse to accept that civilian populations should become more and more frequently the principal victim of hostilities and acts of violence perpetrated in the course of armed conflicts, for example where they are intentionally targeted or used as human shields, and particularly when they are victims of the odious practice of "ethnic cleansing". We are alarmed by the marked increase in acts of sexual violence directed notably against women and children and we reiterate that such acts constitute grave breaches of international humanitarian law.

4. We deplore the means and methods used in the conduct of hostilities which cause heavy suffering among civilians. In that context we reaffirm our determination to apply, to clarify and, where it is deemed necessary, to consider further developing the existing law governing armed conflicts, in particular non-international ones, in order to ensure more effective protection for their victims.

5. We affirm the necessity to reinforce, in accordance with international law, the bond of solidarity that must unite mankind against the tragedy of war and in all efforts to protect the victims thereof. In that spirit, we support peaceful bilateral and multilateral initiatives aimed at easing tensions and preventing the outbreak of armed conflicts.

6. We undertake to act in cooperation with the UN and in conformity with the UN Charter to ensure full compliance with international humanitarian law in the event of genocide and other serious violations of this law.

7. We demand that measures be taken at the national, regional and international levels to allow assistance and relief personnel to carry out in all safety their mandate in favour of the victims of an armed conflict. Stressing that peace-keeping forces are bound to act in accordance with international humanitarian law, we also demand that the members of peace-keeping forces be permitted to fulfill their mandate without hindrance and that their physical integrity be respected.

II

We affirm our responsibility, in accordance with Article I common to the Geneva Conventions, to respect and ensure respect for international humanitarian law in order to protect the victims of war. We urge all States to make every effort to:

1. Disseminate international humanitarian law in a systematic way by teaching its rules to the general population, including incorporating them in education programmers and by increasing media awareness, so that people may assimilate that law and have the strength to react in accordance with these rules to violations thereof.

2. Organise the teaching of international humanitarian law in the public administrations responsible for its application and incorporate the fundamental rules in military training programmes, and military code books, handbooks and regulations, so that each combatant is aware of his or her obligation to observe and help enforce these rules.

3. Study with utmost attention practical means of promoting understanding of and respect for international humanitarian law in armed conflicts in the event that State structures disintegrate so that a State cannot discharge its obligations under that law.

4. Consider or reconsider, in order to enhance the universal character of international humanitarian law, becoming party or confirming their succession, where appropriate, to the relevant treaties concluded since the adoption of the 1949 Geneva Conventions, in particular:

The Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts of 8 June 1977 (Protocol I);

The Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflict of 8 June 1977 (Protocol II);

The 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and its three Protocols;

The 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict.

5. Adopt and implement, at the national level, all appropriate regulations, laws and measures to ensure respect for international humanitarian law applicable in the event of armed conflict and to punish violations thereof.

6. Contribute to an impartial clarification of alleged violations of international humanitarian law and, in particular, consider recognizing the competence of the International Fact-Finding Commission according to Article 90 of Protocol I mentioned in Part II, paragraph 4 of this Declaration.

7. Ensure that war crimes are duly prosecuted and do not go unpunished, and accordingly implement the provisions on the punishment of grave breaches of international humanitarian law and encourage the timely establishment of appropriate international legal machinery, and in this connection acknowledge the substantial work accomplished by the International Law Commission on an international criminal court. We reaffirm that States which violate international humanitarian law shall, if the case demands, be liable to pay compensation.

8. Improve the coordination of emergency humanitarian actions in order to give them the necessary coherence and efficiency, provide the necessary support to the humanitarian organisations entrusted with granting protection and assistance to the victims of armed conflicts and supplying, in all impartiality, victims of armed conflicts with goods or services essential to their survival, facilitate speedy and effective relief operations by granting to those humanitarian organisations access to the affected areas, and take the appropriate measures to enhance the respect for their safety, security and integrity, in conformity with applicable rules of international humanitarian law.

9. Increase respect for the emblems of the red cross and red crescent as well as for the other emblems provided for by international humanitarian law and protecting medical personnel, objects, installations and means of transport, religious personnel and places of worship, and relief personnel, goods and convoys as defined in international humanitarian law.

10. Reaffirm and ensure respect for the rules of international humanitarian law applicable during armed conflicts protecting cultural property, places of worship and the natural environment, either against attacks on the environment as such or against wanton destruction causing serious environmental damage; and continue to examine the opportunity of strengthening them.

11. Ensure the effectiveness of international humanitarian law and take resolute action, in accordance with that law, against States bearing responsibility for violations of international humanitarian law with a view to terminating such violations.

12. Take advantage of the forthcoming Conference for the review of the 1980 Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons and the three Protocols thereto, which provides a platform for wider accession to this instrument, and to consider strengthening existing law with a view to finding effective solutions to the problem of the indiscriminate mines whose explosions maim civilians in different parts of the world.

With this Declaration in mind, we reaffirm the necessity to make the implementation of international humanitarian law more effective. In this spirit, we call upon the Swiss Government to convene an open-ended intergovernmental group of experts to study practical means of promoting full respect for and compliance with that law, and go prepare a report for submission to the States and to the next session of the International Conference of the Red Cross and Red Crescent.

In conclusion we affirm our conviction that, by preserving a spirit of humanity in the midst of armed conflicts, international humanitarian law keeps open the road to reconciliation, facilitates the restoration of peace between the belligerents, and fosters harmony between all parties.

STATEMENT BY AMBASSADOR WARREN ZIMMERMANN, U.S. REPRESENTATIVE TO THE INTERNATIONAL CONFERENCE FOR THE PROTECTION OF WAR VICTIMS, AUGUST 30, 1993

It is a credit to the Government and people of Switzerland that they have convened this International Conference for the Protection of War Victims. We come together in Geneva, birthplace of international humanitarian law, to express our outrage at the widespread violations of that law throughout the world.

Let me begin by paying tribute to the International Committee of the Red Cross—an organization marked by dedication, a strong humanitarian spirit, professionalism, and a rare courage. As a major contributor to the ICRC's medical and relief activities, protection and training, and dissemination of international humanitarian law, the U.S. Government will continue to provide strong support for the ICRC's work and the work of the Red Cross movement as a whole.

Each day brings vivid and horrifying accounts of new atrocities in many parts of the world: summary executions; torture; rape; the use of starvation as a weapon of war; the indiscriminate use of military force against civilians. The United States unambiguously and wholeheartedly condemns such abuses, wherever they are committed, whoever commits them.

It is vital that we in the international community reconfirm our commitment to international humanitarian law. That law is for many the only shield from harm, the only hope for recovery from injury, the only recourse for the punishment of violators. War itself is horrifying, but this week we meet to emphasize to all people everywhere that even in war there are limits beyond which no one may go.

In many conflicts, we see savage treatment of civilians, prisoners of war, and the wounded; the destruction of civic and cultural property without any reasonable military justification; and unnecessary assaults on the environment. We have seen particularly brutal crimes against women, and the tragedy of children doomed to death by deliberate policies of violence or starvation. Our governments meet this week here in Geneva to say enough! No more! This barbarism must stop.

International humanitarian law has developed through both custom and conventions. The various Geneva conventions constitute a legal bulwark against the forces of chaos. They embody principles of humanity relevant to every culture and people. They are the minimum standard by which we call ourselves civilized.

Yet today, they are under attack in many quarters. Most disturbing of all, those who have dedicated their lives to upholding the conventions and assisting those in need find themselves, likewise, under attack. The International Committee of the Red Cross is mandated to provide assistance and protection to the victims of conflict. There is no more noble cause. Yet the ICRC, itself, has become a target. Witness the slaying last week of two ICRC nurses in Sierra Leone, the latest of seventeen Red Cross workers killed in the past year.

No one gains by such attacks; we all share the tragedy and loss. We must rededicate ourselves to the fullest respect for the Red Cross, Red Crescent, and other recognized emblems, and those who labor under them. We must educate those who do not know about international humanitarian law, and punish those who do not care.

As Monsieur de Martens, who contributed so much to the development of the law of armed conflict, said in 1900, only with "compulsory teaching in military training establishments and in the instruction of the soldier" can the application of international humanitarian law be guaranteed. The world has unfortunately not yet learned this simple lesson. Each state must continuously instruct the forces under its control—including the civilian, military, or paramilitary authorities at all levels—in the law applicable to armed conflict. This training should not be merely a classroom exercise. The forces must have operational rules conforming to the law of armed conflict. In the United States we have found that training in the law of armed conflict directly benefits the effective operation of our armed forces; our military sees the protection of victims as facilitating, rather than hindering, its operations.

States should assist one another in educating their forces. We stand ready to share our education programs with any government that asks. In addition, we are now including international humanitarian law in our expanded International Military Education and Training (IMET) programs and the American Red Cross has just released new training materials for the American public which will be made available through local units.

Educational efforts must be supplemented by effective enforcement: when forces violate international humanitarian law, they must be held individually accountable. Punishment for violations is under the purview of national laws. In the United States, for example, we have an extensive system of administrative and judicial punishments for members of our forces who violate international humanitarian law. When effective national enforcement appears unlikely, however, the international community must be willing to step in. On May 25, the UN Security Council took a major step by establishing an international tribunal for the prosecution of persons accused of serious violations of international humanitarian law in the former Yugoslavia. We expect this tribunal to be impartial and thorough. It should serve as a model for other conflicts and a warning to those who believe that they can avoid punishment for despicable acts.

Internal armed conflicts can be particularly devastating, and states have a special responsibility to take measures to alleviate threats to civilians. All participants in internal armed conflicts should apply the provisions of the Geneva Conventions (whether by special agreement or otherwise), particularly those provisions that ensure access and the delivery of humanitarian assistance, international monitoring, and enforcement of international humanitarian law. One hundred and thirty years ago, in the midst of a terrible civil war in my country, President Abraham Lincoln issued the first comprehensive code on the law of armed conflict. This

document—General Orders 100—is a reminder that States must address the harsh reality of civil war by promulgating adequate rules and directives for their forces.

States should also take steps to limit or end the threat posed to civilians by weapons that can have indiscriminate effect. Particularly in civil wars, this includes landmines: today there are some 85 million landmines uncleared throughout the world, and new mines are laid daily. Over 150 people are maimed or killed each week; nearly all are unarmed civilians, often injured years after conflicts end, when the mines no longer serve any possible military purpose. We urge states to limit the use of landmines and other explosive devices to what is provided for in Protocol II to the 1980 Convention. In addition, we urge exporting states to join countries such as the United States and France, which already have unilateral moratoria or limitations on the export of antipersonnel landmines. Furthermore, the international community should take steps to limit trade in those landmines that pose the greatest threat to civilians—those that lack self-neutralizing features and have insufficient quantities of metal to be detected easily. Only by such restraint can lives be saved.

Mr. Chairman, the United States supports this Conference and the draft declaration we will adopt. That declaration will reconfirm the importance of adherence to the principles of international humanitarian law in a time of massive violations of those principles. It will provide a mechanism for redoubling our efforts to protect and assist the victims of conflict. Already, in accordance with the draft declaration's urging, the United States is reviewing Additional Protocol Number I of 1977 and the 1954 Convention on the Protection of Cultural Property, with a view to deciding whether to become a party. We are also nearing completion of our review of the 1980 Convention on Certain Conventional Weapons and its protocols. Through these measures and others, we intend to put meaning into the words we say here. We hope other states will do likewise.

If we collectively focus our energies on teaching international humanitarian law, training our military forces, and ensuring access and safety for relief workers, we will save many lives. Moreover, we will reaffirm our humanity, our brotherhood, and our commitment to the highest standards of civilization and behavior.

CABLE TELEVISION

Mr. DOLE. Mr. President, last week, millions of Americans opened up their newspapers to discover that the cable television legislation passed by Congress last year was going into effect—and that their cable rates were going up.

As a result, there are quite a few members of this Chamber—and quite a few folks at the White House—who should be reaching for the fork they will need to eat a big helping of crow.

Proponents of the cable legislation assured Americans last year that burdensome regulations—and not competition—would bring lower rates. And they wasted no time in proving that the entire debate was not about legislating sound policy. It was about embarrassing then-President Bush.

When President Bush rightly vetoed the bill, the Clinton campaign team swung into high gear.

George Stephanopoulos stated—and I quote—"Bush has vetoed the most important consumer legislation of the year—all to protect his rich friends in the cable monopolies."

And my good friend Vice President GORE was one of the biggest proponents of reregulating cable TV. He said, quote:

> I'm going to direct this to the President: If you veto the cable bill, you (will) have sided with the monopolists and against the American people. And the American people may just veto your desire for another four years.

So let us set the record straight. President Bush did not veto the bill because he was siding with cable companies, but because he believed that it would, as he stated, "Hurt Americans by imposing a wide array of costly, burdensome and unnecessary requirements on the cable industry and the government agencies that regulate it."

No doubt about it, Mr. President, there is no judge like father time. I guess there is some good news for consumers—and that is the fact that the administration has not made any effort to make these cable rate increases retroactive.

Increased rates are not the only problem. This morning's Washington Post points out that cable TV companies are dropping C–SPAN coverage for home shopping channels of all things. I will bet that was not intended either. But what do you expect when you give broadcasters the right to demand carriage on their local cable TV system and the system is full? Something has to give and in this case it was C–SPAN.

So where do we go from here? I say its time for a reality check. Whether we like it or not, technology is changing the communications industry each day. And only competition, not burdensome regulations, can accommodate these advancements.

However, because Congress does not understand this, it has a penchant for enacting archaic legislation. As a result, we block competition from stimulating the communications industry and providing consumers with better services. And if we do not act quickly, we might as well say sayonara to the one industry in the world that we still dominate.

Mr. President, the Cable TV Act catastrophe has only reinforced my belief that true competition is the best regulator of the marketplace. I can only hope that my colleagues will come to the same conclusion before it is too late.

DISTURBING NEWS ABOUT VOCATIONAL REHABILITATION

Mr. DOLE. Mr. President, during the recess GAO released a report on the Nation's Vocational Rehabilitation program. It is a unique and important study, and deserves our close attention. For the first time since the Rehabilitation Act was passed in 1973, we have some solid data on VR's value to the disabled.

Unfortunately, the news is not very good. Put simply, only one-third of people who successfully graduate from VR work regularly, and even then often only for small wages.

I suppose even a little help is better than none. But many people with disabilities do not get that. GAO also found that only 1-in-20 eligible individuals receive any services.

Mr. President, when we passed the Americans With Disabilities Act in 1990 we were determined to open a new window of employment opportunity for millions with disabilities. But we also knew that for many that window would remain closed because they lacked job skills and education.

That is where VR comes in—or should come in—by providing the disabled with help to become gainfully employed, and thus join the economic mainstream and achieve some kind of financial security and independence.

What then is the problem, and what's the remedy? The acting head of VR, quoted in the Washington Post on August 31, seemed to imply the fault lies with the disabled. I hope I am wrong about that, and will give the gentleman the benefit of the doubt.

Mr. President, I believe the real problem is that the work place and the labor market have changed dramatically since VR was first authorized in 1920. But VR has not kept up with the times.

For this reason, I endorse GAO's recommendation that the National Commission on Rehabilitation services be established. Authorized by last year's Rehab Act amendments, the Commission is charged with coming up with good ideas to improve VR and other Rehab Act programs. But in the 11 months since the amendments were passed, the Department of Education, which is to set up the Commission, has not acted. I have written Secretary Riley on this matter and hope he acts quickly.

I have three suggestions for the Commission. First, it should interpret its charge broadly, and look beyond the Rehab Act to all the Nation's disability programs, including Social Security.

The Commission should ask provocative questions: Are VR customers satisfied? Since most people are working when they become disabled, how can we prevent job loss? Why is VR in the Department of Education, not in Labor with other employment and training programs? Indeed, do we ever need VR, or should people with disabilities be integrated into these other programs? Or perhaps VR services should be paid for by health insurance like other rehab services. This might give the greatest choice to people with disabilities.

Second, the Commission must translate our good intentions into goals. Consider this goal—by the year 2000, the level of joblessness among the disabled will be reduced to that of the nondisabled. We may need a goal like this to get any action.

Third, the Commission must look to the future, something VR has not done well. As one expert has noted, "We (in disability services) continue to plan for yesterday to overcome the deficits of a decade ago." What kind of disability programs do we need for the 21st century? How can these programs become wellsprings of innovation?

Some may believe the Commission is not needed because we fixed VR's problems with the Rehab Act Amendments. I don't agree. We tinkered with VR, but did not tackle its core problems. Indeed, 20 years ago, in 1973, GAO released a report on VR that found virtually the same problems. People with disabilities cannot wait 20 more years for a program that works.

Mr. President, let me add that I do not want my remarks misunderstood as critical, of the Nation's VR professional. They are smart, committed and hardworking. Indeed, I believe many of them are even more frustrated than I am. We must make VR work for them as well.

I would also like to commend my colleague in the House, Mr. OWENS, Chairman of the Subcommittee on Select Education and Civil Rights, for requesting the GAO study. We need more studies like this to ensure that all our disability programs really make a difference.

In closing, the poet Archibald MacLeish once wrote, "America was always promises." But America's biggest promise—a job—is too often an empty promise to the disabled. Only one-third are working, 30 percent are in poverty—nearly 3 times the general population. The lesson here is simple: For people with disabilities, as for most Americans, working is essential to a decent income. We must do better, anything less is unacceptable.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as any American even remotely familiar with the U.S. Constitution knows, no President can spend a dime of Federal tax money that has not first been approved by Congress, both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control Federal spending. Congress has failed miserably for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,384,113,738,028.86 as of the close of business on Friday, September 10. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $17,068.17.

REPORT ON TRIP TO RUSSIA, POLAND, AND IRELAND

Mr. LEAHY. Mr. President, from July 2–12, 1993, I visited Russia, Poland, and Ireland in my capacity as chairman of the Foreign Operations Subcommittee. My purpose was to discuss regional relations and evaluate ongoing programs of foreign aid to each nation. I ask unanimous consent to include in the RECORD at this point the report on my trip which I submitted to the distinguished chairman of the Appropriations Committee.

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

COMMITTEE ON APPROPRIATIONS,
U.S. SENATE,
Washington, DC, September 9, 1993.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR BOB: During the Fourth of July recess, with the approval of the Majority Leader I led a delegation of Senators to Russia, Poland, and Ireland. I am making my trip report available to you in the hope that it will be of use to the Appropriations Committee as it considers the President's special request for Russia and the other new independent republics of the former Soviet Union, as well as U.S. assistance programs in Poland and Ireland.

With best regards.

Sincerely,

PATRICK LEAHY,
Chairman, Foreign Operations Subcommittee.

REPORT OF CODEL LEAHY TO RUSSIA, POLAND, AND IRELAND, JULY 2–12, 1993

Senator Patrick Leahy, chairman of the Agriculture Committee and chairman of the Foreign Operations Subcommittee of the Appropriations Committee, led a delegation of senators to Russia, Poland and Ireland from July 2–12, 1993. In addition to Senator Leahy, the delegation consisted of Senators Thad Cochran, Thomas Daschle and Mitch McConnell, and Walter J. Stewart, Secretary of the Senate. Ambassador Thomas Simons, U.S. Coordinator for Assistance to the New Independent States of the former Soviet Union, accompanied the delegation throughout the trip. Mr. Ralph Johnson, U.S. Coordinator for Assistance to Central and Eastern Europe, joined the delegation in Warsaw. Senator McConnell left the delegation at the end of the Moscow stop and visited Ukraine before returning to the United States separately. The delegation was joined by Senator Claiborne Pell, chairman of the Foreign Relations Committee in Ireland for meetings with Irish officials.

The delegation was assisted by Charles Riemenschneider, staff director of the Agriculture Committee, Mark Keenum, Professional Staff Member of the Agriculture Committee, Eric Newsom, staff director of the Foreign Operations Subcommittee, and Robin Cleveland, of Senator McConnell's office. Jan Paulk, of the Office of Inter-Parliamentary Services, provided logistical and scheduling assistance, and Lt. Colonel Nikki Watts, USAF Senate Liaison Office, was the military escort.

PREPARATIONS

Prior to the trip, members of the delegation met Ambassador Strobe Talbott, Special Representative of the President for the New Independent States and Ambassador Thomas Simons for a briefing on the Administration's proposed $1.8 billion special assistance package for Russia and the republics of the former Soviet Union. Members also received an intelligence briefing on the political and economic situations in Russia and Poland. The State Department, the Agency for International Development, the Department of Agriculture and the Congressional Research Service prepared extensive briefing books for the delegation on the full range of foreign assistance, bilateral and multilateral issues between the US and the states of the former Soviet Union.

DELEGATION ACTIVITIES, RUSSIA

Although the delegation met as a group for key discussions with US and Russian officials, in order to maximize its contacts the delegation divided up many meetings and site visits among its members. In Moscow, the delegation received a briefing from the Embassy Country Team and met Russian entrepreneurs and private sector businesspeople at a dinner hosted by Ambassador Thomas Pickering. The delegation also met other Russian and American businesspeople at a reception in honor of the anniversary of the Russian-American joint venture newspaper, "WE/MWE." The delegation met former President of the Soviet Union, Mikhail Gorbachev, and other Russian officials at the Ambassador's Fourth of July reception at Spaso House, followed by site visits to Children's Hospital Number 3 or the McDonald's processing plant. The Deputy Chief of Mission of the US Embassy hosted a dinner for the delegation with Americans working with the private sector in Russia, including representatives of American private voluntary organizations. The next morning, the delegation held a roundtable breakfast with representatives of American businesses operating in Russia to discuss business conditions and the role of US assistance. Later the delegation met Mr. Zhitnikov, Minister for International Economic Cooperation and Mr. Klystun, Minister for Agriculture, to discuss priorities for US assistance. Members of the delegation then visited the Moscow Commodity Exchange, and with Russian farmers working with the VOCA program. Prior to departure, the delegation met Mr. Khasbulatov, Speaker of the Russian legislature and a foe of President Boris Yeltsin and the reformers.

In St. Petersburg, part of the delegation met with American farm families working in the region to help in the privatization of agriculture in a USDA-sponsored model farm, and with representatives of CARE, CARESBAC and other US humanitarian organizations receiving assistance from the US government. During this time Senator Leahy visited Petrozavodsk, capital of the Karelian Republic, which has a sister state relationship with Vermont. There, Senator Leahy met the Karelian Prime Minister, Mr. Blinnikov, the chairman of the Karelian Supreme Soviet, Mr. Stepanov, Mr. Morisov, chairman of the foreign affairs commission of the Karelian Government, and Mr. Katanandov, Mayor of Petrozavodsk to discuss the progress of reform in Karelia, and the Karelia-Vermont sister state relationship. The officials and Senator Leahy also

discussed plans for opening a "Karelia House" in Waterbury, Vermont to promote business and cultural links between Vermont and Karelia. Senator Leahy met representatives of Vermont organizations working in Karelia, and visited the production facilities of Ben and Jerry's ice cream plant in Petrozavodsk to discuss problems Ben and Jerry's have had with Russian and Karelian Government authorities in carrying out its operations. Finally, Senator Leahy met a number of Karelian youths who had participated in the student exchange program with Vermont managed by the Vermont-based organization "Project Harmony."

In St. Petersburg, the entire delegation met Mayor Anatoly Sobchak, a leading reformer and, at the same time, critic of President Yeltsin. After a tour of the port facilities and a discussion of problems US grain shippers have had in offloading shipments, the delegation met a number of local officials and businesspeople, as well as representatives of American companies at a reception hosted by the Consul General.

POLAND

In a brief visit to Poland, after briefings in the US Embassy, the delegation met the Polish Foreign Minister to discuss US-Polish and regional relations, and the US assistance program in Poland. The Polish American Enterprise Fund hosted a lunch for the delegation, followed by discussions with representatives of American private voluntary organizations and companies working in Poland. Following a classified briefing at the US Embassy, members of the delegation met with Cochran Fellows who had participated in the agriculture exchange program initiated by Senator Cochran. The Embassy hosted a reception for the delegation to continue discussions with Polish officials, and representatives of the Polish and American private sector.

The next day, the delegation visited the Skierniewice Farm Advisor Center outside Warsaw to discuss use of US assistance in modernizing Polish agriculture. The delegation then visited the farm village of Nowa Wies to inspect the water supply system constructed by the Water Supply Foundation with US assistance, and to examine a vegetable hot house farm also helped by the US assistance program.

IRELAND

In a very brief visit to Ireland on the return flight at the invitation of the President of Ireland, the delegation met with representatives of the International Fund for Ireland to discuss how US contributions to the IFI are used to promote reconciliation in both parts of Ireland. The delegation also met the Taoiseach (Prime Minister), Mr. Reynolds, and concluded its short stopover with a meeting with Her Excellency, Mary Robinson, President of Ireland.

