

SENATE—Wednesday, July 9, 1997

The Senate met at 9:15 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Generous Father, help us to be more gracious receivers. We talk a lot about giving but often find it difficult to give to others what they need because we have been stingy receivers of Your grace and goodness. We cannot give what we do not have. Remind us that to love You is to allow You to love us profoundly. Then we will be able to love others unselfishly. The same is true for the gifts we need from You for our leadership. We need Your supernatural gift of discernment. Help us be willing to receive Your divine intelligence rather than obdurately insisting on making it on our own limited resources. Invade our thinking with insight and inspiration we could not produce on our own. You wait to bless us. We receive not because we do not ask. All through this day, make us aware of our great need for You and the great things You want to do through us. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Texas, is recognized.

SCHEDULE

Mrs. HUTCHISON. Mr. President, on behalf of the leader, I wish to make the following announcement. Today the Senate will be in a period of morning business until the hour of 11 a.m. At 11 a.m. the Senate will resume consideration of S. 936, the Senate defense authorization bill. Currently, there are a number of amendments pending which will require rollcall votes and also a number of filed amendments which are expected to be debated throughout the day. As previously announced, Senators can expect a series of rollcall votes on amendments to the bill later in the day as we make progress on this important legislation.

As always, Members will be notified accordingly when votes on amendments are ordered. As a reminder to all Senators, last night a cloture motion was filed on S. 936. Therefore, all first-degree amendments must be filed by 1 o'clock today. As previously stated, it is the intention of the majority leader

to complete action on this bill by the end of the week. Senators should be prepared for busy sessions this week.

I thank all Members for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. INHOFE). Under a previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under a previous order, there will now be a period for the transaction of morning business, not to extend beyond 11 a.m. with Senators being permitted to speak up to 5 minutes.

INVESTIGATION BY GOVERNMENTAL AFFAIRS COMMITTEE

Mrs. HUTCHISON. Mr. President, I rise today to discuss the solemn importance of the investigative hearings that have just begun by the Senate Governmental Affairs Committee under the leadership of the distinguished chairman, Senator THOMPSON, and the distinguished ranking member, Senator GLENN.

While it is unfortunate that some in Congress have attempted to portray this investigation as an effort by one side to make political hay, I want to briefly discuss why these hearings are crucial for all Americans of whatever party or ideology.

Through the hard work and bipartisan effort of the Governmental Affairs Committee, there has been evidence uncovered and indications of much more evidence to come that our American political system was put up for sale and that an alarming number of foreign interests were ready and willing to buy. While there have been indications of a wide array of illegal activities in connection with the 1996 Presidential election, much of which the public is aware, Senator THOMPSON yesterday indicated that there may be much the American people do not yet know.

The chairman stated yesterday that his committee has evidence that points to a concerted effort by the Chinese Government to improperly or illegally influence American foreign policy toward that country and toward Taiwan. Mr. President, if this is, indeed, the case, then in my view the American people must know the truth. They have a right to know whether the U.S. Government and U.S. officials who were charged with the duty of serving the

interests of the American people instead served their own special interests and the interests of others.

The U.S. Senate is attempting to find the truth through this investigation and I am hopeful and confident that it will do so.

Central to the investigation at this point is a name now well-known to the American people, John Huang. Mr. Huang has been a highly paid executive of a major foreign bank. He was appointed to be a high-level trade official at the Commerce Department with access to an array of classified documents. And finally, he was for a time a key fundraiser for the Democratic National Committee. While alone each of these positions is laudable, in part what this investigation seeks to determine is whether or not Mr. Huang served in all of these capacities at the same time, which would be a crime.

Although it is becoming increasingly apparent that Mr. Huang did not act alone in his efforts to serve as an international influence broker, it is nevertheless interesting to discover that of the \$3.4 million in donations to the Democratic Party that Mr. Huang raised, the Democratic Party has returned almost half of that money, \$1.6 million, to the donors because the contributions were probably made illegally.

Now Mr. Huang has asked the Senate for immunity from future prosecution if he testifies before the Governmental Affairs Committee. Whether Mr. Huang is ultimately granted immunity or not, his conduct and that of dozens of others who have been subpoenaed must be uncovered. This will inevitably involve a give-and-take process between the majority and the minority on the committee. That is to be expected, given the sensitive nature of this inquiry. But simply because the investigation touches on sensitive issues does not mean that it should not move forward. In fact, the history of our country has been one of constant vigilance against the kind of secret manipulation of power that is at the center of this investigation. Only by fully exposing wrongdoing can we be satisfied that all that can be done is being done to tell those who would seek to thwart our system that America's foreign and domestic policy is not for sale.

Mr. President, in addition to the critical need to expose the illegal activities of those in positions of authority in our Government, let me also say that we in Congress should act to address the related issue of campaign finance reform. Let me be clear: the Governmental Affairs Committee and

this Senate have the duty and obligation to immediately and fully investigate allegations of criminal wrongdoing with regard to the most recent Federal election. But once the criminal investigation is complete, I am confident that the evidence brought out at these hearings will help shed light on how we might reform our campaign fundraising laws to prevent many of the abuses of the system that this investigation will also highlight.

I have introduced a bill in the Senate that I believe can serve as a vehicle to not only achieve consensus on this important and contentious issue, but that will put a stop to the types of excesses and abuses of our system that have eroded the integrity and public confidence from our Federal political system.

For example, my bill specifically prohibits contributions from any foreign entity or any foreign person, including green card holders who are not citizens of this country. I believe that effecting this change of current law would be a positive result of what we have learned from the 1996 Presidential election. It is simply not healthy for our democracy to have foreign influence in the election process. That is a sacred right and a sacred responsibility that the American people have, to democratically elect our President, our Congress, and our other State and local leaders. Anything that impinges on that right is not warranted, and I hope we will be able to take action soon to prevent this type of conduct from ever happening again.

In addition to the issue of foreign influence in our election process, I am hopeful that the Governmental Affairs hearings, which I think are being conducted in a very fair and bipartisan way, will also tell us what other things we should do to make sure that our campaign laws protect the integrity of our election system.

Mr. President, I want to thank the distinguished chairman of the Republican conference, Senator MACK, for asking us to come forward and talk today about the importance of this investigation and the importance of the integrity of our American election system.

I yield the floor to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I want to thank the Senator from Texas for her comments this morning and for her involvement in expressing the importance of the actions on the part of the Governmental Affairs Committee. I also want to express my support for the committee itself and the inquiry that began some 6 months ago. As elected officials, it is our duty not only to change the laws when necessary but to abide by them. The hearings that began in the Governmental Affairs

Committee yesterday are an inquiry into just how well the Clinton administration abided by the law during the last election cycle. The Democrat Party and the White House would like the American public to think that they did nothing different than anyone else, and that everybody does it and therefore we must change the law.

That just simply is not true. No, not everybody does it. Before we begin considering what new laws to pass, we ought to examine who has violated the ones we have on the books now. In my view, the administration will have no standing to debate the issue of campaign finance reform until they prove that we can live and that they can live within the law as it currently stands. It does little good to create new laws if our leaders don't follow them with principle, integrity, and some semblance of morality. We ought to have leaders who adhere to the spirit of the laws—rather than to push the envelope of propriety.

Unfortunately, there are credible allegations that the Clinton administration exhibited precious little principle, integrity, or morality in the conduct of their last campaign. The committee will be looking into whether the Clinton administration knowingly accepted illegal foreign contributions, allowed money laundering to occur, or actively engaged in the unlawful solicitation of campaign donations in Federal buildings. Worst of all, the committee must determine the true nature and extent of what appears to be a calculated attempt by the Chinese Government to buy influence in the last election.

Senator THOMPSON's committee has uncovered evidence of a detailed plan by China to illegally increase their influence over the United States legal process. They found that China has invested substantial sums of money in this effort and that the White House was made aware of the plan prior to the election but did nothing to prevent it from succeeding. Disturbingly, the Chinese plan continues today. The committee must now determine who knew or should have known about this plan and how it came to be implemented.

I commend Senator THOMPSON and his team for uncovering this shocking infiltration of our electoral system by another government. Judging by the level of complaining by Democrats, he must be close to the truth. When you get right down to it, these hearings are about the lack of shame in this administration. No one in this administration is ashamed of the fact that they may have broken the laws to win the election. No one in this administration seems to be ashamed of the fact that the President and Vice President reportedly leaned on donors from the comfort of the White House. That is illegal. And no one in this administration seems to be ashamed of the fact

that overnight stays in the Lincoln bedroom were for sale to the highest bidder. The White House should not be for sale. No one in this administration seems to be ashamed of the fact that poor religious people were preyed upon for illegal donations. They should be beyond such political manipulation. No one in this administration seems to be ashamed of the fact that fundraising safeguards were jettisoned so that illegal foreign cash came rolling in with no questions asked. Compliance with our country's election laws is not optional. No one in this administration seems to be ashamed of the fact that a midlevel political appointee potentially compromised our national security.

He should never have been in a position to do so.

This administration seems incapable of being ashamed of any of this. Rather, they continue to rationalize their actions in an attempt to deflect the negative publicity with hollow calls for campaign finance reform. Unlike others who attempt to tear down our current system, I hope Senator THOMPSON and the members of the Governmental Affairs Committee are able to restore some confidence in our system through these hearings. Calling people to publicly account for their wrongdoing is the first step in that journey.

Finally, I want to thank Senator THOMPSON for his forbearance. He has shown great tolerance and conducted himself like a gentleman, at times when courtesy has been hard to muster. The administration continues to stonewall the committee on producing documents; witnesses have claimed their fifth amendment privilege; targets have fled the country; and a paper trail consisting of millions of pages have been left for the committee to unravel.

Today, I express my gratitude to him for taking on this unpleasant job, and I wish the committee members patience and good judgment in exercising their duties to uncover what has heretofore been covered up.

I thank the Chair and I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. 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. MURKOWSKI. Mr. President, I believe there is a special order pending.

The PRESIDING OFFICER. The Chair advises the Senator from Alaska that we are now in a period of morning business.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, today is the first day of testimony in the Senate Governmental Affairs special investigation of

the 1996 Federal election campaign contributions. There is, of course, but one purpose to this investigation. That purpose is to review campaign financing practices during the 1996 election to determine whether Federal laws were violated.

I think it is fair to state that Federal campaign laws in question are relatively straightforward.

It is illegal under U.S. election law for a noncitizen to contribute to campaigns;

It is illegal for anyone to contribute to a campaign in someone else's name; And, it is illegal to solicit campaign funds on Federal property.

Yesterday, at the opening of these hearings, Chairman THOMPSON announced exceedingly alarming evidence of violations of these Federal laws. The gravest of these violations is an alleged covert plan by the Chinese Government to subvert the 1996 United States election process.

I note, Mr. President, that was headlined in the Washington Post this morning.

The chairman indicated that the plan implemented a series of alleged illegal efforts by high members of the Chinese Government to influence United States policy by giving substantial sums of money. The intent had to be clear: To cultivate relations with the White House to influence foreign policy.

Two key figures in the committee's investigation are John Huang of the Lippo Group and Charlie Trie, a Macao-based campaign fundraiser. Between Huang and Trie, nearly \$4 million in questionable funds were raised. Over half of those funds have already been determined to be improper contributions and have appropriately been returned by the Democratic National Committee.

This allegation goes to the very heart of the workings of our Government, and questions must be answered.

First would be: What efforts were used by foreign nationals to influence U.S. policy?

Second, to what extent was the U.S. political process infiltrated?

Third, ultimately, was the United States compromised at any particular time?

Additionally, these hearings will focus on the disturbing use of President Clinton's perquisites of the Presidency as a fundraising tool.

Even though Federal law precludes campaign fundraising on Federal property, the committee has revealed the following information.

During the 5 years that President Clinton has resided in the White House, an astonishing 938 guests have spent the night in the Lincoln bedroom.

This figure is an unprecedented escalation of past Presidential practices.

Presidential historian Richard Norton Smith stated that there has "never been anything of the magnitude of

President Clinton's use of the White House for fundraising purposes * * * it's the selling of the White House."

On March 15, 1997, the White House counsel, Lanny Davies, stated, "It's fair to say these additional functions at the White House were for the purpose of encouraging support for the President's campaign, including financial support."

These overnight guests at the Clinton White House donated at least \$6 million to the Democratic National Committee.

Additionally, President Clinton hosted some 103 Presidential coffees. Guests at these coffees, which included a convicted felon and a Chinese businessman who heads an arms-trading company, donated some \$27 million to the Democratic National Committee.

White House officials have denied that such events were planned with the intention of raising specific amounts of money. However, President Clinton's Chief of Staff, Harold Ickes—who will testify before the committee—recently turned over a large number of documents that show figures for both expected and actual donations from nearly every White House coffee.

Here's a comparison. President Bush hosted one Presidential coffee. No money was raised. And I am told the cost was \$6.24 cents.

The accuracy of that I will leave to the historians.

But, finally, Mr. President, on March 11, 1997, this body voted unanimously to hold this investigation.

I commend Chairman THOMPSON for his commitment to Congress and to the constitutional duty of the oversight process; that is, to provide the American people with a fair, unfiltered, and bipartisan view of the 1996 campaign practices. The American public deserve no less.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. INHOFE. Mr. President, I have been in the chair for the last few minutes listening to some of the comments that have been made. I would like to read one paragraph that I saw in yesterday's Wall Street Journal.

I would like to ask everyone, Mr. President, to listen very carefully, because we are only talking about three of a long list of things that are being investigated right now as far as the alleged transgression of the President.

Yesterday's Wall Street Journal has the editorial of which this is just one paragraph:

Travelgate, trumped-up Billy Dale prosecution, the secret health-care task force, the 900 FBI files and bouncer/security chief Craig Livingstone, alerts to the White House from high Treasury officials on Resolution Trust Corporation investigations, the guy who told the congressional committee he lied to his diary, the brightest minds in the Democratic Party suffering massive memory loss at congressional hearings, the "lost" Rose Law Firm billing records, Webster Hubbell's passage of the Justice to jail, Vince Foster's torment, the Lincoln Bedroom rented out, Charlie Trie on the run, John Huang taking the fifth, Jim and Susan McDougal convicted, the Buddhist monastery/money laundry, the drug dealers let in for the White House photo-ops, the routinely cavalier treatment of legal and judicial procedures, and independent counsels appointed for three members of the Cabinet, one sitting American President and, for the first time in history, one First Lady.

Everyone does it? We don't think so. At least up to now.

In this long list of alleged transgressions, the investigation right now is really only dealing with three things.

It is interesting for me that every time something comes up concerning campaign contributions that have been taken illegally, the President comes out and says we need campaign finance reform.

I would only comment, as did the Senator from Alaska, Senator MURKOWSKI. How do we know that we need reform of campaign contributions until we live under the laws that we have today?

Currently it is illegal—under our current law—to accept foreign money from foreigners. It is illegal to launder money. It is illegal to solicit or accept money on Federal property.

That is what this is all about.

So I just hope as the debate goes on about campaign finance reform that we adopt an attitude that we should comply with the laws that are on the books right now and see how far that goes to resolving the problems.

Mr. President, I see that there is no other Senator seeking time, so I ask unanimous consent that I be recognized as if in morning business on another matter.

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

STORM CLOUDS ON THE HORIZON

Mr. INHOFE. Mr. President, I am very honored to be serving as the chairman of the Readiness Subcommittee of the Senate Armed Services Committee.

Today at 11 o'clock we will begin again the discussion on the passage of the defense authorization bill.

As chairman of the Readiness Subcommittee, I have jurisdiction over the readiness of our forces to defend America: Such things as military construction, such things as military pay, such things as training, and the like.

In carrying out my responsibilities, I have visited many, many bases throughout the world and here in the United States. I have had occasion to be recently in Camp Lejeune Marine Corps Base; Fort Hood, TX; Corpus Christi Naval Base; and the Dyess Air Force Base.

My concern is that with all the people we have talked about and talked to in the committee meetings that we have had in the Readiness Subcommittee of the Senate Armed Services Committee, we keep getting assurances from the administration that we are in a state of readiness that would meet the minimum expectations of the American people, and yet the information that we get as we go around certainly contradicts that. We have statements made by a number of people who are in the field. When you get past the top brass here in Washington, we find that we have very, very serious problems.

Mr. President, I plan to make several statements concerning this as the development of and discussion on this bill takes place after 11 o'clock, but I would just suggest that we have not found ourselves and put ourselves in a state of readiness that meets the minimum expectations of the American people. The administration has said many times we are in a position to defend America on two regional fronts, and I can assure you that is not the case. In fact, as we watched the Persian Gulf war, I regret to say that we are not in a state of readiness today to be able to defend America against that type of aggression.

With that, I will yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I would first like to say I appreciate the leadership of the Senator from Oklahoma. Senator INHOFE has done an outstanding job in working to preserve the defense of his Nation, and his comments about our lack of preparedness are very serious. I think this body, as a body traditionally considered to be the long-term evaluator of national security interests of this Nation, needs to listen to what he says. I thank him for those comments.

INVESTIGATION BY GOVERNMENTAL AFFAIRS COMMITTEE

Mr. SESSIONS. I rise at this time, Mr. President, to make some remarks about the hearings going on in the Governmental Affairs Committee. I think they are most important hearings. I think it is important we remember that the committee, headed by the excellent and fine Senator from Tennessee, Mr. FRED THOMPSON, was commissioned by this body. They were mandated by this body to go out and discover the facts and to conduct an investigation of illegal and improper ac-

tivities in connection with the 1996 political campaigns. So they have a responsibility and a duty that falls to them at this point whether they want it or not, whether they wish they did not have it, and they have to see it through and do it in a formal and proper way. I think the committee is at a point where it is not dealing with exact science, but with a process by which that committee needs to go out and find the facts, apply those facts to the law, to decide what actions ought to be taken and to evaluate it that way.

It was by a 99-to-nothing vote that this Senate, Democrats and Republicans, directed that committee to do its work. And so we ought to let them do their work and let them follow the evidence where it leads, to let them apply that evidence to the law and to analyze the results and make recommendations for the future.

A key part of that investigation is gathering the facts. I served for 12 years as a U.S. attorney. That was the Federal prosecutor for the southern district of Alabama. And, as such, I had the duty for many years—to handle major corruption-type cases involving complex white-collar crime, and so I have had a lot of experience in that field.

I have not been commenting on this case and the evidence because I think we ought to let the committee do its work. I made one previous statement about this investigation a few weeks ago addressing my concerns to the grant of immunity, and I think we ought to talk about that and a few other things today.

This investigation is dealing with a serious question, and that question is whether or not a foreign nation, not really considered a friendly nation, Communist China, may have systematically and intentionally set about to influence the American election in 1996 and, in fact, to influence American policy.

We know that the President of this United States was a great critic of President Bush because he said President Bush was too accommodating to China and needed to be more tough in dealing with China. And then, after he becomes President, we know that he now is a leading spokesman in this country for accommodation with China.

So whatever that is about, the facts in this case will have to tell us. But I do think it is clear that we are dealing with unusual types of problems with campaign financing. This may not be only a technical violation of the law, but it is a situation in which we may have a foreign power, an adversary, a Communist nation, with the largest standing army in the world, attempting to influence elections.

We need a bipartisan effort, similar to those conducted in the past. We need the spirit of Howard Baker in the Wa-

tergate hearings who, as a Republican, made sure that he cooperated in that investigation and sought the truth. We need the spirit of Warren Rudman, Republican, who participated in the Irangate matters that were investigated here. He always sought to get to the truth regardless of politics. I have not seen that, frankly, by some in the leadership in the other party on this committee. It seems to me there has been too much partisanship.

Now that those committee hearings are proceeding, they need to proceed professionally and objectively and all members need to pull together to find out the facts and get the truth out.

I did want to talk, Mr. President, about the question of immunity. We had the not unusual, if you are familiar with complex prosecutions, situation yesterday when the committee hearings commenced that the ranking member from the Democratic Party announced that Mr. John Huang, who had been the main focus in the investigation, was prepared to testify if he were granted immunity.

I think we have to be very careful about that. In fact, at this point, I would advise the members to say no to immunity at this point in the process. There may come a time when immunity is necessary, but at this point I do not think it is. That is my experience after many years of prosecuting. You use immunity, first and foremost, to get the testimony of the little fish, to find the people who may know something about the case, and then that helps you develop the real facts of the case and go on to the higher-ups.

I was very concerned a few weeks ago—and it is the only comment I have made about this matter since I have been in the body—when members of the Democratic Party were refusing to grant immunity to little fish in this case. Now that they are talking about one of the top ones, they are suggesting that maybe we ought to grant immunity to him, but they were objecting to and questioning the wisdom of granting immunity to what they called the nuns and the priests in the Buddhist temple, those who have taken vows of poverty, and they have yet given large contributions to the Democratic campaigns, and the investigators want to ask them questions about where that money came from because there was a clear suggestion it was not their money, that somebody had given them that money and then they had taken it and made the contribution, and that would be technically a crime. And their lawyers were saying, as good lawyers would, "we will tell you about it but my people didn't understand this; they are not political sophisticates; we will tell you who told us; we will tell you who gave us the money; we will tell you who did it; but we don't want you to turn around and prosecute us."