FINDINGS, RUSSIA

The delegation's discussions with Foreign Minister Andrei Kozyrev and Speaker Ruslan Khasbulatov were most illuminating. They framed the basic positions of the contending sides sharply: Westernizing, democratic, free enterprise, radical reform on the one side, nationalist, inward-looking, grudgingly incrementalist change on the other. Despite quite optimistic assessments by our Embassy officials of the current political balance of power, the delegation's impression is that there is still a lot of fight left in the elements represented by Speaker Khasbulatov. There are still some political crises to come as the old guard resists fundamental changes which threaten its privileged position.

The meetings with US business people, farmers, representatives of US private voluntary organizations, and Russian entrepreneurs helped highlight what our current, relatively limited assistance program can accomplish. The help channeled through representatives of the US private sector is impressive. Most representatives of the private sector, Russian and American, warned against providing assistance to or through central government institutions. The Embassy and the AID Mission in Moscow are trying to focus on strengthening local institutions, both government and civic. The delegation agrees with this priority.

One of the concerns the delegation raised is the perceived slow use of prior US assistance in Russia. The delegation was informed by the US Coordinator, the Embassy and the AID Mission that in fact the pace of obligation of already appropriated assistance is accelerating rapidly. It has taken about a year to develop the programs, establish the management infrastructure, negotiate the contracts, and begin implementation. The delegation was assured the necessary infrastructure to use the assistance is now largely in place. AID said that it has already obligated over $1.2 billion of the $1.6 Vancouver package and expects to obligate the balance before the end of the year.

In virtually all its discussions the delegation heard a strong emphasis on support for privatization and for substantial long-term technical assistance in the key sectors of government, administration, the legal system, and the financial structure. There was unanimous criticism of short term consultants and of spreading US aid around in "show the flag" projects. Nearly everyone with whom the delegation met, whether government or private sector, Russian or American, argued for concentration of our efforts on the areas where the US has a special advantage, in particular in depth technical training and assistance, and to do everything we can to create the conditions where US business can invest in Russia and participate in the privatization process. A special problem, where US technical aid is vital, is the lack of a standard commercial code of law and enforceable business regulations which apply across the country. This creates great uncertainties for business, which cannot forecast developments which will affect it. The lack of predictability in the political, economic and business climate is extremely hard for US business people to invest and to expand.

Overall, the delegation gained valuable insights into the political dynamics in Moscow, and of the importance of US and Western aid for the chances of a radical transformation of the Russian political and economic structures. The Embassy assured the delegation the reformers clearly have the upper hand and that vital economic reforms have gone on apace even as the political struggles were waged between President Yeltsin and the Congress. There have been real, and significant, economic changes in Russia, albeit concentrated in the major urban areas, such as Moscow and St. Petersburg, and in pockets of the country. The Embassy said the political dynamics in Moscow and the regions now favor the constitutional reform process President Yeltsin has set in motion. The Embassy predicts elections this fall or early next year for a new Parliament, and ratification of the new constitution drafted by the constituent assembly next year.

It is the delegation's impression that significant political and economic reform is visibly occurring, although unevenly and, in many places, still superficially. From the delegations conversations with many Russians and Americans, official and private sector, the reforms, especially the economic changes, do not yet appear to be a nationwide and deep phenomenon giving hope for a better future to all elements of society. The pace and scope of reform needs to be pressed harder once the political position of President Yeltsin and the reformers is firmly consolidated. According to the Embassy and to other US and Russian observers, that consolidation appears to be happening. Nevertheless, while US assistance will be critical in key areas and sectors, and is undoubtedly seen by the reformers as a vital symbol of Western, particularly American, support, clearly a fundamental transformation of Russian society is a long term proposition, the work of a generation. Expectations of what can be realized in a few years, and of the contributions Western assistance can make in an economy the size of Russia's, should be kept realistic.

POLAND

The delegation was impressed by the visible manifestations of economic improvement in Warsaw and environs. There are no lines, stores are full of consumer goods, the streets are jammed with automobiles, the people are well dressed, and there seems to be an aura of confidence that Poland has touched bottom and is at last on the way up. The farm areas the delegation visited outside Warsaw appeared prosperous and productive.

Of course, Warsaw and its surrounding farm areas do not necessarily represent an accurate picture of the conditions elsewhere in Poland, as the Embassy and representatives of the Polish Government assured the delegation. According to US Embassy and AID personnel, to an important extent the improving situation seen by the delegation represents some major success stories of US and other Western assistance. There are areas of poverty and privation, and unemployment continues to be a severe economic and social problem nationwide.

The delegation does not doubt that Poland still needs US and other Western assistance to complete its transition to democracy and a functioning free enterprise system. The delegation was very pleased to see the impressive progress which has been made in Poland and was gratified to hear the praises of the US assistance program from Polish officials. Nevertheless, the delegation agreed with the assessment of US officials that the program need not and should not continue at current high levels much longer. The program to assist the more economically advanced nations of Eastern Europe, such as Poland, to make the difficult transition from communism to democracy and free enterprise was never intended to be of indefinite duration. It was believed—and the delegation saw evidence of the validity of this belief—that once Poland received critical help to get through the most difficult period of this transition, the need for assistance would drop significantly and, eventually, disappear altogether.

IRELAND

In the brief visit to Ireland, the delegation welcomed the opportunity to discuss how nearly $220 million in US contributions to the International Fund for Ireland have been used. The IFI was created as a US effort to assist the Anglo-Irish Agreement and to promote reconciliation between the two parts of Ireland.

The delegation spent a considerable period of time discussing the IFI with Mr. William

McCarty, President of the Fund. He described the Funds programs, its relations with the Irish and British Governments, and its activities in support of economic development and reconciliation. Mr. McCarty said that the Fund had created 20,000 permanent jobs in Ireland, nearly all in the most depressed areas in the North and along the border between the two parts, as well as many temporary jobs. He also emphasized the importance of the exchange programs and cultural activities aimed at strengthening understanding between the two communities.

HEALTH CARE

Mr. INOUYE. Mr. President, I would like to bring attention to what I believe is a solution to part of our current health care crisis. For years, we have been locked into a paradigm which as essentially run our health care system into the ground. This concept involves giving the option of delivering health care to a privileged few. This method has not only been unsuccessful, but it has practically bankrupted our entire health care system, has severely lessened the quality of care, and has limited access to care for many. We have long neglected a professional group of care givers who are not only able to render appropriate and timely care, but who can increase access, make care less costly, and at the very least maintain the quality of care given. I speak of the highly qualified group of nurses known as Advanced-Practice Nurses. Having spent years receiving specialized training and experience, they are qualified to deal with a wide range of primary medical problems. These nurses can be utilized in numerous situations ranging from the inner-city health center to being the sole source of health care in rural areas. Some nurses deliver babies while others are trained in the field of preventive care, pediatrics, anesthesia, and family medicine.

We have for too long neglected this valuable resource in the delivery of much needed health care. We have done little to help their cause. We have blindly restricted their roles, prevented them from writing prescriptions, and even refused to pay them. It is time for us to remove our blindfolds and realize that these professionals hold the answer to much of our health care dilemma. Research has shown that in the area of primary care, nurses are as good or better than physicians. If we are to provide universal coverage and attempt to slow the rise of health care costs, we must utilize these health care providers.

As a staunch advocate of the nursing profession and its seemingly limitless opportunities, I was most pleased to see my thoughts echoed in two timely articles which recently appeared in the Wall Street Journal.

Mr. President, I ask unanimous consent that articles be printed in the RECORD.

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

[From the Wall Street Journal, Aug. 13, 1993]

NURSES' LIB

There is a proposal being considered by Hillary Rodham Clinton's health care task force that deserves a close look: Loosening the regulations that restrict nurses' work. Permitting nurses to play a more active role in screening patients and treating run-of-the-mill ailments is a cost-effective solution to the shortage of primary-care physicians. As any mother will confirm, you don't always need an M.D. to diagnose a child's recurring ear infection or sore throat.

The antiquated regulations on nurses date back to the 1930s and are in part a cultural artifact of an age that saw nurses, who were mostly women, as assistants to physicians, who were mostly men. The regulations limit, in particular, the services of nurses practitioners, a group of more than 23,000 advanced nurses whose training extends about two years beyond that of an ordinary RN. In many states, NPs must be supervised by a physician, even if the services of a physician are unneeded; NPs generally are not permitted to prescribe even simple medication. Nor are NPs allowed financial autonomy. In many states, Medicare and insurance companies will pay only doctors, who then compensate the nurses at their discretion.

Yet nurses, especially NPs, often provide the most basic level of primary care with as much skill as physicians. According to a 1986 report by the U.S. Office of Technological Assessment comparing the quality of care provided by nurse practitioners and physicians, in 12 of 14 areas, NP care was rated higher than physician care.

Our current health-care system doesn't reward such success in preventive care. Doctors who treat the sickest patients have the greatest cash flow. Fair enough. Accordingly, there's been amazing growth of med school students who choose to specialize. In 1992, for instance, only 14.6% of medical students pursued general medicine, an all-time low.

While many student doctors are learning to treat serious illnesses, fewer are focusing on how to deal with ordinary, everyday ailments. As a result, there is an acute shortage of primary care providers. Obviously someone should be doing this work.

Nurse practitioners are well positioned to fill the void. According to a study conducted last year by an economist at Wellesley College, the U.S. would save $6.4 billion to $8.75 billion in health care costs each year if the barriers NPs face were removed.

In Oregon and Washington, NPs already have significant autonomy. This has meant immediate savings for health care consumers; at community nursing centers, complete physicals can be had for as low as $30 and vaccinations for $6. Besides physicals and immunizations, these centers provide weight-control programs, screening for early detection of cancer, hypertension and vision and hearing problems; and treatments for minor illnesses such as ear infections, sore throats and the flu. Here, it seems, is one avenue to low-cost primary care.

As the administration puts the finishing touches on its health care proposal, we recommend that it follow the advice of Leah Binder of the National League of Nursing. Ms. Binder told us: "Let the 'invisible hand' determine how much it should cost to get a primary care checkup. Now nurses are prohibited from services which they could provide safely and of equal quality to physicians." The "invisible hand?" What a novel idea.

[From the Wall Street Journal, Sept. 3, 1993]

NURSE PRACTITIONERS FIGHT JOB RESTRICTIONS

(By Adrienne Petty)

Joanne Hayden, a 42-year-old college official in Ventura, Calif., says she knows how to cut $6 billion from the nation's health-care costs—if insurers and skeptical doctors would go along.

They may, given the fierce lobbying campaign that the nation's 100,000 advanced-practice nurses are leveling at Congress and the Clinton administration.

Fed up with condescending physicians who made her feel like a "whiny woman," Ms. Hayden turned five years ago to nurse practitioner Mary Jones's 44, who administered progesterone supplements that eased Ms. Hayden's debilitating premenstrual syndrome. The fee was $40 a visit, about 30% less than her doctor charged.

But Ms. Hayden's insurance company refused to pay for the work of a nurse practitioner. Over two years, Ms. Hayden paid more than $4,000 out of her own pocket for prescriptions and monthly visits to Ms. Jones's clinic.

"That's a big chunk of money," Ms. Hayden says. "But I was willing to pay; the inconvenience was worth it."

BILLIONS IN SAVINGS?

Still, that is wasteful and unfair, say advanced-practice nurses, a category that comprises nurse practitioners, nurse anesthetists and nurse midwives. If they could receive Medicare and private-insurance payments for such services, these nurses say, they could save the nation between $6.4 billion and $8.75 billion in health-care costs annually. Not only do they charge less, but they have the ability to cure the shortage of primary-care physicians by taking over more of the doctors' routine duties, the nurses claim.

Indeed, five times more money is spent training a physician than a nurse practitioner, and working doctors usually charge more for services, according to a 1986 study by the Office of Technology Assessment. Yet only 18 states will pay advanced-practice nurses directly through Medicare, and only 24 states require direct reimbursement for nurses by private insurers. Medicare only reimburses advanced-practice nurses in rural areas.

Such skilled nurses—with up to two years of medical training beyond registered nurses, who typically spend two years in nursing school—must bill through a supervising physician to receive pay from an insurer for the basic medical services they perform.

Although nurse practitioners are proving increasingly popular, particularly among women baby boomers concerned about preventive care, the payment restriction hurts. "I'm just squeaking by," says Claire Mills, a woman's health nurse practitioner with a solo practice in Sonora, Calif., who hasn't made a profit from that practice yet. Although Ms. Mills claims a faithful following of about 1,000 patients, many of whom are willing to pay her out of their own pockets, she misses out on patients who can't afford to go outside of their health plans for care.

Ms. Mills says she lost about $500 during the two years it took for her to receive a Medicare billing number because she saw several patients free of charge.

Nurse-payment restriction especially hurt elderly people in underserved areas. Some of

them often forgo primary care because they can't afford to pay nurses, says Jan Towers of the American Academy of Nurse Practitioners. "Not every nurse practitioner is Mother Teresa. If they can't be paid, it's hard for them to practice," says Ms. Towers. As a result, she says, many of these low income people get care from hospital emergency rooms, which cost taxpayers in the long run.

NATIONAL CAMPAIGN

Seeing an opportunity in President Clinton's effort to restructure the health-care system, nursing advocates have mounted a national campaign to change that. First, they built political clout by endorsing Mr. Clinton for president. Now, as both members of and consultants to Hillary Rodham Clinton's health-care reform, they are pressing for increased automony for nurses and elimination of financial barriers.

"We've simply tried to lay out the case that continuing to let physicians always control care doesn't make economic sense and doesn't make quality-of-care sense," says Virginia Trotter Betts, president of the American Nurses Association.

Physicians strongly disagree. M. Roy Schwarz, senior vice president of the American Medical Association, says nurses lack the training to work independently. "Our view is they should all practice under the supervision of a physician," he says. Some doctors also fear that turning over more primary-care responsibilities to nurses could actually drive even more physicians from general medical practices into higher-status specialties.

LOUD AND CLEAR MESSAGE

"It will send the message loud and clear to the medical students: 'Why bother to go into family care? You can go to nurse practitioner school.'" says Michael R. Stefan, a family-practice physician in Los Angeles. "I spent 11 years in medical school, and you're telling me someone else could do it better and for less money with less education? That's ludicrous."

And the California Medical Association charges that increased autonomy for nurses, from prescribing authority to direct reimbursement, would add another layer to health-care costs.

Nurses don't buy that. "Studies show that doctors don't like primary care anyway," says Pam Maraldo, president of Planned Parenthood Foundation of America and former head of the National League for Nursing. "It's not sexy, it's not remunerative enough, so why don't they just let nurses do what they do. There's enough to go around."

Advanced-practice nurses say they could also play a greater role in mainstream settings such as health-maintenance organizations. Proposals under development by the Clinton administration consider HMOs such as Boston's Harvard Community Health Plan as models for reform. Such plans, which stress prevention and primary care, use advanced-practice nurses extensively.

The Harvard plan employs nearly 400 "mid-level clinicians," including advanced-practice nurses, who work with teams of physicians. Under the plan, an advanced-practice nurse might play "gatekeeper." For example, most gynecological patients first consult with nurse practitioner Maureen Fagan. Once she has assessed their needs, she either treats them herself or refers them to a physician at the HMO if the patient needs services beyond her scope of expertise.

Direct reimbursement is not an issue at HMOs such as the Harvard plan, where doctors and nurses are paid a salary collected from a set of fee for the care of patients.

Thus, if President Clinton relies on the HMO model and abolishes the traditional fee-for-service system, the issue of direct reimbursement could become irrelevant. But nurses insist that the fight is necessary no matter what the pay mechanism. "The issue is to be listed as a qualified provider," the ANA's Ms. Trotter Betts says. "The lack of direct reimbursement is simply one of the barriers."

COMMENDING VIRGINIA WALKER BOYLAN

Mr. INOUYE. Mr. President, I rise today to submit to the Members of the Senate, a resolution of the Committee on Indian Affairs commending Virginia Walker Boylan for her long and faithful service to the House of Representatives and the U.S. Senate.

On September 15, 1993, Virginia Boylan will complete 20 years of Federal service and will be leaving the Senate for the private practice of law.

Virginia began her service on the Committee on Indian Affairs in 1979 under the chairmanship of Senator John Melcher. She has proven to be a committed and dedicated worker, and her presence will be sorely missed.

The members and staff of the Committee on Indian Affairs join thousands across this country in wishing Virginia Boylan the very best in her future endeavors. We owe her a debt of gratitude and appreciation for all that she has done for this Nation's first Americans.

Mr. President, I ask unanimous consent to have this resolution printed in full in the RECORD immediately following these remarks.

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

Whereas, Virginia Walker Boylan is a graduate of the American University of Washington, D.C. and Catholic University School of Law, of Washington, D.C.;

Whereas, Virginia Walker Boylan entered into legislative work in 1968 through her work with the League of Women Voters drafting testimony to the Congress presenting the League's positions regarding education, civil rights, housing and social services programs;

Whereas, Virginia Walker Boylan began her work on Capitol Hill in 1971 as a Legislative Assistant to Representative John Melcher, researching, analyzing and monitoring legislation on education, labor, health, housing, welfare, Social Security, women's issues and foreign policy;

Whereas, Virginia Walker Boylan joined the staff of the Select Committee on Indian Affairs of the United States Senate, now the Committee on Indian Affairs of the United States Senate, in 1979;

Whereas, Virginia Walker Boylan has served with outstanding dedication in the positions of Staff Attorney, Minority Counsel, Senior Counsel and Deputy Staff Director of the Committee on Indian Affairs;

Whereas, Virginia Walker Boylan is acknowledged to be a person with a sound knowledge and understanding of Indian law and policy;

Whereas, Virginia Walker Boylan has contributed to the development of modern Indian law on such diverse issues as the 1991 amendments to the Indian Civil Rights Act otherwise known as the Duro legislation, pending legislation to support tribal justice systems, the Indian Gaming Regulatory Act, the Indian Mineral Development Act, the Federal Oil and Gas Royalty Management Act, the Indian Education Act of 1988, amendments to the Tribally-Controlled Community Colleges Act, amendments to the Navajo-Hopi Settlement Act, the Colorado Ute Indian Water Rights Settlement Act, the Institute of American Indian and Alaska Native Art and Culture Development Act, the Indian Arts and Crafts Protection Act, pending legislation to provide support for Indian agricultural resources development, the Native Hawaiian Education Act, and numerous other legislative initiatives;

Whereas, Members of the United States Congress, officials of the Executive Branch of the United States government, Indian tribal government leaders, legal scholars, and others involved in the development of Indian law and policy have come to rely on the knowledge and commitment of Virginia Walker Boylan in the area of Indian Affairs; and

Whereas, the retirement of Virginia Walker Boylan will deprive the United States Senate and the Committee on Indian Affairs of the dedicated services of a loyal staff member;

Now, Therefore, Be It Resolved, That the United States Senate commends Virginia Walker Boylan for her many outstanding contributions and accomplishments in the field of Indian law and policy, expresses the gratitude and appreciation of the United States Senate and the American people for her long, loyal and dedicated services to the Senate, and extends to her the best wishes of the Senate and the American people for a long and happy future.

MESSAGES FROM THE PRESIDENT

DISTRICT OF COLUMBIA FISCAL YEAR 1994 BUDGET AMENDMENT REQUEST—MESSAGE FROM THE PRESIDENT—PM39

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with the District of Columbia Self-Government and Governmental Reorganization Act, I am transmitting the District of Columbia Government's fiscal year 1994 budget amendment request and fiscal year 1993 supplemental budget amendment request.

The District of Columbia Government has submitted a request to decrease its fiscal year 1994 general fund spending authority by $36.968 million with a reduction of 832 FTE positions. In addition, the District's fiscal year 1993 supplemental amendment request includes an increase of $7.367 million in general fund spending authority. The amendments are needed to address a projected operating deficit for fiscal

year 1993 and fiscal year 1994 that was not addressed in the District's original budget submission pending congressional action.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *September 13, 1993.*

MESSAGES FROM THE HOUSE

At 6 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 amendments of the Senate to the amendment of the House to the bill (S. 184) entitled "An Act to provide for the exchange of certain lands within the State of Utah, and for other purposes."

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 873) entitled "An Act to provide for the consolidation and protection of the Gallatin Range."

The message also announced that pursuant to the provisions of section 168(b) of Public Law 102-138, the Speaker appoints Mr. HAMILTON, chairman, to the British-American Interparliamentary Group on the part of the House.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1406. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, notice of an intention relative to military personnel accounts; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Armed Services.

EC-1407. A communication from the Acting Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the annual report of the Corporation for fiscal year 1992; to the Committee on Banking, Housing and Urban Affairs.

EC-1408. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the state of emergency with respect to chemical and biological weapons; to the Committee on Banking, Housing and Urban Affairs.

EC-1409. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the Department's annual report on the Community Development Block Grant for 1993; to the Committee on Banking, Housing and Urban Affairs.

EC-1410. A communication from the Director of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Luxembourg; to the Committee on Banking, Housing and Urban Affairs.

EC-1411. A communication from the Director of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Algeria; to the Committee on Banking, Housing, and Urban Affairs.

EC-1412. A communication from the Director of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of Malaysia; to the Committee on Banking, Housing and Urban Affairs.

EC-1413. A communication from the Director of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Romania; to the Committee on Banking, Housing and Urban Affairs.

EC-1414. A communication from the Director of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the People's Republic of China; to the Committee on Banking, Housing and Urban Affairs.

EC-1415. A communication from the Director of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of Colombia; to the Committee on Banking, Housing and Urban Affairs.

EC-1416. A communication from the Director of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the State of Bahrain; to the Committee on Banking, Housing and Urban Affairs.

EC-1417. A communication from the Director of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the State of Israel; to the Committee on Banking, Housing and Urban Affairs.

EC-1418. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on the role and effectiveness of citizen advisory groups; to the Committee on Armed Services.

EC-1419. A communication from the Principal Deputy Comptroller (Comptroller of the Department of Defense), transmitting, pursuant to law, a report of a proposed obligation of funds relative to dismantlement of strategic nuclear delivery vehicles in the Republic of Ukraine; to the Committee on Armed Services.

EC-1420. A communication from the Under Secretary of Defense (Acquisition), transmitting, pursuant to law, a report identifying contracts awarded with a waiver of the prohibition on contracting with entities unless they certify that they do not comply with the Secondary Arab boycott of Israel; to the Committee on Armed Services.

EC-1421. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report dated August 16, 1993, relative to appropriations legislation; to the Committee on the Budget.

EC-1422. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report dated August 13, 1993, relative to direct spending and receipts legislation; to the Committee on the Budget.

EC-1423. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report dated August 13, 1993, relative to direct spending or receipts legislation; to the Committee on the Budget.

EC-1424. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report dated August 18, 1993, relative to direct spending or receipts legislation; to the Committee on the Budget.

EC-1425. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report dated August 11, 1993, relative to direct spending or receipts legislation; to the Committee on the Budget.

EC-1426. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report dated August 2, 1993, relative to direct spending or receipts legislation; to the Committee on the Budget.

EC-1427. A communication from the Commandant of the U.S. Coast Guard, transmitting, pursuant to law, notice of a delay in the submission of a report by the Committee on Oil Pollution Research; to the Committee on Commerce, Science and Transportation.

EC-1428. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to motor fuel coloring and marking; to the Committee on Commerce, Science and Transportation.

EC-1429. A communication from the Secretary of State, transmitting, pursuant to law, a report relative to the Magnuson Fishery Conservation and Management Act for calendar year 1992; to the Committee on Commerce, Science and Transportation.

EC-1430. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, a report relative to civil aviation security for the period January 1991 through December 1991; to the Committee on Commerce, Science and Transportation.

EC-1431. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the selection of a prime contractor for the redesigned Space Station program; to the Committee on Commerce, Science and Transportation.

EC-1432. A communication from the Secretary of the Navy, transmitting, pursuant to law, a report relative to the Navy's compliance with the Marine Plastic Pollution Research and Control Act; to the Committee on Commerce, Science and Transportation.

EC-1433. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the safety of import vehicles for calendar year 1992; to the Committee on Commerce, Science and Transportation.

EC-1434. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to environmental compliance for fiscal year 1992; to the Committee on Commerce, Science and Transportation.

EC-1435. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the security of an airport at Lagos, Nigeria; to the Committee on Commerce, Science and Transportation.

EC-1436. A communication from the Administrator of the Environmental Protection Agency and the Secretary of Transportation, transmitting jointly, pursuant to law, a report entitled "Clean Air Through Transportation: Challenges in Meeting National Air Quality Standards;" to the Committee on Commerce, Science and Transportation.

EC-1437. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, a report relative to cigarette ignition propensity; to the Committee on Commerce, Science and Transportation.

EC–1438. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, a report relative to the final report required by the Fire Safe Cigarette Act of 1990; to the Committee on Commerce, Science and Transportation.

EC–1439. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Fiscal Year 1990 and 1991 Toxic Substances Control Act Report to Congress"; to the Committee on Environment and Public Works.