So that is the type of circumstance the committee must decide. You may not want to prosecute those people anyway. They may not have understood what they were doing was against the law. So that is an appropriate circumstance for the committee to consider immunity.

I thought it was critical and a matter of stonewalling of that investigation to, across the board, just deny consideration of immunity for those people, and now we are dealing with a situation in which on the first day of the hearings comes the announcement that Mr. Huang, under some complicated theory, would be prepared to testify if he is given immunity for everything he did except being a spy.

Well, my observation is that that is not a good way to proceed, and there are several reasons why that is true. First of all, Mr. Huang wants to come in and get immunity from the things that it appears there may be such evidence right now to convict him of.

That is not a bad deal, if they have evidence to convict you of a number of crimes. Let us say maybe it is money-laundering or maybe it is a violation of the Hatch Act or maybe it is the Ethics in Government Act or Illegal Foreign Contributions Act or campaign finance laws, in which you deliberately run money through someone else's name so that it would appear to come from them and not from someone else. Those kinds of things can be violations of the law.

The investigators have done a lot of work on this. Perhaps they already know the basic facts, and probably Mr. Huang knows what they know also. So it would not be unusual for a good lawyer representing Mr. Huang to see if he could not pull a little gambit, if he could come in on the first day of the hearings when everybody's attention is focused on other things and announce, if you give me immunity, I will tell you what I know, but just remember, I don't need immunity for being a spy because you don't have the evidence about that perhaps. Maybe that is what he is thinking.

The context of this thing is very troubling to me. My advice to the members of that committee would be to be very, very careful about it.

There are a number of other things that are troubling to me. You have to remember that the grant of immunity can in fact undermine prosecutions later. We have to know that the Department of Justice, even though those of us on the Senate Judiciary Committee and others have called on the Department of Justice to appoint an independent prosecutor and Attorney General Janet Reno has declined to do so, the Department of Justice is conducting an investigation of Mr. Huang. They may already have evidence which indicates that he has committed crimes against the United States. And

if that is true, then it is a real serious thing for the Senate to go through the process of granting him immunity. In fact, I would think it would be very bad at this point; of all the people who are most prominently involved in this, who played a high role—and he was a high Department of Commerce official. These problems are serious. Huang is a major player in the campaign finance scandal that we are seeing unfold, and I think he ought not readily be given any grant of immunity. I think it would undermine the legitimate prosecution that could go on later.

As a prosecutor, one thing I always tried to avoid was to be in a situation in which I granted immunity to the main crook in the case. If you have five people involved and you need the testimony of some others to maybe bring out the details, you do not give that immunity to the main crook. You do not give immunity to the person you have the most evidence against already.

That does not make sense. I think that this is a gambit, this is an attempt to rush in here while this committee has a well-planned schedule to bring in the evidence that is in existence about this scandal and to bring it all to the fore, to disrupt that process.

The committee ought to stay the course. They ought to bring in the evidence from every source, and when they have all the evidence brought in, they then ought to objectively, coolly and professionally consider whether or not Mr. Huang deserves immunity, but until then I say no. I think we ought to be very careful about this process. It is a very serious thing.

Finally, let me just say that this process is important. The people of this country are entitled to know that there has been an objective and thorough evaluation of the allegations that have been so prominently talked about here. I think that is important. I think Americans expect that. They would be concerned, rightly, if one of the primary persons alleged to be involved in wrongdoing who could have been involved in maybe a half a dozen different criminal activities, were to be given immunity at the very beginning of these hearings, and therefore perhaps end up with a situation in which you have prosecutions against lesser offenders and the main culprit goes free. That is a very serious matter. And sometimes in America, as one writer said a number of years ago, we suffer from a colossal inability to discriminate among levels of wrongdoing.

I would say to you that if some of the facts here turn out to be true, we are dealing with a very serious violation of American law and campaign procedures involving millions of dollars, involving a Communist nation, a Communist power attempting to influence this Nation. I think that committee has to see it through. They have to get the facts

and call the shots, no matter what the consequences.

Mr. President, I salute the leadership of Senator THOMPSON and others on that committee. I believe they are doing a good job and I am confident that the truth will come out. I believe in this process.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent to speak not to exceed 10 minutes.

The PRESIDING OFFICER. The time set aside for Senator MACK has expired. This is morning business. Without objection, the Senator may proceed.

Mr. GORTON. Mr. President, the entire legitimacy of this body and the House of Representatives, of the Presidency and of the administration, depends upon its members, in the case of the Presidency the President himself, having been freely chosen by the American people in an election campaign conducted under certain rules consistent with the statutes and the Constitution of the United States. It is a set of serious allegations about violations of those existing rules that is at the heart of the investigation now being conducted by the Governmental Affairs Committee.

There are many who say the rules ought to be changed, and there can be legitimate debate over how much and in what direction those election campaign rules ought to be changed. The issue here and now, however, arises under the current rules, arises under serious allegations about violations of those current rules: The Hatch Act, the misuse of the White House, the use of covert foreign contributions to affect the outcome of the elections, money laundering, and a number of other violations of what the laws relating to the election of the President of the United States are right now. In this connection we have the unfortunate spectacle that many—most of the key witnesses, of those who know the facts, of those who participated in the alleged violations, have either hidden themselves overseas beyond the reach of any subpoena or have stated that they will exercise their fifth amendment rights and will refuse to testify unless they are immunized against the very offenses which so clouded last year's Presidential election. In that connection, we have the regrettable response, a response almost without precedent, on the part of one of the parties, that finding these witnesses is a Republican problem, that grants of immunity to minor participants will not be approved. How markedly, how strikingly this contrasts with the investigation of Watergate, with Iran-Contra, in which the party whose actions were being investigated cooperated fully in attempting to determine the truth of these allegations.

As we all recognize the vital importance of free and open and fair elections conducted in accordance with the rules, so, it seems to me, we must all recognize the importance of determining whether or not there were serious violations of those existing laws, because if we cannot enforce the law as it exists today, what point is there in debating whether or not we ought to change and tighten those laws? We need the investigations that are being conducted, both here in the Senate of the United States and in the House of Representatives today, to cast light on what actually took place during the course of last year.

We asked for a special prosecutor. We needed the Department of Justice in order to determine whether or not there were criminal violations that should be prosecuted in the criminal courts of the United States. But the classic justification, the rationale for this Senate investigation is the determination of facts: The breadth and extent of the violations of law that took place last year, who the violators were, what consequences the committee of the Senate feels should stem from those violations, and then and only then whether or not there should be additional laws applicable to the next set of elections. This inquiry and this investigation is of vital importance to the American people. The American people deserve to know precisely what took place during the course of the 1996 Presidential election campaign, on both sides; the breadth and the extent of violations of law, who violated the law, and who knew about and benefited from those violations.

I call on all of the Members of the Senate to cooperate to the fullest possible extent in the determination of those facts and express my hope that the results of this investigation will be enlightenment and far better practices in the future.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, yesterday the chairman of the Governmental Affairs Committee began his hearings on the alleged political campaign finance irregularities of 1996. After all that has been written and reported in the press and elsewhere, it is time. Even before these hearings, a lot of facts are already known and how much more these hearings will reveal yet has to be seen. Knowing all the roadblocks that could be posed in these hearings and these investigations, they may reveal very little, or we may be surprised at some of the findings. Nonetheless, the hearings must move forward. This body and the other body, the House of Representatives, has the unsavory duty to investigate, reveal and inform the American people. I know no one in either Chamber relishes this assignment. To some it tends to polarize, and to some it confirms what they have already known.

John Quincy Adams, who returned to the House of Representatives after serving as President of the United States, in a heated debate over slavery, of which he was an ardent opponent, said, "Duty is ours; results are God's."

The nature of these hearings is different, especially when we talk about campaign financing. This one involves foreign entities attempting to politically infiltrate the American system. That is the concern of all Americans and in particular those of us who have taken the oath to uphold and defend the Constitution of the United States in face of foreign and domestic assault. To do otherwise is just not accepting our sworn duty and our obligation to the American people.

Alexis de Tocqueville, author of "Democracy in America," way back in the early 1800's, wrote that America is great because America is good. When America ceases to be good, it will cease to be great. That is as true today as it was then.

The alleged violations of the 1996 campaign did not start just in 1997. One must remember, back in the fall of 1996, about mid-October, when the Democratic National Committee failed to file its campaign report with the Federal Election Commission—some excuse that the accountants did not have it ready or it was not ready to go. In fact, I don't recall whether it was filed at all until the elections were over in 1996. The point is, could full disclosure be working if there were obvious irregularities? If there were, did they take the attitude, "Why should we file?" Were there campaign activities that could prove embarrassing right before the election? And I would ask, is that not the main purpose of the present laws, full disclosure—full and timely disclosure of campaign activities? Maybe the present law is working. Maybe, under the present law, we know what we know today. We must ponder that.

The China connection has lots of us concerned. In fact, Americans should be outraged at such an allegation, let alone proof. What was going on when John Huang received top security clearance without even a background check, 5 months before he began working at the Commerce Department? Why did this person still have a security clearance when he began working at the DNC? Why did John Huang attend over 100 classified briefings, hold 95 meetings at the White House, have frequent access to the President of the United States? I want to know that. I want to know why it was allowed to happen. The American people deserve to know. And we have the duty to inform them.

It is apparent that inquiry is necessary because it seems to me that this administration was willing to do whatever it took to win an election. The facts that we know now—not allega-

tions but facts—tell us that they broke current and existing laws. Are they above the law? I don't believe so—as none of us are. They inadvertently allowed our national security to be compromised? One has to question that.

So, the Governmental Affairs Committee is fulfilling a constitutional responsibility by conducting oversight to find out whether the current laws have been adhered to, of which we know some of them were not.

It is their duty to discover what laws were broken, and then we can decide what can be done to improve enforcement of those laws.

This is about money laundering, illegal foreign contributions and unlawful receipts of campaign funds within Federal buildings. There is credible evidence out there that indicates this administration was engaged in all of these violations.

It is my hope, Mr. President, that these hearings will get all the facts out in the open for the American people. I commend Senator THOMPSON and committee members for assuming that responsibility. It is an awesome responsibility and one that is not taken lightly by any Member of the U.S. Senate or the U.S. House of Representatives. It is time that we proceed to get this out in the open and let the American people judge what is right and what is wrong.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, July 8, 1997, the Federal debt stood at \$5,354,619,850,034.63. (Five trillion, three hundred fifty-four billion, six hundred nineteen million, eight hundred fifty thousand, thirty-four dollars and sixty-three cents)

One year ago, July 8, 1996, the Federal debt stood at \$5,154,104,000,000. (Five trillion, one hundred fifty-four billion, one hundred four million)

Five years ago, July 8, 1992, the Federal debt stood at \$3,971,809,000,000. (Three trillion, nine hundred seventy-one billion, eight hundred nine million)

Ten year ago, July 8, 1987, the Federal debt stood at \$2,326,070,000,000. (Two trillion, three hundred twenty-six billion, seventy million)

Fifteen years ago, July 8, 1982, the Federal debt stood at \$1,076,916,000,000 (One trillion, seventy-six billion, nine hundred sixteen million) which reflects a debt increase of more than \$4 trillion—\$4,277,703,850,034.63 (Four trillion, two hundred seventy-seven billion, seven hundred three million, eight hundred fifty thousand, thirty-four dollars and sixty-three cents) during the past 15 years.

BIDDING FAREWELL TO HIS EXCELLENCE, AMBASSADOR GALLAGHER

Mr. DODD. Mr. President, I would like to offer some brief comments, if I

may, regarding a good friend to many of us here who will be returning to his country in the next few days. I speak of Dermot A. Gallagher, Mr. President, the current Ambassador of Ireland to the United States.

Mr. President, Dermot Gallagher can leave the United States with pride in the work that he has done for his Government and his country.

I have had the privilege, Mr. President, of working closely with Dermot over the last 6 years, as many of us have. It has been an extremely positive experience, and I have come to consider Dermot not only a competent diplomat, but a good friend, and a good friend to this country. Without doubt, Dermot Gallagher is a consummate professional, an able and talented diplomat, and an individual who has served his country with skill and grace. And in no small measure, he has been assisted in that process by his lovely wife Maeve who has been a partner in this endeavor of theirs over the last number of years.

It goes without saying that Ambassador Gallagher has had an extraordinarily busy and productive tenure as Ireland's Ambassador in Washington. From early 1994 until the present, Ireland, and particularly the Northern Ireland peace process, have been front-burner issues for the Irish, the British, and our own Government.

Naturally, Dermot Gallagher has been in the thick of all of it. He has been an effective spokesman for his Government with the State Department, the White House, and the Congress. He has also been enormously helpful, I might point out, Mr. President, to those of us who have been actively involved in trying to get the peace process back on track in that country following the tragic decision of the IRA last year to break the August 1994 cease-fire.

Ambassador Gallagher may be returning home to Dublin, but I am confident he will remain actively involved in many of the same issues with which he has become so intimately knowledgeable. I say this because Ambassador Gallagher will be returning to Dublin to assume the position of Second Secretary General within the Department of Foreign Affairs, where he will continue to play a major role in Anglo-Irish issues, especially in the Northern Ireland peace process.

Given the recent events in Drumcree, where once again violence erupted, Mr. President, in connection with the annual Orange Order parade season, he will have his work cut out for him. Dermot will play a critical role in advising the newly elected Irish prime minister, Bertie Ahern, on the most effective policies for the Irish Government to pursue in order to restore a climate of trust, peace, and reinvigorate the currently stalled peace process.

So, Mr. President, I know again I speak for all of my colleagues here when I bid Ambassador Gallagher and his wife Maeve and their family a farewell and a thank you for a job very well done. We continue to look forward to working with him in the years ahead.

DEVELOPMENTS IN CAMBODIA CAUSE FOR CONCERN

Mr. MCCAIN. Mr. President, for those of us who follow events in Southeast Asia closely, recent developments in Cambodia are a cause for great concern.

The coup d'etat—and, yes, I employ that term even if the Department of State, for broader foreign policy reasons, does not—staged this week by Second Prime Minister Hun Sen is a terrible setback for that strife-torn country. Tragically, the expression by Mao Tse-Tung that "power grows out of the barrel of a gun" applies nowhere more so than Cambodia. A peace process initiated in 1991, culminating in the Paris peace accords, and manifested most significantly in the 1993 elections is dying.

The investment in that country since the signing of the 1991 accord by the international community of more than \$3 billion, including \$160 million from the United States, has clearly failed to eliminate from Cambodia the intertwining of politics and violence. The removal from power of the Khmer Rouge, one of the most vicious guerrilla movements in history—the very people for whom Cambodia has become synonymous with the image of bloodshed on a monumental scale—has not eliminated from the minds of Cambodia's leaders the notion of "power from the barrel of a gun."

Mr. President, I am a strong supporter in Congress of facilitating the development of normal political and economic relationships with former adversaries in the Far East. I supported the opening of diplomatic relations with Vietnam and the extension of most-favored-nation trade status to Vietnam, Cambodia, and Laos. With many other Members of Congress, I have invested considerable time and effort to helping secure a peaceful and prosperous future for a region that has known decades of warfare unimaginable to most Americans. I can only now fear for the future. The coup by Hun Sen represents a reversal of fortune that will prove, I fear, extremely difficult to resolve. The culture of violence that dominates major factions in Cambodia is alive and well and once again in power.

The response to the coup by the Clinton administration is understandably tempered by the knowledge that we will have to deal with the new regime as a simple fact of life, as well as within a broader regional context. It is that

regional context that worries me as much as the developments inside Cambodia. The visit by Hun Sen to Hanoi immediately prior to his takeover of Phnom Penh sends a chilling message to those of us concerned about the region's future. Whether Vietnam is culpable in the events in Cambodia is an issue that demands, and presumably will receive, serious attention.

The American public remains extraordinarily wary of any involvement by this country in Southeast Asia. That is understandable given the history of United States involvement there as well as memories of the years of terror in Cambodia under the Khmer Rouge. That concern cannot and should not be ignored. That is why I was never under any doubt about the popularity of some of my positions with regard to Southeast Asia. The United States, however, must remain engaged there. It cannot turn its back on a region of great importance to the entire Far East. Conflict in Indochina, during a period when countries circle each other warily over specks in the South China Sea that may or may not be rich in oil and natural gas, can easily have wider implications. We must work to bring peace and stability to Southeast Asia. Both morally and practically, we must stay engaged.

I have met a number of times in the past with Hun Sen. He is a tough individual not vulnerable to intimidation. He is capable of acting as ruthlessly as he deems necessary. His troops have actively sought out Members of Cambodia's elected Parliament with the clear intent of imprisoning those who oppose him and incorporating into his movement those who do not. Cambodia's interior minister was captured and executed. Sam Rainsy, president of the Khmer National Party and a friend of some of ours, expressed the situation appropriately when he asked, only partly rhetorically,

On what ground, following what rule, what law, what article of the Constitution, what legal procedure can the Second Prime Minister unilaterally "dismiss" the First Prime Minister . . . (Only with the backing of his tanks Hun Sen gave to himself the right to dismiss the First Prime Minister and to announce the formation of a new government.)

A reign of terror has been launched and a shadow has fallen over a country now known more for its violence than its awesome natural beauty. Gunfire around the Angkor Wat Temple, revered by Buddhism and universally identified with solemnity, provides a sad contrast that illustrates all too well the tragic fate of Cambodia. The international community, which invested so much time, energy, prestige, and money in establishing in Cambodia a democratic form of government and the opportunity for the same peaceful and prosperous future enjoyed by so many of Asia's countries, can be forgiven if it does not attempt a repeat of its efforts earlier this decade.

The United States should, I believe, work to resolve this crisis and repair the damage. I would be hard-pressed at the moment, however, to argue on behalf of foreign assistance for Cambodia while a government that took power via coup d'etat rules in Phnom Penh and the ousted FUNCINPEC party negotiates in the northwest with the Khmer Rouge. The administration must communicate more forcefully than it has to date to Hun Sen that his actions are unacceptable and it must meet with Prince Ranariddh while he is here in Washington at the highest possible level of government to convey our continued support for the democratically-elected government that was ousted. It must be reiterated that Hun Sen was made Second Prime Minister and the Cambodian People's Party given a sizable representation in Parliament not because of its popular support, which it lacks, but because of its history of extreme violence and willingness to employ that violence to attain its objectives. It must be illuminated the degree to which the international community bent over backward and the Cambodian people's interests sacrificed in order to bring the CPP into the coalition that was torn apart by the coup.

Mr. President, the tragedy that is Cambodia continues. The Senate as a body, the Congress as an institution, and the administration as this country's representative abroad must communicate the message that the recent events in Cambodia represent a reversal that cannot be accepted without a price. I, for one, stand ready to do my part.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, the Senate will now resume consideration of S. 936, which the clerk will report.

The bill clerk read as follows:

A bill (S. 936) to authorize appropriations for fiscal year 1998 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:

Cochran/Durbin amendment No. 420, to require a license to export computers with

composite theoretical performance equal to or greater than 2,000 million theoretical operations per second.

Grams amendment No. 422 (to amendment No. 420), to require the Comptroller General of the United States to conduct a study on the availability and potential risks relating to the sale of certain computers.

Coverdell (for Inhofe/Coverdell/Cleland) amendment No. 423, to define depot-level maintenance and repair, to limit contracting for depot-level maintenance and repair at installations approved for closure or realignment in 1995, and to modify authorities and requirements relating to the performance of core logistics functions.

Lugar modified amendment No. 658, to increase (with offsets) the funding, and to improve the authority, for cooperative threat reduction programs and related Department of Energy programs.

Gorton amendment No. 645, to provide for the implementation of designated provider agreements for uniformed services treatment facilities.

Wellstone amendment No. 669, to provide funds for the bioassay testing of veterans exposed to ionizing radiation during military service.

Wellstone modified amendment No. 668, to require the Secretary of Defense to transfer \$400,000,000 to the Secretary of Veterans' Affairs to provide funds for veterans' health care and other purposes.

Wellstone modified amendment No. 670, to require the Secretary of Defense to transfer \$5,000,000 to the Secretary of Agriculture to provide funds for outreach and startup for the school breakfast program.

Wellstone modified amendment No. 666, to provide for the transfer of funds for Federal Pell Grants.

Gorton/Murray/Feinstein amendment No. 424, to reestablish a selection process for donation of the USS Missouri.

Murkowski modified amendment No. 753, to require the Secretary of Defense to submit a report to Congress on the options available to the Department of Defense for the disposal of chemical weapons and agents.

Kyl amendment No. 607, to impose a limitation on the use of Cooperative Threat Reduction funds for destruction of chemical weapons.

Kyl amendment No. 605, to advise the President and Congress regarding the safety, security, and reliability of United States Nuclear weapons stockpile.