EC–1440. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, a report relative to the Building Project Survey for Rockford, IL; to the Committee on Environment and Public Works.

EC–1441. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a draft of proposed legislation to modify the project for flood control at Halstead, Kansas, to authorize the Secretary of the Army to construct the project at a total cost of $1,100,000; to the Committee on Environment and Public Works.

EC–1442. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Agency's report on drinking water; to the Committee on Environment and Public Works.

EC–1443. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to worker adjustment assistance training funds; to the Committee on Finance.

EC–1444. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the designation of Peru as a beneficiary of the Andean Trade Preference Act; to the Committee on Finance.

EC–1445. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to states' reevaluation of their need payment standards; to the Committee on Finance.

EC–1446. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the negative case action under the Aid to Families with Dependent Children program; to the Committee on Finance.

EC–1447. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to child support; to the Committee on Finance.

EC–1448. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a Presidential determination with respect to trade relations with Romania; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–276. A petition from a citizen of the State of Michigan relative to Social Security; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION 70

POM–277. A concurrent resolution adopted by the General Assembly of the State of Indiana to the Committee on Finance.

Whereas, many researchers have questioned the cost effectiveness of certain economic development incentives, such as tax abatements, enterprise zones, tax increment financing, and waivers of certain regulatory guidelines, and have suggested that the increasing use of these incentives has led to unhealthy competition among states and local units of government that have attempted to attract certain economic development projects;

Whereas, state and local officials have agreed with these researchers to some extent, but have noted that a jurisdiction that voluntarily reduces the use of these incentives while other jurisdictions continue to offer them would be identified as having a poor business climate and would run the risk of losing vitally important opportunities for capital development and job creation or retention; and

Whereas, the developers of certain projects have sought to expand the use of such incentives by requiring states and local units to provide the developer with a completely finished facility, in addition to providing job training funds and infrastructure improvements such as roads, sewers, and water lines; and

Whereas, it appears that, absent federal regulation, this situation is likely to deteriorate as the level of competition among states, localities, and the rest of the world continues at an accelerated pace: Now, therefore,

Be it "Resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

"Section 1. That we urge Congress to examine this situation and to consider enacting federal legislation that would establish nationwide controls on the types of incentives that may be offered by state and local governments in order to attract economic development projects. We suggest those incentives be limited to job training and infrastructure improvement such as roads, sewers and water lines.

"Section 2. That the Principal Clerk of the House of Representatives shall transmit copies of this Resolution to the leadership of both houses of Congress and to the members of the Indiana Congressional delegation."

POM–278. A resolution adopted by the Legislature of Rockland County, New York relative to Head Start and child immunizations; to the Committee on Labor and Human Resources.

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. HOLLINGS (for himself and Mr. RIEGLE):

S. 1449. A bill to establish a common market to bind together the countries of North America, Central America, and South America in a common commitment to promote democracy and mutually beneficial economic development; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself, Mr. JEFFORDS, Mr. BURNS, Mr. GORTON, Mr. GRAHAM, Mr. KEMPTHORNE, and Mr. MACK):

S. 1450. A bill respecting the relationship between the workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act; to the Committee on Labor and Human Resources.

By Mr. RIEGLE:

S. 1451. A bill to establish an Office of Outreach Coordination in the Social Security Administration to coordinate outreach activities and services, to provide grants to local governments and nonprofit organizations for outreach activities and services, and for other purposes; to the Committee on Finance.

By Mr. BRADLEY (for himself and Mrs. KASSEBAUM):

S.J. Res. 131. A joint resolution designating the week beginning November 14, 1993, and the week beginning November 13, 1994, each as "Geography Awareness Week"; to the Committee on the Judiciary.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself and Mr. RIEGLE):

S. 1449. A bill to establish a common market to bind together the countries of North America, Central America, and South America in a common commitment to promote democracy and mutually beneficial economic development; to the Committee on Finance.

AMERICAN COMMON MARKET ACT OF 1993

Mr. HOLLINGS. Mr. President, I rise today to reintroduce a bill that would bind together the countries of North America, Central America, and South America in a common commitment to promote democracy and mutually beneficial economic development by establishing a common market for the Americas.

Mr. President, the first common market in the Americas was founded more than 200 years ago when the citizens of the Thirteen Colonies pledged their lives, their blood, and their sacred honor to form a union of liberty and democracy. The wealth our country has experienced throughout its history springs directly from those values and that commitment.

The Europeans understand that free markets do not work in the absence of democracy. Rising from the ashes of World War II, their nations banded together to build a common market grounded in social and economic justice—free markets, free press, free association, and free elections—and buttressed by democratic institutions.

The accession treaty to the European Community declares that,

> The principles of pluralistic democracy and respect for human rights form part of a common heritage of the peoples of the states brought together in the European Communities and constitute therefore essential elements of membership.

Mr. President, in the North American Free-Trade Agreement the word democracy does not appear. Yet the agreement attempts to integrate two developed, democratic, capitalist countries with a country that has been called the perfect dictatorship—without an attempt to address the fundamental differences between the nations. The disparity in wages between the United States and Mexico is indicative of the larger schism which will

tear our economy apart unless we learn this lesson: The benefits of free markets cannot be enjoyed unless there are democratic institutions to protect the rights of its citizens.

Instead of pursuing the narrow economic agenda of the previous administration, we should offer a new vision for the Americas, one that will fulfill the legacy left by President Kennedy, who 30 years ago recognized that social change must accompany economic change. In his words,

> No program which is restricted to the technicalities of economic development can fully answer the needs of the Americas. Only an approach to economic progress and social justice which is based on a wide acceptance of the fundamental ideals of political democracy and human dignity can conquer the many ills of our hemisphere and respond fully to the aspirations of our people.

Mr. President, the common market for the Americas enshrines the features necessary for the development of democracy and free markets—features that are absent from NAFTA:

First, admission to the common market for the Americas will require each country to commit to basic tenets of representative democracy.

Second, common market countries will agree to a social charter that will protect worker rights and guarantee the right to form independent labor unions.

Third, unlike NAFTA, which simply provides unlimited access to the U.S. market, the common market would be focused outward and would encourage exports from the Americas to other hemispheres.

Fourth, to prevent the nations of the common market from engaging in competitive devaluations, the market would create a mechanism to align exchange rates.

Fifth, the common market would also establish a common policy on competition so that large industrial conglomerates who operate free of the constraints of antitrust laws do not capture markets by engaging in predatory practices.

This bill to promote a common market for the Americas is identical to one I introduced last week, with the exception that this version does not contain a provision to strip away China's textile quota under the multifiber agreement. While I would like to see China's textile quota transferred to Mexico, this provision is not fundamental to a common market for the Americas.

Mr. President, after decades of neglect it is time once again that we offer our neighbors to the south a proposal that puts people first by finally putting democracy first. Gone are the days of the cold war that forced us to embrace totalitarian regimes who shared our anti-Communist policies. As nations around the world are throwing off the mantle of oppression, it is time we stand with the forces of change and democracy rather than with the forces of status quo and oligarchy.

By Mrs. FEINSTEIN (for herself, Mr. JEFFORDS, Mr. BURNS, Mr. GORTON, Mr. GRAHAM, Mr. KEMPTHORNE, and Mr. MACK):

S. 1450. A bill respecting the relationship between the workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act; to the Committee on Labor and Human Resources.

MIGRANT WORKER PROTECTION

Mrs. FEINSTEIN. Mr. President, today I am introducing a bill respecting the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act. The legislation is identical to H.R. 1999 introduced in the House by Congressman VIC FAZIO.

In 1985, 19 migrant farmworkers employed by the Adams Fruit Co. suffered injuries in an accident while they traveled to work in an Adams Fruit van. The company was found liable and the injured farmworkers received damages to the fullest extent under the workers' compensation system. In addition, 10 of the workers filed suit against Adams Fruit for motor safety violations under the Migrant and Seasonal Agricultural Worker Protection Act.

In March 1990, the U.S. Supreme Court in Adams Fruit Co. Inc. versus Barrett ruled that a private right of action under the Migrant and Seasonal Agricultural Worker Protection Act cannot be barred by the exclusivity provisions of a State workers' compensation law. In so ruling, the court disregarded one of the basic concepts of workers' compensation, the assurance of a prompt remedy for injuries in exchange for limited liability on the part of the employer.

In basing the decision entirely on language it found ambiguous, the Supreme Court ruled in the Adams Fruit case that the Migrant and Seasonal Agricultural Worker Protection Act provides a private right of action for certain job-related injuries even when the employer has provided workmen's compensation coverage for the agricultural worker.

California and 34 other States require workers' compensation coverage of agricultural workers. The Supreme Court ruling means that paying workmen's compensation does not protect employers in these States from being sued by an injured farm worker. Moreover, the Adams Fruit decision does not require that worker's compensation and Migrant and Seasonal Agricultural Worker Protection Act remedies offset each other, thus allowing double recovery by plaintiffs.

In sum, the decision in the Adams Fruit case threatens to undermine the workmen's compensation system for agricultural workers and force a return to a fault-based tort system that workmen's compensation was intended to replace.

Last year Congress passed a 9-month moratorium on cases brought under the Adams Fruit decision. This moratorium expired July 6, 1993. The legislation I am introducing today would make that moratorium permanent.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

S. 1450

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. FINDINGS.

The Congress finds that—

(1) the fundamental premise of the workers' compensation system, which is the exclusivity of workers' compensation for workplace injuries as an alternative to a fault-based system relying on costly and lengthy litigation in the courts, must be preserved.

(2) this premise was threatened by the decision in 1990 of the United States Supreme Court in Adams Fruit Co. Inc. v. Barrett, 494 U.S. 638, which held that migrant and seasonal farmworkers could bring a private right of action for certain job-related injuries under the Migrant and Seasonal Agricultural Worker Protection Act even where the employer has provided workers' compensation coverage of such farmworkers,

(3) the Adams Fruit decision did not reflect the intent of the Congress when it enacted the Migrant and Seasonal Agricultural Worker Protection Act in 1982,

(4) the Adams Fruit decision singles out agricultural employers as the only employers in America who can be subjected to lawsuits as a result of workplace injuries even where they have provided workers' compensation to their employees,

(5) Congress expressed its disapproval of the Adams Fruit decision in Public Law 102-392 by overturning the decision until July 6, 1993, and

(6) it is essential that the exclusivity of workers' compensation be permanently restored.

SEC. 2. ELIMINATION OF EXPIRATION.

Section 325(c) of the Legislative Branch Appropriations Act, 1993 (29 U.S.C. 1854 note) is amended to read as follows:

"(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to all cases in which a final judgment has not been entered before October 6, 1992."

Mr. BURNS. Mr. President, I rise today to join my colleague from California, Senator FEINSTEIN, to introduce the Migrant and Seasonal Agricultural Worker Protection Act amendment. This bill will protect America's producers.

Under the Migrant and Seasonal Agricultural Worker Protection Act, employers are put at risk for being sued for injuries which occur on the job even when the employer provides workers' compensation. A recent Supreme Court decision has increased the threat of seasonal workers ability to make unjust law suits against agriculture producers.

The chief sponsor of this bill, Senator FEINSTEIN, can probably tell us many stories of how this hole in the Migrant

and Seasonal Agricultural Workers Protection Act has affected agriculture communities in her home State of California. Well, in my home State of Montana, we have had problems of seasonal workers suing farmers, as well.

One instance that comes to my mind is a case in eastern Montana. A seasonal worker from Texas filed suit against a farmer who did not hire a friend of the worker, also from Texas—you heard me right. In fact, the farmer in Montana was never even notified that he was being sued until the judge contacted the farmer when he failed to appear in court. The seasonal worker had sued for breach of contract.

While we all want to protect America's workers, we also want to protect our producers and employers. I am glad the gentlewoman from California has taken charge of this fight, and I look forward to working with her to see that this bill is signed into law.

Mr. GORTON. Mr. President, today I join my fellow Senators in introducing legislation which will permanently overturn the 1990 Adams Fruit Supreme Court decision. That decision was based on an interpretation of the Migrant and Seasonal Agricultural Worker Protection Act. The Court ruled that the act permitted an agricultural worker to sue his employer for damages occurring from a workplace injury, or death—even when the worker was already covered by workers' compensation.

In Washington State, where agricultural employers must provide workers' compensation for their seasonal workers, this ruling negatively impacts the agricultural employer. The employer is accountable for making payments to the workers' compensation program which gives the employee protection coverage. Yet under this decision the employer still potentially faces indeterminate liability for damages if the injured employee chooses to file suit.

In the 14 States where providing workers' compensation coverage remains an option, this decision removes the incentive for the agricultural employer to provide this coverage for his seasonal or migrant workers. This adversely affects those migrant and seasonal workers whose only recourse for injury becomes costly and time-consuming litigation.

The workers' compensation system was devised to benefit and protect both the employee and the employer. Workers' compensation provides the employee prompt payments for injuries, in return the employee agrees to receive exclusive coverage for his injuries under the workers' compensation system, thus protecting the employer from further suits. This system benefits both the employer and employee by keeping the settlement process out of the courts.

The Supreme Court decision removed the cornerstone upon which all workers' compensation programs are comprised—exclusivity—and placed the entire workers' compensation system at risk. This decision essentially gives migrant farmworkers greater scope for redress than any other group of employees in the United States, by allowing them to potentially receive two settlements for the same injury.

The Adams Fruit decision does not reflect the intent of Congress when it passed the Migrant and Seasonal Agricultural Worker Protection Act. To express disapproval of the Adams Fruit decision, Congress passed an amendment at the close of the 102d Congress which temporarily imposed a moratorium on new cases until July 1993.

This amendment will permanently overturn the Adams Fruit decision. It will prohibit a worker covered by workers' compensation from also filing a lawsuit for tort damages under the Migrant and Seasonal Agricultural Worker Protection Act. This will restore the exclusive remedy of workers' compensation for workplace injuries.

I feel it is important to note that a worker who is not covered by workers' compensation can sue for such damages.

Workers' compensation programs benefit employees as well as employers. This bill protects workers' compensation coverage for seasonal workers and protects agricultural employers by returning them to the same footing as all other employers in the United States.

By Mr. RIEGLE:

S. 1451. A bill to establish an Office of Outreach Coordination in the Social Security Administration to coordinate outreach activities and services, to provide grants to local governments and nonprofit organizations for outreach activities and services, and for other purposes; to the Committee on Finance.

SOCIAL SECURITY OUTREACH ACT

Mr. RIEGLE. Mr. President, I rise today to introduce legislation to help children, disabled Americans, homeless individuals, and seniors receive Social Security and other Federal benefits to which they are entitled. This legislation expands on the Homeless Outreach Act of 1992, S. 3378, which I introduced last Congress. The bill I am introducing today would provide grants to local governments and nonprofit organizations to locate people who face barriers in accessing Federal assistance programs and to provide assistance in applying for benefits.

Too many Americans encounter barriers in receiving benefits under the Social Security Act, the Food Stamp Act, and other Federal programs. These barriers can include illiteracy, mental illness, homelessness, disabilities, and language differences. Without assistance provided by these programs, many of these Americans are unable to secure basic necessities.

Charles Winter of Ann Arbor, MI, is one individual who had difficulty obtaining benefits. He is a Vietnam veteran who tried for 3 years to get Federal supplemental security assistance [SSI]. Mr. Winter did not have the ability to pursue or follow up on his own application. Because he was homeless and lived off the highway somewhere, he never received any paperwork from the Social Security Administration, including denials. It was not until he got in touch with my office in Lansing that he was able to receive SSI and get off the streets. This legislation will help people like Mr. Winter obtain the help they need.

This legislation is designed to break through the barriers by locating hard-to-reach individuals and helping them obtain benefits. Representatives from organizations receiving the grants would make regular visits to places like soup kitchens, shelters, street sites, and day centers where people in hard-to-reach populations congregate. Outreach would be done in the language appropriate for the community. Since many of these organizations work with seniors, homeless, and disabled Americans on a daily basis, they should be effective in locating potentially eligible individuals. They would provide applications for SSI, food stamps, and Social Security disability benefits [SSDI], and help guide potential beneficiaries through the applications process.

The legislation creates an Office of Outreach Coordination within the Social Security Administration to administer this program. This office will establish the guidelines for awarding grants and will provide technical assistance to Social Security Administration field offices.

This legislation also contains some special procedures for handling the applications for homeless persons. It would require the Social Security Administration to give priority consideration to a homeless person's application for benefits. For those homeless applicants who face the denial of benefits for failure to file complete information, the Social Security Administration must attempt to locate the individual before denying them benefits and assist them in filing the correct information. The legislation would also require the Social Security Administration to promulgate regulations to ensure that homeless individuals have access to presumptive disability payments under the SSI Program.

Mr. President, many homeless people, children, disabled Americans, and the mentally ill need this legislation. Many of these people cannot easily walk into a Social Security office and apply for benefits because of disabilities, lack of transportation, language

barriers, and mental illness. In some cases, people cannot even write their own names, let alone fill out a lengthy eligibility form. This legislation gives those organizations most familiar with these populations the ability to help people obtain the benefits they need for survival. This legislation does not extend new benefits to anyone. It simply gives the Social Security Administration the tools it needs to effectively reach out to people who are unable to apply for assistance. I encourage my colleagues to support this important outreach legislation and I ask unanimous consent that the text of the bill be included in the RECORD.

S. 1451

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 "SSI Outreach Act of 1993".

SEC. 2. STATEMENT OF FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) many individuals, including senior citizens, homeless individuals, children, and disabled individuals, face extraordinary difficulties in securing benefits under the Social Security Act, the Food Stamp Act of 1977, and other Federal programs, to which they are otherwise entitled;

(2) without the benefits under such programs these individuals, lacking any resources, are unable to secure other vital necessities;

(3) many barriers exist that prevent potentially eligible individuals from securing benefits under such programs, including—

(A) communication barriers such as illiteracy in English or a foreign language and sensory impairments;

(B) disabilities which limit mobility and connections to social services organizations;

(C) homelessness often coupled with mental illness, drug addiction, or alcoholism;

(D) distrust or fear of government bureaucracy;

(E) concern that eligibility will preclude future work attempts;

(F) lack of transportation;

(G) lack of access to a telephone;

(H) lack of an understanding of how to contact Social Security Administration field offices;

(I) lack of any connections to social service organizations; and

(J) cognitive or other mental impairments which limit a person's ability to understand benefits, rights, or procedures.

(b) PURPOSE.—It is the purpose of this Act to overcome the barriers to securing benefits under the Social Security Act and the Food Stamp Act of 1977 faced by many homeless individuals and other hard to reach populations by establishing an office in the Social Security Administration which will be responsible for coordinating outreach activities and services, including an outreach grant program. The grant program will help establish innovative approaches to identify individuals potentially eligible for such benefits and to aid such individuals in the application process for such benefits.

SEC. 3. ESTABLISHMENT OF OFFICE OF OUTREACH COORDINATION.

(a) IN GENERAL.—The Secretary of Health and Human Services (hereafter referred to in this Act as the "Secretary") shall, within 180 days after the date of the enactment of this Act, establish within the Social Security Administration an Office of Outreach Coordination, to be administered by a Director of Outreach Coordination (hereafter in this section referred to as the "Director") who shall be appointed by the Commissioner of Social Security.

(b) DUTIES OF THE DIRECTOR.—The Director shall—

(1) administer the grant program established under section 4 and provide technical assistance to the entities receiving grants under such section;

(2) formulate and provide information and technical assistance to Social Security Administration field offices regarding—

(A) outreach policies and methods; and

(B) local outreach activities and services; and

(3) implement the requirements of section 1635 of the Social Security Act.

SEC. 4. GRANTS TO LOCAL GOVERNMENTS AND NONPROFIT ORGANIZATIONS FOR OUTREACH.

(a) IN GENERAL.—The Secretary shall, through the Office of Outreach Coordination in the Social Security Administration (established under section 3), provide grants to local governments and nonprofit organizations submitting applications to the Secretary under this section, to conduct outreach activities and services targeted at homeless individuals and other hard to reach populations, as determined appropriate by the Secretary.

(b) GRANT CRITERIA.—The Secretary shall provide grants under this section only to entities that demonstrate to the Secretary that the entities—

(1) have experience with low-income people;

(2) have, in the case of entities applying for grants to work with a specific hard to reach population, sufficient experience in working with such population, including—

(A) knowledge of the community in which such population lives; and

(B) proficiency in any applicable foreign language;

(3) are able to conduct outreach activities and services appropriate to the targeted hard to reach population, including—

(A) regular visits to places frequented by homeless individuals, including soup kitchens, homeless shelters, street sites, and day centers;

(B) the provision of information to individuals and organizations regarding eligibility for benefits under the Social Security Act and the Food Stamp Act of 1977, and provision of applications to apply for benefits under such programs;

(C) the provision of assistance to individuals in completing applications to establish eligibility for benefits under the Social Security Act and benefits under the Food Stamp Act of 1977; and

(D) the provision of assistance to individuals with respect to—

(i) obtaining appointments for any medical examination required in order to obtain benefits for which such individuals may be eligible under the Social Security Act so that all such examinations take place within 2 weeks after submission of the application for benefits under such Act;

(ii) obtaining and developing evidence of disability and supporting documentation for nondisability-related eligibility requirements under the Social Security Act; and

(iii) other matters relevant to obtaining benefits under the Social Security Act, including arranging transportation, and where appropriate, arranging for persons to accompany applicants to any necessary medical examinations; and

(4) are able to meet such further requirements as the Secretary determines to be appropriate to carry out the purposes of this section.

(c) ASSISTANCE TO APPLICANTS AND BENEFICIARIES WHO ARE HOMELESS INDIVIDUALS IN OBTAINING NEEDED GOODS AND SERVICES.—An entity that receives a grant under this section to conduct outreach activities to homeless individuals may use some of the funds received under the grant to assist homeless individuals in gaining access to appropriate services in the community, including permanent housing assistance, nutrition, physical and mental health care, and case management services.

(d) REPORTING REQUIREMENTS.—The Secretary shall provide that each entity receiving grants under this section shall be required to prepare and submit to the Office of Outreach Coordination an annual report on the use of grant funds and on the activities of the entity undertaken to carry out the purposes of this section.

(e) GRANT FUNDS.—In order to provide for grants under this section, the Secretary shall set aside and utilize no less than .37 percent of the amounts available on an annual basis for the administrative expenses of the Social Security Administration.

(f) ADMINISTRATIVE PROVISIONS.—The Secretary shall—

(1) promulgate such regulations as may be necessary to carry out this section within 240 days after the date of the enactment of this Act;

(2) notify local governments and nonprofit organizations of the availability of grant funds under this section within 270 days after the date of the enactment of this Act; and

(3) begin to award grants under this section as described in subsection (a) within 360 days after the date of the enactment of this Act and annually thereafter.

SEC. 5. SPECIAL PROCEDURES RELATING TO HOMELESS INDIVIDUALS.

(a) EXPEDITED CONSIDERATION OF APPLICATIONS.—Within 240 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to ensure that, in determining disability for purposes of awarding benefits under the Social Security Act, priority consideration shall be given to applications received from homeless individuals.

(b) ASSISTANCE IN FILING DOCUMENTS FOR APPEAL AND IN SEEKING REPRESENTATION.—If the Secretary issues a decision to deny, suspend, reduce, or terminate benefits under the Social Security Act to a homeless individual, the Secretary shall take affirmative steps to locate the individual and—

(1) inform the individual of the importance of appealing such decision; and

(2) if the individual indicates a desire to file such an appeal, assist the individual in filing the necessary forms.

(c) PROCEDURE GOVERNING THE POTENTIAL DENIAL OR SUSPENSION OF BENEFITS FOR A HOMELESS INDIVIDUAL.—

(1) DETERMINATION.—Before the Secretary decides to deny, reduce, suspend, or terminate benefits under the Social Security Act to a homeless individual on the grounds that the individual must provide additional information before receiving, or continuing to receive, such benefits, the Secretary shall determine whether the individual is likely to have difficulty in responding to the request due to—

(A) a mental or physical impairment;

(B) advanced age;

(C) inability to communicate in English;

(D) lack of transportation;

(E) lack of a fixed address; or

(F) any other comparable limitation.

(2) ACTION.—If the Secretary determines that an individual has one of the limitations described in paragraph (1), the Secretary shall—

(A) take affirmative steps to locate the individual and assist the individual in filing an appeal from an adverse decision regarding such benefits, and in securing the evidence required to establish eligibility for, or to restore, such benefits; and

(B) try to contact the individual by telephone and, if unsuccessful, make a personal visit to the last known address of the individual, contact individuals in the neighborhood, friends, or the post office, of the individual, and, to assist in these efforts, contact social agencies, shelters, soup kitchens, and any other agencies that provide services to homeless individuals.

(3) RESTORATION OF BENEFITS.—If the efforts described in subparagraphs (A) and (B) of paragraph (2) are unsuccessful, and such benefits are denied, suspended, reduced, or terminated, and the individual within 12 months of such denial, suspension, reduction, or termination contacts the Social Security Administration with the necessary information to seek restoration of benefits, the Secretary shall—

(A) immediately resume payment of such benefits; and

(B) from funds retained in the local office accounts, pay the benefits of the individual for the current month and for subsequent months until regular monthly payments of benefits resume.

(d) REGULATIONS ON PRESUMPTIVE DISABILITY.—Within 60 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to ensure that presumptive disability payments made under section 1631(a)(4)(A) of the Social Security Act and emergency advance payments made under section 1631(a)(4)(B) of such Act are fully available to homeless individuals.

SEC. 6. REPORTING REQUIREMENTS.

(a) EVALUATIONS.—

(1) IN GENERAL.—The Secretary shall prepare an evaluation of the activities carried out under this Act.

(2) CRITERIA.—At a minimum, the criteria used by the Secretary in evaluating such activities shall—

(A) fully take into account the special circumstances of the individuals reached through the outreach activities conducted under this Act and the need of such individuals for personalized attention and follow-through assistance; and

(B) emphasize the extent to which—

(i) the procedures used to carry out the outreach activities take into account such circumstances; and

(ii) the assistance made available to such individuals through such activities meets such need.

(b) REPORTS.—Not less frequently than annually, the Secretary shall submit to the appropriate committees of Congress a full and complete report containing the evaluation described in subsection (a) and such recommendations for additional legislative or regulatory action as the Secretary may determine to be appropriate.

SEC. 7. DEFINITION.

For purposes of this Act, the term "homeless individual" means any individual—

(1) who lacks a fixed, regular, and adequate nighttime residence; or

(2) whose primary nighttime residence is—

(A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including a welfare hotel, a congregate shelter, and transitional housing for the mentally ill);

(B) an institution that provides a temporary residence for individuals intended to be institutionalized; or

(C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

By Mr. BRADLEY (for himself and Mrs. KASSEBAUM):

S.J. Res. 131. A joint resolution designating the week beginning November 14, 1993, and the week beginning November 13, 1994, each as "Geography Awareness Week"; to the Committee on the Judiciary.

GEOGRAPHY AWARENESS WEEK

Mr. BRADLEY. Mr. President, I rise today with my distinguished colleague from Kansas, Senator KASSEBAUM, to introduce a resolution to declare the week of November 14 through November 21, 1993, and November 13 through November 20, 1994, as "Geography Awareness Week."

Mr. President, 6 years ago I introduced the first Geography Awareness Week resolution because I saw alarming reports of geographic illiteracy in our Nation. Surveys found that our Nation's students had at best a distorted understanding of our world and at worst were totally ignorant of the most basic geography. A survey by the Asbury Park Press in one part of New Jersey found that on the average, 12th graders could identify only 41 percent of the States. In Boston, 39 percent of the surveyed students could not name the six New England States.

As the world changes before our eyes, citizens who lack basic geography information will be lost. South Africa is in the process of reinventing itself as a pluralistic, open society, yet one in two adult Americans cannot locate it on a map. The emergence of peace in the Middle East may turn out to be one of the most important historical developments of the 1990's, but only those who know the geography of that troubled region can understand why that peace was so elusive—and two out of three Americans do not even know where Egypt is.

Mr. President, since Congress first took note of the problem by establishing Geography Awareness Week, we have started to confront the problem of geographic illiteracy. Many schools have reintroduced geography as part of their curriculum. Teachers across the country use Geography Awareness Week as an opportunity to develop events and lessons that focus on geography. But much needs to be done to revitalize and expand the role of geography in the public consciousness.

I sponsored the first statewide geography bee in New Jersey 6 years ago. Over 600 eighth graders from all over the State competed. Robin Cadwallender, a 13-year-old eighth grader from Hopatcong, NJ, won that competition. Now, we have a national geography bee—modeled after that first New Jersey bee—which is in its second year. All 50 States are involved in the competition, run much like the national spelling bee.

I believe that national attention must be focused on the importance of world geography in preparing our young people for the future of an increasingly interdependent and interconnected world. Knowledge of geography offers necessary perspectives and information for understanding ourselves, our relationship to the Earth, and our interdependence with other peoples of the world.

Yet even with this critical need to know, a majority of American students today still receive no significant exposure to geography in school. This is illustrated by one Gallup poll which ranked Americans in the bottom third in an international test of geographic knowledge, with those aged 18 to 24 ranking last. Less than half of these young people could find Central America on a map; only one in three could locate Vietnam; and three-quarters could not find the Persian Gulf. Clearly, continued ignorance such as this places the United States at a distinct disadvantage in matters of business, politics, and the environment.

That's why I am introducing this resolution—to focus national attention on the essential role that knowledge of world geography plays in our lives. It is my hope that this will be just one step in a revitalization of the study of geography. All of our citizens should have access to the sort of education which will help them appreciate both the great beauty and diversity of this Nation and its place in the world.

Mrs. KASSEBAUM. Mr. President, once again I am pleased to join with Senator BRADLEY in introducing a resolution designating the week of November 14, 1993, and the week of November 13, 1994, as National Geography Awareness Week. I cannot stress enough how important the knowledge of geography is in a world of constant change and increasing democracy. One cannot appreciate the transformations taking place in many parts of the world without the knowledge of geography.

The commemoration of Geography Awareness Week over the past 6 years has provided the United States with an opportunity to concentrate on the national improvement of geographic literacy. Public officials, schools, businesses, and communities have participated in special events and activities promoting the Nation's geography awareness.

The national goals for education include geography as a core subject in which American students will demonstrate competency after 5th, 8th, and

12th grades. Currently, American students receive limited exposure to geography in their curricula, and unless renewed emphasis is placed on geography, the United States will remain at a distinct disadvantage in international business and politics.

I believe National Geography Awareness Week will once again strengthen public awareness of the importance of improving geographic literacy in our educational systems and our communities. I urge our colleagues to join with Senator BRADLEY and me in supporting this resolution.

ADDITIONAL COSPONSORS

S. 359

At the request of Mr. DECONCINI, the names of the Senator from Tennessee [Mr. SASSER] and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 359, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Law Enforcement Officers Memorial, and for other purposes.

S. 561

At the request of Mr. DODD, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 561, a bill to establish a child and family services and law enforcement partnership program, and for other purposes.

S. 915

At the request of Mr. BAUCUS, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 915, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1361

At the request of Mr. SIMON, the names of the Senator from Maryland [Mr. SARBANES], the Senator from Hawaii [Mr. INOUYE], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 1361, a bill to establish a national framework for the development of school-to-work opportunities systems in all States, and for other purposes.

SENATE JOINT RESOLUTION 94

At the request of Mr. DOLE, the names of the Senator from Pennsylvania [Mr. WOFFORD], the Senator from Rhode Island [Mr. PELL], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Virginia [Mr. WARNER], the Senator from Florida [Mr. GRAHAM], the Senator from Utah [Mr. BENNETT], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 94, a joint resolution to designate the week of October 3, 1993, through October 9, 1993, as "National Customer Service Week."

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE AUTHORIZATION ACT OF 1994

GRASSLEY (AND SIMON) AMENDMENT NO. 840

Mr. GRASSLEY (for himself and Mr. SIMON) proposed an amendment to the bill (S. 1298) to authorize appropriations for fiscal year 1994 for military activities of the Department of Defense, for military construction, and for defense activities for the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, as follows:

On page 84, strike out line 15 and insert in lieu thereof the following:

Comptroller General considers appropriate, including recommendations for alternatives to the Fund.".

SEC. 312A. COMPLIANCE OF DEFENSE BUSINESS OPERATIONS FUND WITH FINANCIAL MANAGEMENT REQUIREMENTS.

(a) CONDITIONAL REQUIREMENT FOR TERMINATION OF DBOF.—The Secretary of Defense shall terminate the Defense Business Operations Fund at the end of December 31, 1994, unless the Inspector General of the Department of Defense certifies to the congressional defense committees before such date that—

(1) as determined pursuant to the audit required by section 3521(e) of title 31, United States Code, for fiscal year 1993, the Defense Business Operations Fund was, for such fiscal year, in compliance with all laws, regulations, directives, requirements, guidance, and manuals considered by the Inspector General for purposes of the audit;

(2) The Inspector General did not include in the report submitted to the Secretary of Defense pursuant to section 3521(f) of title 31, United States Code, a disclaimer of opinion regarding the financial statements so audited for fiscal year 1993; and

(3) the Inspector General concluded, on the basis of such audit, that the assets of the Defense Business Operations Fund were protected against loss from unauthorized use for fiscal year 1993.

(b) MATTERS REQUIRED TO BE CONSIDERED.—In conducting the audit required by section 3521(e) of title 31, United States Code, for fiscal year 1993, the Inspector General shall consider (among any other matters that are considered in accordance with generally accepted government auditing standards) all laws, regulations, directives, requirements, guidance, and manuals considered by the Inspector General during the audit of the financial statements of the Defense Business Operations Fund that the Inspector General conducted for fiscal year 1992 under such section, to the extent that such laws, regulations, directives, requirements, guidance, and manuals continued to be applicable to the Defense Business Operations Fund during fiscal year 1993.

LEVIN AMENDMENT NO. 841

Mr. LEVIN proposed an amendment to the bill S. 1298, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . AMERICAN DIPLOMATIC FACILITIES IN GERMANY.—(a) No embassy, chancery, or consular facilities in Germany other than the facilities already occupied as of January 1, 1993, by U.S. diplomatic personnel may be purchased, constructed, leased or otherwise occupied unless such facilities are purchased, constructed, modified or leased with funds provided by the German government as an offset for the value of facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the current Status of Forces Agreement with the Government of Germany.

(b) The Secretary of State or his representative may not enter into any legal instrument to purchase, construct, modify or lease any facility in Germany acquired pursuant to subsection (a) of this section until the Secretary of Defense certifies that the United States Government has received or is scheduled to receive cash payments or offsets-in-kind of a value not less than 50% of the value of the facilities returned by the United States Government to the Government of Germany pursuant to Article 52 of the current Status of Forces Agreement with the Government of Germany.

LEVIN (AND OTHERS) AMENDMENT NO. 842

Mr. LEVIN (for himself, Mr. DOLE, and Mr. SIMON, Mr. DECONCINI, and Mr. LUGAR) proposed an amendment to the bill S. 1298, supra; as follows:

At the appropriate place, insert:

SECTION 1. SANCTIONS AGAINST SERBIA AND MONTENEGRO.

(a) CODIFICATION OF EXECUTIVE BRANCH SANCTIONS.—The sanctions against Serbia and Montenegro described in the following directives of the executive branch of Government are hereby enacted into law:

(1) Executive Order 12808 of May 30, 1992, as continued in effect on May 25, 1993.

(2) Executive Order 12810 of June 5, 1992.

(3) Executive Order 12831 of January 15, 1993.

(3) Executive Order 12846 of April 25, 1993.

(5) Department of State Public Notice 1427, effective July 11, 1991.

(6) Proclamation 6389 of December 5, 1991 (56 Fed. Register 64467).

(7) Department of Transportation order 92-5-38 of May 20, 1992.

(8) Federal Aviation Administration action of June 19, 1992 (14 CFR Part 91).

(b) PROHIBITION ON ASSISTANCE.—(1) No funds appropriated or otherwise made available by law may be obligated or expended for Serbia or Montenegro.

(2) The prohibition of paragraph (1) includes funds which were obligated but not expended under any law enacted before the date of enactment of this Act.

(c) INTERNATIONAL FINANCIAL INSTITUTIONS.—The Secretary of the Treasury shall instruct the United States executive director of each international financial institution to use the voice and vote of the United States to oppose any assistance of the respective institutions to Serbia or Montenegro.

(d) EXCEPTION.—Notwithstanding any other provision of law, the President is authorized and encouraged to exempt from sanctions imposed against the Republic of Serbia and the Republic of Montenegro those United States—supported programs, projects, or activities involving reform of the electoral process, or the development of democratic institutions or democratic political parties, in these two countries.

(e) WAIVER.—Notwithstanding any other provision of this section (other than paragraph (2)), the President may waive the application, in whole or in part, of any sanction or prohibition contained in this section

if the President determines, and so certifies to Congress, that it would be in the national interest of the United States to do so.

(2) The waiver authority of paragraph (1) may not be used to waive any sanction or prohibition in section 1(a)(b)(c) unless the territory of Bosnia-Hercegovina, as recognized by the United States on April 2, 1992, is controlled by a government of Bosnia-Hercegovina recognized by the United States, and that government or its people, are not subject to military action in or against it by Serbia and Montenegro or Bosnian Serbian forces.

SMITH (AND OTHERS) AMENDMENT NO. 843

Mr. SMITH (for himself, Mr. GORTON, and Mr. BUMPERS) proposed an amendment to the bill S. 1298, supra; as follows:

At the appropriate place, insert:

SECTION 1. EFFECTIVE DATE FOR CHANGES IN SERVICEMEN'S GROUP LIFE INSURANCE PROGRAM.

(a) USE OF INTERNATIONAL DATE LINE.—Section 1967 of title 38, United States Code, is amended by adding at the end the following new section:

"(f) The effective date and time for any change in benefits under the Servicemen's Group Life Insurance Program shall be based on the date and time according to the time zone immediately west of the International Date Line."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to amendments to chapter 19 of title 38, United States Code, that take effect after November 29, 1992.

SMITH AMENDMENTS NOS. 844–845

Mr. SMITH proposed two amendments to the bill S. 1298, supra; as follows:

AMENDMENT NO. 844

At the appropriate place in the bill, insert the following:

SECTION 1. AWARD OF THE NAVY EXPEDITIONARY MEDAL.

It is the sense of the Senate that the Secretary of the Navy should direct that members who served in Task Force 16, culminating in the air-raid commonly known as the "Doolittle raid on Tokyo", during April 1942, be awarded the Navy Expeditionary Medal for such service.

AMENDMENT NO. 845

At the appropriate place in the bill insert the following:

SEC. . REPORT ON MILITARY FOOD DISTRIBUTION PRACTICES.

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

(1) The Defense Personnel Support Center, a component of the Defense Logistics Agency (DLA), purchases more than 90 percent of the food supplied to military "end-users" such as dining halls, hospitals and other facilities that feed troops.

(2) Semiperishable items, such as canned goods, are stored in four DLA depots. Perishable items, including fresh and frozen vegetables, fruits, and meats, are stored in 21 contractor-operated Defense Subsistence Offices.

(3) Private Sector end-users, including independent restaurants, hospitals, and hotels, obtain their food through direct delivery from distributors.

(4) A Department of Defense comprehensive inventory reduction plan, issued in May 1990, stated that "where DoD requirements can be met through commercial distribution systems in a timely and cost-effective fashion, no value is added by pushing items through the DoD warehousing systems."

(5) A June 1993 GAO Report determined that the Department of Defense could achieve substantial cost savings by expanding the use of private sector food distributors and practices in the military food supply system.

(b) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review which evaluates the feasibility and economic benefits resulting from the expanded use of full-line distributors to deliver food directly to military end-users. The review should address whether the expanded use of distributors could reduce depot storage of food (except for war reserve stocks and items bound for overseas), and eliminate the requirement for Defense Subsistence Offices and certain base warehouses activities. The review should include a cost comparison of the Department of Defense supply system with the costs of commercial distributors. The review should also consider what obstacles may exist that would hinder the Department of Defense's ability to procure commercial items and institute commercial logistics practices.

(c) REPORT.—Not later than March 1, 1994, the Secretary shall submit to the congressional defense committees a report on his findings from the review together with any recommendations.

RIEGLE (AND HEFLIN) AMENDMENT NO. 846

Mr. LEVIN (for Mr. RIEGLE for himself, Mr. HEFLIN, and Mr. LEVIN) proposed an amendment to the bill S. 1298, supra; as follows:

At the appropriate place insert the following:

SEC. 2816. JUSTIFICATION OF RECOMMENDATIONS FOR CLOSURE OR REALIGNMENT OF INSTALLATIONS PREVIOUSLY CONSIDERED FOR CLOSURE OR REALIGNMENT.

(a) REQUIREMENT.—(1)(A) The Secretary of Defense shall include with the recommendation of the Secretary for the closure or realignment under a base closure law of an installation referred to in subparagraph (B) the justification described in paragraph (2).

(B) An installation referred to in subparagraph (A) is any installation recommended by the Secretary of Defense for closure or realignment under a base closure law in a year before the date of the enactment of this Act and not recommended for closure or realignment by a base closure and realignment commission in its recommendations for closure and realignment in that year by reason of the failure of the Secretary's recommendation to meet the criteria or force structure plan, as the case may be, upon which the Secretary's recommendation was based.

(2) A justification referred to in paragraph (1) shall include—

(A) an explanation of—

(i) the manner, if any, in which the recommendation of the Secretary for the closure or realignment of an installation referred to in paragraph (1)(A) is the direct result of—

(I) an amendment to the criteria used by the Secretary in making the recommendation since the Secretary's previous recommendation; or

(II) changes in the force-structure plan (or other military requirements) since such previous recommendation; and

(B) the manner, if any, in which the making of such recommendation in accordance with such amendment or changes eliminates the failure referred to in paragraph (1)(B); or

(2) in the event that such recommendation is not the direct result of such amendment or changes, an explanation of the manner in which such recommendation addresses the failure referred to in paragraph (1)(B).

(b) DEFINITION.—In this section, the term "base closure law" means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; U.S.C. 2687 note).

ROTH (AND BIDEN) AMENDMENT NO. 847

Mr. SMITH (for Mr. ROTH for himself and Mr. BIDEN) proposed an amendment to the bill S. 1298, supra; as follows:

At an appropriate place in the bill, add the following new section

SEC. . 01. SHORT TITLE.

This section may be cited as NATO review requirements

SEC. . 02. FINDINGS; POLICY.

(a) FINDINGS.—The Congress finds that—

(1) the North Atlantic Treaty Organization (NATO) has successfully met the challenge of helping to maintain the peace, security and freedom of the United States and its NATO allies for more than forty years;

(2) the national security interests of the United States have been well served by the process of consultation, coordination, and military cooperation in the NATO framework;

(3) Recent history has witnessed radical changes in the international security environment, including the fall of the Berlin Wall, the unification of Germany, the disbanding of the Warsaw Pact and the disintegration of the Soviet Union;

(4) the military threats which NATO was established to deter have receded with the end of the Cold War, calling into question both the future value of the alliance and the rationale for U.S. military deployments in Europe;

(5) the post-Cold War security situation continues to present a wide array of challenges to U.S. national interests, many of which interests the U.S. shares with its allies in Europe and Canada;

(6) the international community may prove capable of deterring many threats to the common peace if it can respond decisively to aggression;

(7) the United States must share the burden of its international security commitments with other nations if it is to tend to the needs of its own citizens in a responsible fashion;

(8) several of the newly democratic nations of Central and Eastern Europe have expressed interest in seeking membership in NATO;

(9) many of the security challenges facing the post-Cold War world would be best handled through coherent multilateral responses;

(10) the United States should never send its military forces into combat unless they are provided with the best opportunity to accomplish their objectives with as little risk as possible;

(11) military interventions against antagonistic armed forces cannot be conducted

safely or effectively on a multilateral basis unless such operations are jointly planned in advance and are executed by units which have trained together and are familiar with each others operational procedures;

(12) NATO is currently the only organization with the experience, trained staff and infrastructure necessary to support military cooperation with major military allies of the United States;

(13) the NATO allies already have volunteered to consider requests from the United Nations and the Conference on Security and Cooperation in Europe for assistance in maintaining the peace;

(14) justification of the relevance of NATO in the post-Cold War world will depend largely upon the alliance's ability to adapt its mission and procedures to the new security environment;

(15) justification of future U.S. support for the alliance and for a U.S. military presence in Europe will depend upon NATO's ability to address those security interests which the United States shares with its allies in Europe and Canada;

(16) a summit meeting of the NATO heads of state, which has been scheduled for January 1994, would present an excellent opportunity for the President of the United States to articulate a new, broader security mission for the alliance in the post-Cold War world, one which will enable it to address a wider array of threats to its members' interests and which will help to share more effectively the burden of international security requirements.

(b) POLICY.—It is the sense of the Congress that—

(1) old threats to the security of the United States and its allies in the North Atlantic Treaty Organization have retreated radically but new, more diverse challenges have arisen in the form of ethno-religious conflict in Central and Eastern Europe and the proliferation of weapons of mass destruction in regions proximate to alliance territory and NATO's mission must be redefined so that it may respond to such challengers to its members' security even when those challenges emanate from beyond the geographic boundaries of its members' territories;

(2) future United States military involvement in, and contributions to, NATO should be determined in relation to the alliance's success or failure in adopting itself to confronting the challenges of the post-Cold War.

SEC. 03. REPORT.

(a) Within 30 calendar days of the enactment of this legislation, the President, in consultation with the Secretary of State and the Secretary of Defense, shall send a report to the Armed Services Committees of the U.S. Senate and House of Representatives and to the Foreign Relations Committee of the U.S. Senate and the Foreign Affairs Committee of the House of Representatives. This report should contain recommendations on—

(1) the manner in which NATO can formulate and implement a strategy to address the new, more disparate threats to the security of its members;

(2) the feasibility of having NATO conduct security operations beyond the geographic boundaries of the alliance;

(3) the manner in which NATO should restructure its forces, training and equipment for the new security environment;

(4) the desirability of expanding the alliance to include either traditionally neutral nations or the new democratic nations of Eastern or Central Europe who wish to join NATO;

(5) the proper size and composition of United States forces to be deployed in Europe to assist in the implementation of NATO's new mandate and possible reduction in U.S. military deployments in Europe in the event of the alliance's failure to adopt a new mandate;

(6) the structure and organization of NATO headquarters, with particular attention to the need to reinvigorate the NATO Military Committee;

(7) the desirability of having additional NATO forces train in North America in a manner supportive of NATO's proposed new strategy;

(8) the structure of NATO's military command, with particular attention to the need to make NATO's Rapid Reaction Force a credible deterrent to regional aggression;

(9) the levels of U.S., European and Canadian defense budgets and their ability to finance forces consistent with the implementation of NATO's new mandate.

PRYOR AMENDMENT NO. 848

Mr. LEVIN (for Mr. PRYOR) proposed an amendment to the bill S. 1298, supra; as follows:

On page 104, between lines 2 and 3, insert the following:

SEC. 340. BUDGET INFORMATION ON DEPARTMENT OF DEFENSE RECRUITING EXPENDITURES.

(a) IN GENERAL.—Chapter 9 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 227. Recruiting costs

"The Secretary shall include in the budget justification documents submitted to Congress each year in connection with the submission of the budget pursuant to section 1105 of title 31 the following matters:

"(1) The amount requested for the recruitment of persons for enlistment, appointment, or induction into the armed forces, including—

"(A) the personnel costs for Department of Defense personnel whose duties include—

"(i) recruitment;

"(ii) the management of Department of Defense personnel performing recruitment duties; or

"(iii) supporting Department of Defense personnel in the performance of duties referred to in clause (i) or (ii);

"(B) the cost of providing support for such personnel for the performance of those duties;

"(C) operation and maintenance costs associated with recruitment, including the costs of paid advertising and facilities;

"(D) the costs of incentives, including—

"(i) amounts paid under sections 302d, 308a, 308c, 308f, 308g, 308h (for a first enlistment), and 308i of title 37, relating to bonuses and other incentives;

"(ii) amounts deposited in the Department of Defense Education Benefits Fund pursuant to section 2006(g) of this title; and

"(iii) payments under the provisions of chapters 105, 107, and 109 of this title and chapter 30 of title 38; and

"(E) costs associated with military entrance processing;

"(2) the appropriation accounts from which such costs are to be paid; and

"(3) the estimated average total annual cost of recruiting a person for enlistment, appointment, or induction into the armed forces for the fiscal year covered by the budget justification documents, determined and reported separately for—

"(A) each armed force;

"(B) the active component of each armed force;

"(C) each of the reserve components of each armed force; and

"(D) for all of the armed forces.".

(b) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"227. Recruiting costs.".

WARNER (AND LEVIN) AMENDMENT NO. 849

Mr. WARNER (for himself and Mr. LEVIN) proposed an amendment to the bill S. 1298; supra; as follows:

On page 242, below line 19, add the following:

SEC. 1067. LOCATION OF JOINT WARFIGHTING SIMULATION CENTER.

The Secretary of Defense shall provide that the Joint Warfighting Simulation Center, established by the Secretary on July 1, 1993, be located with the Army Training and Doctrine Command at Fort Monroe, Virginia.

BINGAMAN (AND DORGAN) AMENDMENT NO. 850

Mr. BINGAMAN (for himself and Mr. DORGAN) proposed an amendment to the bill S. 1298, supra; as follows:

On page 229, strike out line 4 and all that follows through page 231, line 14.