Mr. THURMOND. Mr. President, we are now back on the defense authorization bill, S. 936. We are ready to take up amendments. I want to inform my colleagues, if you have an amendment, come to the floor and present it. We are ready to act on these amendments. We have to finish this bill this week. We have lots of amendments. If you want your amendment acted on, you better come to the floor and see about it, otherwise we are going to proceed.

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. KERREY. 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. KERREY. Mr. President, I rise to comment on one of the most important

authorization bills to be debated by the Senate each year, the defense authorization bill. In fact, if you consider that the first duty of government is to assure the life and freedom of its people, then this is the most important authorization bill we will take up this year.

Our debate, like most of what we do on this floor, will eventually produce a law. In our democracy, Mr. President, law is really our collective national imagining of how something should be. In this debate, America imagines its Armed Forces and crafts a law that authorizes their existence and shapes them to their tasks. This law has global reach and global consequences; so we should approach this debate with seriousness, with respect for those who serve, and respect toward those who wrestle with these issues on a daily basis.

Deserving respect in the latter category are our colleagues who serve on the Armed Services Committee. They have produced a good bill, on balance, and they have done an exceptionally difficult task in putting together this legislation because they have to consider not only the threats to the Nation and the nonnegotiable requirements to repel those threats today, but also to support the force that is already deployed, as they are in Bosnia. They also face tough budget limitations, along with the demands of competing bureaucracies and those in the private sector who supply equipment and services for defense. Our colleagues on the Armed Services Committee must balance near-term with long-term, readiness with research, and through it all keep their eyes focused on the overall good of protecting the Nation. Mr. President, I thank them for taking on this tough task and producing such a good product. I especially thank the distinguished Senator from South Carolina and the distinguished Senator from Michigan for their fine work on this legislation.

National strategy should be the basis for our consideration of the Defense authorization, and strategy is illuminated by history. We have a history, in the aftermath of decisive military involvement overseas, of withdrawing from foreign commitments. The surest sign of our withdrawal has always been the deep reduction of our Armed Forces. After World War I, we listened to our isolationist instincts, refused to join the League of Nations which our own President had created, and cut our military to the bare bones. Absent our leadership, Europe and Asia developed into a conflict which killed 50 million people—a conflict which only renewed American engagement could win. Again, after World War II, we deeply cut our military, only to be shocked into rearmament by the initial victories of Communist forces in Korea—forces which might well have been deterred had we kept our forces capable.

Again, after Vietnam we deeply cut our forces but fortunately rebuilt them when it became clear that our military was less capable than our national strategy required. We wisely rearmed and created a force which outlasted the Soviet Union and won a historic victory in the cold war.

The clear lessons of history are: Stay engaged in the world and keep our Armed Forces congruent with the national strategy and with the threats we face. In other words, we should not withdraw from the world—we should continue to lead, and an essential component of leadership is Armed Forces who can do what our strategy requires. Keeping those forces capable means sizing and shaping and equipping them to deal with the threats of today and tomorrow, changing and improving them so they can achieve their purpose.

Our forces have an overriding purpose: To defend the Nation. But they also have subsidiary purposes: To defend our national interests and to support the stability which shields prosperity and democracy. We Americans also expect our military to do more than just national defense. We expect them to maintain and embody our national leadership. We expect them to be the agent of America's desire to lead a response to anarchy or famine or other instances in which American values call for action. These are the American values the world loves and depends on, and our military delivers on them.

No other country on Earth has such a set of purposes for its armed forces, and no other country has the multifaceted, action-oriented, take-charge people in its military who can accomplish any or all of these purposes and think outside the box to do it better. Developing and nurturing such people is yet another essential task of our Armed Forces.

The military that can answer the tall orders we place it cannot be a static institution, and our is not. It is not a status quo force. Some fail to see it, but in fact the U.S. military has become significantly smaller since the cold war. In 1990, there were 2,069,000 active duty service members. This bill authorizes 1,431,000 for fiscal year 1998. In 1990, there were 18 active Army divisions and 10 divisions in the Army National Guard. This bill authorizes 10 and 8 divisions, respectively, for fiscal year 1998. The number of Navy aircraft carriers has gone from 15—and 1 for training—to 22 and 1. Battle force ships have gone from 546 to 346. Air Force fighter wings have gone from 24 active and 12 reserve to 13 active and 7 reserve. My point is not to argue with these reductions, which made sense in terms of the threats and our commitments, but to note they occurred, and also to note they have been traumatic, not just for the communities in which they are located, but also for the services themselves.

Let me add parenthetically, whatever the size of our forces, they should be supported by logistics and infrastructure that reflects their size. If our forces get smaller, we should not retain unneeded military bases. I, therefore, support the distinguished ranking member's amendment to initiate a new base closure process. The money we can save on excess bases is a matter for debate, but excess bases hurt readiness regardless of money because they add requirements for our most precious resource: personnel.

Too much of what passes for strategic decisionmaking in defense these days is really about money. In my view, money is an issue only after you decide on a strategy and the military component of the strategy. The lesson of the cold war is, if we need something military to protect our country and achieve our strategic goal, we will pay for it, whatever the cost. In examining this bill and our strategic direction, saving money is not my highest priority. In fact, I don't think we spend too much on defense, given our global responsibilities and the size of our economy.

My question is whether we are spending it on the right things. We can answer it by reviewing the threats we are facing and will face in the future.

The top threat, the only threat that can instantly extinguish our national life and the lives of scores of millions of our citizens, is Russian nuclear weapons. The mission of U.S. Strategic Command is as essential as ever. It is the fashion to consign the cold war to the historic past, and Russia today is a friendly country. Indeed, the growth of prosperity and democracy in a friendly, peaceful Russia ought to be at the top of our strategic priorities—the potential for such a Russia is one of the principal fruits of the cold war. Conversely, a poor, unstable, chaotic Russia threatens our security because the command and control of nuclear weapons could be weakened. The likelihood of accidental launch or leakage of fissile materials into the hands of criminals or terrorists is increased. No aspect of the proliferation problem is more potentially threatening than the possibility that Russian fissile materials get into the wrong hands.

The Armed Services Committee has understood the connection between Russian nuclear surety and our own national security. The Nunn-Lugar programs are proof of that understanding and the strategic vision of those two statesmen and many of their colleagues. The cuts made in those programs in this bill suggest we may have briefly lost sight of that vision, and I will join with the Senator from Michigan in seeking to restore the requested levels.

Russian nuclear weapons are an incapable, obvious part of our strategic reality. We also face a serious threat of

proliferation of weapons of mass destruction to rogue States, countries like Iraq, Iran, Libya, and North Korea. One appropriate response to the threat from these countries, when the threat matures and becomes specific, is missile defense. But there are other responses that should not wait, including advanced research and development on the detection and targeting of nuclear, chemical, and biological weapons. Our global responsibilities could propel us with little warning into a conflict in which these weapons, the so-called poor man's nuclear weapons, are present, just as we now know they were during the gulf war.

A third threat is the conventional capabilities of potentially hostile states, and analysis suggests to me these capabilities are in broad decline around the world, just as are the conventional capabilities of many allies. Most countries can stage a decent military parade. But there are few who can sustain ground combat operations or an air campaign lasting more than a few days.

Recent history, and I am thinking especially of the performance of non-United States NATO forces in the earlier UNPROFOR stage of Bosnia, shows there are not many armies willing to even engage in ground combat unless United States troops are in action alongside them. Likewise, the Russian invasion of Chechnya several years ago seemed to me to be a repeated instance of Russian troops who would not leave the safety of their armored vehicles and their artillery positions to fight on the ground. The Russians blew up a lot of things from a distance but they did not win the war.

I am most grateful American soldiers and marines still have the warrior spirit and have it in abundance, but I think we should recognize that this spirit, at least at this time in history, is far from universal. There are many armed people in the world who are willing to fight, but not generally on behalf of governments. The foreigners who are eager for a fight are likelier to be with Hizbollah or the PKK than with an established government. This reality, which may be only a temporary condition, should be reflected in how we shape our forces. We may be overstressing the likelihood of conventional conflict and understressing the unconventional, although the latter may be more likely. Let me add that unconventional operations have not been our forte, historically. As the nation-state declines in many regions and dissolves altogether in some parts of Africa, the potential for unconventional operations by U.S. forces grows larger.

Conventional naval threats also appear to be in decline. Certainly there are no naval forces in the world remotely close to ours in either size or capability. The Russian Navy is experiencing severe problems just in paying

and feeding its sailors, much less getting underway. At least temporarily, we may have the world's last real navy. But the gradual emergence of the navies of developing powers like China and India present a more distant threat that bears watching. At the other end of the spectrum, unconventional and shore-based attacks on our warships are already a threat to our forces which, as in the Persian Gulf, must come close to hostile coasts to maintain regional stability.

Our global responsibilities, in the opinion of the administration, require us to be prepared to fight simultaneously in two major regional contingencies. Looking at the situation in North Korea, a regime which was described to the Intelligence Committee in open session earlier this year by Lt. Gen. Pat Hughes, the Director of Defense Intelligence, as "terminal," I respectfully disagree with the two MRC assumption. I think the likeliest near term possibility is for a combination of one major and several minor simultaneous contingencies which could be inconveniently located in terms of our logistics structure. In my view, the soundest investment we could make is more airlift so we can rapidly force a favorable outcome in these contingencies, and better sealift to sustain them.

As we take on new international responsibilities our military should be appropriately tasked and shaped to carry them out. I note the Senate will soon consider the expansion of NATO. Our most significant new responsibility from this policy decision will be to be prepared to defend the eastern border of Poland. That is the guarantee we will make. It will not be a meaningful guarantee unless U.S. military forces are dedicated for this mission and train for it, and for all the logistic support which will also be required. I have yet to learn how this commitment, if we make it, will affect our force structure and what it will cost.

Every human environment is a potential military target or theater of conflict, and that includes the new environment of cyberspace, an environment which is essential to our national security and yet is an environment without international borders or government controls. If we are to defend our communications systems, our transportation systems, our power transmission systems, our medical care delivery systems, we must defend our national information environment, our public networks. Robust encryption is an essential part of the defense of this environment as well as its assured, secure use by consumers, the private sector, and Government. The Secure Public Networks Act, which Senator McCain and I and others have introduced, aims to make set a global as well as a national standard for secure public networks. Our bill serves na-

tional defense as well as our commercial interest, and I commend it to my colleagues.

Mr. President, as the threats and the environments change, it is our duty, as well as that of the administration, to ask ourselves if our forces are designed and equipped in the light of today's and tomorrow's reality. What is the likelihood that our Army will have to conduct large-scale armored operations against an enemy like the Iraqis of 1991? Is the aircraft carrier the optimum fire support or air supremacy system in areas where we are denied access to airfields? What is the likelihood of a major amphibious assault in today's world, or a mass tactical parachute jump? What are the tactics and platforms best suited to achieve rapid, overwhelming victory today and tomorrow?

We have in our military officers who can answer these and many other questions essential to formulating the future of our forces. Our military education system trains officers to think outside the box. Will their political masters in the Pentagon and White House let them? Are we in Congress open to real change or does it present political risk to us that we would rather not face?

In the past, we have only made major positive changes in our military under the pressure of external threats. Now we have the opportunity to do it for ourselves. The seriousness of the tasks we assign to our military, and the quality and spirit of those who serve and who are willing—even enthusiastic—about going into danger for the rest of us, demand no less.

Again, Mr. President, I commend both the chairman of the Armed Services Committee, the distinguished senior Senator from South Carolina, and the Senator from Michigan, the ranking member of this committee, for their very constructive and important work. They have produced a good piece of legislation. There are some changes that I would like to make with their support, especially of the ranking member. But overall they have kept the faith with the people of this Nation and produced a piece of legislation that, if enacted, will enable the United States of America to continue to be safe and secure.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the able Senator from Nebraska, who incidentally is the only Member of Congress who is a Congressional Medal of Honor winner, for the excellent statement he just made. It will be very beneficial to the country to hear a statement like that.

PRIVILEGE OF THE FLOOR

Mr. President, while I am on my feet, I ask unanimous consent that Ron

Moranville, a legislative fellow on Senator McCain's staff, be granted privileges of the floor during the debate of S. 936.

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

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, while the Senator from Nebraska is still on the floor, I want to add my voice to my good friend, the chairman of our committee, for his comments about the Senator's remarks. I only wish that every Member of the U.S. Senate could have been here to hear the Senator from Nebraska.

It is a comprehensive statement. It is thorough. It is intellectually solid. It is based, most importantly, on experience. There are some times theoretical statements that we hear that do not have that kind of a base and experience.

The Senator talked about old values of this country and new threats. He set forth what these new challenges and new threats are. But he also underpinned our commitment as we hope to reflect in this bill with his help the old values which he has so superbly represented throughout his life.

I just simply want to thank the Senator from Nebraska for his commitment, for his dedication, for his patriotism, and for taking the time to set forth in a document, as he did this morning, and in speeches he gave this morning, some of the most critical challenges that this Nation faces.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, let me not miss this opportunity to join our chairman and ranking member in saying good things about our dear friend from Nebraska. I am glad I was over and got to hear part of his speech.

Mr. President, I have waited until we got to a lull in consideration of amendments to come over today and talk about an issue which is very important to me and to my State. But I think more importantly it is very important to our national security, and it is very important to the American taxpayer who is intimately involved in all of these considerations as the ultimate payer for all that we undertake.

I want to apologize in advance to my colleagues because I want to cover a series of issues here that are related to base closing and privatization.

We have had a protracted debate in the House of Representatives, most of which I would have to say I believe is based on a view of the facts that do not comport with my view, and I think don't comport with the facts. I think it is very important at least to have on record at one place as we enter into the debate, which ultimately will occur in conference, on what this whole issue is

about and what it is not about, because I want our colleagues to know that this is not a dispute among Senators that are simply representing the views and interests of their States.

In my mind this is about a fundamental issue. I think when you cut through all of the rhetoric, when you separate out all of the random facts that are out there in the debate, that the ultimate issue is, do you believe in competition? Do you believe the taxpayer benefits from competition with a lower price? And do you believe that competition produces quality and excellence? If you do, you are for it. If you do not, you are against it. And it is my belief that these decisions about privatization ought to be made on that basis.

Having thrown a bunch of ideas out there that to any listener not involved in this sounds to be random, let me go back to the beginning, back to the 1995 Base Closing Commission report, and then come forward to the present, to the House action and where we are today, and basically try to set this whole thing in the context of facts. So let me begin with the base closing report.

As our colleagues are painfully aware—and especially if they represent a State as I do where bases have been closed—we adopted a bill establishing a commission to close military bases that were no longer needed. I was a principal cosponsor of that bill. I supported it. I have voted for each of the recommendations of the Base Closing Commission including the recommendations that closed five military bases in my State. I am committed to continuing the base closing process. I will be one of the Senators, assuming that Senator McCain and I can work out some language differences, who will be cosponsoring Senator McCain's amendment to reinstitute the Base Closing Commission.

So I do not want anybody to be the least bit confused. I am in favor of closing military bases to reduce the overhead that we have which is literally starving national defense, and in the process threatens our modernization and threatens our ability to maintain the pay and benefits that have allowed us to recruit and retain the finest young men and women who have ever worn the uniform of this country.

I intend, assuming that we can work out these minor language differences, to cosponsor the McCain amendment to reinstitute base closing, though it is very unpopular in my State, and very unpopular in the country. The bottom line is we have cut national defense spending by over a third, and we have closed only 18 percent of the military bases.

We have a huge overhang from the cold war in the bureaucracy in Washington, around the world, and in our own country, which makes absolutely

no sense. We have more nurses in Europe than we have combat infantry officers in Europe. We have a huge overhang of resources, facilities, production capacity, and bureaucracy that ultimately have to be pared down to meet the defense needs of the Nation. And while I am not happy about doing it, while I worry that more military bases in my State will be closed, I am for it because I think the national interest dictates it.

I also believe it is a tragedy that cannot be avoided that the very communities whose support allowed us to operate military bases and facilities that won the cold war and tore down the Berlin Wall and liberated Eastern Europe and transformed the world are the very communities that end up being hurt by this process. But the alternative to this process is that we end up with a huge bureaucracy where we are spending our money to maintain facilities rather than to maintain defense. We have in terms of our "tiger," so to speak, our military strength today, too little tooth and too much tail. That is what the Base Closing Commission is about.

Having said all of that, let me go back to the Base Closing Commission Report of 1995. I want to talk about a base in my State. And then from that I want to discuss this whole issue because I have never heard a debate since I have been here that has been more confused on what the real issues are than this debate about privatization.

Let me take you back to 1995. We are in the process of moving toward congressional and Presidential elections. The Base Closing Commission recommends, among other things, closing Kelly Air Force Base in San Antonio, TX, a huge facility with 14,000 employees. And they recommend two options. I want to read from the Base Closure Commission report, because one of the assertions that has been made in all this debate is that the President is trying to use politics to overcome the recommendation of the Base Closure Commission. There is only one problem with that assertion, and that is it is not true.

Now, when the Base Closure Commission in 1995 closed Kelly, they had two recommendations as to what to do. One was consolidate the workload to other DOD depots or to private sector commercial activities as determined by the Defense Depot Maintenance Council. In other words, the recommendation was to close Kelly Air Force Base and then either transfer its functions to another depot or put them out for private bids, and if under the procedures established by the Defense Depot Maintenance Council it is cheaper to do it in the private sector than to transfer it to a depot, DOD could do it that way.

Now, this is not me talking; this is not what I am in favor of. This is what was recommended by the Base Closure Commission.

Now, it does get confusing after that. You have a base closed, a big maintenance facility in California, and you have a big maintenance facility in Texas closed, Kelly Air Force Base, and President Clinton is running for reelection. Obviously, people in California are not happy about the base closing. Obviously, people in Texas are not happy about it. So what do you expect the President to do? Do you expect him to go around and say this is great? What the President did, which I would have to say 9 out of 10 politicians would have done, including many people on my side of the aisle, is he went out of his way to say, well, look, all is not lost. Maybe we can privatize some of these functions in facilities that are currently at McClellan or currently at Kelly. In other words, the President, in campaigning, did what any politician would do. He took the options of the Base Closure Commission and wrapped them in as pretty a package as we could wrap them and led people to believe that he somehow was going to support "privatizing these functions in place," which was a term that he used.

Now, those who oppose competition based on price and quality have seized on what the President did during the campaign and claimed that somehow that violated the principles of the Base Closure Commission. It seems to me that as politicians we are all familiar, intimately familiar, practiced, in fact, in the skill of taking bad news and putting as pretty a face on it as you can. And what the President did all through the campaign in voter-rich California and Texas, two big States with huge electoral votes, is he talked about the potential for privatization. But I want to remind my colleagues that the President signed the Base Closure Commission report. We had some effort in my State to try to encourage the President not to sign the Base Closure Commission report. I am proud to say that I rejected it, refused to participate in it and thought the President had no choice, and in the end he did not.

But to somehow assert, as has been done in the debate in the House and to some extent here, that the President has tampered with the process by trying to put a pretty face on a corpse is just not fair, and it misleads people about this whole debate.

Now, let me outline what we are actually talking about. We are going to have a contract where maintenance work on the C-5 is put out for competition. If a private contractor can do it for less, it will be privatized to save the taxpayer money. Now, that private contractor can do the work anywhere they choose, and obviously one of the options that is going to be bid will be the option of using the C-5 hangar which exists at Kelly and nowhere else—it would cost \$100 million to rebuild it somewhere else—and doing the work not with Government employees

but with private employees. They will not get the contract if they cannot do it for less.

So what is the issue here? Well, some people say the issue is DOD is not following the Base Closure Commission report because they are not closing Kelly Air Force Base. They are not closing McClellan Air Force Base. Well, look, we all want to take facts and try to use them to bolster our argument, but this is not true. No one is proposing that we not close Kelly Air Force Base. No one is proposing that we not close McClellan Air Force Base. There are a lot of people in San Antonio, there are a lot of people in Texas, there are a lot of people in California who would rather not close these bases, but there is no debate about it. The debate is about this: Should private industry have a right to compete for the work that will no longer be done by the Government at Kelly and McClellan? That is the question. So nobody is saying do not close the military bases. To listen to the debate in the House, you would think that is what is being proposed.

Now, that brings me to the next point I want to make. All throughout the debate in the House of Representatives reference was made to a GAO study entitled "Air Force Depot Maintenance: Privatization in Place Plans Are Costly While Excess Capacity Exists."

Now, might I say that this is so typical of GAO work, because what happened is somebody asked GAO to do a study that in essence said, if your whole objective is to reduce Air Force overhead, would you want to consolidate or would you want to privatize? Nobody asked the question, if you want to save the taxpayer money, if you want to improve quality, what would you do? But to listen to the debate in the House of Representatives, where over and over again people held up this study, you would think that the General Accounting Office had concluded that having the Government do this work rather than having a public/private competition, where we would decide who does it based on who could do it better or cheaper, that GAO had looked at this option and had decided the Government could do it better.