SHELBY (AND SMITH) AMENDMENT NO. 851

Mr. SHELBY (for himself and Mr. SMITH) proposed an amendment to amendment No. 829 proposed by Mr. HARKIN to the bill S. 1298, supra; as follows:

In the matter proposed to be stricken, insert at the end the following:

(d) LIMITATION PENDING SUBMISSION OF REPORT.—No funds appropriated to the Department of Defense for fiscal year 1994 may be obligated for the Kinetic Energy Antisatellite (KE-ASAT) program until the Secretary of Defense submits to Congress the report required by section 1363 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2560) that contains, in addition to the matter required by such section, the Secretary's certification that there is a requirement for an antisatellite program.

DOMENICI (AND BINGAMAN) AMENDMENT NO. 852

Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill S. 1298, supra; as follows:

On page 394, after line 12, insert:

(3) Each year at the time of the President's submission of a budget under section 1105 of title 31, United States Code, the President shall submit a report covering the most recently completed calendar year setting forth—

(A) Whether the Stockpile Surveillance Program of the Department of Energy, and the calculations and experiments performed by Sandia National Laboratories, Lawrence Livermore National Laboratory, or Los Alamos National Laboratory have raised any

concern with regard to the safety, security, effectiveness, or reliability of existing U.S. nuclear weapons; and

(B) If such concerns have been raised, the President's evaluation of each concern and report on what actions are being or will be taken to address it.

DOMENICI (AND BINGAMAN) AMENDMENT NO. 853

Mr. DOMENICI (for himself and Mr. BINGAMAN) proposed an amendment to the bill S. 1298, supra; as follows:

On page 65, between lines 13 and 14, insert the following:

SEC. 228. SINGLE STAGE ROCKET TECHNOLOGY.

(a) ADDITIONAL FUNDING.—In addition to the amount provided for programs managed by the Ballistic Missile Defense Organization pursuant to section 227 and in addition to the funds provided within such amount for research, development, test, and evaluation under the single stage rocket technology and single-stage-to-orbit program, there is authorized to be appropriated $75,000,000 for fiscal year 1994 for research, development, test, and evaluation under the single stage rocket technology and single-stage-to-orbit program.

(b) LIMITATION.—None of the amount authorized to be appropriated under subsection (a) may be obligated until the Secretary of Defense—

(1) submits to the congressional defense committees a program plan for phase two of the single stage rocket technology and single-stage-to-orbit program that sets forth the objectives and technical milestones for phase two; and

(2) certifies to such committees that adequate funding is provided in the future-years defense program for the single stage rocket technology and single-stage-to-orbit program for fiscal years 1995 and 1996.

(c) PROGRAM CHANGES.—It is the sense of Congress that the Secretary of Defense should—

(1) provide for transfer of responsibility for the single stage rocket technology and single-stage-to-orbit program from the Ballistic Missile Defense Organization to the Advance Research Projects Agency to be included under the space launch technology program element;

(2) provide for the management team that, as of the date of the enactment of this Act, is managing the single stage rocket technology and single-stage-to-orbit program to continue managing such program;

(3) conduct an open competition among businesses in the aerospace industry for entering into the contract or contracts for phase two of the single stage rocket technology and single-stage-to-orbit program; and

(4) examine options for sharing responsibility for defraying the costs of the single stage rocket technology and single-stage-to-orbit program among the Department of Defense, other departments and agencies of the Federal Government, and industry.

METZENBAUM AMENDMENT NO. 854

Mr. METZENBAUM proposed an amendment to the bill S. 1298, supra; as follows:

On page 190, after line 24, insert the following:

SEC. 825. PROHIBITION REGARDING A TASK FORCE ON ANTITRUST LAWS.

No funds available to the Department of Defense may be expended for the establishment or support of a task force for reviewing the antitrust aspects of defense industry consolidation.

MITCHELL AMENDMENT NO. 855

Mr. EXON (for Mr. Mitchell) proposed an amendment to the bill S. 1298, supra; as follows:

In the language proposed to be stricken insert the following:

One page 231, line 10, insert after "(f)":

"NATIONAL SECURITY COUNCIL REVIEW PROCESS.—In addition to the interagency review process for arms sales to foreign governments referred to in subsection (e), the National Security Council shall review the proposed defense sale and determine that it is in accord with U.S. security interests, that it contributes to collective defense burden sharing, and that it is consistent with United States nonproliferation goals.

"(g)"

SIMON (AND OTHERS) AMENDMENT NO. 856

Mr. SIMON (for himself, Ms. MOSELEY-BRAUN, Mr. BOND, Mr. DANFORTH, Mr. GRASSLEY, and Mr. HARKIN) proposed an amendment to the bill S. 1298, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . PAYMENT OF FLOOD-DAMAGED LEVEE REPAIR COSTS.

Notwithstanding the Act of May 15, 1928 (45 Stat. 534, chapter 569; 33 U.S.C. 702a et seq.), the Act of June 15, 1936 (49 Stat. 1508, chapter 548; 33 U.S.C. 702a-1 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), or any other provision of law, the Secretary of the Army may—

(1) pay 100 percent of the costs of repair of Federal and non-Federal levees (including land, easements, rights-of-way, source of borrow, and construction costs) damaged as a result of the wide-spread flooding in the Midwest referred to in the Emergency Supplemental Appropriations for Relief From the Major, Widespread Flooding in the Midwest Act of 1993 (Public Law 103-75); and

(2) ensure, to the maximum extent practicable, that all repair referred to in paragraph (1) is completed not later than December 15, 1993.

SIMON (AND OTHERS) AMENDMENT NO. 857

Mr. SIMON (for himself, Ms. MOSELEY-BRAUN, Mr. GRASSLEY, Mr. BOND, Mr. DANFORTH, and Mr. HARKIN) proposed an amendment to the bill S. 1298, supra; as follows:

At the appropriate place, insert the following new section.

SEC. . STUDY OF FLOOD CONTROL MEASURES ON UPPER MISSISSIPPI RIVER AND TRIBUTARIES.

(a) PURPOSES.—The purposes of this section are—

(1) to improve the flood protection on the Upper Mississippi River and its tributaries in order to protect public health and safety, maintain commerce, and reduce economic losses due to flooding;

(2) to assess the adequacy of flood control measures in use at the time of the assessment (referred to in this section as "then current flood control measures"), both Federal and non-Federal, on the Upper Mississippi River and its tributaries and recommend improvements to protect critical public facilities and prevent the release of hazardous materials into flood waters; and

(3) to study environmentally constructive options; and

(4) to examine the Federal and non-Federal roles in funding the construction and maintenance of flood control measures on the Mississippi River and its tributaries and recommend changes to improve flood protection for high priority facilities.

(b) STUDY.—

(1) IN GENERAL.—The Secretary of the Army shall conduct a study to assess the adequacy of then current flood control measures on the Upper Mississippi River and its tributaries.

(2) CONTENTS.—In conducting the study under this subsection, the Secretary shall—

(A) identify critical water, sewer, transportation, and other essential public facilities that do not have adequate flood protection at the time of the study;

(B) identify high priority industrial, petrochemical, hazardous waste, and other facilities that require additional flood protection due to the special health and safety risks caused by flooding;

(C)(i) evaluate then current Federal, State, and local flood impact review requirements for infrastructure improvements and other development in the flood plain of the Upper Mississippi River and its tributaries; and

(ii) recommend changes to reduce the potential loss of life, property damage, economic losses, and threats to health and safety caused by flooding, and to preserve a healthy environment;

(D) examine the differences in Federal cost-sharing for construction and maintenance of flood control projects on the Upper and Lower Mississippi River systems and assess the effect of the differences on the level of flood protection on the Upper Mississippi River and its tributaries;

(E)(i) assess the then current Federal policy on pre-event repair and maintenance of both Federal and non-Federal levees; and

(ii) recommend actions to help prevent the failure of the levees during flooding;

(F)(i) assess the impact of the then current system of levees and flood control projects on the flood levels experienced on the Upper Mississippi River and its tributaries in 1993; and

(ii) evaluate the cost-effectiveness of alternative flood control measures, such as the preservation and restoration of wetlands;

(G) recommend flood control improvements, changes in Federal cost-sharing, and other measures to reduce economic losses, damage to critical public facilities, and the release of hazardous materials from industrial, petrochemical, hazardous waste, and other facilities caused by flooding of the Upper Mississippi River and its tributaries; and

(H) assess the environmental impact of then current flood control measures and the flood control improvements recommended pursuant to this subsection.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a report on the results of the study conducted under this subsection.

WARNER (AND OTHERS) AMENDMENT NO. 858

Mr. WARNER (for himself, Mr. ROBB, Mr. SIMON, and Ms. MOSELEY-BRAUN)

proposed an amendment to the bill S. 1298, supra; as follows:

On page 353, between lines 4 and 5, insert the following:

SEC. 2842. LAND CONVEYANCES AND EXCHANGE, FORT SHERIDAN, ILLINOIS.

(a) REUSE AND EXCHANGE AUTHORITY.—(1) Notwithstanding any other provision of law and in order to expedite the conversion of Fort Sheridan, Illinois, to civilian uses acceptable to the affected communities, the Secretary of the Army may, subject to the Fort Sheridan Conceptual Land Use Improvement and Boundary Plan adopted by the Fort Sheridan Joint Planning Committee, on Sept. 2, 1993 convey to The Equitable Life Assurance Society of the United States (hereafter in this section referred to as "The Equitable"), or a person designated by The Equitable—

(A) all right, title, and interest of the United States in and to any or all of the surplus real property of the United States that is within the historic district of Fort Sheridan, together with any improvements thereon; and

(B) all right, title, and interest of the United States to any or all of the surplus real property of the United States at Fort Sheridan, that is commonly referred to as the "Northern Lands".

(2) As consideration for the conveyances of surplus real property authorized by paragraph (1), The Equitable shall—

(A) convey, or cause to be conveyed, to the United States all right, title, and interest in and to a parcel of real property, consisting of approximately 7.1 acres, that is located in Arlington County, Virginia, and is commonly known as the "Twin Bridges" parcel, together with any improvements thereon; and

(B) pay to the United States the amount, if any, by which the fair market value of the surplus real property conveyed to The Equitable or its designee pursuant to paragraph (1) exceeds the fair market value of the real property conveyed to the United States pursuant to subparagraph (A).

(b) CONVEYANCE FOR FOREST PRESERVE PROTECTION AND ENHANCEMENT.—(1) In order to ensure the continued protection and enhancement of the open spaces of Fort Sheridan, the Secretary of the Army shall, subject to the Fort Sheridan Conceptual Land Use Improvement and Boundary Plan adopted by the Fort Sheridan Joint Planning Committee, on Sept. 2, 1993, convey to the Lake County Forest Preserve District, Illinois (in this section referred to as the "District"), all right, title, and interest of the United States to a parcel of surplus real property at Fort Sheridan consisting of not less than 250 acres located north of the southerly boundary line of the historic district at the post, including improvements thereon.

(2) As consideration for the conveyance by the Secretary of the Army of the parcel of real property under paragraph (1), the District shall provide maintenance and care to the remaining Fort Sheridan Cemetery, pursuant to an agreement to be entered into between the District and the Secretary.

(c) NAVY PARCEL.—(1) In order to facilitate the reuse of Fort Sheridan, the Secretary of the Navy may, subject to the Fort Sheridan conceptual land use Improvement and Boundary Plan adopted by the Fort Sheridan Joint Planning Committee, Sep. 2, 1993 convey to The Equitable, or a person designated by The Equitable, all right, title, and interest of the United States in and to a parcel of real property, consisting of approximately 11.48 acres, that is located immediately west of and adjacent to the historic district of Fort Sheridan, Illinois, and is under the administrative control of the Secretary, together with any improvements thereon.

(2) As consideration for the conveyance authorized by paragraph (1), The Equitable shall—

(A) construct, or pay the costs of constructing, at a location on land at Fort Sheridan, Illinois, that is under the administrative jurisdiction of the Secretary of the Navy 30 units of military family housing that, as determined by the Secretary, are suitable replacements for the 30 units of military family housing that are located on the property conveyed pursuant to paragraph (1); and

(B) pay to the United States the amount, if any, by which the fair market value of the property conveyed pursuant to paragraph (1) exceeds the cost of constructing such replacement units of military family housing.

(d) USE OF TWIN BRIDGES PARCEL.—The Secretary of the Army shall establish at the Twin Bridges parcel conveyed pursuant to subsection (a)(2) a National Museum of the United States Army. The development, operation, and all improvements related to the development of the Twin Bridges parcel for the National Museum of the United States Army shall comply with the zonning, site planning, and permit requirements of the County of Arlington, Virginia, and the Commonwealth of Virginia and shall be subject to a memorandum of understanding entered into by the Secretary of the Army and Arlington County, Virginia. The Secretary may use only donated funds to pay for the costs of development, construction, and infrastructure improvements related to the establishment of the National Museum of the United States Army.

(e) DETERMINATIONS OF FAIR MARKET VALUE.—The Secretary of the Army, with respect to the transactions described in subsection (a), and the Secretary of the Navy, with respect to the transaction described in subsection (c), shall determine—

(1) the fair market value of the parcels of real property to be conveyed pursuant to this section; and

(2) the fair market value of any other consideration to be provided under this section.

(f) DESCRIPTIONS OF PROPERTY.—The exact boundaries, acreage, and legal descriptions of the real property conveyed pursuant to subsections (a), (b), and (c) shall be determined by surveys that are satisfactory to the Secretary of the Army (in the case of property conveyed pursuant to subsections(a) and (b)) and the Secretary of the Navy (in the case of property conveyed pursuant to subsection (c)). The costs of such surveys shall, in each case, be borne by the person to whom such real property is conveyed, except that, in the case of the Twin Bridges parcel conveyed pursuant to subsection (a)(2), the survey cost shall be borne by The Equitable.

(g) PROCEEDS.—Any proceeds received by the Army pursuant to the transactions described in subsections (a) and (b) shall be deposited in the Department of Defense Base Closure Account established under section 207 of the Defense Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) or, in the case of any proceeds received after closure of such account, in the Department of Defense Base Closure Account 1990 established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(h) USE OF FUNDS.—The Secretary of the Navy shall use any amounts paid to the Secretary of the Navy under subsection (c)(2)(A) to pay for the construction of 30 units of family housing to replace the units located on the property to be conveyed under subsection (c)(1). Any amount paid to the Secretary under subsection (c) that is not expended for the construction of such military family housing units shall be deposited in the Department of Defense Military Family Housing Management Account in accordance with section 2831(b)(3) of title 10, United States Code.

(i) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army, with respect to the transactions described in subsections (a) and (b), and the Secretary of the Navy, with respect to the transaction described in subsection (c), may require any additional terms and conditions and undertake any additional obligations and actions that such Secretary considers appropriate under the circumstances to enhance or encourage reuse the of Fort Sheridan, Illinois, or to protect the interests of the United States.

BUMPERS AMENDMENT NO. 859

Mr. BUMPERS proposed an amendment to the bill S. 1298, supra; as follows:

On page 33, following line 24, insert the following:

SEC. 136. TRIDENT II MISSILE PROGRAM.

Of the funds authorized to be appropriated in this Act for procurement of TRIDENT II Missiles, none may be obligated prior to April 1, 1994 unless the President has certified to Congress that he has unsuccessfully attempted to reach an agreement with Russia, Ukraine, Kazakhstan and Belarus on detubing as a means of reducing launchers to meet the START II limits.

WARNER (AND OTHERS) AMENDMENT NO. 860

Mr. WARNER (for himself, Mr. SIMON, Mr. ROBB, and Ms. MOSELEY-BRAUN) proposed an amendment to the bill S. 1298, supra; as follows:

At an appropriate place in the bill, insert the following new section:

"The Secretary of Defense shall review, and shall provide a report of such review to the Committees on Armed Services of the Senate and the House of Representatives not later September 24, 1993, a proposed transfer of lands under the control of the Secretary of the Army, and lands under the control of the Secretary of the Navy, locates at Fort Sheriden, Illinois, for a parcel of real estate, consisting of approximately 7.1 acres, located in Arlington County, Virginia and commonly known as the "Twin Bridges" parcel, including the proposal to utilize the "Twin Bridges" parcel for the purpose of constructing and operating the National Museum of the United States Army, utilizing solely donated funds for the construction and operation of such museum.".

DOLE (AND KENNEDY) AMENDMENT NO. 861

Mr. WARNER (for Mr. DOLE for himself and Mr. KENNEDY) proposed an amendment to the bill S. 1298, supra; as follows:

Of the funds authorized to be appropriated in Section 201(1), $2,000,000 shall be available to continue the support of advanced laser burn treatment diagnostics and therapeutic

research under the Army's medical research program.

DOLE (AND OTHERS) AMENDMENT NO. 862

Mr. WARNER (for Mr. DOLE, for himself, Mrs. KASSEBAUM, and Mr. BURNS) proposed an amendment to the bill S. 1298, supra; as follows:

On page 242, after line 19, add the following:

SEC. 1067. ENVIRONMENTAL EDUCATION OPPORTUNITIES PROGRAM

(a) PROGRAM REQUIRED.—(1)(A) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the EPA and the Secretary of Energy, shall establish a scholarship program for education and training for qualified individuals in order to enable such individuals to acquire career training in environmental engineering, environmental sciences, or environmental project management in fields related to hazardous waste management and cleanup.

(B) The program established pursuant to paragraph (A) may include educational activities and training related to—

(i) site remediation;

(ii) site characterization;

(iii) hazardous waste management;

(iv) hazardous waste reduction;

(v) recycling;

(vi) process and materials engineering;

(vii) training for positions related to environmental engineering, environmental sciences, or environmental project management (including training for management positions); and

(viii) environmental engineering with respect to the construction of facilities to address the items described in clauses (i) through (vii).

(C) The program established pursuant to paragraph (A) shall include educational activities designed for personnel participating in a program to achieve specialization in the following fields:

(i) Earth sciences.

(ii) Chemistry.

(iii) Chemical Engineering.

(iv) Environmental engineering.

(v) Statistics.

(vi) Toxicology.

(vii) Industrial hygiene.

(viii) Health physics.

(ix) Environmental project management.

(b) FUNDING.—(1) From amounts appropriated pursuant to this authority the Sec. of Defense shall award scholarships to individuals described in paragraph (g) to attend programs at the hazardous substance research center institutions of higher education at both undergraduate and graduate levels which lead to the awarding of an academic degree or a certification that is supplemental to an academic degree.

(c) REPAYMENT.—(1) Any individual receiving educational assistance from the United States under the program carried out under this section shall agree to pay to the United States the total amount of the educational assistance provided to the individual by the United States under the program, plus interest at the rate prescribed in paragraph (4), if the individual does not complete the educational program for which the assistance is provided.

(2) If an individual fails to pay to the United States the total amount required pursuant to paragraph (1), including the interest, at the rate prescribed in paragraph (4), the unpaid amount shall be recoverable by the United States from the individual or his estate by—

(A) in the case of an individual who is an employee of the United States, set off against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the United States; and

(B) such other method as is provided by law for the recovery of amounts owing to the United States.

(3) The Secretary of Defense may waive in whole or in part a required repayment under this subsection if the Secretary of Defense determines that the recovery would be against equity and good conscience or would be contrary to the best interests of the United States.

(4) The total amount of educational assistance provided to an individual under a program carried out under subsection (a) shall, for purposes of repayment under this section, bear interest at the applicable rate of interest under section 427A(c) of the Higher Education Act of 1965 (20 U.S.C. 1077a(c)).

(d) COORDINATION OF BENEFITS.—Any educational assistance provided to an individual under the program carried out under subsection (a) shall be taken into account in determining the eligibility of that individual for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(e) COST AND FUNDING.—(1) The cost of carrying out the program required by this section may not exceed $8,000,000 in any fiscal year.

(f) REPORT TO CONGRESS.—Not later than January 1, 1995, the Secretary of Defense, in consultation with the Secretary of Energy and the Administrator of EPA, shall submit to the Congress a report on activities undertaken under the program established under this section and recommendations for future activities under the program.

(g) DEFINITIONS.—In this section:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) The term "hazardous substance research centers" means the hazardous substance research centers described in section 311(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(d)). Such term includes the Great Plains and Rocky Mountain Hazardous Substance Research Center, the Northeast Hazardous Substance Research Center, the Great Lakes and Mid-Atlantic Hazardous Substance Research Center, the South and Southwest Hazardous Substance Research Center, and the Western Region Hazardous Substance Research Center.

(3) The term "hazardous waste" means—

(A) waste listed as hazardous waste pursuant to subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.);

(B) radioactive waste; and

(C) mixed waste.

(4) The term "mixed waste" means waste that contains a mixture of waste described in subparagraphs (A) and (B) of paragraph (3).

"(g) INDIVIDUALS ELIGIBLE FOR TRAINING, ASSISTANCE, AND SERVICES.—

"(1) CERTAIN MEMBERS OF THE ARMED FORCES.—A member of the Armed Forces shall be eligible for training, adjustment assistance, and employment services under this section if the member—

"(A) was on active duty or full-time National Guard duty on September 30, 1990;

"(B) during the 5-year period beginning on that date—

"(i) is involuntarily separated (as defined in section 1141 of title 10, United States Code) from active duty or full-time National Guard duty; or

"(ii) is separated from active duty or full-time National Guard duty pursuant to a special separation benefits program under section 1174a of title 10, United States Code, or the voluntary separation incentive program under section 1175 of that title;

"(C) is not entitled to retired or retainer pay incident to that separation; and

"(D) applies for such training, adjustment assistance, or employment services before the end of the 180-day period beginning on the date of that separation.

"(2) CERTAIN DEFENSE EMPLOYEES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a civilian employee of the Department of Defense or the Department of Energy shall be eligible for training, adjustment assistance, and employment services under this section if the employee—

"(i) during the 5-year period beginning on October 1, 1992, is terminated or laid off (or receives a notice of termination or lay off) from such employment as a result of reductions in defense spending, as determined by the Secretary of Defense or the Secretary of Energy, except that, in the case of a notice of termination or lay off, the eligibility of the employee shall not begin until 180 days before the projected date of the termination or lay off; and

"(ii) is not entitled to retired or retainer pay incident to that termination or lay off.

"(B) SPECIAL RULE FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE EMPLOYED AT CERTAIN MILITARY INSTALLATIONS.—

"(i) IN GENERAL.—A civilian employee of the Department of Defense employed at a military installation being closed or realigned under the laws referred to in clause (ii) shall be eligible for training, adjustment assistance, and employment services under this section beginning on the date on which such employee receives actual notice of termination, or the date determined by the Secretary of Defense under clause (iii), whichever occurs earlier.

"(ii) CERTAIN DEFENSE LAWS.—The laws referred to in this clause are—

"(I) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note); and

"(II) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(iii) DATE.—The date determined under this clause is the date that is 24 months before the date on which the military installation is to be closed or the realignment of the installation is to be completed, as the case may be.

(6) The term "radioactive waste" means solid, liquid, or gaseous material that contains radionuclides regulated under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) of negligible economic value (considering the cost of recovery).

JOHNSTON AMENDMENT NO. 863

Mr. NUNN (for Mr. JOHNSTON) proposed an amendment to the bill S. 1298, supra; as follows:

On page 413, after line 18, insert the following new section:

"SEC. 3139. STANDARDIZATION OF REQUIREMENTS AFFECTING DEPARTMENT OF ENERGY EMPLOYEES.

(a) Part A of title VI of the Department of Energy Organization Act (42 U.S.C. 7211 through 7218) is repealed.

(b) The table of contents for the Department of Energy Organization Act is amended

by striking out the matter relating to part A of title VI."

STEVENS (AND OTHERS) AMENDMENT NO. 864

Mr. WARNER (for Mr. STEVENS for himself, Mr. BYRD, Mr. HATFIELD, and Mr. INOUYE) proposed an amendment to the bill S. 1298, supra; as follows:

On page 16 of the bill, "Sec. 106. Reserve Components." , is modified by adding at the end of the section the following new item:

"(8) For National Guard aircraft replacement and modernization, $150,000,000."

BURNS AMENDMENT NO. 865

Mr. WARNER (for Mr. BURNS) proposed an amendment to the bill S. 1298, supra; as follows:

On page 353, between lines 4 and 5, insert the following new section:

SEC. 2842. CONVEYANCE OF LAND IN FORT MISSOULA, MONTANA.

(a) LAND USE DETERMINATION.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Army shall determine whether a parcel of land consisting of approximately 11 acres, and improvements thereon, located in Fort Missoula, Missoula County, Montana, is excess to the needs of the Department of the Army.

(b) AUTHORIZATION.—If the Secretary determines that the property identified in subsection (a) is excess to the needs of the Department of the Army, the Secretary may, subject to subsection (c), convey to the Northern Rockies Heritage Center, a nonprofit corporation incorporated in the State of Montana, all right, title, and interest of the United States to such property.