Now, when you actually look at their study, you find, in fact, that is not what the study looks at at all. What the study basically looks at is, if your objective is to reduce the level of overhead in depots, what you would want to do is consolidate. If your objective is to reduce the amount of excess capacity in private industry, as if that is our concern, you would want to consolidate into the depots. But when they get down to cost, all they can say is that "Air Force planning has not progressed far enough to compare precisely the cost of privatization of depot workload in place with the cost of transferring the work to other unused depots."

So, in other words, all the GAO study says is if the only options are to close Kelly and McClellan and transfer the work versus keeping them open, operating at the same cost, you ought to close them and transfer the work, especially if your sole objective is to reduce overhead. I do not disagree with a word this study says, but the problem is it does not have anything to do with the debate that is being conducted. The debate is not about excess capacity. The debate is about cost. The debate is about dollars and cents: Is it cheaper to have public/private competition, or is it cheaper to simply have the maintenance work done in Government depots?

Interestingly enough, there was another study on this subject which was never referred to in the debate in the House, and this is a July 1995 study done by the Congressional Budget Office. I want to remind my colleagues this study was done before the Base Closure Commission report and was in no way colored by anybody trying to tilt the evidence in favor or against privatization.

Now, the CBO study basically concludes, comparing the public sector, where the Government does maintenance work with Government employees, versus the private sector, that "shifting depot work to the private sector might reasonably be expected to save \$1 billion annually in the long run."

In other words, you have two studies. One looks at whether or not to close a facility and shift the function, where those are the only two options—and which is not what we are debating at all. The other study tries to look at competition between the public sector and the private sector in doing this work, and—something that should not come as startling to an American—competition means lower prices and higher quality, and this study projects about \$1 billion of savings from competition once you fully implement competition.

Let me summarize then what the real issue here is about. The real issue here is not about closing two Air Force maintenance facilities. Nobody is arguing that these two bases should not be closed. But what is being argued, and being argued with some passion, is whether or not we ought to look at the least costly way of doing this work. Should we simply close these two military bases, which everyone supports, and shift the functions to other Air Force maintenance facilities, or should we put out this work for bids, and if it can be done cheaper in a Government depot, do it there, and if it can be done cheaper by the private sector, do it there?

That is what the issue really is about, but you would never know it from the debate. The debate we hear really goes in two directions. One, we

are talking about keeping bases open that the Base Closure Commission closed and that violates the agreement. Nobody is talking about keeping the bases open. They are going to be closed. We are going to bring down the flag. The military personnel are going to be shifted. Nobody is debating that option. The question is, should we allow a private contractor, who would come in and lease a facility that will belong in this case to the city of San Antonio, a C-5 hangar that does not exist anywhere else in America, should a private contractor be able to come in and lease that facility and compete with other private contractors and with the Government to maintain, for example, the C-5?

That is the question. Obviously, if we have private competition, that is going to mean that our remaining depots are going to have to compete.

I am not going to get into the business of trying to determine the intentions of our colleagues. I never try to impugn anybody's intentions. But let me talk specifically about that issue. I have proposed a compromise that I think makes sense. In this sort of supercharged environment where this has become one State versus another, we have not yet worked out a compromise, but I wanted to outline what my compromise is because I think in the future we are going to have to come to some conclusion here.

My proposed compromise is the following thing. We have in this bill a requirement that 50 percent of our maintenance work be done in Government depots and no more than 50 percent be done by the private sector. This is an arbitrary provision. It ought to be repealed. We ought to make the decision based on defense needs and cost. But what has really happened here is that at the very time when defense spending is being cut, you might initially believe that, well, with defense having been cut by a third, we have all been forced to make tough decisions, and in the name of a strong national defense and in the name of the security of the United States, we are all forced to make decisions about cutting overhead and waste and protecting special interests, dropping that so that we can get the most return we can on our defense dollars. You might think that would happen. But I am sorry to say that I think there is every evidence that exactly the opposite has occurred, that what has happened with defense spending declining is that our defense facilities and the people who live in those communities and those who represent those communities have started to view defense like welfare or an entitlement, that somehow because you have a defense maintenance facility, for example, that you are entitled to the work and the fact that we have less of it makes you more entitled.

So what we have seen in the House is sweeping language that would bar privatization and price competition for all practical purposes, forcing the Air Force to do something they do not want to do. The Secretary of Defense, the Secretary of the Air Force, the uniformed leadership, the Joint Chiefs of Staff, the people who are trying to preserve a strong defense desperately want the ability to engage in price competition. They understand we won the cold war because the private sector can do things well. So what they want to do, with the limited amount of money they have, is take a requirement and put it out for competitive bids and get the most return we can by having competitive bids. So that, if a depot in some State wants work, they have to prove they can do it cheaper than any other depot or than any other private sector person who might do that work.

I have offered to our colleagues on the other side of this issue to sit down with them and define a level playing surface, so that we can be absolutely sure that this is going to be a fair competition. But, basically, what has happened, I am afraid, and I am unhappy to say, is that increasingly defense is being viewed as an entitlement or welfare program, where, as we have less of it, rather than spending our money more efficiently, there is a demand to protect the interests of individual communities and individual military facilities. If we follow this procedure, we are going to end up with a less effective military force, we are going to end up with less procurement of new equipment, we are going to end up with poorer pay and working conditions, we are going to end up with a military that does not represent the best and the brightest in our society.

What my proposal has been is the following: Leave this division of public/private work in place, at least temporarily. I would have to say that logic dictates that we ought not to have any arbitrary division, that it ought to be done based on competition. But my proposal is the following, that within this arbitrary division set out in law, in our bill 50-50—no more than 50 percent can be contracted out—leave that provision in place, but add a provision that says that, if a private contractor using a level playing surface that takes into account all costs, where a bidder has to have a firm, fixed price and where you don't pay them if they have a cost overrun, they have to eat it, and where you impose a fine and other penalties on them if they don't meet quality requirements and a timetable, including disbarring them from doing defense work, then have a full and fair competition, however we want to define it. I would define it to include all costs, including retirement and overhead, and require the public and the private sector to have fixed-price contracts, and then make them live up to the contract.

I am trying to work out a compromise and break this impasse that not only fractures the Senate and House but that threatens our national defense efficiency, in my opinion. What I am willing to say is, OK, stay with the 50-50 arbitrary division except in the cases where the savings are 10 percent or greater. In other words, begin with a presumption that it is worth 10 percent to have the Government do it, but if the private sector can do it for more than 10 percent less than what the Government can do it for, let the private sector have the contract. In other words, give a 10-percent bias toward the Government. If you really are concerned about efficiency, it seems to me that is more than a reasonable proposal. What it would say is that any time the Government in its depots can do the work within 10 percent of what the private sector can do it, we leave the existing restrictions in place. But in those cases where the savings are at least 10 percent or more, let the private sector have the opportunity to bid on it and, if they win the bid by that margin, let them have the work.

That is, I believe, the ultimate solution to this problem. I don't think it makes sense economically. I think it is tilted toward Government procurement, Government provision of maintenance. But to try to reach a compromise, it is what I am in favor of. But let me make it clear, not only do I believe the position I have taken is right for America and right for the taxpayer, but the idea that companies in Texas or anywhere else don't have a right to bid on work and, if they can do it cheaper, get the contract is so alien to everything that I believe and everything that I believe is in the national interest that, if there is any provision in this final bill that stops competition, that precludes price competition to benefit the taxpayer, I am going to vigorously resist.

Also, I might note that the President has said that he would veto the bill if such a provision were in it. I hope my colleagues, at the very time when we are all down here bemoaning the decline in defense spending and the threat it poses to our security, I hope we are not going to put ourselves in a position where we are defending special interests and the President is vetoing the bill because we are more concerned about the pork barrel and treating defense like welfare than we are concerned about providing for the national defense.

Let me go to the final point. So confused has this issue become that we now have colleagues who are saying that they are not going to support another base closing commission because of what the President supposedly has done about the last one. Our chairman of the Defense Appropriations Subcommittee, TED STEVENS—we all know and admire him—he is quoted in to-

day's paper in the following way: "Senator TED STEVENS, Alaska Republican, said there will be no further closure until Mr. Clinton backs off his plan to protect bases in California and Texas."

Let me respond by saying, obviously the President, like any good parade leader, when the Base Closing Commission proposed one of the options being price competition, the President grabbed his baton and got out in front of the parade. He just thought it was a great idea and he thought that we would almost certainly do it. And he was for it. He was very much for it. Because people were getting ready to vote on whether to renew his contract or not.

But it is not what he said that is important; it is what his administration did. The point is, they didn't do it. All they have said is that they want to follow the Base Closing Commission report where they would put out bids, and if the private sector can do the work on these closed military bases, or anywhere else, cheaper than the Government can do the work internally, they want to do it.

So, are we going to base the public policy of the country on political posturing by a candidate for office during a contested Presidential election? The plain truth is, the President said over and over he was for privatization and he believed that contractors at these bases would win the competition. But he didn't change Government policy. He didn't say we are going to write the proposals so that they have to win. In fact, the Defense Department believes, our Secretary of Defense believes, the Secretary of the Air Force believes, the uniformed services believe, that we could save as much as 30 percent by having price competition.

So, what a terrible confusion we find ourselves in, where we are talking about not moving forward with necessary policy because the President, taking the best provisions of the Base Closing Act from a political point of view and trying to hide behind them, somehow confuses people. We are going to let a contract on C-5 maintenance. If it can be done cheaper by the private sector, it will be done by the private sector. If it can't, it won't. Now, if it is cheaper to be done by the private sector—and I believe it will be substantially cheaper—but if it is, do I expect the President to make a statement about it and say: I am delighted that a private contractor in California or Texas or Timbuktu has gotten this contract? Yes, I expect him to do that. But does that change the fact that the taxpayer has benefited? That defense has benefited? No. So, I urge my colleagues to go back and look at this issue.

A final point and I will yield the floor. This is not, in my mind—and I believe demonstrably it is not a fact—to say that this is a dispute between

the Senators who represent Texas and California on one hand and the Senators who represent States that have Air Force depots on the other hand. In fact, I had the great privilege, as our distinguished chairman will remember, of serving on the Armed Services Committee for 6 years. Every day in every way on every issue, I supported privatization as a member of that committee. Now, granted, if the situation were reversed and we had closed a maintenance facility in some other State and we were moving it to Texas, my position would be more difficult than it is today, because the national interest and my State's little special interest would be at least partially on a different side. But I don't believe that my position would be any different than it is today. I cannot imagine that I would ever oppose price competition as a way of getting the largest return on our dollar. I hope, if the day ever comes that I have to go against something that I believe in as strongly as I believe in price competition, that maybe I'll get out of the way and let somebody else do this job.

The point I want to make in concluding is this is not a dispute among States. Granted, everybody can look at this, this collage of facts and political posturing, and they can pick and choose what they want. They can take reports that do not have anything to do with price competition and say, "You see, it's cheaper to let the Government do it and have no price competition." Anybody who has lived in America for more than a day would know this can't be right. But you can do that. You can take political posturing and make whatever you want out of it. But, when you get down to the bottom line, this is a debate about price competition, are you for it or are you not for it? I'm for it.

Let me say, I want to work something out. This ends up, in a sense, pitting me against some of the Members for whom I have the highest affection. There is no Senator I love more than the Senator from Georgia, Senator COVERDELL, or Senator INHOFE from Oklahoma. I was instrumental, as chairman of the senatorial committee, I think, in helping to elect both of them.

I want to work out an agreement where everybody can feel that we have a good national policy, and their interests are protected. If there is a legitimate concern about full and fair competition, if people are in any way concerned that the Air Force is going to tilt the competition to benefit private contractors at the expense of depots, which I don't believe because I think every pressure will be in the opposite direction, but the point is, if people are concerned about that, I am willing to sit down and work with them and come up with an ironclad system.

I am willing to bring private accounting firms into the certification

process to guarantee that it is a fair competition. I am willing to do whatever we have to do to safeguard the competitive process. But I am not willing to let what I perceive to be special interest treat defense spending as welfare and say this belongs to us, even if we can't do it better, even if we can't do it cheaper, that the fact that we have done it means that we ought to have it forever.

We all have to resist that. We all have to represent our States. That is why we are elected. But we have to also look at the overriding national interest.

I wanted to come down today and go over all these issues because someday, the Senate is going to have to reach a decision on this. I think as it stands now, this decision will be made in conference. I hope that we can, in conference, preserve the ability to have price competition. I am hoping that next year, we can sit down and work out an agreement where everybody believes and is confident, to the degree we can make people confident, that their individual interests are protected.

But the issue here is not preventing base closures. We are going to close the bases. The flags are coming down. We are already moving people. Nobody is disputing that. Despite all the political rhetoric to the contrary, we are closing these bases. The question is: Should we use price competition to determine whether some of their functions go to other bases or whether they go to the private sector? And the Base Closing Commission recommended that we do that. So nobody is here trying to override the Base Closing Commission. What we are here trying to do is to implement the Base Closing Commission recommendations.

We all, obviously, look at an array of facts, and we often try to take the facts that bolster our case. I think that is only human nature. But I believe that if a person gathers all the facts and cuts through all the irrelevant issues and gets to the bottom line on this issue, it is: Do we believe in competition? Do we believe that we can maximize the effectiveness of national defense by having public-private competition where the best provider at the lowest price wins? I believe we do. I believe that is the principle that most Members of the Senate and the House believe in.

I wanted to take the time today—and I thank my colleagues for their forbearance in this lengthy speech—to at least get on the public record what one Member believes the facts to be. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Who seeks time?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

Mr. DODD. Mr. President, I offer my congratulations to my friend and colleague from South Carolina, the distinguished chairman of the committee, and Senator LEVIN and others who have done, I think, a wonderful job in putting this bill together. I commend them for it. It is comprehensive, from a parochial standpoint. There are issues in my State that are addressed in this defense authorization bill which I think are extremely important from a national security standpoint, maintaining an industrial base, the teaming approach, the creative approach that the Defense Department has come up with that Electric Boat Division and Newport News in Virginia have joined together in a teaming process for the next generation of submarine technology that will allow both of those industrial bases to maintain their viability well into the next century.

Mr. President, stepping back a bit and looking at the Defense authorization bill as a whole, I'd like to complement my colleagues, Senator THURMOND and Senator LEVIN, the chairman and ranking member of the Armed Services Committee for bringing to the floor a bill that provides for the Nation's defense in a sound and fiscally responsible manner.

Let me comment on several provisions of the bill in particular.

First and foremost, this bill supports the submarine teaming plan which will save hundreds of millions of taxpayer dollars and keep our current submarine industrial base viable for the near future. The Navy estimates that this teaming plan will save \$650 million, or about half a submarine, when compared to straight competition. That's a fact, and it has not been disputed. In this era of cost cutting, teaming on submarines is clearly the best course. Moreover, if at some point in the future there is enough work for full competition between two submarine builders, only the teaming plan will ensure that two submarine builders still exist.

It is far too early, however, to become complacent on this matter, for high hurdles remain, but I plan to do my utmost to make sure that this plan, fully backed by the Navy, becomes law.

On a related matter, I'm glad to see that we are on track in authorizing

funds to complete the third and final *Seawolf* submarine. Just last week, Electric Boat in Groton, CT, turned over to the Navy the U.S.S. *Seawolf*, the first submarine in the class and the most advanced submarine in the world. It once again demonstrates that the Nation looks to Connecticut to produce the world's finest equipment for the world's finest fighting forces.

This bill also calls for 36 UH-60 Blackhawk helicopters, a testament to the continued need for these versatile aircraft used by nearly every branch of the Armed Forces as well as a host of countries around the world. Also, these helicopters are ever-present in disaster relief operations, from the wildfires in California to the floods in the Dakotas. This bill will ease a bit the National Guard's massive shortfall in modern helicopters. Any National Guard adjutant general will attest to the outstanding capabilities of these helicopters, especially when compared to the aging, Vietnam-era UH-1 Huey helicopters many units may be forced to continue to use for the coming years.

Finally, this bill holds off on more rounds of base closures and I support that position. Although I've stood behind base closure rounds in the past, we don't have a good handle at this point on the costs and benefits from those previous rounds, so I'm disinclined to go forward. The GAO has found that, while there are probably eventual savings that accrue from BRAC rounds, the specific amounts cannot be pinned down from the available data. Furthermore, GAO has found that environmental cleanup costs have been underestimated and revenue from land sales has been overestimated—both resulting in lesser savings than DoD had initially calculated.

That is why I have signed onto an amendment offered by Senator DORGAN that has the support of both the majority leader and the minority leader. The amendment simply requires that we closely examine the data from the four previous base closure rounds as well as the shutdowns scheduled over the next year before we go forward with additional rounds. This doesn't seem too much to ask when we consider the difficulties that confront communities that surround a military base on the closure list. We owe it to those communities to provide accurate estimates rather than the more familiar overstatements of savings used to justify their extreme hardship.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 762

(Purpose: To add a subtitle relating to Persian Gulf War illnesses)

Mr. DODD. 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 Connecticut [Mr. DODD] proposes an amendment numbered 762.

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

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

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

Mr. DODD. Mr. President, very briefly, this is an amendment that was adopted in the other body's consideration of the authorization for the Armed Services of this country, adopted 417-0. But I thought it was worthwhile for this body to speak as well to this issue.

I speak of the gulf war illnesses, Mr. President, that virtually every Member of this body and others have expressed deep concern about to the members of their own States who served in the gulf war. We know now that at least 10 percent of the 700,000 that served in the war may have been afflicted with a gulf war illness of one kind. To the credit of General Schwarzkopf and others who testified in recent weeks, it was suggested this matter ought to be pursued.

It is mystifying and disturbing to many exactly what kind of exposure those men and women were subjected to. I do not know that anyone can tell you categorically what the answer is yet, but this amendment tracks some of the conclusions reached by the General Accounting Office that they revealed in a recent report about the gulf war illnesses. The author of the amendment in the House, as well as myself, tracked that report, drafted this language, and are asking our colleagues to support it so that we might not only get to the bottom of this and provide the kind of treatment that our veterans deserve, but also maybe minimize in future situations being faced with the kind of difficulties that we have all heard about in various hearings that have been held in this body and the other over the last number of months regarding this issue.

This amendment, as I mentioned a moment ago, will provide, I think, some real solace, not to mention significant help, particularly help to the 700,000 members of the Armed Forces who served in the Persian Gulf war. And perhaps as many, as I said, as 10 percent of them who may be suffering

from some form of these Persian Gulf war illnesses. It is a modest attempt to help those people.

In a \$268 billion defense bill, I do not think we ought to find it too difficult to provide \$4.5 million, which is what this amendment does, to study the most effective treatments of gulf war illnesses and encourage efforts to replicate those treatments. If there is one thing I think this body and this Nation can agree on, it is to do better by our gulf war veterans.

Clearly, our colleagues in the House recognized the imperative here. That body approved an amendment 417-0.

Mr. President, let me just briefly describe this amendment and why I think it is necessary.

This amendment will require the Defense Department and the Veterans Administration to work together to determine what is working in the treatment of gulf war illnesses. While the DOD and VA have taken an important step of offering examinations to all who fought in the Persian Gulf war, those agencies have not examined the adequacy and effectiveness of treatments after those initial examinations.

Mr. President, let me, just as an aside here, suggest as well utilizing the forum of this body to urge the gulf war veterans to visit their veterans hospitals in their States to be examined. There are 5,000 people in my State who served in the gulf war. Only about 400 to 500 have showed up at the veterans hospital in West Haven to be examined to determine whether or not they may be suffering any of the effects of the gulf war illnesses.

Many have had no effects whatsoever. But we are being told by experts that some of the reactions are delayed reactions, and they may not be showing up in the normal predictable course of events in a timely fashion. But if more people would just go for that half an hour examination, I am confident that the overwhelming majority will not find that they suffered any consequence, but it would be helpful for them and their families, but it would assist us immeasurably as we try to get to the bottom of this issue.

This, as I said, is an amendment that would help us identify some of the treatments that are working. This is based on the General Accounting Office report that was recently released and called "Improved Monitoring of Clinical Progress and Reexamination of Research Emphasis Are Needed." It clearly asserts that neither the DOD nor the VA has a mechanism in place to monitor the effectiveness of treatment after those initial exams. This amendment would provide such a means, one that I feel is long overdue.

But it is not enough, in my view, to take just a close look at the present treatments. I think we must look ahead to make sure we do not repeat the mistakes. And this amendment will take steps on that front as well.

For example, the Defense Department has been unable to provide the location of military units at certain times during the Persian Gulf war. Specifically, we are apparently uncertain of troop movements in the proximity of the ammunition depot at Khamisiyah when it was destroyed.

That is why this amendment, I think, would be helpful in requiring the Defense Department to develop a plan to collect and maintain information regarding the daily location of units engaged in a contingency or combat operation. Had we done that during the gulf war, we would know where our troops were when the emissions of chemical or biological agents occurred. That is vitally important information.

Furthermore, both the General Accounting Office and the President's Advisory Committee on Gulf War Illnesses have highlighted the loss or incompleteness of military medical records. Now, years later, as researchers attempt to determine who is and who is not suffering from an illness that resulted from their service in the Persian Gulf war, the fact that in many cases they cannot piece together medical histories does not allow them to make an informed decision.