(c) CONDITIONS.—The conveyance authorized in subsection (b) shall be subject to the conditions that—

(1) the property conveyed may be used only for historic, cultural, or educational purposes;

(2) the Northern Rockies Heritage Center shall enter into an agreement with the Secretary of Agriculture concerning the use of the property by the Department of Agriculture;

(3) the Northern Rockies Heritage Center shall indemnify the united States against all liability in connection with any hazardous materials, substances, or conditions that may be found on the property; and

(4) the Northern Rockies Heritage Center shall, prior to the conveyance and for the first year of operation of the Northern Rockies Heritage Center after the conveyance, establish, to the satisfaction of the Secretary of the Army, that it has the ability to maintain C.L. the property described in subsection (a) for the purposes described in paragraph (1).

(d) REVERSIONARY INTEREST.—If the property conveyed pursuant to subsection (b) is used for purposes other than those specified in subsection (c)(1), all right, title, and interest to and in the property shall revert to the United States at no cost to the United States, which shall have immediate right of entry on the land.

(e) DESCRIPTION.—The exact acreage and legal description of the property conveyed under subsection (b) shall be determined by surveys that the Secretary determines are satisfactory. The Northern Rockies Heritage Center shall pay the cost of any survey required by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may establish such additional terms and conditions for the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(g) CONGRESSIONAL NOTIFICATION.—If the Secretary determines that the property identified in subsection (a) is not excess to the needs of the Department of the Army, the Secretary shall notify Congress in writing of the plans of the Department of the Army for maintaining and utilizing the property. Such notification shall be made not later than 60 days after the date of enactment of this Act.

NUNN AMENDMENT NO. 866

Mr. NUNN proposed an amendment to the bill S. 1298, supra; as follows:

On page 104, between lines 2 and 3, insert the following:

SEC. 340. REVISION OF AUTHORITIES ON NATIONAL SECURITY EDUCATION TRUST FUND.

(a) CREDITING OF GIFTS TO THE NATIONAL SECURITY EDUCATION TRUST FUND.—Section 804(e) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1904(e)) is amended by adding at the end the following:

"(3) Any gifts of money shall be credited to and form a part of the Fund.".

(b) REPEAL OF AUTHORIZATION REQUIREMENT.—Section 804(b) of such Act is amended—

(1) by striking out paragraph (2);

(2) by striking out "(1)"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

On page 153, strike out line 15 and all that follows through page 154, line 6, and insert in lieu thereof the following:

SEC. 632. SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.

(a) SPECIAL PAY FOR CERTAIN DISABLED MEMBERS.—A person who has a service-connected disability rated as total may be paid a special pay under this section if the person is entitled to emergency officers', regular, or reserve retirement pay based solely on—

(1) the person's age;

(2) the length of the person's service in the uniformed services; or

(3) both the person's age and the length of such service.

(b) AMOUNT OF SPECIAL PAY.—The amount of special pay that may be paid a person under subsection (a) for any month may not exceed the monthly amount of the compensation that is paid such person under laws administered by the Secretary of Veterans Affairs.

(c) FUNDING.—The cost of the special pay authorized to be paid under this section shall be paid out of funds available to the Department of Defense for travel of personnel of the Department of Defense in positions within the Office of the Secretary of Defense, the Office of the Secretary of the Army, the Office of the Secretary of the Navy, and the Office of the Secretary of the Air Force.

(d) DEFINITIONS.—In this section, the terms "compensation" and "service-connected" have the meanings given such terms in section 101 of title 38, United States Code.

(e) EFFECTIVE DATE.—(1) Except as provided in paragraph (2), this section shall take effect on January 1, 1994.

(2) This section shall not take effect if, before January 1, 1994, the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives the report required by section 641 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2424).

(f) APPLICABILITY.—(1) Except as provided in paragraph (2), this section shall apply to months that begin on or after the effective date of this section.

(2) This section shall not be effective for months that begin after September 30, 1994.

On page 269, line 8, strike out "$599,153,000" and insert in lieu thereof "$603,553,000".

On page 269, in the table below line 11, strike out the item relating to Fort Carson, Colorado, and insert in lieu thereof the following:

Colorado:

Fitzsimons Army Medical Center, $4,400,000; Fort Carson, $4,050,000.

On page 272, line 6, strike out "$2,364,930,000" and insert in lieu thereof "$2,369,330,000".

On page 272, line 9, strike out "$599,153,000" and insert in lieu thereof "$603,553,000".

On page 303, line 8, strike out "$230,993,000" and insert in lieu thereof "$233,793,000".

ROTH (AND OTHERS) AMENDMENT NO. 867

Mr. WARNER (for Mr. ROTH, Mr. NUNN, Mr. BINGAMAN, Mr. THURMOND, Mr. SMITH, Mr. GRASSLEY, and Mr. COHEN) proposed an amendment to the bill S. 1298, supra; as follows:

On page 190, after line 24, insert the following:

Subtitle D—Defense Acquisition Pilot Program

SEC. 831. DEFENSE ACQUISITION PILOT PROGRAM AMENDMENTS.

(a) REPEAL OF LIMITATION ON NUMBER OF PARTICIPATING DEFENSE ACQUISITION PROGRAMS.—Section 809(b)(1) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) is amended by striking out "not more than six".

(b) REPEAL OF REQUIREMENT TO DESIGNATE PARTICIPATING PROGRAMS AS DEFENSE ENTERPRISE PROGRAMS.—Section 809 of such Act is amended by striking out subsection (d).

(c) PUBLICATION OF POLICIES AND GUIDELINES FOR PUBLIC COMMENT.—Section 809 of such Act is amended by striking out subsection (e) and inserting in lieu thereof the following:

"(d) PUBLICATION OF POLICIES AND GUIDELINES.—The Secretary shall publish in the Federal Register a proposed memorandum setting forth policies and guidelines for implementation of the pilot program under this section and provide an opportunity for public comment on the proposed memorandum for a period of 60 days after the date of publication. The Secretary shall publish in the Federal Register any subsequent proposed change to the memorandum and provide an opportunity for public comment on each such proposed change for a period of 60 days after the date of publication.".

(d) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—Section 809 of such Act is amended—

(1) by redesignating subsection (f) as subsection (e); and

(2) in paragraph (2)(D) of subsection (e), as so redesignated, by striking out "specific budgetary and personnel savings" and inserting in lieu thereof "a discussion of the efficiencies or savings".

SEC. 832. REFERENCE TO DEFENSE ACQUISITION PILOT PROGRAM.

A reference in this subtitle to the Defense Acquisition Pilot Program is a reference to the defense acquisition pilot program authorized by section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note).

SEC. 833. MISSION ORIENTED PROGRAM MANAGEMENT.

It is the sense of Congress that—

(1) in the exercise of the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), the Secretary of Defense should propose for one or more of the defense acquisition programs covered by the Defense Acquisition Pilot Program to utilize the concept of mission oriented program management that includes—

(A) establishing a mission oriented program executive office; and

(B) designating a lead agency for the mission oriented program executive office;

(2) the duties of the program executive officer for each of one or more of such programs should include—

(A) planning, programming, and carrying out research, development, and acquisition activities;

(B) providing advice regarding the preparation and integration of budgets for research, development, and acquisition activities;

(C) informing the operational commands of alternative technology solutions to fulfill emerging requirements;

(D) ensuring that the acquisition plan for the program realistically reflects the budget and related decisions made for that program;

(E) managing related technical support resources;

(F) conducting integrated decision team meetings; and

(G) providing technological advice to users of program products and to the officials within the military departments who prepare plans, programs, and budgets;

(3) the Chairman of the Joint Chiefs of Staff, in consultation with the Under Secretary of Defense for Acquisition, should prescribe policies and procedures for the interaction of the commanders of the unified and specified combatant commands with the mission oriented program executive officers, and such policies and procedures should include provisions for enabling the user commands to perform acceptance testing; and

(4) the management functions of a program manager should not duplicate the management functions of the mission oriented program executive officer.

SEC. 834. SAVINGS OBJECTIVES.

It is the sense of Congress that the Secretary of Defense, on the basis of the experience under the Defense Acquisition Pilot Program, should seek personnel reductions and other management and administrative savings that, by September 30, 1998, will achieve at least a 25-percent reduction in defense acquisition management costs below the costs of defense acquisition management during fiscal year 1993.

SEC. 835. PROGRAM PHASES AND PHASE FUNDING.

(a) ACQUISITION PROGRAM PHASES.—It is the sense of Congress that—

(1) the Secretary of Defense should propose that one or more defense acquisition programs proposed for participation in the Defense Acquisition Pilot Program be exempted from acquisition regulations regarding program phases that are applicable to other Department of Defense acquisition programs; and

(2) a program so exempted should follow a simplified acquisition program cycle that is results oriented and consists of—

(A) an integrated decision team meeting phase which—

(i) could be requested by a potential user of the system or component to be acquired, the head of a laboratory, or a program office on such bases as the emergence of a new military requirement, cost savings opportunity, or new technology opportunity;

(ii) should be conducted by a program executive officer; and

(iii) should usually be completed within 1 to 3 months;

(B) a prototype development and testing phase which should include operational tests and concerns relating to manufacturing operations and life cycle support and should usually be completed within 6 to 36 months and should produce sufficient numbers of prototypes to assess operational utility;

(C) a product integration, development, and testing phase which—

(i) should include full-scale development, integration of components, and operational testing; and

(ii) should usually be completed within 1 to 5 years; and

(D) a phase for production, integration into existing systems, or production and integration into existing systems.

(b) PHASE FUNDING.—To the extent provided in legislation pursuant to subsection of (c)(1)(B) of section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) and to the extent provided in appropriations Acts, the Secretary of Defense is authorized to expend for a defense acquisition program participating in the Defense Acquisition Pilot Program such sums as are necessary to carry out a phase of the acquisition program cycle after the Secretary determines that objective quantifiable performance expectations relating to the execution of that phase have been identified.

(c) MAJOR PROGRAM DECISION.—It is the sense of the Congress that the Secretary of Defense should establish for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program an approval process having one major decision point.

SEC. 836. PROGRAM WORK FORCE POLICIES.

(a) IN GENERAL.—The Secretary of Defense shall review the incentives and personnel actions available to the Secretary for encouraging excellence in the acquisition workforce of the Department of Defense and may provide an enhanced system of incentives, in accordance with applicable law, for the encouragement of excellence in the work force of a participating acquisition program.

(b) ENHANCED SYSTEM OF INCENTIVES.—The Secretary of Defense should consider providing for program executive officers, program managers, and other acquisition personnel of defense acquisition programs participating in the Defense Acquisition Pilot Program an enhanced system of incentives which—

(1) in accordance with applicable law, relates pay to performance; and

(2) provides for consideration of the extent to which the performance of such personnel contributes to the achievement of cost goals, schedule goals, and performance goals established for such programs.

SEC. 837. EFFICIENT CONTRACTING PROCESSES.

It is the sense of the Congress that the Secretary of Defense, in exercising the authority provided in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note), should seek to simplify the procurement process, streamline the period for entering into contracts, and simplify specifications and requirements.

SEC. 838. CONTRACT ADMINISTRATION: PERFORMANCE BASED CONTRACT MANAGEMENT.

It is the sense of the Congress that the Secretary of Defense should propose under section 809 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2430 note) that, for one or more defense acquisition programs participating in the Defense Acquisition Pilot Program, payments under section 2307(a) of title 10, United States Code, be made on any of the following bases:

(1) Performance measured by statistical process controls.

(2) Event accomplishment.

(3) Other quantifiable measures of results.

SEC. 839. CONTRACTOR PERFORMANCE ASSESSMENT.

(a) COLLECTION AND ANALYSIS OF PERFORMANCE INFORMATION.—The Secretary of Defense shall collect and analyze information on contractor performance under the Defense Acquisition Pilot Program.

(b) INFORMATION TO BE INCLUDED.—Information collected under subsection (a) shall include the history of the performance of each contractor under the Defense Acquisition Pilot Program contracts and, for each such contract performed by the contractor, a technical evaluation of the contractor's performance prepared by the program manager responsible for the contract.

McCAIN AMENDMENT NO. 868

Mr. WARNER (for Mr. McCAIN) proposed an amendment to the bill S. 1298, supra; as follows:

On page 242, below line 19, add the following:

SEC. 1067. TERMINATION OF CERTAIN DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS.

Not later than April 30, 1994, the Secretary of Defense shall submit to the Armed Services Committees of the Senate and House of Representatives a list of the reports required of the Department of Defense by law on that date that the Secretary determines are unnecessary or incompatible with the efficient management of the Department of Defense. Unless otherwise provided by a law enacted after the date of the enactment of this Act, the requirement for the submittal to Congress of any report included in the list submitted under this section shall expire on October 30, 1995.

BOXER AMENDMENT NO. 869

Mr. NUNN (for Mrs. BOXER) proposed an amendment to the bill S. 1298, supra; as follows:

On page 323, between lines 19 and 20, insert the following:

SEC. 2816. EMPLOYMENT OF DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL TO CARRY OUT ENVIRONMENTAL RESTORATION AT MILITARY INSTALLATIONS TO BE CLOSED.

(a) IN GENERAL.—(1) The Secretary of Defense may, in keeping with the cost saving and cleanup schedule goals of the Department of Defense with respect to the closure of military installations—

(A) provide such training to the personnel described in paragraph (2) as the Secretary determines necessary in order to qualify such personnel to carry out environmental assessment, remediation, and restoration activities (including asbestos abatement) at military installations closed or to be closed pursuant to a base closure law; and

(B) employ such personnel to carry out such activities, or require contractors engaged in carrying out such activities to employ such personnel.

(2) The personnel referred to in paragraph (1) are Department of Defense civilian personnel whose employment would be terminated (except for the employment of such personnel under paragraph (1)) by reason of the closure of a military installation pursuant to a base closure law.

(3) This subsection shall not be construed to revise or modify any requirement established under Federal or State law relating to environmental assessment, remediation, or restoration activities at military installations referred to in paragraph (1)(A).

(b) PRIORITY IN TRAINING AND EMPLOYMENT.—The Secretary shall give priority in providing training and employment under subsection (a) to persons employed at any military installation whose closure pursuant to a base closure law will directly result in the termination of the employment of at least 1,000 Department of Defense civilian employees.

(c) FUNDING.—Notwithstanding any other provision of law, the Secretary may carry out the training and employment referred to in subsection (a) using funds available for environmental training in addition to funds in the following accounts:

(1) The Department of Defense Base Closure Account established under section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Department of Defense Base Closure Account 1990 established under section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(d) DEFINITION.—In this section, the term "base closure law" means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

MITCHELL (AND WARNER) AMENDMENT NO. 870

Mr. NUNN (for Mr. MITCHELL for himself and Mr. WARNER) proposed an amendment to the bill S. 1298, supra; as follows:

On page 180, after line 24, insert the following:

SEC. 804. SMALL BUSINESS PARTICIPATION.

(a) DUAL-USE CRITICAL TECHNOLOGY PARTNERSHIPS.—(1) Section 2511 of title 10, United States Code, is amended—

(A) by redesignating subsection (g) as subsection (h); and

(B) by inserting after subsection (f) the following new subsection (g):

"(g) SMALL BUSINESS PARTICIPATION.—(1) The Secretary shall ensure that small businesses and consortia involving one or more small businesses are afforded an opportunity to participate in the partnerships program.

"(2) The Secretary shall conduct seminars or similar programs for small businesses in order to disseminate information regarding the partnerships program widely to small businesses.

"(3) The Secretary shall establish a goal that at least 15 percent of the total amount appropriated for a fiscal year for partnerships under this section be expended for partnerships that involve small businesses or consortia involving one or more small businesses.

"(4) In this section, the term 'small business' has the meaning given the term 'small business concern' pursuant to section 3 of the Small Business Act (15 U.S.C. 632).".

(2) Not later than the date on which the President submits to Congress the budget for fiscal year 1995 pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a plan for achieving the goal required by subsection (g)(3) of section 2511 of title 10, United States Code, as added by paragraph (1)(B).

(b) SBA MEMBERSHIP ON THE NATIONAL DEFENSE TECHNOLOGY AND INDUSTRIAL BASE COUNCIL.—Section 2502(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

"(5) The Administrator of the Small Business Administration.".

DOLE (AND OTHERS) AMENDMENT NO. 871

Mr. WARNER (for Mr. DOLE for himself, Mr. WARNER, and Mr. LUGAR) proposed an amendment to the bill S. 1298, supra; as follows:

On page 242, below line 19, insert the following:

SEC. 1067. DEPARTMENT OF DEFENSE FOOD STOCKS FOR ASSISTANCE IN BOSNIA-HERCEGOVINA AND ARMENIA.

Beginning not later than 10 days after the date of the enactment of this Act, the Secretary of Defense should make available to the Office of Foreign Disaster Assistance of the Agency for International Development, out of stocks for which there exists appropriations, of the Department of Defense, 500,000 cases of meals ready to eat for distribution over next four months, as humanitarian relief, in Bosnia-Hercegovina and Armenia. To the extent possible, these supplies should come from surplus stocks.

DOLE AMENDMENT NO. 872

Mr. WARNER (for Mr. DOLE) proposed an amendment to the bill S. 1298, supra; as follows:

On page 101, between lines 20 and 21, insert the following:

(e) NOTIFICATION AND DISBURSAL.—(1) The Secretary shall notify on or before June 30, 1994, each local educational agency eligible for assistance under subsections (b) and (d) of section 386 of Public Law 102-484 for fiscal year 1994 of such agency's eligibility for such assistance and the amount of such assistance.

(2) The Secretary shall disburse the funds made available pursuant to subsection (d) no later than 30 days after notification to eligible local education agencies.

MITCHELL (AND THURMOND) AMENDMENT NO. 873

Mr. NUNN (for Mr. MITCHELL for himself and Mr. THURMOND) proposed an amendment to the bill S. 1298, supra; as follows:

After section 2918 (as added by amendment No. 828) insert the following:

SEC. 2919. AUTHORITY TO CONTRACT FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED OR REALIGNED.

(a) SECTION NOT TO TAKE EFFECT.—Section 2916 shall not take effect.

(b) BASE CLOSURES UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(5)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to a military installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this subsection a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.".

(c) BASE CLOSURES UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following:

"(4)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to a military installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this subsection a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government.".

NUNN AMENDMENT NO. 874

Mr. NUNN (for himself and Mr. THURMOND) proposed an amendment to the bill S. 1298, supra; as follows:

On page 37, strike out lines 9 through 11, and insert in lieu thereof the following:

(b) LEVEL FUNDING.—Of the amounts authorized to be appropriated in this title, $10,000,000 shall be available for fiscal year 1994 for engineering development under the program.

On page 65, line 19, strike out "or devices" and insert in lieu thereof ", or devices,".

On page 72, line 19, strike out "Amounts" and insert in lieu thereof "To the extent provided in appropriations Acts, amounts".

On page 152, between lines 11 and 12, insert the following:

(k) ARMY ENLISTMENT BONUS.—(1) Section 308f(c) of title 37, United States Code, is

amended by striking out "September 30, 1992" and inserting in lieu thereof "September 30, 1995".

(2) The amendment made by paragraph (1) shall take effect as of September 30, 1992.

On page 192, strike out line 9 and all that follows through page 193, line 3.

On page 242, after line 19, insert the following:

SEC. 1067. TECHNICAL AND CLERICAL AMENDMENTS.

(a) MISCELLANEOUS AMENDMENTS TO TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) Section 401 is amended by striking out subsection (f).

(2) Section 1408 is amended—

(A) in subsections (b)(1)(A), (f)(1), and (f)(2), by striking out "subsection (h)" and inserting in lieu thereof "subsection (i)"; and

(B) in subsection (h)(4)(B), by inserting "of" after "of that termination".

(3) Section 1605(a) is amended by striking out "(50 U.S.C. 403 note)" and inserting in lieu thereof "(50 U.S.C. 2153)".

(4) Section 1804(b)(1) is amended by striking out "his or her" and inserting in lieu thereof "the volunteer's".

(5) Section 2031(a)(1) is amended in the second sentence by striking out "Not more than 200 units may be established by all of the military departments each year, and the" and by inserting in lieu thereof "The".

(6) Section 2305(b)(4)(A) is amended by realigning clauses (i) and (ii) so that they are indented two ems from the left margin.

(7) Subsections (a), (e), and (g) of section 2371 are amended by striking out "Defense Advanced Research Projects Agency" and inserting in lieu thereof "Advanced Research Projects Agency".

(8) Section 2469 is amended by striking out ", prior to any such change,".

(9)(A) Section 2490a is transferred to the end of chapter 165, redesignated as section 2783, and amended—

(i) in subsection (b)(2)—

(I) by striking out "title 10, United States Code" and inserting in lieu thereof "this title";

(II) by striking out the comma after "Justice)"; and

(III) by striking out "of such title" and inserting in lieu thereof "of this title"; and

(ii) in subsection (c)(1), by striking out "Armed Forces" and inserting in lieu thereof "armed forces".

(B) The table of sections at the beginning of chapter 147 is amended by striking out the item relating to section 2490a.

(C) The table of sections at the beginning of chapter 165 is amended by adding at the end the following new item:

"2783. Nonappropriated fund instrumentalities: financial management and use of nonappropriated funds.".

(10) Section 2491 is amended—

(A) in paragraph (2), by striking out "nonmilitary application" and inserting in lieu thereof "nonmilitary applications"; and

(B) in paragraph (8), by striking out "subsection (f)" and inserting in lieu thereof "subsection (b)(4)".

(11) Section 2501(b)(2) is amended by striking out "and thereby free up capital" and inserting in lieu thereof "that, by reducing the public sector demand for capital, increases the amount of capital available".

(12) Section 2513 is amended—

(A) in subsection (b), by striking out "ELIGIBLE CENTERS.—" and inserting in lieu thereof "ELIGIBLE ALLIANCES.—"; and

(B) in subsection (c)(2)(B)—

(i) by striking out "two" in clause (ii) and inserting in lieu thereof "one"; and

(ii) by redesignating the clause (iii) added by section 4223(d) of Public Law 102-484 (106 Stat. 2681) as clause (iv); and

(iii) by striking out "an" in clause (iv), as so redesignated, and inserting in lieu thereof "An".

(13) Section 2771 is amended—

(A) in subsection (a), by striking out "who dies after December 31, 1955"; and

(B) in subsection (b), by striking out "for the" and all that follows and inserting in lieu thereof "for the uniformed services.".

(14) Section 9315 is amended—

(A) in subsection (b), by striking out "Air Training Command" and inserting in lieu thereof "Air Education and Training Command"; and

(B) in subsection (c), by striking out "Air Force Training Command" and inserting in lieu thereof "Air Education and Training Command of the Air Force".

(b) SUBSECTION HEADINGS.—

(1) Section 2507 of title 10, United States Code, is amended—

(A) in subsection (a), by inserting "AUTHORITY.—" after "(a)";

(B) in subsection (b), by inserting "CONDITION FOR USE OF AUTHORITY.—" after "(b)";

(C) in subsection (c), by inserting "PENALTY FOR NONCOMPLIANCE.—" after "(c)";

(D) in subsection (d), by inserting "LIMITATIONS ON DISCLOSURE OF INFORMATION.—" after "(d)";

(E) in subsection (e), by inserting "REGULATIONS.—" after "(e)"; and

(F) in subsection (f), by inserting "DEFINITIONS.—" after "(f)".

(2) Section 2523 of such title is amended—

(A) in subsection (a), by inserting "IN GENERAL.—" after "(a)"; and

(B) in subsection (b), by striking out "(b)(1)" and inserting in lieu thereof "(b) PROGRAM REQUIREMENTS.—(1)".

(c) AMENDMENTS TO PUBLIC LAW 102-484.—Public Law 102-484 is amended as follows:

(1) Section 1051(b)(2) (106 Stat. 2498) is amended—

(A) by striking out "'section 101(47) of title 10,'" and inserting in lieu thereof "'section 101(47) of title 10'"; and

(B) by striking out "'section 101 of title 10,'" and inserting in lieu thereof "'section 101 of title 10'".

(2) Section 1313(2) (106 Stat. 2548) is amended, effective as of October 23, 1992, by striking out "'structure and'" and inserting in lieu thereof "'structure, and'".

(3) Section 1365 (106 Stat. 2561) is amended by striking out "(e) DEFINITION.—" and inserting in lieu thereof "(d) DEFINITION.—".

(4) Section 1441 (106 Stat. 2566) is amended in the matter preceding paragraph (1) by striking out "the FREEDOM Support Act of 1992" and inserting in lieu thereof "the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 (Public Law 102-511; 106 Stat. 3345; 22 U.S.C. 5861)".

(5) Section 1505(e)(2) (106 Stat. 2571) is amended by striking out "(d)(2)" in the matter preceding subparagraph (A) and inserting in lieu thereof "(d)(4)".

(6) Section 1828 (106 Stat. 2585; 36 U.S.C. 5108) is amended by striking out "board of the directors" and inserting in lieu thereof "board of directors".