This amendment, Mr. President, would therefore require the Department of Defense to put a system in place that would accurately record the medical condition of service members prior to their deployment and retain such data in a centralized location to ease future access. Again, this is a modest proposal that would have prevented, I think, our current difficulties had it been in place prior to or during the Persian Gulf conflict.

Concerning the fact that troops in the Persian Gulf were given drugs that did not yet receive FDA approval for usage, this amendment would require that members of the Armed Forces at least be notified when they receive an investigational new drug. That way, if such drugs are required, at least our troops will not have any mistaken impressions about them.

Finally, Mr. President, I urge my colleagues to support this amendment. It gives the Defense Department and the Department of Veterans Affairs wide discretion and simply guides their action in areas where I think there have been some shortcomings.

The final objective is a better understanding of the best treatments of these illnesses and to guard against similar problems in the future.

Again, even though we have passed legislation banning the use of chemical weapons—the treaty—I think we all realize that this may be a reoccurring problem in the future. And this modest amendment, I think, would go a great distance to alleviating some of these problems.

Again, I emphasize that this has been adopted by the other body unani-

mously. I think it would be worthwhile if this body were to express its opinion on this issue as well.

For those reasons, Mr. President, I offer this amendment and urge its adoption.

Mr. President, I am not asking for a rollcall vote on this. One may be necessary.

Mr. ROCKEFELLER. Mr. President, I am proud to cosponsor this amendment to the Department of Defense authorization bill. This amendment would better coordinate DOD's and VA's response to Persian Gulf war illnesses and would provide a plan to better protect the health of our troops during future deployments.

At the outset, it is important to note that DOD and VA have made a lot of progress on the important issues surrounding the illnesses suffered by veterans of the 1990-91 Persian Gulf war. They have coordinated their efforts in areas of evaluation, research, and outreach in ways that will benefit gulf war veterans as well as veterans of future deployments. But I think we all agree that there is still much to be done. This amendment builds on the coordination and progress that has been made so far. Therefore, I encourage all of my colleagues to join in support of this important measure.

As ranking member of the Committee on Veterans' Affairs, I have witnessed firsthand the human costs of the gulf war. It is my belief, and that of many others, that the casualties of this war continued long after the battles were over. This is true of many wars, but the chronic health problems of many of the men and women who served in the gulf war have been particularly devastating as they have had to continue to fight to be heard and to get the care and benefits they have earned. Their battles should have been over by now, but their struggles are still ongoing. This amendment would go a long way to help address some of their concerns, and it puts some measures in place so that hopefully, we will not repeat our mistakes with the next deployment.

This amendment is important because it would require a joint plan from the Secretary of Defense and the Secretary of Veterans Affairs for providing appropriate health care for veterans of the gulf war, including those serving in Reserve units. It would require that this care be appropriate to the specific health problems or illnesses of gulf war veterans and that the quality and effectiveness of their health care be carefully monitored.

This amendment also attempts to address some of the lessons we have learned from the gulf war. It calls for DOD to improve medical tracking of service members deployed overseas in contingency or combat operations through the use of pre- and post-deployment medical examinations and

through improved recordkeeping of immunization and health records. It calls for a plan to improve collection and maintenance of troop location information so we can better reconstruct risks and exposure data when unanticipated exposures such as Khamisiyah occur. It also would provide that service members receive timely notice of use of unapproved or investigational drugs, and it would require adequate record keeping of the administration of such drugs.

This amendment would authorize \$4.5 million for the funding of clinical trials to evaluate the effectiveness of treatment protocols for gulf war veterans who present with ill-defined or undiagnosed conditions. It would call for a review of the previous Federal research efforts examining gulf war illnesses, as well as recommendations for the direction of future research efforts.

In my role as ranking member of the Committee on Veterans' Affairs, I have witnessed the struggles of America's gulf war veterans. I have heard their testimony in our hearings and I have met with them in hospitals and in their homes. I have received testimony from representatives from DOD and VA and I have heard their concerns and explanations. The course of events stemming from the gulf war, the resulting health problems, and our Federal response have contributed to a lack of public trust on this issue. This amendment is a step toward making things right and restoring our veterans' trust. I am proud to cosponsor this amendment and I encourage my colleagues to support it as well.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I think the amendment of the Senator from Connecticut is a very worthy one. I have been asked to review it, and other members of the committee asked to review it, including a Democrat member. And so, if it is agreeable to the Senator from Connecticut, we will have the amendment in line. Whether it is accepted on a recorded vote, we will know later on this afternoon.

Mr. DODD. Mr. President, I thank my colleague from Arizona.

Parliamentary inquiry. I would not have to at this moment then make a request for a recorded vote, but I could wait on that if that became necessary?

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. I thank the Chair, and I thank my colleague.

I would like to move to another two matters, if I could, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 765

(Purpose: To commend Mexico on the conduct of free and fair elections in Mexico)

Mr. DODD. Mr. President, on behalf of myself and my colleague from Arizona, I send an amendment to the desk and ask for its consideration.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. McCAIN, proposes an amendment numbered 765.

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

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

The amendment is as follows:

At the appropriate place in the bill add the following new section:

SECTION.

(A) Congress finds that—

(1) on July 6, 1997, elections were conducted in Mexico in order to fill 500 seats in the Chamber of Deputies, 32 seats in the 128 seat Senate, the office of the Mayor of Mexico City, and local elections in a number of Mexican states;

(2) for the first time, the federal elections were organized by the Federal Electoral Institute, an autonomous and independent organization established under the Mexican Constitution;

(3) more than 52 million Mexican citizens registered to vote,

(4) eight political parties registered to participate in the July 6, elections, including the Institutional Revolutionary Party (PRI), the National Action Party (PAN), and the Democratic Revolutionary Party (PRD);

(5) Since 1993, Mexican citizens have had the exclusive right to participate as observers in activities related to the preparation and the conduct of elections;

(6) Since 1994, Mexican law has permitted international observers to be a part of the process;

(7) With 84% of the ballots counted, PRI candidates received 38% of the vote for seats in the Chamber of Deputies; while PRD and PAN candidates receive 52% of the combined vote;

(8) PRD candidate, Cuauhtemoc Cardenas Solorzano has become the first elected Mayor of Mexico City, a post previously appointed by the President;

(9) PAN members will now serve as governors in seven of Mexico's 31 states;

(B) It is the sense of the Congress that—

(1) the recent Mexican elections were conducted in a free, fair and impartial manner;

(2) the will of the Mexican people, as expressed through the ballot box, has been respected by President Ernesto Zedillo and officials throughout his Administration;

(3) President Zedillo, the Mexican Government, the Federal Electoral Institute, the political parties and candidates, and most importantly the citizens of Mexico should all be congratulated for their support and participation in these very historic elections.

Mr. DODD. Mr. President, this is an amendment that I offer on behalf of myself and my colleague from Arizona. This really is an amendment commending the people of Mexico, the Government of Mexico, and the people of Mexico as well, for this remarkable election that occurred just last Sunday which, for the first time in 68 years, has changed the political landscape of that country.

One might ask, "Why are we offering a resolution on this? They had their election. So be it."

Mr. President, for over the last number of years, the only time the issue of Mexico has come up on the floor of the Senate has been in a usually highly critical way having to do with the issue of drugs, narcotics, and our concern there. We had a debate on the North American Free Trade Agreement; obviously, that provoked a lot of criticism.

I thought it might be worthwhile for this body to take a moment out to say to our neighbor to the south, we applaud you as a people and as a Government for the election that you went through last Sunday.

To those who were victorious, we congratulate them. To those who lost, we express our regrets for you. We commend President Zedillo for having embraced the results, who saw to it that a process was in place that would not allow the corruption that occurred in the last election when apparently people who were legitimately elected were denied those victories.

The people of Mexico voted in strong numbers. There is a new mayor for the city of Mexico. Mexico, in the past, has not had freely elected mayors.

So while we as a Congress have been critical of Mexico in the past, I think it is worthwhile to take a moment out to say, "Well done," and that Mexico has done an excellent job here. It is the first election. We hope there will be many more like it in the years to come. Obviously, one election is only the beginning of a process, but it is good for those of us who wanted to see improved relations between ourselves and our neighbor to the south.

My colleague from Arizona has spent a good deal of his time as a Member of this body interested in Mexico, not just from a geographical standpoint, although the State shares a border with our neighbor to the south, but because of his concern, as well, over the issue of narcotics and trade, the border issues which his State and other States in the Southwest face all the time.

We are not reluctant, as a body, to raise our voice where criticism is due. It is worthwhile to take a few moments out and to offer praise where praise is due. The people of Mexico, the Government of Mexico, the candidates and the parties involved, I think, are worthy of taking a moment out to congratulate them on their election last Sunday and to urge they continue in that process in the years ahead.

I urge the adoption of this language, and on this amendment, at some point, I will want to get a recorded vote because I am sure it will be unanimous, and I think it may be worthwhile to have such a recorded vote when it is appropriate and proper to do so.

Mr. McCAIN. Mr. President, I want to congratulate the Senator from Connecticut on proposing this amendment.

As he has pointed out, quite often when something goes wrong in Mexico,

we and our colleagues are quick to take the floor and criticize, which is our role. But I think, as the Senator from Connecticut also pointed out, when something good happens, it is also important for us to take the floor and encourage our neighbors to the south in continuing the very difficult process toward a free and open society, which has been very difficult and arduous.

I also agree with the Senator from Connecticut we ought to have a vote on this amendment to tell the people in Mexico and their leaders of our support and our interest. Quite often, as I travel, especially in Latin America with my friend from Connecticut, I continue to be surprised at how much attention is paid to what we say here, how much attention is paid to what we do here. Quite often, we will do a unanimous-consent agreement, it comes to the floor, and it will make headlines all over that particular nation which is affected. Usually it is in the negative.

I cannot elaborate on what the Senator from Connecticut said except to point out again—I believe the first time the Senator from Connecticut and I traveled together was in 1987. If, 10 years ago, he and I had been in a conversation and I said, "Guess what? In Mexico, an opposition party is now the mayor, a member of the opposition party is now the mayor of Mexico City," which has the largest concentration of people in Mexico, "that many of the Governorships have been taken over by both opposing parties, both on the right and on the left, and that by all judgments that it was a free, fair, and open election," the Senator from Connecticut and I would have been accused of irrational thinking, to say the least, because it was not in the realm of possibility 10 years ago.

Now what has happened in Mexico, we are seeing a transition which, by the way, will be characterized and fraught with great danger and perhaps violence because of the inequities that exist in Mexico that we are all aware of, but a major step forward was made. It is an important landmark election in the history of the country of Mexico where the ruling party not only allowed but encouraged a free and fair process, which we all know was not the case before.

I think that we, the representatives of the American people, should do everything in our power to applaud, appreciate, and encourage such actions. I want to thank the Senator from Connecticut, whose long involvement of many years on these issues is important, and it has been an honor and a privilege for me to have the opportunity of working with him, as we have seen our neighbors to the south, not just Mexico but the other nations in Central and Latin America, make a transition for which I think holds a prospect for the peoples of our hemisphere which most observers thought

was highly unlikely, if not impossible, in the recent past.

Mr. President, I 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. DODD. There is a good editorial in the Hartford Courant, entitled "Mexico's Bloodless Revolution." I ask unanimous consent that that article be printed in the RECORD to underscore the point the Senator from Arizona and I have made with this amendment.

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

MEXICO'S BLOODLESS REVOLUTION

It's hard for most Americans to grasp the momentous nature of Mexico's election last Sunday.

Imagine if the same political party controlled Congress and the White House for almost 70 years. Imagine if the party won successive elections through fraud and ruled in a manner as imperious as a dictatorship. Then imagine that the party, in spite of its tremendous power, lost an election.

That's what happened in Mexico. Ever since its founding in 1929, the Institutional Revolutionary Party, known as PRI, has run the government as a fiefdom. The party's long rule was unnatural. In a healthy democracy, voters usually prefer periodic change if only to remind officeholders who is in charge.

Until recent years, Mexicans lived under a quasi-democracy. Although people voted for president, Congress and municipal officers, the outcome was pre-ordained.

As democracy swept through Latin America and the rest of the world—even Russia—Mexicans became convinced that their system stood out as a democracy in name only. To their credit, President Ernesto Zedillo and his recent predecessors understood the necessity of change, albeit much too slowly. Mr. Zedillo helped form an autonomous election council that included no government officials and was not dominated by PRI. To minimize fraud, every voter's photograph was included on an identity card. Polling officials received special training and political parties and candidates received campaign funds from the treasury.

The turnout was estimated at 75 percent of the 52.2 million registered voters, and the elections were judged by independent observers to be clean. Unofficial results showed PRI losing its majority in the lower house of Congress.

Mr. Zedillo could become the first Mexican president since 1913 to face an opposition legislature. Even though his party, PRI, lost, he proclaimed that "all Mexicans can say with pride and with unity that democracy has been institutionalized in our country."

One honest election does not institutionalize democracy, but it's a big step forward. Mexico's northern neighbors can only be pleased by this historic development.

Mr. DODD. I thank our colleagues on the Armed Services Committee. Certainly a case can be made that this is not directly bearing on the dollar amounts here, but there is a security issue involved.

AMENDMENT NO. 763

(Purpose: To congratulate Governor Christopher Patten of Hong Kong)

Mr. DODD. Mr. President, I have an amendment that will not require a re-

corded vote. The reason I am offering it here is for the sense of timeliness. Again, I appreciate the indulgence of the members of the Armed Services Committee.

I ask unanimous consent that the pending amendment be temporarily set aside.

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

Mr. DODD. Mr. President, I now send the amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows: The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 763.

Mr. DODD. 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 in the bill at the following new section:

SEC. . (a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) His Excellency Christopher F. Patten, the now former Governor of Hong Kong, was the twenty-eighth British Governor to preside over Hong Kong, prior to that territory reverting back to the People's Republic of China on July 1, 1997;

(2) Chris Patten was a superb administrator and an inspiration to the people who he sought to govern;

(3) During his five years as Governor of Hong Kong, the economy flourished under his stewardship, growing by more than 30% in real terms;

(4) Chris Patten presided over a capable and honest civil service;

(5) Common crime declined during his tenure and the political climate was positive and stable;

(6) The most important legacy of the Patten administration is that the people of Hong Kong were able to experience democracy first hand, electing members of their local legislature; and

(7) Chris Patten fulfilled the British commitment to "put in place a solidly based democratic administration" in Hong Kong prior to July 1, 1997.

(b) It is the Sense of the Congress that—

(1) Governor Chris Patten has served his country with great honor and distinction; and

(2) He deserves special thanks and recognition from the United States for his tireless efforts to develop and nurture democracy in Hong Kong.

Mr. DODD. Mr. President, for reasons that will become obvious as I engage in these remarks on why I am offering this amendment at this time, this amendment congratulates Chris Patten, who served as the Governor General of Hong Kong. We can wait, I suppose, a few weeks, and it might lose its sense of timeliness.

I think Chris Patten did a remarkable job in Hong Kong. He was the source of a lot of criticism within the People's Republic of China and elsewhere because he spoke up on behalf of democracy in Hong Kong and established the first freely elected assembly

in Hong Kong, which we are hopeful will be reinstated based on commitments that have been made.

I thought it might be worthwhile for us as a body here to express our appreciation for the job that Chris Patten did during his tenure as a Governor of Hong Kong. It was a remarkable and historic tenure.

Before the July 4th recess, I spoke at some length about Chris Patten's accomplishments as the last Governor of Hong Kong under British rule. Much of what I said at the time I have sought to incorporate in the sense-of-the-Congress amendment.

Mr. President, we all watched the pomp and circumstance on Monday, June 30, as the clock in Hong Kong ticked toward midnight. At 1 minute before midnight Hong Kong time we witnessed the Union Jack being lowered for the last time, and the unfurling of the People's Republic of China flag in the night sky.

That was truly a historic occasion. Appropriately, the events were attended by representatives from governments around the world. July 1, 1997, will at the very least, become an important footnote in the history of the 20th century.

Having said that, I think the U.S. Senate should also acknowledge what preceded those events—the very impressive accomplishments of the Governor, Chris Patten, during his tenure in Hong Kong. We should thank him, I think, for his service to his own country, but more importantly, in many ways to the people of Hong Kong. Simply put, that is what my amendment seeks to do.

I hope my colleagues support this expression of our appreciation and congratulate him for a job well done on behalf not only of his own nation, the people of Hong Kong, but for all democracy-loving people around the globe.

I ask for the adoption of the amendment at the appropriate time. I will reserve the yeas and nays. I do not want to take up time for a recorded vote unnecessarily.

Mr. ASHCROFT. Mr. President, I ask unanimous consent the pending amendment be set aside and I be allowed to speak as in morning business.

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

Mr. ASHCROFT. I ask unanimous consent I be able to proceed until I complete my remarks, which will be 20 or 25 minutes.

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

CHINESE MILITARY EXPANSION AND UNITED STATES NATIONAL SECURITY

Mr. ASHCROFT. Mr. President, no one did more to bring peace and prosperity in our time than our 40th President, Ronald Reagan. President Reagan's economic and foreign policies

gave us the longest peacetime expansion in our history and, indeed, did fulfill an ambition of this country to make the world safe again for democracy. But more than that, Ronald Reagan called us to our highest and best; we never spoke with more certainty or sat taller in the saddle than when Ronald Reagan was riding point.

In his second inaugural address, Reagan spoke of the danger of simple-minded appeasement, of accommodating countries at their lowest and least. "History," said President Reagan, "teaches us that wars begin when governments believe the price of aggression is cheap." Having seen the death and destruction of five wars in his lifetime, President Reagan's was a lesson learned at some expense. It was a lesson which he refused to repeat. And from his experience was borne the policy of peace through strength—a strategy that recognized that wishful thinking about our adversaries is a betrayal of our past and a squandering of our freedom.

But today, the administration seems to have forgotten this costly lesson. It seems driven not by foreign policy so much as by foreign politics, willing to pursue that which sounds historic rather than adopting policies that are historically sound.

Nowhere is this administration's failed thinking more apparent than in United States policy toward China. As I noted on the floor 2 weeks ago, Beijing has embarked on a military buildup that may soon threaten security interests in Asia, including our own. China already has the world's largest military at 2.9 million and is taking steps to enhance its force projection capabilities, including the acquisition of a blue water navy and a 21st century air force.

China is not an enemy of the United States. I sincerely hope that Washington and Beijing can develop a forthright and an enduring relationship. For such a relationship to develop, however, security issues must be addressed and fundamental questions about those issues must be answered.

What does it mean when China engages in a dramatic military buildup aimed at achieving superpower status? What does it mean when China proliferates technology for weapons of mass destruction and signs a \$4.5 billion arms deal with the terrorist State of Iran? What does it mean when China fires missiles in the Taiwan Strait and seizes small islands in the South China Sea? For this belligerence suggests a China bent on regional domination.

While China's official military budget is roughly \$8 billion, Beijing effectively conceals military spending through off-budget funding and revenue. Reliable estimates place China's military spending from 4 to 10 times the official budget. Russia alone, has made over \$7 billion in arm sales to

China since 1990, and hundreds, perhaps thousands, of underemployed Russian nuclear engineers have been hired by China in the last several years.

Mr. President, the People's Liberation Army of China, has 20,000 companies, business enterprises, that funnel revenue into the military's coffers. These PLA companies are not the kind of competitors we want to welcome to the American market. Companies with ties to the PLA benefit from their special relationship with Beijing and have been involved in criminal activities ranging from smuggling assault weapons onto the streets of San Francisco to stealing defense-related technology.

So what, then, has this explosion in military spending wrought? First, a missile program that will soon give China the capacity to build hundreds of highly accurate ballistic missiles. Second, short- to medium-range ballistic missiles that will provide Beijing with versatile nonnuclear weapons to target U.S. military personnel in a variety of contingencies if they so desire.

And, as if this were not enough, China is modernizing its long-range nuclear intercontinental ballistic missiles with mobile ICBM systems and advance reentry technology. Due to the potential of secret underground construction which is said to be available in China, China could have as many as 130 of such missiles with a range of 8,000 miles. China's missile modernization program is accompanied by the buildup of China's Air Force.

By 2010, China could have over 100 SU-27 and SU-30 aircraft. The SU-27 is comparable to, and may be more advanced in some areas than, the U.S. F-15C Eagle. Russia has been the primary provider of these aircraft and has signed a \$2.2 billion coproduction agreement with China to help Beijing develop the domestic capacity to produce these planes.

China's ultimate goal is to acquire an all-weather Air Force within 5 years. Attack aircraft, precision-guided munitions, airborne early warning and control systems [AWACS], and large transport aircraft are all items on Beijing's wish list. With the help of Russian arms suppliers, China is putting the pieces of this lethal puzzle in place.

Beijing is also working to develop a blue water navy. Their ambitions are perhaps summed up best by the words of Admiral Liu Huaqing. "The Chinese Navy," said Admiral Liu, "should exert effective control of the seas within the first island chain. Offshore should not be interpreted as coastal as we used to know it. Offshore is a concept relative to the high seas. It means the vast sea waters within the second island chain."

Mr. President, it just so happens that the first island chain China seeks to control encompasses Japan, Taiwan, the Philippines, and some of the most critical shipping lanes in the world. The South China Sea alone accommo-

dates 25 percent of the world's maritime trade and 75 percent of Japan's oil shipments.

To achieve Admiral Liu's objective, Beijing has purchased *Kilo*-class submarines and *Sovremenny*-class missile destroyers from Russia. In addition, the United States Office of Naval Intelligence [ONI] cites a National People's Congress report that China is seeking to build two 48,000-ton aircraft carriers, each with 40 combat aircraft, by the year 2005.

China's arms buildup would be less disturbing if Beijing were acting to resist aggression by an enemy power. But China faces no grave security threats, leaving us with troubling conclusions about Beijing's real intent. China has historically demonstrated a willingness to settle territorial disputes with force, and greater capacity can only increase the likelihood of belligerence in the future.

Since WWII, a catalog of China's regional conflicts covers almost her entire periphery. China has invaded Tibet and Vietnam, entered the Korean war, ousted Vietnamese forces from several islands in the South China Sea, fought India twice and Russia once over boundary disputes, and—not to forget the most consistent aspect of China's military adventurism—threatened Taiwan with military exercises and outright invasion of Taiwanese islands close to China's shore.

China currently has territorial disputes with India, Russia, Japan, Vietnam, and has vied with the Philippines, Vietnam, Taiwan, Brunei, and Malaysia for control of the resource-rich and strategically important South China Sea. To defend its claim, Beijing has already constructed five naval installations in the Paracel Islands and seven installations in the Spratly Island group.

And what has been the Clinton administration's response to the rising Chinese military threat? Appeasement at every turn. China proliferates missile, nuclear, and chemical weapons technology to rogue regimes like Iran; in fact, China is identified by the CIA as the world's worst proliferator of weapons of mass destruction. And yet, the administration refuses to impose consistently sanctions authorized by U.S. law.

The China Ocean Shipping Co., better known as COSCO, is implicated in weapons smuggling to the United States and missile transfers to Pakistan, and the President personally assists the city of Long Beach, CA, in leasing the local United States naval harbor to COSCO.

The China National Nuclear Corp. orchestrates most of the nuclear technology transfers to Pakistan and Iran, and the administration responds by approving Export-Import Bank loans to help this Chinese company complete a nuclear reactor in China.

These examples reveal an underlying laxity also clearly seen in President Clinton's dismantling of export controls for sensitive technology. President Reagan's formation of the Combat Command [COCOM] helped enforce an international embargo of sensitive technology exports to the Soviet Union and effectively expanded America's technological lead. Unfortunately, having confused short-term profits with long-term security, this administration has undermined our export control framework.

For example, advanced U.S. aircraft engines have historically been a protected item on the munitions list of goods and services. Sales of Munitions List items are illegal to any country without formal approval from the State Department. In addition, sales of Munitions List items to China were prohibited after the Tiananmen Square crackdown and could only be permitted with a Presidential waiver.

Instead of openly issuing a waiver for the sale of aircraft engines to China, the Clinton administration quietly took airplane engines off the Munitions List and shifted their control from the Department of State to the Department of Commerce. Licenses for the sale of aircraft engines were quickly issued by then-Secretary Brown, and they continue to this day.

In addition to aircraft technology, export controls for supercomputers have also been relaxed. As Senator COCHRAN has argued so compellingly on the floor this week, supercomputers are not extra large versions of a Macintosh or an IBM, but advanced machines that can simulate warfare contingencies and model sophisticated weapons.

The Bush administration defined supercomputers as machines that could perform 195 MTOPS—million theoretical operations per second. The Clinton administration relaxed export controls by changing this definition to 2,000 MTOPS, a tenfold increase in the capability of noncontrolled supercomputers within 2 years. Shortly thereafter, the Clinton administration raised the threshold to 7,000 MTOPS for export of supercomputers for civilian use.

In the euphoria of the post-cold war world, the Clinton administration seems to have forgotten that civilian and military distinctions have little use in a Communist State like China where Government control of industry ensures that civilian technology is applied to military ends and where thousands of so-called businesses are literally owned by the military.

Again, as Senator COCHRAN has noted, United States companies have used these relaxed regulations to sell 47 supercomputers to China. Dozens more have been indirectly shipped to China via Europe, the Persian Gulf, and East Asia. The Clinton administration can-

not account for where many of these computers are located or how they are being used.

As Stephen Bryan, former Deputy Undersecretary of Defense, writes:

Thanks to * * * the Clinton administration, the Chinese can now conduct tests of nuclear weapons, conventional explosives, and chemical and biological weapons by simulating them on supercomputers. Not only can they now make better weapons of mass destruction, but they can do a lot of the work secretly, thus threatening us with an additional element of surprise.

For too long we have heard the argument that if the United States does not sell technology to Beijing, China will simply acquire the products from other sources. This contention is as familiar as it is flawed. United States military and dual-use technology is often a generation ahead of its Russian and European counterparts. How can the United States call on other nations to stop transferring dangerous technology when America is giving China some of the most advanced technology in the world?

A final thought. This week the Government Affairs Committee began investigating an ominous and startling facet of our national security—the security of this Nation's democratic elections. Every American has an interest in investigating the alleged plot of the Beijing Government to influence the election of our President and Members of this Congress. Trying to corrupt American elections is shocking, outrageous, and wrong. And, if true, it must be dealt with in a forthright and forceful fashion.

In the end, it all comes down to leadership. That is what Ronald Reagan gave us throughout the 1980's, and that is what this country is looking for now. Leaders are willing to call this Nation—and nations around the world—to their highest and best, not accommodate them at their lowest and least.

Continued appeasement can only lead to further belligerence from Beijing. We must not let China slam shut the gate of freedom. We must show the quiet courage and common sense that have marked our foreign policy since America's first days.

It is time for America to place restrictions on high-technology exports to Beijing by supporting the Cochran-Durbin amendment; time to impose consistently sanctions on China for proliferating weapons of mass destruction; time to restrict United States market access to PLA-front companies; and time to let Beijing know that American security interests in East Asia will not be compromised. So, that 1 day, the long tug of memory might look favorably upon us as we look approvingly on those who fought for freedom in decades passed.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 670, AS MODIFIED

Mr. WELLSTONE. Mr. President, I call up amendment 670.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 670, as modified.

Mr. WELLSTONE. Mr. President, just as a courtesy to my colleagues, let me say that I am not offering a new amendment. This is an amendment that I introduced yesterday morning. I wanted to take advantage of this time to speak about this amendment.

This amendment would authorize the Secretary of Defense to transfer \$5 million out of the \$265 billion Pentagon budget—some \$2.6 billion more than the President himself asked for—to the Secretary of Agriculture, to be used for outreach and startup grants for the school breakfast program.

Mr. President, this amendment involves a very small amount of money. While it involves a small amount of money—at least given the kind of money we are dealing with here—it actually speaks to a very large question. I think the question has to do with what our priorities are.

I think it is a distorted priority to provide the Pentagon with \$2.6 billion more than it originally asked for. For the third year in a row—these are one of the few times I can remember in my adult life that the Congress actually wants to provide the Pentagon with more money than the Pentagon has actually asked for. At the same time, when it comes to some really vitally important programs that dramatically affect children's lives, we don't make the investment.

By way of background: In the welfare bill that passed last Congress, \$5 million was eliminated from a critically important program, which was a program that on the one hand provided States and school districts with the information they needed—call it an outreach program—about how they could set up a breakfast program, and on the other hand, it provided some badly needed funding for some of the poorer school districts to actually, for example, purchase refrigerators in order to have milk.

It is difficult to understand how this could have been cut, especially given the heralded success of the school breakfast program. Some things I guess we do not know enough about, but we do know that a nutritious breakfast really is important in enabling a child to learn. We also know that if a child is not able to learn, as I

said yesterday, when he or she becomes an adult they may very well not be able to earn. This is a small amount of money that makes a huge difference.

So this amendment says that out of a \$265 billion Pentagon budget, some \$2.6 billion more than the Pentagon asked for, can't we authorize the Secretary of Defense to be able to transfer \$5 million—\$5 million—for school breakfasts? For what I would call catalyst money that gets necessary information out to the States and school districts and some needed assistance by way of refrigerators and resources to enable them to expand the school breakfast program.

Mr. President, I want to point out by way of context that there are still some 27,000 schools that do not have school breakfast programs available. There are some 8 million vulnerable, low-income children, therefore, who are not able to participate. Too many of those children go to school without having had a nutritious breakfast.

This may seem abstract to many of us in the Senate, but it is a very concrete and a very important issue.

This amendment has the support of FRAC, the Food Research Action Center, which has a longstanding history of working on childhood hunger and nutrition issues. It has the support of the Elementary School Principals Association, the American School Food Services, and Bread for the World.

Mr. President, I might point out that these organizations have a tremendous amount of credibility for all of us who care about hunger and malnutrition. These are organizations that have been down in the trenches for years working on these issues. I don't think anybody can quarrel with the values and ethics of Bread for the World and the work that they have done, much of it very rooted in the religious community, and the American School Food Services. These are food service workers. These are the people who know what it means when they can't provide a nutritious breakfast to low-income students.

This is a special endorsement for me because my mother was a food service worker.

What the Elementary School Principals Association is saying by endorsing this amendment is simply this: If a child hasn't had a nutritious breakfast, how is that child going to be able to learn?

Mr. President, let me talk a little bit about the extent of hunger and the scope of the problem. This is from the Food Research Action Committee.

Approximately 4 million American children under the age of 12 go hungry, and approximately 9.6 million are in risk of hunger. According to estimates based on the results of the most comprehensive study ever done on childhood hunger in the United States—this was the community childhood hunger education project—based on the results

of over 5,000 surveys of families with incomes below 185 percent of poverty, applied to the best available national data, FRAC estimates that of the approximately 13.6 million children under age 12 in the United States, 29 percent live in families that must cope with hunger or the risk of hunger during some part of one or more months in the previous year.

Let me just raise a question with colleagues before we have this vote. I just think that this goes to the heart of what we are about. This goes to the heart of priorities.

I, as a Senator from Minnesota, tire of the symbolic politics. We have had the conferences on early childhood development. The books and the reports, the magazines, the TV documentaries have come out.

We know—let me repeat this—we know that in order for children to do well, it is important that they have a nutritious breakfast. We know that when children are hungry, they don't do well in school. We know, as parents and grandparents, that we want to make sure that our children and our grandchildren start school after having a nutritious breakfast. And we also know, based on clear evidence, that sometimes we don't know what we don't want to know—that there is a significant amount of children who still go to bed hungry or still wake up in the morning hungry and go to school hungry.

Why can't the U.S. Senate make this small investment in this program which was so important in enabling States and school districts to expand the school breakfast program?

Mr. President, I am going to bring this amendment to the floor of the Senate over and over and over again starting with this defense authorization bill.

Let me just read. I am assuming that my colleagues are interested in this information, and I am assuming that we want to address the problem. Let me just talk a little bit about this relationship between hunger and nutrition and learning.

Undernutrition increases the risk of illness and its severity.

Undernutrition has a negative effect on a child's ability to learn . . .

Iron deficiency anemia is a specific kind of undernutrition and is one of the most prevalent undernutritional problems in the United States especially among children. Even mild cases lead to shortened attention span, irritability, fatigue and decreased ability to concentrate . . .

Hunger leads to nervousness, irritability, disinterest in the learning situation, and an inability to concentrate . . .

Hunger . . . disrupt(s) the learning process—one developmental step is lost, and it is difficult to move on to the next one.

A United States Department of Agriculture study of the lunch and breakfast programs demonstrated that these programs make nutritional improvements in children's diets.

I could go on and on, but—I see my colleague from Arizona in the Chamber—I will try to summarize. Let me just make it clear that the data is out there. And over and over again, in report after report after report, we see clearly that malnourished children are not going to do well in school, and we know that 8 million low-income children are not able to participate because there is no School Breakfast Program.

We had a \$5 million USDA outreach program that enabled school districts to get started, provided them with badly needed information, provided them with refrigerators if they needed that, and we eliminated it. And at the same time we have a Pentagon budget that is \$2.6 billion more than the Pentagon asked.

We all say we care about children. We are all referring to these studies that say children have to do well in school, we are talking about the importance of good nutrition, and here we have an opportunity to make a difference.

So, Mr. President, I want to over and over again come to the floor with amendments that speak to this question. One more time, just in terms of looking at the endorsements for this amendment, we have endorsements from FRAC, which is Food Research and Action Center—FRAC has been as involved in children's nutritional issues as any organization I know—the Elementary School Principals Association—they are saying to us, colleagues, at least make sure that children are able to have a nutritious breakfast. I think the elementary school principals know something about learning and something about children at this young age—American School Food Services and Bread for the World.

I hope we will have strong support for this amendment.

I point out by way of conclusion that if you look at participation in the School Breakfast Program from 1976 to 1996—and remember, once upon a time, I say to my colleagues, we used to think this program was only for rural areas, for students with long bus rides, students who were not going to be able to eat at home. Now what we find is the reality that in many of these families there are split shifts, different shifts, both parents working, and all too often these kids in urban areas and suburbs come to school and they really have not had a nutritious breakfast.

We saw a good increase in participation in the School Breakfast Program from 1976 to 1996, but now what has happened as a result of eliminating this small \$5 million outreach program is there is tremendous concern from USDA all the way to the different child advocacy organizations that the participation is going to begin to decline.

So here is an opportunity, colleagues, to invest a small amount of money in the basic idea that each child ought to

have the same opportunity to reach his or her full potential. This is an opportunity for all of us to come through for these vulnerable children, understanding full well—and I know my colleague from Arizona is out here, but I say to him and this really is my conclusion—understanding full well that, indeed, there is a linkage to reform and to the work that he and others are doing on trying to get the money out of politics. There are a number of us who are absolutely convinced we have to act on this agenda. That is to say these children and these families are not the heavy hitters; they are not the big players; they are not the givers; they do not have the big lobbyists; they all too often are faceless and voiceless, and that it is profoundly wrong. I hope to get 100 votes for this amendment.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Arizona.

Mr. McCAIN. Before I call up my amendment, I wish to respond to my friend from Minnesota for just a moment on his amendment. I preface my remarks by saying I know of no more passionate or compassionate Member of this body than the Senator from Minnesota, nor do I believe that there is anyone in this body who articulates as well as he the plight of those who, as he pointed out, may be underrepresented here in this body in our deliberations. I have grown and developed over the years a great respect and even affection for the Senator from Minnesota because of my admiration for his incredible commitment to serving those who may not always have a voice.

But I say to the Senator from Minnesota that this amendment, like many others, is what I call the Willie Sutton syndrome. When the famous bank robber was once asked why he robbed banks, he said, "Because that's where the money is." And time after time I see amendments that are worthwhile and at times, as the Senator from Minnesota just articulated, compelling, but they come out of funds that are earmarked for national defense. In my view, that is not an appropriate way to spend defense money.

I would also quickly point out that this is not the first time it has happened. There are literally billions of dollars now that we spend out of defense appropriations and authorization that have absolutely nothing to do with defending this Nation's vital national security interests, again because of the Willie Sutton syndrome. Although I admire and appreciate the amendment of the Senator from Minnesota, I would oppose it, not because of its urgency but because of its inappropriate placement on a defense appropriations bill. And I would also like to work with the Senator from Min-

nesota when the Labor-HHS appropriations bill comes to the floor to see if we cannot provide that funding, which the Senator from Minnesota appropriately points out is not a great deal of money given the large amounts of money we deal with and also considering the importance and urgency of the issue.

Mr. President, I ask unanimous consent—

Mr. WELLSTONE. Will the Senator yield at this moment.

Mr. McCAIN. I would be glad to yield to the Senator from Minnesota for a comment.

I ask unanimous consent to yield to the Senator from Minnesota for 5 minutes.

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

Mr. WELLSTONE. I thank my colleague. The respect is mutual.

I just wanted to say—it was going to be a question, but I can just make a comment instead—as a matter of history, the School Lunch Program was created by the Congress 50 years ago, and I quote, "As a measure of national security to safeguard the health and well-being of the Nation's children." It was a direct response to the fact that many of the young men who were drafted in World War II were rejected due to conditions arising from nutritional deficiencies. So there is, in fact, a direct linkage to national defense.

It is, in fact, very much a national security issue to make sure that children have full nutrition and that we do not end up with men and women later on who have not been able to learn, not been able to earn and may, in fact, not even be healthy enough to qualify to serve our Nation.

So it is an interesting history, and I just wanted my colleague to know that this program is very much connected to national security.

My second point is I too look forward to working with my colleague in the future. But I hope to win on this amendment now. This is simply a matter of saying, look, we have a budget that is \$2.6 billion over what the Pentagon asked. There have been plenty of studies which have pointed out excesses in the defense budget. Can we not at least authorize the Secretary of Defense to transfer this \$5 million.

And then, finally, I say to all my colleagues that I think there is going to come a point in time where people cannot—and I know the Senator from Arizona is not trying to do this—but people cannot say, well, we shouldn't vote for this now; we can't vote for this now; we won't vote for this now; there will be a more appropriate place; there will be a more appropriate time. And I find that when it comes to all these issues that have to do with how can we refurbish and renew and restore our national vow of equal opportunity for every child, the vote always gets put off. It always gets put in parenthesis.

So I absolutely take what my friend from Arizona said in good faith. I look forward to working with him. But I do think that on this bill, on this amendment, this is the time to vote for such a small step for a good many very vulnerable children in our country.

I thank my colleague for his graciousness.

AMENDMENT NO. 705

(Purpose: To authorize base closure rounds in 1999 and 2001)

Mr. McCAIN. Mr. President, I ask unanimous consent to lay aside the pending amendments and ask that the clerk call up amendment No. 705.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself, Mr. LEVIN, Mr. COATS, and Mr. ROBB, proposes an amendment numbered 705.

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

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

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

Mr. McCAIN. Mr. President, this amendment would authorize two additional base closure rounds in 1999 and the year 2001 consistent with the recommendations in the Quadrennial Defense Review, known as the QDR. The amendment authorizes a process which is identical to the process established in 1990 for the last three BRAC rounds. The amendment also contains language which addresses the politicization in the last BRAC process which permitted the President to implement privatization in place at Kelly and McClellan Air Force Bases.

I might point out that I am working with the Senator from Texas [Mr. GRAMM], in trying to frame language to modify the amendment at the appropriate time which would allow the Secretary of Defense to privatize where it can be proven to be of benefit to the taxpayer. We are still working on that legislation.

Mr. President, we need to authorize additional base closure rounds to correct a current imbalance in force structure and infrastructure. After four base closing rounds, only 21 percent of the military installations in the continental United States have been reduced. Our force structure, however, will have been reduced by over 36 percent by the time that quarterly defense review recommendations are complete. Obviously, retaining excess base infrastructure is unnecessary with a smaller military force and wastes scarce defense resources that are essential to future military modernization.

I think it is important to frame the debate about this amendment in the terms of the realistic approach we have

to take to future defense budgets. I do not believe there is any of us here, barring a national security emergency, who believes we are going to see increases in defense spending, certainly not increases in defense spending which would justify the size of our infrastructure as it exists today. It just is not possible, in a period, in real terms, of declining defense budgets, to maintain this infrastructure and, at the same time, modernize our force and provide the men and women in the military with the necessary tools to fight and to win any future conflict with a minimization of casualties.

I am very confident that the United States has emerged at the end of the cold war as the world's No. 1 superpower. I don't think there is any doubt about that. But I also think it is important to point out that we are seeing problems within the military that some of us, with the benefit of experience and old age, recognize as having happened before. We are now seeing a failure to meet our recruitment goals for our All Volunteer Force. We are now seeing a derogation of our readiness capabilities in parts of the military establishment. We clearly are not modernizing the force in a way that will give us the ability to maintain our technological edge, which has made us the world's No. 1 superpower and won the magnificent victory of the Persian Gulf war.

So, if you accept the premise that there will be at best a leveling of defense spending, and certainly realistically speaking a decline, at least in terms of inflation if not worse, then there really is no argument against closing more bases. I have heard some very interesting arguments and we will hear on the floor some interesting arguments against base closure. One that has some legitimacy is that, either in reality or by perception, the last base closing round was politicized by the President of the United States by privatizing in place two major bases, both of them with very large electoral votes. I wish that had not happened. It has caused an enormous amount of acrimony and division within this body, within America, within the Senate Armed Services Committee. And this particular reauthorization of further BRAC rounds will not allow a privatization in place to take place. So it will be well, I am sure, by some, to lament the politicization of the process as took place—or the perception that it took place, depending on which side you are on in the argument—of the last BRAC process.