(d) CROSS REFERENCE AMENDMENTS IN OTHER LAWS.—

(1) Effective as of December 19, 1991, section 12 of the Coast Guard Authorization Act of 1991 (Public Law 102-241; 105 Stat. 2213) is amended by striking out "Section 406(b)(2)(E) of title 37," and inserting in lieu thereof "Section 406(b)(1)(E) of title 37,".

(2) Section 3(c)(2) of Public Law 101-533 (22 U.S.C. 3142) is amended by striking out "section 2522 of title 10" and inserting in lieu thereof "section 2506 of title 10".

(3) Section 109(17) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking out "section 101(8) of title 10" and inserting in lieu thereof "section 101(a)(9) of title 10".

(4) Section 179(a)(2)(B) of the National and Community Service Act of 1990 (42 U.S.C. 12639(a)(4)) is amended by striking out "section 101(4) of title 10," and inserting in lieu thereof "section 101(a)(4) of title 10,".

On page 266, line 7, strike out "1208)" and insert in lieu thereof "1207)".

On page 275, in the table below line 16, strike out the item relating to Land Acquisition, Various Locations, and insert in lieu thereof the following:

Land Acquisition	$2,140,000

On page 347, line 25, strike out "Maricopa County, Arizona," and insert in lieu thereof "the Flood Control District of Maricopa County, Arizona (in this section referred to as 'the Flood Control District'),".

On page 348, line 1, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 348, line 3, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 348, beginning on line 15, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 348, line 17, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 348, line 18, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 348, line 24, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 349, line 1, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 349, line 4, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 349, line 9, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 349, line 12, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 349, beginning on line 16, strike out "Maricopa County" and insert in lieu thereof "the Flood Control District".

On page 392, line 3, strike out "chlorofluorocarbons" and insert in lieu thereof "substances".

On page 412, beginning on line 24, strike out "the congressional defense committees" and insert in lieu thereof "Congress".

On page 431, line 5, insert "(a) ADDITIONAL USES.—" before "Section".

On page 431, between lines 11 and 12, insert the following:

"(b) CONFORMING AMENDMENT.—Section 9 of such Act is amended by striking out paragraph (4)."

On page 431, line 17, strike out "'total mobilization'" and insert in lieu thereof "', based upon'".

REID AMENDMENT NO. 875

Mr. NUNN (for Mr. REID) proposed an amendment to the bill S. 1298, *supra;* as follows:

At the appropriate place in the bill, insert the following new sections:

SEC. . PROHIBITION ON MILITARY ACTIVITIES, DUCK VALLEY RESERVATION, NEVADA/IDAHO.

(a) MILITARY OVERFLIGHTS.—Notwithstanding any other provision of law, aircraft under the jurisdiction of the military departments may not carry out flights for military purposes in the airspace that is less than 15,000 feet above ground level of the Duck Valley Reservation of the Shoshone-Paiute Tribes, Nevada/Idaho.

(b) OTHER ACTIVITIES.—Notwithstanding any other provision of law, the restriction referred to in subsection (a) applies to the area that extends 15 miles from the boundary of such reservation.

(c) DEFINITION.—In this section, the term "military departments" has the meaning given such term in section 101(a) of title 10, United States Code.

SEC. . PROHIBITION ON ESTABLISHMENT OF THE IDAHO TRAINING RANGE, MOUNTAIN HOME AIR FORCE BASE, IDAHO.

Notwithstanding any other provision of law, the Secretary of the Air Force may not carry out any activities with respect to the development or establishment of the Idaho Training Range.

KEMPTHORNE AMENDMENT NO. 876

Mr. WARNER (for Mr. KEMPTHORNE) proposed an amendment to amendment No. 875 proposed by Mr. REID to the bill S. 1298, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 2854. STUDY OF EFFECTS OF AIR FORCE ACTIVITIES ON DUCK VALLEY RESERVATION.

(a) STUDY.—The Secretary of the Air Force shall carry out a study to determine—

(1) the effects on Air Force operations of a requirement that overflights of the Duck Valley Reservation of the Shoshone-Paiute Tribes occur no lower than 15,000 feet above ground level of such reservation;

(2) the effects on such operations of a requirement that no military activities occur within such reservation or the area within 15 miles of the boundary of such reservation; and

(3) whether such operations can be carried out within the areas referred to in paragraph (2) in accordance with the following:

(A) The provisions of the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(B) The provisions of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.).

(b) REPORT.—The Secretary shall submit to Congress the report required under subsection (a) not later than 120 days after the date of the enactment of this Act.

LEVIN (AND WARNER) AMENDMENT NO. 877

Mr. NUNN (for Mr. LEVIN and Mr. WARNER) proposed an amendment to the bill S. 1298, supra; as follows;

At the end of title XX, insert the following section:

SEC. . AVAILABILITY OF SURPLUS MILITARY EQUIPMENT.

The Secretary of Defense shall make his best effort to make available surplus military equipment scheduled for retirement or disposal owing to military downsizing, base closure or realignment to communities suffering economic hardships from the closure of a military base, if such equipment is important to the economic development efforts of those communities, and if such equipment does not have an alternative military use.

BREAUX AMENDMENT NO. 878

Mr. NUNN (for Mr. BREAUX) proposed an amendment to the bill S. 1298, supra; as follows:

At the end of subtitle C of title I (page 26, after line 16), insert the following new section:

SEC. . LONG-TERM LEASE AUTHORITY FOR CERTAIN ROLL-ON/ROLL-OFF VESSELS.

(a) AUTHORITY.—The Secretary of the Navy may enter into a long-term lease or charter for not more than five vessels described in subsection (b) without regard to the provisions of section 2401 of title 10, United States Code, or section 9081 of the Department of Defense Appropriations Act, 1990 (10 U.S.C. 2401 note).

(b) COVERED VESSELS.—Subsection (a) applies to roll-on/roll-off (RO/RO) vessels which are required by the Department of Defense for prepositioning or related point-to-point service and which, in the case of vessels for which work is required to make the vessel eligible for such service and for documentation under the laws of the United States, have such work performed in a United States shipyard.

(c) LIMITATION ON SOURCE OF FUNDS.—The Secretary may not use funds appropriated for the National Defense Sealift program that are available for construction of vessels to enter into a contract for a lease or charter pursuant to subsection (a).

(d) CONDITIONS ON OBLIGATION OF FUNDS.—The Secretary may not enter into a contract for a lease or charter pursuant to subsection (a) unless the contract includes the following provisions:

(1) 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 lease or charter.

(2) 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 that lease or charter for that fiscal year.

(3) A statement that such a commitment given under paragraph (2) does not constitute an obligation of the United States.

(e) DEFINITION.—For purposes of subsection (a), the term "long-term lease or charter" has the meaning given that term in section 2401(d)(1)(A) of title 10, United States Code (without regard to subparagraph (B) of that section).

BYRD AMENDMENT NO. 879

Mr. NUNN (for Mr. BYRD) proposed an amendment to the bill S. 1298, supra; as follows

On page 242, after line 19, insert the following:

SEC. 1067. REPORTS RELATING TO CERTAIN SPECIAL ACCESS PROGRAMS AND SIMILAR PROGRAMS.

(a) IN GENERAL.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to the appropriate oversight committees a report on each special access program carried out in the department or agency.

(2) Each such report shall set forth—

(A) the total amount requested by the department or agency for special access programs within the budget submitted under section 1105 of title 31, United States Code, for the fiscal year following the fiscal year in which the report is submitted; and

(B) for each program in such budget that is a special access program—

(i) a brief description of the program;

(ii) in the case of a procurement program, a brief discussion of the major milestones established for the program;

(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

(iv) the estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

(b) NEWLY DESIGNATED PROGRAMS.—(1) Not later than February 1 of each year, the head of each covered department or agency shall submit to the appropriate oversight committees a report that, with respect to each new special access program provides—

(A) notice of the designation of the program as a special access program;

(B) justification for such designation; and

(C) the current estimate of the total program cost for the program.

(2) In this subsection, the term "new special access program" means a special access program that has not previously been covered in a notice and justification under this subsection.

(c) REVISION IN CLASSIFICATION OF PROGRAMS.—(1) Whenever a change in the classification of a special access program of a covered department or agency is planned to be made or whenever classified information concerning a special access program of a covered department or agency is to be declassified and made public, the head of the department or agency shall submit to the appropriate oversight committees a report containing a description of the proposed change or the information to be declassified, the reasons for the proposed change or declassification, and notice of any public announcement planned to be made with respect to the proposed change or declassification.

(2) Except as provided in paragraph (3), a report referred to in paragraph (1) shall be submitted not less than 14 days before the date on which the proposed change, declassification, or public announcement is to occur.

(3) If the head of the department or agency determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change, declassification, or public announcement concerning a special access program of the department or agency, the head of the department or agency may submit the report required by paragraph (1) regarding the proposed change, declassification, or public announcement at any time before the proposed change, declassification, or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

(d) REVISION OF CRITERIA FOR DESIGNATING PROGRAMS.—Whenever there is a modification or termination of the policy and criteria used for designating a program of a covered department or agency as a special access program, the head of the department or agency shall promptly notify the appropriate oversight committees of such modification

or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

(e) WAIVER OF REPORTING REQUIREMENT.—(1) The head of a covered department or agency may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the head of the department or agency determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

(2) If the head of a department or agency exercises the authority provided under paragraph (1), the head of the department or agency shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the appropriate oversight committees.

(f) INITIATION OF PROGRAMS.—A special access program may not be initiated until—

(1) the appropriate oversight committees are notified of the program; and

(2) a period of 30 days elapses after such notification is received.

(g) DEFINITIONS.—In this Act:

(1) The term "appropriate oversight committees", in the case of a special access program carried out in a covered department or agency, means—

(A) each committee of the Senate and the committee of the house of Representatives having jurisdiction over legislation that authorizes the program, as determined under the Standing Rules of the Senate and the Rules of the House of Representatives, respectively; and

(B) the Committees on Appropriations of the Senate and House of Representatives.

(2) The term "covered department or agency" means any department or agency of the Federal Government that carries out a special access program (other than the Department of Defense or an agency in the Intelligence Community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a))).

(3) The term "special access program" means any program that, under the authority of Executive Order 12356 (or any successor Executive order), is established by the head of a department or agency whom the President has designated in the Federal Register as an original "top secret" classification authority that imposes "need-to-know" controls or access controls beyond those controls normally required (by regulations applicable to such department or agency) for access to information classified as "confidential", "secret", or "top secret".

DASCHLE AMENDMENT NO. 880

Mr. NUNN (for Mr. DASCHLE) proposed an amendment to the bill S. 1298, supra; as follows:

On page 356, between lines 19 and 20, insert the following:

SEC. 2854. DISPOSITION OF REAL PROPERTY AT MISSILE SITES TO ADJACENT LANDOWNERS.

Section 9781 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by substituting "Administrator of General Services" for "Secretary of the Air Force";

(2) in subsection (a)(2), by striking out subparagraph (D) and inserting in lieu thereof the following:

"(D) is surrounded by lands that are adjacent to such tract and that—

"(i) are owned in fee simple by one owner, either individually or by more than one person jointly, in common, or by the entirety; or

"(ii) are owned separately by two or more owners."; and

(3) in subsection (b)—

(A) by inserting "(1)" after "(b)"; and revising the single paragraph thereof to read as follows:

"(b)(1) the Administrator shall convey, for fair market value, the interest of the United States in any tract of land referred to in subsection (a) or in any easement in connection with any such tract of land to any person or persons described in paragraph (a)(2)(D)(i) who, with respect to such land, are ready, willing, and able to purchase such interest for the fair market value of such interest. Whenever such interest of the United States is available for purchase under this section, the Administrator shall transmit a notice of the availability of such interest to each such person or persons."

(B) by adding at the end the following new paragraph:

"(2)(A) In the case of a tract of land surrounded by lands that are adjacent to such tract and are owned separately by two or more owners, the Administrator shall dispose of that tract of land in accordance with this paragraph.

"(B) The Administrator shall conduct a sealed bid competitive sale at which all of such owners are afforded the opportunity to compete to acquire the interest of the United States in such tract. The Administrator shall restrict to the owners of the adjacent lands the opportunity to compete in the sealed bid competitive sale.

"(C) Subject to paragraph (C), the Administrator shall convey the interest of the United States in the tract to the highest bidder.

"(D) The Administrator shall satisfy the requirements of paragraph (1) regarding notice, fair market value, and the qualifications of the purchaser in disposing of the tract in accordance with the results of the sealed bid competitive sale.

"(E) If all bids received by the Administrator pursuant to subparagraph (A) are less than the fair market value of the tract of land, the tract of land shall be disposed of in accordance with the provisions of title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).".

(4) In subsection (c), by substituting "Administrator" for "Secretary;"

(5) In subsection (e), by substituting "Secretary of the Air Force" for "Secretary" as it first appears in the subsection and by substituting "Administrator" for "Secretary" as it last appears in the subsection; and

(6) In subsection (f), by substituting "Administrator" for "Secretary."

HUTCHISON AMENDMENT NO. 881

Mr. WARNER (for Mrs. HUTCHISON) proposed an amendment to the bill S. 1298, supra; as follows:

On page 33, after line 24, insert the following:

SEC. 136. OPERATIONAL SUPPORT AIRCRAFT.

None of the funds appropriated for the Department of Defense for fiscal year 1994 may be obligated for a procurement of any operational support aircraft without full and open competition (as defined in section 2302(3) of title 10, United States Code), unless—

(1) the procurement is within an exception set forth in section 2304(c) of title 10, United States Code;

(2) the justification and certification requirements of section 2304(f) of such title are satisfied; and

(3) the Under Secretary of Defense for Acquisition certifies to the congressional defense committees that the procurement is within an exception set forth in section 2304(c) of such title.

SPECTER AMENDMENT NOS. 882–883

Mr. WARNER (for Mr. SPECTER) proposed two amendments to the bill S. 1298, supra; as follows:

AMENDMENT NO. 882

On page 323, between lines 19 and 20, insert the following:

SEC. 2816. REPORTS ON COSTS OF THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.

(a) ESTIMATED COSTS OF CLOSURES AND REALIGNMENTS.—(1) The Secretary of Defense shall submit to the congressional defense committees a report on the costs (other than costs related to environmental restoration and remediation) estimated at the time of the report of the closure or realignment of any military installation referred to in paragraph (2) under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) as follows:

(A) Not later than 6 months after the date of the enactment of this Act, in the case of such installations approved for closure or realignment under such Act in 1991 and not closed or realigned on such date.

(B) Not later than January 1, 1995, in the case of such installations approved for closure or realignment under such Act in 1993.

(2) A military installation referred to in paragraph (1) is an installation whose closure or realignment results in the termination of employment at the installation of not less than 1,000 Department of Defense civilian employees.

(b) EXCESS COSTS.—If the costs (other than costs related to environmental restoration and remediation) to be incurred by the Secretary in carrying out the closure or realignment under a base closure law of a military installation referred to in subsection (a) exceeds by more than 50 percent the costs estimated for such closure or realignment in the cost estimate prepared by the Secretary in recommending the installation for closure or realignment—

(1) the Secretary shall notify the Comptroller General that the costs of such closure or realignment will exceed such estimated costs; and

(2) not later than 6 months after the date of such notification, the Comptroller General shall submit to such committees a detailed audit of the costs to be incurred by the Secretary in carrying out such closure or realignment, including an assessment of the reasons that such costs differed from the cost estimated for such closure or realignment in such costs estimate.

(c) ANNUAL REPORT ON EXCESS COSTS.—(1) The Secretary shall submit to the congressional defense committees an annual report on the estimated costs of activities related to the closure or realignment, as the case may be, of each installation for which the Secretary makes the determination referred to in subsection (b).

(2) Each report under paragraph (1) shall include—

(A) an estimate of the costs to be incurred by the Secretary in completing the closure

or realignment, as the case may be, of the installation; and

(B) if the amount of such costs exceed the amount of estimated costs for such completion in the report on the installation submitted under this section in the previous year, an explanation of such excess.

(3) The Secretary shall submit the report required under paragraph (1) at the same time as the President submits to Congress the budget for the Department of Defense under section 1105 of title 31, United States Code. The Secretary shall submit a report for each installation referred to in that paragraph until the completion of the closure or realignment, as the case may be, of such installation.

(d) REQUIREMENT RELATING TO REPORTS.—Costs shall be expressed in each report required under this section in constant fiscal year 1993 dollars.

(e) DEFINITION.—In this section, the term "base closure law" means the following:

(1) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(2) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

AMENDMENT NO. 883

After section 2818 (as added by amendment No. 828), insert the following:

SEC. 2819. CONSULTATION REQUIREMENT FOR LOCAL REUSE AUTHORITIES AND GOVERNMENTS.

Section 2905(b)(2) of the Defense Base Closure and Realignment Act of 1990 (title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2907, is further amended by adding at the end the following new subparagraphs (I) and (J):

"(I) Subject to subparagraph (J), the local reuse authority with respect to a military installation closed under this part, or the local government in whose jurisdiction the installation is wholly located, as the case may be, shall certify to the Secretary that such authority or government, as the case may be, has consulted in the efforts of such authority or government on such plan and, to the maximum extent practicable, included in such efforts the following:

"(i) The civilian employees of the Department of Defense at such installation.

"(ii) The regional and local chambers of commerce, if any, in such vicinity of the installation.

"(iii) Appropriate representatives of any governmental entity in the region in which such installation is located, if the number of employees of such installation on the date of the approval of closure of such installation constitutes more than 5 percent of the total civilian workforce of the area under the jurisdiction of such governmental entity.

"(J)(i) The certification required under subparagraph (I) shall be submitted, in the case of installations approved for closure under this part for which no reutilization and redevelopment plan has been submitted to the Secretary on or before the date of the enactment of this Act, before the submittal of such plans for such installations.

"(ii) Each local reuse authority or local government, as the case may be, that has submitted an interim reutilization and redevelopment plan to the Secretary under this part on or before the date of the enactment of this Act shall submit a certification to the Secretary under subparagraph (I) before the submittal of its final reutilization and redevelopment plan.".

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a hearing on proposals to reorganize the Department of Agriculture. The hearing will be held on Tuesday, September 28, 1993 at 9:30 a.m. in SR-332.

On Wednesday, October 6, 1993 at 9:30 a.m. in SR-332 the committee will mark up legislation that would reorganize and reform the Department of Agriculture.

For further information, please contact Mike Fernandez of the committee staff at 224-5207.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will be holding an oversight joint hearing with the Senate Committee on Labor and Human Resources, Subcommittee on Employment and Productivity, beginning at 3 p.m. in 485 Russell Senate Office building on the JTPA Program and Implementation of the Indian Employment Training and Services Demonstration Act.

Those wishing additional information should contact the Committee on Indian Affairs at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON JUVENILE JUSTICE

Mr. NUNN. Mr. President, I ask unanimous consent that the Juvenile Justice Subcommittee of the Committee on the Judiciary, be authorized to meet during the session on the Senate on Monday, September 13, 1993 at 8:30 a.m., in Milwaukee, WI, to hold a field hearing on "Kids and Guns, a Wisconsin Perspective."

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

TRIBUTE TO UNITED BLOOD SERVICES

• Mr. DECONCINI. Mr. President, I rise today to commend and thank United Blood Services for 50 years of dedicated service to our country. Their motto is "to provide lifesaving blood to people in need" and United Blood Services has demonstrated that this motto is indeed their guide.

In 1942, Katherine "Kitty" Baldwin and Opal Davis recognized the need for a dependable blood supply in the Phoenix, AZ, area. In March 1943, with the assistance of Mrs. Baldwin's husband, Louis B. Baldwin, they were able to convince the Maricopa County Medical Society to adopt a resolution to sponsor a community blood program. In October 1943, the new community blood program known as the Salt River Valley Blood Bank opened its doors. From this humble start 50 years ago, United Blood Services has become one of the premier blood suppliers in the Nation.

Today, United Blood Services manages 21 blood donation centers in 14 different States, aiding nearly 20 million Americans. They collect 158,000 blood donations annually to meet the needs of patients in 61 area medical facilities. These donations come from caring people willing to donate their blood to those in need.

I want to congratulate United Blood Services, the excellent staff, and those individuals who volunteer their time and service. Not only has United Blood Services saved individual lives, they have saved someone's father, mother, brother, and sister. They have provided a critical assistance not just to Arizona, but to the entire country. Thank you, United Blood Services, for your 50 years of dedication, caring, and service.•

HEALTH CARE COSTS

• Mrs. HUTCHISON. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a Texas House concurrent resolution.

The concurrent resolution follows:

"HOUSE CONCURRENT RESOLUTION NO. 145

"Whereas, Rapidly rising health care costs, which now consume 14 percent of the gross national product, threaten to destroy our nation's employment base and economic security; and

"Whereas, American workers have shown a genuine willingness to cooperate with business owners in efforts to confront the problems that are at the root of rising medical costs and health care spending; and

"Whereas, In recognition of the cooperative spirit that characterizes America's approach to the problem of health care, members of the 102nd Congress have sponsored legislation that would create medical savings accounts; and

"Whereas, Built up by contributions from employees and employers, these medical savings accounts would allow complete freedom in choices of routine health care while offering protection against the costs of catastrophic illnesses; and

"Whereas, By giving American workers true control over their medical finances, administrative costs would be substantially reduced, and normal market incentives would apply to decisions in health care spending; now, therefore, be it

"*Resolved*, That the 73rd Legislature of the State of Texas hereby requests the Congress of the United States to enact the appropriate changes in the Internal Revenue Code to allow employers to set up tax-free medical savings accounts that would enable consumers to control medical care spending; and, be it further

"*Resolved*, That medical savings accounts be included as a part of the national health care initiative being developed by the Congress; and, be it further

"*Resolved*, That the Texas secretary of state forward official copies of this resolution to the President of the United States, to the speaker of the house of representatives of the United States Congress, to the president of the Senate of the United States Congress, and to all members of the Texas delegation to the Congress, with the request that

this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States."•

AN INTERNATIONAL CRIMINAL COURT

• Mr. DODD. Mr. President, on January 28, 1993, I introduced Senate Joint Resolution 32, a joint resolution calling on the United States to support efforts of the United Nations to establish a permanent international criminal court. I am pleased to report that this measure has made steady progress through the legislative process. On July 23 the Foreign Relations Committee reported to the Senate a State Department authorization bill containing language virtually identical to that contained in Senate Joint Resolution 32. As a result the full Senate should have the opportunity to vote on this measure some time in the very near future.

I introduced this measure, Mr. President, because I support the idea of an international criminal court, and I want to encourage debate in this country over this very important issue. Ever since the end of the Nuremberg trials after World War II, the international community has recognized that it is possible to enforce the rule of law on an evenhanded, multilateral basis. However, past efforts to develop a permanent structure to adjudicate crimes against the international order have not borne fruit, primarily due to the difficulties of reaching agreement on such a structure during the cold war.

Today, with the cold war over, the United Nations has embarked on this task once again. In fact, a U.N. body known as the International Law Commission has been examining the issue of the international criminal court at every one of its annual meetings since 1990, seeking to promote a consensus on the many issues that must be resolved before such a court can come into being. However, the debate on this issue has been hampered by the fact that most members of the general public are unaware of the work of the Commission or the importance of this issue.

Accordingly, in an effort to build a more comprehensive public record on this matter, it is my intention to submit for the CONGRESSIONAL RECORD on a regular basis materials and documents that are relevant to the consideration of this issue. The purpose of this effort is simple: to allow Members of Congress and their staff—as well as any individuals with an interest in public affairs—to see for themselves the extensive and groundbreaking work that has recently been done on this issue by the international community.

One particular item that I want to call to the attention of my colleagues today, Mr. President, is a report that was issued last year by a blue ribbon task force of the American Bar Association. This task force, composed of several prominent members of the academic community and headed by former Attorney General Benjamin R. Civiletti, examined the arguments for and against an international criminal court and explored some of the many issues that must be resolved before such a court can come into existence. Acting on the basis of the information contained in this report, the ABA lent its formal endorsement to the concept of the international criminal court at its 1992 annual meeting.

One of the more important sections of this report, Mr. President, is the section entitled "Nature and Scope of the Court's Jurisdiction." In this section, the task force discusses the types of crimes the international criminal court might cover and the manner in which individuals would be brought under its jurisdiction. These are some of the more difficult questions that must be resolved before such a court can be established, since they go to the heart of the court's manner of operations.

Mr. President, the blue ribbon task force has been continuing its work and in the next several months will be releasing an update to its 1992 report. In the intervening time, however, I will enter this particular section into the CONGRESSIONAL RECORD so that those who have an interest in the concept of an international criminal court can have the benefit of the ABA's discussion of how such a court might operate. I look forward to working with my colleagues in support of this very important proposal in the future.