But it does not change the reality. It does not change the reality that we have a significant imbalance between operating forces and infrastructure. In other words, we don't need the number of bases that we have in our defense establishment in order to match up to the fighting forces that we must main-

tain. If we maintain that base structure, it will siphon more and more funds unnecessarily into a base structure and away from the much needed funding, such as pay raises, such as operations and maintenance, such as training funds, such as modernization of force, such as recruitment, such as, for example, addressing the problem we are seeing right now in aviation in the military, an exodus of pilots from the military to go with the airlines. One of the reasons pilots are putting pen to paper and figuring out that after a short period of time financially they will be better off as airline pilots than as military pilots.

If you couple that with ever-increasing deployments and separation from family and home, this is causing a hemorrhaging from our most highly skilled and highly trained branches of our military.

Another argument you are going to hear is that we are spending too much money on other functions, such as peacekeeping. All of us regret that we have had to spend—I believe the estimates are now up to somewhere around \$7.5 billion or \$8 billion on peacekeeping in Bosnia. I regret that, too. I hope that by next June 30 the United States will not only be out of Bosnia militarily but also financially. I will bend every effort that I can, short of jeopardizing the lives of those young men and women and short of provoking another conflict in the region which may cost the United States more in the long run, but I will do everything in my power to see that we stop spending that money on peacekeeping.

But what in the world is the connection between the money we are spending on peacekeeping and the base infrastructure? What is the point? There is none, because whether we had a large or small establishment, we would still be spending too much money on peacekeeping.

So, I respect the arguments that will come in opposition to this amendment. Those are the two primary arguments. But I fail to see the relation between those arguments and what we have to do in the national interest.

One of the interesting things that has happened since the end of the cold war is that we see very little, if any, interest in national security issues and national defense on the part of the American public. I think in some ways that is good news, because the American people feel content. They do not see a threat to our security out on the horizon. And, although that sentiment does not prevail when Americans are killed in places like Somalia and others, generally speaking there is no urgent feeling on the part of the American people that we need to spend, not only not more, but even as much as we are spending on national defense.

It is also true, however, that we do have to maintain a certain level, other-

wise we will not maintain our position in the world. It is also true in my view that, if we don't wish to be the world's No. 1 superpower, then it is a very valid question as to who, then, do we expect to be the world's No. 1 superpower? Because other nations, I think, would be perfectly willing to do so.

Mr. President, I have a letter to Chairman STROM THURMOND, and I quote from it:

We strongly support further reductions in base structure proposed by the Secretary of Defense. Any process must be based on military utility, but sensitive to the impact such reductions will have on the Service communities in which our people live. We ask your assistance in addressing this difficult issue.

Sincerely, John M. Shalikashvili, Chairman of the Joint Chiefs of Staff; Joseph W. Ralston, Vice Chairman; Dennis Reimer, General, United States Army, Chief of Staff; Jay L. Johnson, Admiral, U.S. Navy, Chief of operations; Ronald R. Fogleman, General, United States Air Force; Charles Krulak, General, U.S. Marine Corps, Commandant of the Marine Corps.

Mr. President, I ask unanimous consent that this letter and a letter I will read in a few minutes from the Secretary of Defense be printed in the RECORD.

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

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, June 4, 1997.

HON. STROM THURMOND,
Chairman, Committee on Armed Services, U.S.
Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Quadrennial Defense Review (QDR) appropriately notes, achieving the type of force this country will need in the 21st century requires significant increases in our investment accounts. Given other pressures on the federal budget, we must make every effort to find the funds within the Department of Defense budget.

Since the end of the Cold War, the Defense base structure has been reduced approximately 26 percent. When the QDR reductions are complete, the overall end strength of the department will have been reduced by over 36 percent.

We strongly support further reductions in base structure proposed by the Secretary of Defense. Any process must be based on military utility, but sensitive to the impact such reductions will have on the Service communities in which our people live.

We ask your assistance in addressing this difficult issue.

Sincerely,

JOSEPH W. RALSTON,
Vice Chairman of the
Joint Chiefs of Staff.
DENNIS J. REIMER,
General, U.S. Army
Chief of Staff.
RONALD R. FOGLEMAN,
General, U.S. Air
Force Chief of Staff.
JOHN M. SHALIKASHVILI,
Chairman of the Joint
Chiefs of Staff.
JAY L. JOHNSON,
Admiral, United States
Navy Chief of Naval
Operations.
CHARLES C. KRULAK,

General, U.S. Marine Corps, Commandant of the Marine Corps.

THE SECRETARY OF DEFENSE,
Washington, DC, June 24, 1997.

HON. JOHN MCCAIN,

U.S. Senate, Washington, DC.

DEAR JOHN: As you consider the Fiscal Year 1998 National Defense Authorization Bill, I urge you to add a provision that would permit the Department to conduct two additional base closure and realignment rounds, in FY99 and FY01. Reducing excess infrastructure was an essential element of the Quadrennial Defense Review (QDR). The Department has already reduced its overseas base structure by almost 60 percent and must now bring its domestic base structure into balance with its force structure.

With the expiration of the previous BRAC legislation, the Department needs a process to close or realign excess military installations. Even after four rounds of base closures, we have eliminated only 21 percent of our U.S. base structure while force structure will drop by 36 percent by FY03. The QDR concluded that additional infrastructure savings were required to close this gap and begin to reduce the share of the defense budget devoted to infrastructure. Base closings are an integral part of this plan. The QDR found that the Department has enough excess base structure to warrant two additional rounds of BRAC, similar in scale to 1993 and 1995.

The Department estimates two additional base closure rounds would result in savings of approximately \$2.7 billion annually. These savings are critical to the Department's modernization plans. We must modernize our force structure over the long term, laying the groundwork now for the platforms and technologies our forces need in the future. Without the ability to modernize, we would face future threats with obsolete forces. Additionally, the Department will continue to waste resources by maintaining excess military installations, impacting readiness.

As you may know, when I was in the Senate, a base in my state was closed as a result of the 1991 BRAC. Therefore, making a recommendation for further BRAC rounds is not something I take lightly. However, the Service Chiefs all believe that additional BRAC rounds are necessary. Further, there have been many communities which have been successful in their base reuse efforts. I am enclosing, for your consideration, additional information on BRAC, the views of the Joint Chiefs of Staff and community success stories including a New York Times piece on how Charleston survived the closing of the Charleston Naval Base.

I would greatly appreciate your support for an amendment to authorize additional base closures and would be pleased to answer any questions or to discuss this matter with you.

Sincerely,

BILL COHEN.

Enclosure

Mr. MCCAIN. Mr. President, I do not think we can lightly ignore—or not seriously consider, I guess is a better way of saying it—this letter from the individuals that we have asked to lead our military. Every one of these individuals knows the pain and hardship that comes about when a base is closed. But each of these individuals has been charged by the President, with the advice and consent of the Senate, to run our military establishment. And all of

those individuals feel, not just supportive of what Secretary Cohen is saying, but obviously that this is a very important issue if they are going to be able to carry out their responsibilities.

Mr. President, I have a letter from the Secretary of Defense, Secretary Bill Cohen, former Senator Bill Cohen, whom we all know quite well. Secretary of Defense Cohen says:

Reducing excess infrastructure was an essential element of the Quadrennial Defense Review. The Department has already reduced its overseas base structure by almost 60 percent and must now bring its domestic base structure into balance with its force structure.

* * * * *
Base closings are an integral part of this plan. The QDR found the Department has enough excess base structure to warrant two additional rounds of BRAC, similar in scale to 1993 and 1995.

The Department estimates two additional base closure rounds would result in savings of approximately \$2.7 billion annually. These savings are critical to the Department's modernization plans.

Let me say that again:

These savings are critical to the Department's modernization plans.

He goes on to say:

As you may know, when I was in the Senate, a base in my State was closed as a result of the 1991 BRAC. Therefore, making a recommendation for further BRAC rounds is not something I take lightly. However, the Service Chiefs all believe that additional BRAC rounds are necessary.

Mr. President, I think it might be appropriate to point out at this time, in light of what I just read from Secretary Cohen's letter, that there are bases in my State that I know will be vulnerable in light of two additional rounds of base closing. And I know that I will have to go back to my home State, if one of them is closed, and say: Yes, I'm the guy who proposed the amendment for two more rounds of base closings.

But I will also tell the people of my State that I did it because I told them, when I sought to serve in this body, that I would act in the national interest first. I would also add that we went through a base closing in my State, in the case of Williams Air Force Base, and I am happy to say, by the way, as has been the case in many bases in many areas of the country, that the community has ended up by generating more economic benefit than less. That certainly has not been in all cases, but it certainly has been in many.

Mr. President, I want to point out that there are several urban success stories: Charleston Naval Base, Charleston, SC, where currently there are 32 agencies reusing this former naval base; Pease Air Force Base, Portsmouth, NH, the establishment of Pease International Tradeport created more than 1,161 new jobs; Sacramento Army Depot, Sacramento, Packard Bell NEC, the country's largest manu-

facturer of personal computers, has created more than 5,000 jobs at this former depot; Williams Air Force Base, now known as the Williams Gateway Airport, quickly emerged as an international aviation and aerospace center where more than 20 companies engage in aircraft maintenance; Mather Air Force Base; Gentile Air Force Station, Kettering, OH; Norton Air Force Base, San Bernardino; Fort Benjamin Harrison, Indianapolis; Griffiss Air Force Base; Cameron Station, Alexandria; Naval Air Station/Naval Aviation Depot Alameda, Alameda—the list goes on and on.

Mr. President, there are a large number of success stories. That does not diminish the fact that in some rural areas there will be significant economic impact. There is no doubt about that. But it also is part of the BRAC process that economic impact is a factor in the determination of a base closing.

Mr. President, I have talked too long a time, probably, on this issue, because the issue is well known to my colleagues. I am grateful to my colleague from Michigan, Senator LEVIN, who, along with me in the Armed Services Committee deliberations, tried to—we were cosponsors of an amendment; had it put in the authorization bill. We were defeated on a tie vote. I appreciate the efforts of Senator LEVIN very much on this issue.

This is a nonpartisan issue. It is an issue that has to do with the future military capabilities of this country and our ability, over time, if called upon, to defend our vital national security interests. It is not possible to modernize the force, maintain the level of training and readiness and recruit the qualified men and women in an all-volunteer force if we refuse to put back into balance the base support structure with the fighting forces and operational forces that are necessary to do the fighting.

My friend from Virginia, Senator ROBB, former Marine Corps officer, carries around with him from time to time a chart that is very simple. It shows what he calls the tooth to tail—tooth being the fighting forces, the tail being those in support—and how those two lines have diverged steadily over the intervening years. With this BRAC closure we may not cause that trend to reverse, but at least we can level it off. I believe we must do so.

I know there will be a lot of debate on this amendment, and I hope we can agree to this and move forward.

I feel so strongly about this particular issue that unless we do include a base closing round and unless we do something about the depot issue, if I were the President of the United States, I would be very tempted to veto this legislation.

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

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. LEVIN. Will the Senator from California yield for a unanimous consent request?

Mrs. FEINSTEIN. Yes.

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Greg Renden, Senator WELLSTONE's intern, be allowed the privilege of the floor for the duration of the debate on this bill.

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

The Senator from California.

Mrs. FEINSTEIN. I thank the Senator from Michigan, and I thank the Chair.

Mr. President, in my 4½ years in this body, I have not seen an effort as egregious, as badly flawed, as unfair as the base closure process. I happen to have great respect for the Senator from Arizona and the Senator from Michigan, but I think to adopt this amendment at this time is really only to continue this kind of egregious pursuit. I hope, in the course of my remarks, to at least point out some of the areas where I find the base closure process very wanting.

The Senator from Arizona spoke of States with big electoral clout, and I would have to plead guilty. No State has bigger electoral clout than California. I also hasten to point out that no State has suffered more base closures than California—29 bases cited for closure to date, and the largest number of jobs lost all across this Nation. In net jobs lost to date, California has lost 123,000 net jobs. The next State in net jobs lost is Pennsylvania at 35,000. So we are more than four times Pennsylvania's job loss. The next highest State in total number of bases closed to California is Texas, then Pennsylvania, then New York, then Illinois.

If I really believed that this was going to end up being an important cost saving for the U.S. military, I would say, "All right, Dianne, you may represent this State, but, by and large, this is for the best interest of the military." I don't believe it, and I have seen no evidence to date to corroborate that. I believe strongly that it is much too soon to begin another round without having some of this information.

We don't know how much the four rounds cost. We don't know how much the four rounds have saved. And we haven't met our commitments to local communities impacted by these closures, despite the letter of the distinguished Secretary of Defense to the contrary.

The CBO—even the CBO—the 1995 BRAC Commission, they both say wait. CBO recommends waiting until at least 2001 for another round. They say:

The Congress should consider authorizing an additional round of base closures if the Department of Defense believes that there is a surplus of military capacity after—

And I stress the word "after"—

all rounds of BRAC have been carried out. That consideration, however, should follow an interval during which DOD and independent analysts examine the actual impact of the measures that have been taken thus far.

(Mr. HAGEL assumed the chair.)

Mrs. FEINSTEIN. I would like this distinguished body to know that we cannot get a single figure from the U.S. Navy as to what the cost savings actually will be from the closures of the Navy bases in the State of California. Not a single figure. They will not give us estimates. And yet we are going to run ahead, pass another round and begin this same procedure again. It doesn't make any sense.

Let me quote what the BRAC 1995 commission itself recommended:

... the Commission recommends that the Congress authorize another Base Closure Commission for the year 2001 ... [giving] military services time to complete the current closures in an orderly fashion—

Which has not happened, I might allude to—

while ensuring that the Defense Department has the opportunity in the future to make further reductions . . .

In addition to these new BRAC rounds beginning too quickly, and contrary to what DOD and supporters of this amendment claim, the base reuse process has been cumbersome and has been fraught with bureaucratic nightmares.

Secretary Cohen's letter of June 24 says that the DOD has assigned "transition coordinators" to each base to solve closure problems and to speed the process. Well, let me say, as one Senator from California, this approach has not worked well. I have had to intervene with DOD for communities in my State numerous times to fight for a community's needs in just this past year alone.

Let me speak for a moment about environmental costs. I think every Member of this body knows that the costs of environmental remediation are grossly underestimated, grossly underbudgeted. DOD claims it is "empowering communities" by speeding base cleanup, and I would like to give you the results in California of what is termed "speedy base cleanup."

Environmental remediation—that is just remediation—is in place at only 29 percent of the Army BRAC sites; 14 percent of the Navy BRAC sites; and 18 percent of the Air Force BRAC sites in my State. Environmental remediation has not been completed at a single base closed in any of the four rounds in the State of California.

This issue is important, because without clean property, transfers by deed cannot occur and individuals cannot get financing. Therefore, if they don't have the bases cleaned up, they can't be effectively and fully put to use.

Let me take the four California instances that the Secretary of Defense raises in his letter. First, Castle Air Force Base. That is in California's Central Valley. It was closed by BRAC in 1991. To date, there have been 262 separate sites at this base identified for cleanup; 65 of these sites have not yet even been evaluated to determine what contaminants are in the soil or water; and none of the sites—none of the sites—on this base, held out as a model, have remediation efforts currently in place.

Second base: Mather Air Force Base in Sacramento was closed by BRAC in 1988. To date, there have been 87 sites identified for cleanup; 15 have not yet been evaluated to determine what contaminants are in the soil or the water; and only 39 of the sites, or 44 percent, have remediation efforts in place. So 55 percent of the sites haven't even begun to be worked on yet.

Another of these sterling examples, Norton Air Force Base in southern California, closed by BRAC in 1988. To date, 25 sites have been identified for cleanup; 6 have not yet been evaluated to determine what contaminants are in the soil or water; and only 10 of the sites, or 40 percent, have remediation efforts in place.

None of the environmental cleanup has been completed at any of the bases anywhere in California. These were bases, Mather and Norton, that were closed nearly 10 years ago, and yet they are not close to being clean. No transfer by deed have yet occurred at Norton and a very limited number of these transfers by deed have occurred at Mather.

Alameda Naval Air Station and Naval Aviation Depot was closed by BRAC in 1993. One of the real problems I had when this was closed was that Alameda had 7,600 units of housing that were going to be vacated. The fleet, the nuclear carriers were to be moved to Everett and San Diego. Everett had no housing for the wings. Housing had to be built. MilCon was not included in the cost of closing that base.

To date at Alameda, there have been 30 sites identified for cleanup. Only one of these sites has not yet been evaluated to determine what contaminants are in the soil or water. But none of the sites have remediation in place. So at Alameda, they have done some identification; they have done no remediation.

Sacramento Army Depot was closed by BRAC in 1991, and this is probably California's most successful reuse site to date. They have 16 sites identified for cleanup. All cleanup sites have been

evaluated, and 12 sites, or 75 percent, have remediation efforts in place.

It should also be pointed out, there is no deadline for the completion of environmental cleanup at BRAC sites. Let me, once again, make this point clear. Communities can't reuse a base when they don't know when it is going to be clean. The law has been liberalized to allow long-term, interim leases to be granted for dirty property, but these leases are limited in scope, and the potential buyer cannot obtain financing under these circumstances, and this has further delayed and deterred base reuse.

DOD has given communities estimates as to when their bases will be clean, but DOD will not guarantee these completion dates, and every year, environmental cleanup is underfunded and every year it is delayed even more.

The Air Force estimates that Castle Air Force Base should have environmental remediation in place by the year 2000 and that it should be complete by 2018. So the total base cannot be transferred into private reuse at Castle Air Force Base until the year 2018.

The Air Force estimates that Mather should have environmental remediation in place by 1999 and that this should be complete by the year 2027. So it will take to 2027 for the process to be completed and the base to be transferred.

The Air Force estimates that Norton Air Force Base should have environmental remediation in place by 1999, and that this should be complete by 2012. So, again, one has to wait for the base to be transferred.

DOD is also far behind on the transfer of base closure property, due in large part to environmental contamination. In my State, and this is the largest State, only 4 percent of the acreage—4 percent of 79,618 acres—have been transferred by deed to new owners.

So we are contemplating here a new BRAC closure round when only 4 percent of the land covered in California has been deeded to new owners. It does not make sense. If one is thinking about the communities and really means that reuse should work, how can you go ahead with a new round where you have 80,000 acres of land and only 4 percent of them at this stage have been deeded to a local entity?

Only 19 percent of these acres have been transferred by long-term lease, and a whopping 49 percent are still sitting there with no action on any kind of transfer having taken place.

So one-half of the acreage that has been closed in California has no plan for a transfer at this stage, and we are still contemplating a new round.

Many of these base closure communities are working hard to make the best of their misfortune and many are optimistic about the prospects of base

reuse. But before we pile on these additional rounds, let us look candidly at some of the difficulties they are facing.

In Tustin, CA, the community is trying to reuse the Tustin Marine Corps Air Station. After 14 months of negotiations for an interim lease for one of the large blimp hangars and the loss of nine potential film tenants, a lease was approved by the city of Tustin and the Navy's Southwest Engineering Division. When the Pentagon subsequently rejected this lease, the prospective tenant, Walt Disney Productions, simply got fed up and left to lease space elsewhere.

So here you had a base with a prime potential tenant, and the bureaucratic nightmare that has ensued caused it to be rejected, and Disney walked off and went somewhere else. So that was the 10th one they lost.

At Norton Air Force Base, the Worldpointe Trade Center project that Secretary Cohen lauds in his June 24 letter will not happen due to a lack of financing. The community has regrouped, though, and now this project will be replaced by an industrial park that will take 5 years to build and yield only 40 percent of the jobs hoped for with the trade center development.

At Mather Air Force Base in Sacramento, the Air Force and Sacramento County have finally reached agreement on the sale of 1,200 housing units. It took four separate appraisals and 5 years of negotiations to finally reach the price of \$4.25 million—the same price as the county's 1993 appraisal.

At George Air Force Base in southern California, it took 20 months to get a signed economic development conveyance. It was submitted by the community in February 1995 and finally signed in 1996.

Another EDC at Mare Island Naval Shipyard was submitted in January of 1996—of 1996—and a year and a half later is still pending. They are still waiting for a decision.

The city of Long Beach just completed a negotiated sale with the former Long Beach Naval Hospital. After 18 months of negotiations, the city will have to pay the Navy \$8.6 million to buy back this 30-acre site that the city sold to the Navy in 1964 for 10 dollars. So they sold it to the Navy for 10 dollars and now they buy it back at \$8.6 million. To make matters worse, the Navy required that the city provide the Navy with a letter of credit to secure two promissory notes to buy back the property. This cost the city of Long Beach an additional \$50,000.

Finally, the goal of base closures was to save DOD money so that we could modernize our force. If anybody could come in here and say, look, the Navy has saved x dollars in California by closing bases, I would say, OK, now we know either it was cost efficient or it was not cost efficient and we have a

sound basis on which to make another judgment.

But as I said before, the Navy will not give my office a single figure as to what cost savings can be anticipated from closure of major Navy bases in the State of California. Yet, we are going to go about another round today.

The GAO and the CBO both say that DOD's estimated savings cannot be quantified. GAO and CBO cannot quantify what the military says the savings estimates are.