I ask that a copy of Section III, Nature and Scope of the Court's Jurisdiction from the report of the American Bar Association Task Force on an International Criminal Court be placed in the CONGRESSIONAL RECORD at this point.

The material follows:

REPORT OF THE AMERICAN BAR ASSOCIATION TASK FORCE ON AN INTERNATIONAL CRIMINAL COURT

III. NATURE AND SCOPE OF THE COURT'S JURISDICTION

The issue of the appropriate nature and scope of jurisdiction for an international criminal court raises complex questions deserving of extensive consideration, and the International Law Commission has spent considerable time on this issue. Concerning the nature of an international criminal court's jurisdiction, there would appear to be four possibilities: (1) exclusive; (2) concurrent; (3) transfer of proceedings, i.e., the state with original jurisdiction would not lose jurisdiction but merely transfer the criminal proceedings to the court, which would apply the substantive law of the transferring state, including its provisions on penalties; or (4) appellate review jurisdiction.

Under the exclusive jurisdiction approach, states would relinquish their jurisdiction over crimes coming within the jurisdiction of the international criminal court. State would agree that their national courts would not exercise jurisdiction regarding crimes over which the international criminal court has jurisdiction. The primary argument in favor of such an approach is that, at least in theory, "a single court with exclusive jurisdiction would [be] conduc[ive] to the development of a coherent and consistent body of law. . . ."[1] Few countries, however, would be willing to relinquish, in advance, their authority to undertake domestic prosecutions concerning certain categories of crimes.

Among the many difficulties it would raise, a transfer of proceedings approach would probably violate Article III, Section I of the U.S. Constitution, which provides:

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior courts, shall hold their Offices during good behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Under a transfer of proceedings approach the international criminal court would exercise the judicial power of the United States and apply U.S. law, although it would not be a tribunal established by Congress, its judges would not be appointed by the President with the advice and consent of the Senate, and they would not be assured of life tenure and undiminished compensation.

Appellate review jurisdiction by an international criminal court would raise similar constitutional difficulties for the United States and presumably for other states as well. Further, except for perhaps contributing to the development of a coherent and consistent body of law, it would not afford any of the benefits that an international criminal court might provide.

The Task Force would favor a system of concurrent jurisdiction between the court and nation states. As suggested by our recommendations, the court's jurisdiction should depend upon the consent of both the state where the crime is alleged to have been committed and the state of which the accused is a national. Other states might have jurisdiction under international law to try the accused, but the state where the crime is committed and the state of nationality would appear to be the states with the strongest interest in the crime and only their consent should be required for the court to exercise jurisdiction. In some cases the crime may be committed in more than one state. For example, narcotic offenses involving Colombians have often been committed in Colombia but the effects of these crimes have been felt in the United States and have constituted crimes under United States law. In such instances the United States may have the greater interest in the prosecution of the crime, especially if the crime did not cause much injury in Colombia. As a practical matter, it would also be necessary to obtain the consent of the state where the alleged offender was apprehended, if that was a state other than the territorial state or the state of nationality, since the state with custody would be the one that would transfer the alleged offender to the court's jurisdiction.

One member of the Task Force disagrees with the proposal that the court's jurisdiction should depend upon the consent of both the state where the crime is alleged to have been committed and the state of which the

[1] Footnotes follow at end of article.

accused is a national. In that member's view, if the state where the offense is committed is willing to punish the offender, then it should do so. If not, then the offender should be rendered to somebody else. As to the state of nationality the member points out that there are many regimes who not only condone but encourage international lawlessness by their nationals, and suggests that one purpose of an international court is to deal with such situations. Examples cited include the Letellier/Moffitt murders sponsored by Chile and the sabotage by French agents against Greenpeace that resulted in a death. One might add, as a further example, Libya, which currently is refusing to extradite two Libyan intelligence agents who allegedly were responsible for the bombing of Pan Am Flight 103 and a French airliner to Britain, France, or the United States.

The majority of the Task Force members disagrees with this reasoning. With respect to the state where the offense is committed, it is correct that, if it is willing to punish the offender, then it should do so. In many instances, however, it may be unable to do so because it lacks custody of the offender. The state which has custody, moreover, may be unable (because of lack of an extradition treaty, for example) or unwilling to extradite or otherwise render the offender to the state where the crime was committed. Under such circumstances, the state where the crime was committed might be willing to allow an international criminal court to exercise jurisdiction, especially if the state of custody was unable or unwilling to prosecute.

As to the state of nationality, the Task Force would suggest that an international criminal court is not an appropriate mechanism for dealing with the problem of state sponsorship of international crimes. In such cases the primary problem is not the inability to prosecute and punish the alleged individual offenders. Rather, the problem is how to deal with the state sponsoring lawlessness, to induce it to cease and to hold it responsible for such sponsorship.[2]

Moreover, the Task Force would suggest that few, if any, states would be willing to agree to the jurisdiction of an international criminal court with the authority to try their nationals without their consent. The proposal that the court's jurisdiction should depend on the consent of both the state where the crime is committed and the state of nationality of the accused is based on provisions found in the United Nations draft statute of 1953.[3] Our reading of the recent debates in the International Law Commission and the Sixth Committee lead us to conclude that most states would still demand these limitations on the court's jurisdiction.

It should be noted that it would be highly unlikely that the United States would be willing to allow an international criminal court to have jurisdiction in a situation where it was the state in whose territory the crime was alleged to have been committed and it had custody of the alleged offender. For the United States to cede jurisdiction to an international criminal court under these circumstances would raise profound and perhaps insurmountable constitutional issues (such as the right to a jury trial). However, in a situation where the accused was a U.S. national who allegedly had committed the crime abroad, the United States, depending upon circumstances, might greatly prefer that he be tried before an international criminal court rather than by the courts of the territory in which the crime was committed. Also, in a situation where the United States was seeking extradition of an accused and the state where he was apprehended was resisting extradition, an international criminal court might present a compromise alternative.

It is debatable whether there would be U.S. constitutional objections to such an approach. In the situation where the U.S. national had committed the crime abroad and the United States agreed to his prosecution before an international criminal court sitting outside the United States and imposing punishment outside of the United States instead of prosecution before the courts of the country where he committed the crime, arguably there would be no grounds for constitutional objection merely because the United States might cooperate in the prosecutorial effort—such cooperation also might occur if he were tried before the courts of the territorial state. There might be a closer question in the situation where the United States was seeking extradition of a U.S. national, the requested country refused to extradite and instead proposed transferring the alleged offender to the jurisdiction of an international crime court. Here the United States would be giving up jurisdiction it was entitled to exercise over the accused. Unlike the transfer of proceedings situation, however, it would not have the accused in custody in the United States, and it would have made a determination that it would not be able to obtain such custody. Under these circumstances the choice might be between no prosecution of the alleged offender or prosecution before an international criminal court. It is possible but by no means certain that it would be within the foreign affairs powers of the President to opt for the latter alternative.[4] This is an issue that requires further analysis.

Another key aspect of the jurisdiction of an international criminal court would be its appropriate scope. Here, at least four alternatives appear to present themselves. First, the jurisdiction of the court might include all crimes listed in an international criminal code, perhaps along the lines of the code that the International Law Commission has sought to develop for some time now. This would seem to be an exceedingly ambitious and questionable enterprise, especially since it has so far proven impossible to reach agreement on such a code, and we would counsel against it.

Second, the court's jurisdiction might be limited, at least in the first instance, to international drug trafficking. This is the approach favored in the 1990 resolution and report adopted by the Section of International Law and Practice. Upon reflection some members of the Task Force concluded that this "modest initiative" is too modest. In their view, a court whose jurisdiction was limited to international drug trafficking would focus on a crime of surpassing concern to the United States but would have nothing to do with the prosecution and punishment of a wide range of equally significant international crimes also of great concern to the United States as well as other countries. Moreover, it is quite possible that an international court whose jurisdiction was so limited would find itself with little or nothing to do.

Other members of the Task Force would continue to favor the establishment of a court on a regional basis with its jurisdiction limited to international drug trafficking. They point out that a number of Caribbean and Latin American countries, which have been unable or unwilling to prosecute or extradite major drug traffickers, have indicated interest in establishing an international criminal court as a third option to prosecution or extradition. In their view, many of the more thorny problems of a full-blown international criminal court with expansive jurisdiction would be lessened or avoided in a scaled-down regional court with jurisdiction limited to offenses defined in the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. They contend that, if a full-blown court is ever to be feasible, it makes sense first to experiment with a more limited international criminal court of this type.

Third, the jurisdiction of the court might be somewhat more expansive and include drug trafficking plus few crimes as to which there seems to be widespread agreement on the need for their prosecution and punishment. Trinidad and Tobago, for example, has suggested that the court's jurisdiction cover genocide, torture, crimes against diplomats and international trafficking in illicit and narcotic drugs.[5] This approach might meet some of the arguments raised against the proposal that the court's jurisdiction be limited to drug trafficking.

Other members of the Task Force would favor the so-called "accordion or Chinese menu" approach to jurisdiction. That is, State A might agree to the court's jurisdiction over one crime, say, drug trafficking. In contrast, State B might agree that the court could exercise jurisdiction over a lengthy list of international crimes. This is the approach long favored by the Foundation for an International Criminal Court, and might allow for maximum flexibility and for room to experiment. The "Chinese menu" from which states would select might be quite lengthy but would be limited to crimes already covered by widely ratified international conventions.

Supporters of this approach admit that it would allow the court to exercise jurisdiction—at least if the territorial state and the state of nationality gave their consent over some politically charged crimes, for example, genocide, torture, war crimes, and such manifestations of "terrorism" as hijacking of or attacks against aircraft, attacks against internationally protected persons, including diplomats, and international hostage taking. However, they contend, there is now a strong international consensus that such crimes should be punished regardless of the motivation or affiliation of the perpetrator, and a strong argument can be made that they should be central to the role of an international criminal court.

Opponents of the "Chinese menu" approach point out that it differs little from any blanket recognition of jurisdiction, since the consent of the states of nationality and of offense are required to proceed in that context as well.

FOOTNOTES

[1] Statement of Patrick Robinson, Representative of Jamaica to the UN Sixth Committee, on November 7, 1990, at 13–14, quoted and cited in Sharf, supra, note 16, at 160.

[2] See Report to the Special Working Committee on Responses to State-Sponsored Terrorism, in Nonviolent Responses to Violence-Prone Problems 9–65 (B.H. Oxman and J.F. Murphy, Chairs, 1991).

[3] Revised Draft Statute for an International Criminal Court, supra, note 3. Article 27 of the Draft Statute provided: No person shall be tried before the Court unless jurisdiction has been conferred upon the Court by the State or States of which he is a national and by the State or States in which the crime is alleged to have been committed.

[4] For a brief discussion of some of these issues, see L. Henkin, Foreign Affairs and the Constitution 198–201 (1972).

[5] Statement of Ms. Marjorie R. Thorpe, The Permanent Representative of the Republic of Trinidad

and Tobago, in the Sixth Committee, November 19, 1989, at 1 (copy on file with the Task Force's Reporter).•

ACADEMIC SUPPORT FOR RISK ANALYSIS AMENDMENT

• Mr. JOHNSTON. Mr. President, I want to share with my colleagues the September newsletter of the Harvard Center for Risk Analysis. The newsletter is entitled "Risk Analysis and the EPA Cabinet-Level Bill," and is devoted entirely to the risk analysis amendment that was added here in the Senate to the EPA elevation bill.

The lead author of the newsletter is John D. Graham, Ph.D., the director of the Harvard Center for Risk Analysis. Dr. Graham provides some very thoughtful comments on the amendment. He begins by stressing the importance of employing good science, saying that:

The Johnston amendment's provisions requiring risk estimates based on the best available science is likely to strengthen the hands of professionals within EPA who believe that agency policy should be responsive to scientific progress. It will also strengthen the hand of the Agency's Science Advisory Board in discussions with the Secretary of the Environment and key program offices. While it may seem obvious that EPA should use good science, students of the Agency have documented that the Agency's leadership, when preoccupied with public fears and legal pressures, has sometimes allowed good science to be neglected.

At the same time, Dr. Graham acknowledges the concern, expressed by some, that the amendment may cause EPA to devote too much time and resources to the required analyses. To alleviate this concern, he suggests that:

Congress should make clear that the Secretary of the Environment is authorized to tailor the intensity of each risk analysis to the overall importance of the rule in question. There is no need to produce the Cadillac version of risk analysis when something less will do the job. The current language allows EPA to decide how detailed each analysis must be, but it is important for Congress to emphasize that "paralysis by analysis" is not intended.

I completely agree, and will stress this important point when this bill reaches conference.

Dr. Graham concludes by identifying the long-term benefit of the amendment.

In the long run, implementation of the Johnston amendment will generate a knowledge base about risks, benefits and costs that will inform the Congress and the public as new environmental laws are written and existing ones refined.

Although the amendment does not in any way change existing environmental statutes, I share Dr. Graham's hope that the EPA certifications resulting from the amendment will produce a body of environmental risk analyses that will be useful when environmental statutes are reviewed and revised by the Congress.

It should be noted that Dr. Graham is eminently qualified in the field of risk analysis. He is the author of four books on the subject, including "In Search of Safety: Chemicals and Cancer Risk," Harvard University Press, as well as dozens of scientific articles. He has also served on several committees of the National Academy of Sciences, and is a national councilor in the Society for Risk Analysis.

I ask that a copy of the newsletter appear in the CONGRESSIONAL RECORD at this point.

The newsletter follows:

[From Risk in Perspective, September 1993]

RISK ANALYSIS AND THE EPA CABINET-ELEVATION BILL

(By the Harvard Center for Risk Analysis)

Congress is considering legislation that would elevate the Administrator of the U.S. Environmental Protection Agency (EPA) to Cabinet status. In the Senate, an elevation bill was passed with a floor amendment attached that requires the new Secretary of the Environment to publish a formal risk analysis with any final regulation relating to human health, safety, or the environment. The House may consider a similar amendment this fall. In this issue of Risk in Perspective, we examine the case for this amendment to the EPA Cabinet bill.

THE JOHNSTON AMENDMENT

The risk-analysis amendment passed by the Senate was introduced by Senator Bennett Johnston (D-LA). It requires each final rule to be accompanied by a risk analysis containing the following information:

1. an estimate of the human health or ecological risk to be addressed by the rule and the rule's anticipated impact on the target risk:

2. a comparative analysis of the risk addressed by the rule compared to other risks to which the public is exposed; and

3. an estimate of the costs associated with implementation of, and compliance with, the rule.

When publishing the risk analysis, the Secretary is required to certify that the best available scientific data have been used, that the rule will substantially reduce the risk that is to be addressed, and that the rule will produce benefits to health or the environment that will justify the cost of the rule. If such an analysis cannot be performed, the Secretary of EPA may still promulgate a desired rule but a statement of reasons for not performing such an analysis must be provided. The amendment does not modify or alter any existing statute implemented by EPA and does not create any new grounds for judicial review.

RISK ESTIMATES USING THE BEST AVAILABLE SCIENCE

The Johnston Amendment's provision requiring risk estimates based on the best available science is likely to strengthen the hands of professionals within EPA who believe that agency policy should be responsive to scientific progress. It will also strengthen the hand of the Agency's Science Advisory Board in discussions with the Secretary of the Environment and key program offices. While it may seem obvious that EPA should use good science, students of the Agency have documented that the Agency's leadership, when preoccupied with public fears and legal pressures, has sometimes allowed good science to be neglected.

The phrase "best available science" should not be overinterpreted. The newest scientific information is not always the best. Technical arguments about what information is best can be complex. The Johnston Amendment permits EPA scientists, in collaboration with the larger scientific community, to define this phrase on a case-by-case basis.

COMPARING RISKS

The specific requirement for comparative risk analysis, if implemented creatively, should assist regulators, Congress, and the public understand the magnitudes of risks addressed by EPA rules. While ill-considered risk comparisons can be misleading or esoteric, a growing body of scientific research on risk comparison provides guidance to EPA on how to implement this provision intelligently. Risk comparison are a useful tool when employed to offer citizens a sense of perspective about the magnitude of target risks. When risk comparisons are used to imply acceptability of risks, they are likely to be controversial.

REPORTING THE COSTS OF RULES

Under current executive orders, EPA is required to report the cost of "major" rules (e.g., those that cost more than $100 million per year). The Johnston amendment, which requires cost estimates for all final rules, reflects growing public concern about the economic impacts of environmental regulation on both states and localities and the private sector. For example, several environmental ballot initiatives at the state level were defeated in 1990 and 1992, in part because of voter uneasiness about the state of the economy and the potential costs of stringent regulatory requirements.

Vice President Al Gore has written that the most attractive policies are those that simultaneously promote environmental protection and economic growth. If a final rule is not accompanied by some form of economic impact analysis, it is difficult to understand how the public will be able to discern whether the rule meets the criteria that Vice President Gore has advanced. In the long run, the President, Congress and the public need economic information on regulatory costs to steer environmental policy in a direction that is consistent with economic policy and vice versa.

DUBIOUS OBJECTIONS

Although the Johnston Amendment is intended as an informational mechanism, some skeptics have interpreted it as a drastic move to rewrite the decision making criteria contained in all existing environmental laws. If true, the Amendment would certainly justify far more scrutiny than it has received to date. However, the plain language of the Amendment makes clear that the risk-analysis requirement is an informational mechanism that does not modify existing environmental laws.

Some have interpreted the Johnston Amendment to mean that each rule must be accompanied by a precise cost-benefit analysis showing that the dollar benefits of the rule exceed its costs. If true, this would be troubling since it is difficult to place a dollar value on many important health and ecological benefits. Yet the Amendment does not require a strict cost-benefit analysis, does not require all consequences to be expressed in dollar units, and does not require net benefits (benefits minus costs) to be greater than zero. The Amendment simply requires the Secretary of the Environment to certify that "the regulation will produce benefits to human health and safety or the environment that will justify the cost to the Government and the public of implementation of and compliance with the regulation." While a net benefit calculation is one form of

justification, the Amendment does not rule out other justifications based on ethical, practical, public health or ecological reasoning.

WAYS TO IMPROVE THE JOHNSTON AMENDMENT

A legitimate concern is that the Amendment requires EPA to estimate the risks addressed by the rule but does not require EPA to estimate any health or ecological risks that may be created by the final rule. Rather than reduce risks, some environmental policies simply shift risks from air to water, from one chemical to another, or from one region of the country to another. Congress should require that any risks caused by the rule be estimated and reported to the public.

Some environmentalists are concerned that poor quality cost information may discourage adoption of promising environmental rules. Historical experience suggests that the actual costs of EPA rules often prove to be larger or smaller than what EPA projects. It is important that the quality of cost information be scrutinized, perhaps with an external review process similar to that applied to risk information.

Another concern about the Johnston Amendment is that EPA may devote too much time and resources to producing the required analyses. To alleviate this concern, Congress should make clear that the Secretary of the Environment is authorized to tailor the intensity of each risk analysis to the overall importance of the rule in question. There is no need to produce the Cadillac version of risk analysis when something less will do the job. The current language allows EPA to decide how detailed each analysis must be, but it is important for Congress to emphasize that "paralysis by analysis" is not intended.

Finally, some have expressed concern that risk analysis will not promote the welfare of low-income and minority populations. To the contrary, risk analysis is likely to assign high priority to risks (e.g., childhood lead poisoning) that place disproportionate burdens on minority populations.

CONCLUSION

The new Secretary for the Environment should be an active player in broad national policy debates, including economic policy. To participate in these debates credibly and intelligently, the Secretary certainly needs to know the risks, costs and benefits of her Agency's policies. Risk analysis is a crucial tool for environmental policy makers that fosters analytical thinking about how scarce resources and public attention should be allocated. Moreover, the results of EPA's risk analyses should provide state and local governments and businesses with the facts they need to justify spending their scarce resources. In the long run, implementation of the Johnston Amendment will generate a knowledge base about risks, benefits and costs that will inform Congress and the public as new environmental laws are written and existing ones refined.•

HAITI'S FUTURE

• Mr. LEAHY. Mr. President, while all the world's attention is on the historic peace agreement signed today by Israeli President Rabin and Yasser Arafat in Washington, few people may have noticed what happened in Haiti over the weekend.

With President Aristide's return home set for October 30, those who stand the most to lose have stepped up their efforts to initiate him and his supporters, and sabotage the Governor's Island accords.

The most recent atrocity occurred this past Saturday, when a squad of armed men, almost certainly plainclothes police, walked brazenly into a church where a Mass was being held in memory of those killed in an army attack 5 years ago. They grabbed Antoine Izmery, a prominent Haitian businessman and a strong supporter and close friend of President Aristide, and dragged him outside where they shot him in the head. He died in the street.

This cold blooded act of defiance graphically shows the fragility of the Governor's Island accords, and the grave danger facing Prime Minister Robert Malval who is in Port-Au-Prince, and President Artistide when he arrives there next month.

Prime Minister Malval, who has courageously risked his life for democracy in Haiti, is a crucial link in the successful implementation of the accords. If he becomes the next victim of the Haitian police's murderous campaign, the Clinton administration's policy toward Haiti will collapse and President Aristide's hopes of returning will be dashed.

The last chance for a peaceful return to constitutional government in Haiti hangs in the balance. Immediate action by the United States in needed. The administration should immediately:

Do whatever is required to assure Prime Minister Malval's safety. If this requires providing the assistance of the embassy's security personnel, that should be done.

Send a high level United States military delegation to Haiti, preferably led by General Colin Powell as one of his last acts as Chairman of the Joint Chiefs. He should convey to the leaders of the Haitian military and police that the United States will hold them and their institutions accountable for the safety of Prime Minister Malval, President Aristide, and other officials in his government. If the Haitian military and police hope to have any future at all, they had better make sure that no harm comes to these people.

Additionally, other United States officials and leaders from other countries should travel to Haiti to demonstrate visible support for the Prime Minister, President Aristide, and his government.

Mr. President, I cannot overemphasize the precariousness of the situation in Haiti. The Governor's Island accords were a triumph for the Haitian people, the Clinton administration, and the United Nations. Today, all that is in danger of being lost. The administration should act forcefully to prevent any further tragic loss of life in Haiti, and to protect the Governor's Island accords.•

ORDERS FOR TOMORROW

Mr. NUNN. 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 9:30 a.m., Tuesday, September 14; that following the prayer, the Journal of proceedings be deemed approved to date; that the time for the majority leader be reserved and the time for the Republican leader available for his use during the period reserved for the two leaders; that at 9:40 a.m., the Senate proceed to the consideration of H.R. 2520, the Department of the Interior appropriations bill; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m., in order to accommodate the respective party conferences.

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

PROGRAM

Mr. NUNN. Mr. President, on behalf of the majority leader, Senator MITCHELL, I would like to announce for the information of the Senate, that on Tuesday rollcall votes are possible on Tuesday morning relative to amendments to the Interior appropriations bill, and that as I have indicated beginning at 2:15 p.m. there will be at least 11 rollcall votes on amendments, and a rollcall vote on final passage.

So there will be at least 12 rollcall votes relative to the DOD bill occurring back to back with all votes after the first vote being 10 minutes in duration.

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. NUNN. 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.

Mr. NUNN. Mr. President, if there is no further business to come before the Senate today. I now ask unanimous consent that the Senate stand in recess as previously ordered.

COMMENDATION OF THE CHAIRMAN AND STAFF

Mr. WARNER. Mr. President, prior to the close of the Senate, I want to say what a pleasure it has been for me to work with the distinguished chairman of the committee and the staffs of both sides. I think the committee has put together an excellent bill under leadership of the Senator from Georgia and leadership of the Senator from South Carolina. I am very pleased with the final outcome. I think the wisdom of

the majority leader and the Republican leader in allowing us to deal with the bill today in the manner we have, in stacking the votes for tomorrow, not only facilitated the work of the Senate as a whole, but it did personally accommodate a number of Senators.

I am confident that the work of those Senators was adequately handled today should they have not been here.

Mr. NUNN. I thank my friend from Virginia. It is always a pleasure to work with him. We have done it for many years and we will many years in the future.

The Senator from South Carolina, Senator THURMOND, has done an excellent job. He has been on our committee for a long number of years. This is his first year as ranking member. I am grateful to him and his very capable staff. They have done a superb job. I believe we have, as the Senator from Virginia has said, put together a good bill.

I also want to really express my appreciation to the majority leader, Senator MITCHELL, for basically coming up with the procedure that allowed us to facilitate this bill and its final passage, and also to accommodate Senators in handling their amendments in a logical way. I thank Senator DOLE for being a part of that agreement, and all Senators for allowing us to proceed as we have. I appreciate the work of the capable staff. I thank the majority staff for a superb job on the floor.

RECESS UNTIL TUESDAY, SEPTEMBER 14, 1993, AT 9:30 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 on Tuesday.

There being no objection, the Senate, at 10:06 p.m., recessed until Tuesday, September 14, at 9:30 a.m.