DOD has not included the total cost of environmental cleanup in its net savings figures. By 2001, DOD claims that it will have saved nearly \$14 billion from BRAC. To their credit, they did include the cost of environmental cleanup through 2001. That was \$7.3 billion. But they did not include the cost of BRAC cleanup for these sites after 2001. In California alone this will cost another \$1.56 billion.

So, in the costs that have been provided by the military to this body, with California alone it is \$1.56 billion shy, short, lacking, not defined, not there; and yet we would go ahead with another round regardless of knowing what the true costs and true savings actually are.

Let us look at how much additional cleanup funding four of five California success stories will need past the year 2001.

Castle will require an additional \$53.1 million.

Mather will require an additional \$73.8 million.

Norton will require an additional \$1.25 million.

Alameda Naval Air Station and Naval Aviation Depot will require an additional \$73.4 million.

None of this is counted before we make the decision. And I am just giving you four bases here—not 29.

The true costs of BRAC should include all of these costs related to closure, not just those funded directly by the BRAC account. Until they do, frankly, I will not vote ever for another round. Just because these costs are funded from other Federal accounts does not mean that they are any less real.

So what is happening, Mr. President, is that they fund some of this from other accounts and they do not cost them in. So that way the military costs look less, but the Federal costs—it is all the same, it all comes from the same taxpayer, all goes into the same budget, but it is not counted here.

DOD's Office of Economic Adjustment grants to base closure communities for base reuse planning, \$125 million. It is not counted here, not counted as a cost. It is a cost? Of course it is a cost.

The Department of Commerce, Economic Development Administration grants to base closure communities, \$371 million. It is not counted here as a cost.

FAA grants to establish airports at closed bases, \$182 million. It is not counted here.

It is like MilCon, except MilCon is in the defense budget. These are not in the defense budget. They are necessary, but not counted.

Department of Labor job retraining grants, \$103 million. It is not counted in the cost of base closure.

So without at least a firm accounting of how much the first four rounds of BRAC cost and how much was saved, I cannot and I do not believe any Member of this body should support a new round.

We have moved too fast in closing these bases. We need to look at the bottom line. What are these closures costing, not only the Defense Department, but the FAA, the Department of Commerce, the Department of Labor in retraining grants, the Office of Economic Adjustment? What are the costs? And factor those costs in. What are the costs of MilCon for all of the rounds? Factor those costs in as well.

Later this afternoon it is my understanding that Senator DORGAN will be offering an amendment to propose a study to come up with just this very information. I think to proceed with another round until the study is done and until we have the specific information would really be a major, major mistake.

We need to look at operations and maintenance. We need to look at military construction, environmental cleanup costs, base reuse costs and economic redevelopment costs also funded by the Federal Government, unemployment compensation costs, military health care costs and force structure costs. All of this should be looked at, I believe, by an independent agency, figures ascertained on which responsible people can depend, and then another decision can be made on another day about another round.

I think this is ill-advised. It is too fast. And it will simply complicate one flawed procedure with another flawed round.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I strongly support the amendment which has been offered by Senator MCCAIN to have an additional two rounds of base closings. I do so for many, many reasons. But let me just cite first that we have a recommendation which is as strong a one as I have ever seen from the uniformed military of this country, pleading with us to reduce excess baggage, the infrastructure that they no longer need because it is costing money which is desperately needed elsewhere.

We cannot successfully do what we need to do for the defense of this Na-

tion, they are telling us—and I will quote that letter in a moment—if we continue to carry excess infrastructure which we simply no longer needed. Now, we are going to hear lots of reasons why it is tough to do it and lots of reasons why we should not do it. We will address those one by one.

But when you get a letter, which we have received, signed by the Joint Chiefs of Staff, every single member, a so-called 24-star letter, it does not happen very often around here. But when we get a letter from General Shalikashvili and the Vice Chairman Joe Ralston, and each of the Chiefs signing a letter as succinct and to the point as this one is, I think we ought to give it the most serious consideration. We cannot just shed this and say, base closing is tough or we cannot prove precisely how much money it saves. We have a pretty good idea, by the way, and I will get to that in a moment. But we just cannot simply say, base closings are tough. And they are. Let me tell you, my State knows it. Percentage-wise, it is one of the 10 hardest hit States with base closings, and we still have facilities where people feel they are at risk.

But this is what the letter from the Joint Chiefs says. It is addressed to our chairman, Senator THURMOND. I am going to read it all. It is a short letter, but it is very much to the point.

Dear Mr. Chairman.

As the Quadrennial Defense Review (QDR) appropriately notes, achieving the type of force this country will need in the 21st century requires significant increases in our investment accounts. Given other pressures on the federal budget, we must make every effort to find the funds within the Department of Defense budget.

Now that is point one. We have to make every effort we can to find the funds necessary for future investments in the defense of this country inside the defense budget. That is a statement based on reality. It is a statement based on the desire of all of us to get down to a zero deficit and to begin to pay off the national debt. It is a statement based on the reality that the defense budget is not going to grow faster or in a different way than what we have projected in our 5-year defense budget, unless, of course, world circumstances change.

Then the letter goes on:

Since the end of the Cold War, the Defense base structure has been reduced approximately 26 percent. When the QDR reductions are complete, the overall end strength of the department will have been reduced by over 36 percent.

We strongly support further reductions in base structure proposed by the Secretary of Defense. Any process must be based on military utility, but sensitive to the impact such reductions will have on the Service communities in which our people live.

We ask your assistance in addressing this difficult issue.

Now, they are asking our assistance to do something which is difficult, and it is difficult politically, and every one of us knows that. I don't think there is any one of us who has a facility in our

State that we have not been worried about it, that we have not gone to bat for, that we have not been an advocate for and, in some cases, have won a battle for a base and, in other cases, lost a battle for a base.

That is one of the reasons we are here, to be advocates for our States, and we do that proudly. I have done that for bases in my State. I have won some and I have lost some. We have lost every Strategic Air Command base in my State—all three, gone—and it has been painful. They have been in rural communities. In one case, most recently, up in the Upper Peninsula of Michigan, it was the largest single employer in the Upper Peninsula, Sawyer Air Force.

Has the environmental cleanup gone as predicted? It has not gone as fast. Have we struggled to make sure the leases are available to people who want to lease that property? We have; we work with them every day. Is it working out OK? It is. Is it tough? It is. Have there been dislocations? Yes. But is there any alternative if we are going to do our job to come up with the necessary resources to defend this country? Is there any alternative but to shed the excess baggage which our Joint Chiefs are asking us to shed? This is not easy for them, either. Those are communities that they have their hearts and souls in. But what they are telling us is we must bite this political bullet again if we are going to save the funds necessary for modernization, for investment accounts, for readiness, for the other things which we need to do in our defense budget.

The Quadrennial Defense Review reached the same conclusion. The Secretary of Defense has reached the same conclusion. So the amendment is simple. It authorizes the same process that we used in 1991, 1993, and 1995 for two new rounds in 1999 and 2001. We have changed this process over the years. We have tried to make the environmental cleanup faster. We worked on the leases to make sure that they be available to lease land, even before it was finally cleaned up. We tried to improve the notice requirements, the fairness requirements. We made lots of changes over the years. But to say we are going to not continue to do what our uniformed military says we must do to avoid wasting billions of dollars each year because it is politically difficult or because we cannot determine the precise amount, in an audited fashion, of the savings, it seems to me, is inconsistent with the desire of this body to protect the Nation's defense.

This process has the Secretary of Defense, again, making recommendations to a commission, nominated by the President, confirmed by the Senate. During those confirmation hearings, we got into all of the kinds of issues and concerns which each of us has relative to base closing. The commission,

after being confirmed by the Senate, reviews these recommendations and makes their own recommendations to the President. The President then reviews the recommendation, either sends those back to the commission for additional work or forwards them, without changes, to the Congress, and then the recommendations of the commission go into effect unless disapproved by a joint resolution of the Congress. That is the process.

Has it been perfect? It has not. There have been many changes made in this process over the years. This amendment is open to other changes in terms of how do we approve the process. But to say that the process is not perfect means we should perfect it. It does not mean that we should ditch it when it has led to significant savings already and when it is essential to lead to additional savings in the future.

The case for closing more military bases is simply clear, and it is compelling. From 1989 to 1997, the Department of Defense reduced total active duty military end strength by 32 percent, and that figure will grow to 36 percent by 2003 as a result of the recently completed Quadrennial Defense Review, known as the QDR. So we are going to be reducing the active end strength, the number of people in our military, by 36 percent. But even after the four base closure rounds that are now completed, the reduction in domestic base structure will be 21 percent. So we have a gap. We have excess. We have surplus. We have baggage we must shed. We have facilities that are no longer being fully used, facilities that are not being run in a way which makes economic sense. These are facilities which we can no longer justify keeping.

Which are those facilities? Does anyone really believe that we on the Senate floor could decide which facilities need to be closed? It was the inability of the Congress to make those kinds of decisions which brought the Base Closure Commission into effect to begin with. We realized a few years back that we could not close bases ourselves. It is too difficult politically. There are too many pressures on us. There are too many tradeoffs that are possible. So we created a BRAC commission, giving ourselves a final right to veto, but basically saying that this is the only realistic way we are going to downsize the unneeded structure.

Now, this year, General Shalikashvili, who is our Chairman of the Joint Chiefs, testified before our committee as follows: "As difficult as it is politically, we will have to further reduce our infrastructure. We, perhaps, have more excess infrastructure today than we did when the BRAC process started. In the short run, we need to close more facilities, as painful and as expensive as it is." That is his quote.

One line in that quote, I hope, if nothing else, will remain with us: "We,

perhaps, have more excess infrastructure today than we did when the BRAC process started."

Now, both the QDR and the independent National Defense Panel—and this is the group of citizens outside the Defense Department that have been appointed by the President—both the QDR, the Quadrennial Defense Review, inside the Defense Department, and the independent National Defense Panel have concluded that further reductions in DOD infrastructure—that is the base structure of the Department of Defense—are essential to free up the money that we need to modernize our forces.

On May 23, Secretary Cohen wrote to the chairman, Senator THURMOND, and to me, asking the Congress to act this year on his request to authorize two additional base closure rounds in 1999 and 2001. Though we will not get the final report of the National Defense Panel until later this year, they do have an interim report dated May 15 which accompanies the Quadrennial Defense Review. This is what the outside citizens panel said about base closures:

We endorse the Secretary's plan to request authority for two additional rounds of base closure and realignment. We strongly urge the administration to support legislation that will start this process in 1999 and encourage Congress to approve the request despite constituency challenges.

Several weeks ago, the Armed Services Committee received a letter, as I indicated, which all six members of the Joint Chiefs signed. We do not get these 24-star letters every day or every week or even every year. I am not sure I can even remember the last 24-star letter that we have received. But now the Chiefs, every one of them, say that the committee should reduce base structure supported by the Secretary of Defense.

While I have read this letter, I ask unanimous consent, Mr. President, that a copy of the letter from the Chiefs be printed in the RECORD.

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

CHAIRMAN OF THE
JOINT CHIEFS OF STAFF,
Washington, DC, June 4, 1997.

HON. STROM THURMOND,
Chairman, Committee on Armed Services, U.S.
Senate, Washington, DC.

DEAR MR. CHAIRMAN. As the Quadrennial Defense Review (QDR) appropriately notes, achieving the type of force this country will need in the 21st century requires significant increases in our investment accounts. Given other pressures on the federal budget, we must make every effort to find the funds within the Department of Defense budget.

Since the end of the Cold War, the Defense base structure has been reduced approximately 26 percent. When the QDR reductions are complete, the overall end strength of the department will have been reduced by over 26 percent.

We strongly support further reductions in base structure proposed by the Secretary of

Defense. Any process must be based on military utility, but sensitive to the impact such reductions will have on the Service communities in which our people live.

We ask your assistance in addressing this difficult issue.

Sincerely,

JOSEPH W. RALSTON,
Vice Chairman of the
Joint Chiefs of Staff.

DENNIS J. REIMER,
General, United States
Army, Chief of Staff.

RONALD R. FOGLEMAN,
General, United States
Air Force, Chief of
Staff.

JOHN M. SHALIKASHVILI,
Chairman of the Joint
Chiefs of Staff.

JAY L. JOHNSON,
Admiral, United States
Navy, Chief of Naval
Operations.

CHARLES C. KRULAK,
General, U.S. Marine
Corps, Commandant
of the Marine Corps.

Mr. LEVIN. The service chiefs have also made the case for shrinking our base structure. In testimony before the committee, General Reimer said:

We cut 36 percent out of the force structure and 21 percent of the infrastructure in the Army. I think we need to balance those two out or we are going to pay a heavy price that we should not have to pay.

The testimony of the service chiefs makes this point very clear. The issue is not base closures or no base closures. The issue is either we shrink the base structure or we are going to have to cut modernization. If we make the wrong choice and do not close any more bases, this problem is not going to go away. If we keep excess bases open and try to protect modernization by cutting the size of our forces instead, that will further increase the amount of excess base structure, which will, in turn, increase the pressure to close bases.

This problem is not going to go away. This problem will get worse if we delay it. If we cut forces instead of closing bases, that will inevitably lead to increased operating costs and increases days away from home for the smaller number of personnel who will be left. This issue is not going to go away. It will fester and get worse unless we address it. It will not be easier to determine and make this decision a year from now or 2 years from now than it is now.

The reason there is so much pressure coming from our defense establishment to authorize more base closures is because the Defense Department understands that reductions in the base structure are essential to the modernization of our forces. Every dollar we spend to keep bases open that we do not need—excess bases—is a dollar we cannot spend on modernization programs that our military forces do need.

As Secretary Cohen said in his preface to the QDR report:

In essence, our combat forces are headed toward the 21st century, but our infrastructure is stuck in the past. We cannot afford this waste of resources in an environment of tough choices and fiscal constraint. We must shed weight.

This is not just a choice which the Defense Department faces. This is not just Secretary Cohen's problem. This is our problem, and it is a problem which will get worse unless we make this decision earlier rather than later.

We cannot just tell the Department of Defense, "Reform yourself." The Department of Defense can reform if they want to, which they do, but they can't reform if we can't let them. It requires legislative action. As General Fogleman, who is Chief of Staff of the Air Force, said to our committee, "Getting lean and mean is no easy feat. We can be mean if we have to, but we need your help to get lean."

Make no mistake, if we don't act this year to approve and to authorize additional base closure rounds, there will not be any additional base closures before the turn of the century. No bases have been or will be closed outside of the Base Closure Commission process contained in this amendment, and every year we delay facing this issue, we delay achieving the potential savings that we need to modernize our forces.

Now, the argument has been made that we can't prove exactly how much previous base closures have saved. I agree that we don't know exactly how much base closures have saved. We can't audit it; it is not that precise. But I don't know of any disagreement over the fact that closing bases has saved, and will save, substantial amounts of money. The savings don't always come as quickly as the Department of Defense originally forecasts, for a number of reasons. But the savings have been there, and they are documented.

The CBO concluded in that same report, which was read before, that "BRAC actions will result in significant long-term savings." Now, the Department of Defense makes an estimate on savings. These estimates are available for Members of the Senate. They are based on 100 or so reports of base closings. Their estimate is that implementing the BRAC actions in the first four rounds will result in \$23 billion in one-time implementation costs—that is the cost—and this is offset by savings of \$36.5 billion—that's the savings—for a total net savings of \$13.5 billion. So that is between 1990 and 2001 when the implementation of the first four rounds is supposed to be concluded. That is a net savings—deducting the investment from the gross savings—of \$13.5 billion. That's what Secretary Cohen has written us. That is what he has testified to. That is the best information that is available.

Secretary Cohen estimates that each of the additional BRAC rounds that he

is asking the Congress to approve will save \$1.4 billion a year once they are fully implemented. That is comparable to the savings that will be achieved from the 1991 and 1995 rounds.

Maybe 5 years from now we are going to find that the actual savings from the first four rounds of base closures will be slightly smaller or slightly larger than the \$5.6 billion I have referred to. But there is no question that there are large, ongoing savings from shrinking our base structure. Before the first base closure round, we had approximately 500 domestic military bases. When all of the bases from the first four BRAC rounds are closed, we will have about 400 bases. So 80 percent of the bases will remain after all four BRAC rounds are implemented, even though we will have seen a reduction of one-third of our force structure.

Now, the exact amount that we are saving is impossible to prove—these are approximations and estimates—for lots of reasons, including the fact that these savings represent money we would have spent to pay civilians we no longer have and to operate bases that we no longer have. So they are, by definition, estimates; we can't audit them. But I cannot imagine someone trying to argue that we are not going to save large sums of money by operating 400 bases instead of 500 bases. That is 100 fewer bases at which we have to pay for electricity, heat, water, telephone service, maintenance, and security.

These BRAC savings, Mr. President, are an important part of the funds that are going to finance the future modernization of the armed services that will keep our military the most technologically advanced and lethal fighting force in the world.

Some people have expressed concern that funds from base closures may not go toward modernization. But this amendment includes a provision that would require the Department to ensure that all savings that come from future base closings go toward modernization programs.

Now, over the last few months, another issue has been raised, an issue relative to the question of privatization in place. Some of our colleagues complain about the implementation of the 1995 Base Closure Commission recommendation with respect to the closing of two Air Force depots, at Kelly and Sacramento. There are clearly very strong feelings on this issue, and understandably so. I don't agree with those who say that what happened, however, in 1995, whatever one's view of those events are, somehow justifies refusing to ever close any more bases.

My own view is that we should let the market decide the most efficient way to redistribute the workload of these two closing depots and that the way to let the market decide that is through a fair and open competition.

Deputy Secretary of Defense John White testified before our Readiness

Subcommittee in May that the Department's policy is no longer to privatize the work of these two closing depots in place, but to compete their workload between the public depots and the private sector. Secretary Cohen wrote a letter to the majority and minority leaders reaffirming the Department's policy of competing this work. He also testified before our committee that, "If you disagree with giving the commission this kind of discretion"—he was referring to privatization in place—"then you can always restrict it in the future."

That is what the amendment does. To address the problem of privatization in place for future BRAC rounds, this amendment includes language that would allow the Secretary of Defense to privatize in place the workload of a closing military installation only when it is explicitly recommended by the Base Closure Commission as either the correct way to close the base or as one option.

But whatever our view is of privatization in place at the two air logistic centers that were closed by the 1995 Base Closure Commission, that is no reason to cut off our nose to spite our face and keep excess base structures open at a huge, unjustifiable cost in the future.

As I said a moment ago, I know personally how painful the base closing process is. Michigan never had a very large military presence, but we rank seventh among all States in the percentage of total BRAC job losses. So we know in our State, and we know that we have a few additional facilities that some people think could be at risk.

If we are serious about modernizing our military forces and if we are serious about maintaining the qualitative technological edge that we have, then we have no choice but to reduce our infrastructure costs so that they are in line with our foresight.

The Secretary of Defense and the Joint Chiefs are right. We need to close more bases if we are going to modernize our forces, and we are not going to be able to do that unless this amendment is adopted.

I thank the Chair and yield the floor.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. ROBERTS. Mr. President, I appreciate the opportunity to speak on behalf of the overall defense bill and to give credit where credit is due in regard to the distinguished chairman of the committee, Senator THURMOND, and the distinguished ranking member from Michigan, Senator LEVIN. I want to pay tribute to their leadership. I think the committee did great work, and there was much bipartisan agreement. I think we had a very difficult task in this regard.

I would like to draw the attention of my colleagues to a study called "America's National Interests" by the Commission on America's National Interest. It was about a year ago, and I served on the commission with some very qualified people who have a great deal of expertise in regard to defense matters. The cochairs were Robert Ellsworth, Andrew Goodpaster, and Rita Hauser. The study was done by the Center for Science and International Affairs of Harvard University and also by the Nixon Center for Peace and Freedom and the Rand Corp.

Basically, they had an executive summary that pretty well said this: No. 1, American foreign policy and American national interests don't really represent a very high blip on the national attention radar screen. They said America was adrift. "In the wake of the Cold War, the American public's interest in foreign policy has declined sharply and political leaders have been pressed to attend to immediate domestic concerns." Certainly that is true. "After four decades of unusual single-mindedness in containing Soviet expansion, we have seen five years of ad hoc fits and starts." This was last year, remember. "If it continues, this drift will threaten our values, our fortunes, and indeed our lives."

I think the committee took an important first step in trying to end this drift. They mentioned confusion and the lack of a national strategy as we try to determine how much money to spend on defense, which, after all, is the first obligation of the Federal Government.

So having said that, I want to again thank Senator LEVIN and Senator THURMOND for their leadership. However, I must rise in opposition to the amendment as argued for by Senator LEVIN and as proposed by Senator MCCAIN. I am talking about BRAC. I am talking about the effort to, obviously, reduce the excess infrastructure that we have in regard to our national defense system.

I want to make it very clear and I want to really emphasize that I do not support—and I don't know of anybody in the Senate or, for that matter, in the House of Representatives who supports—carrying excess or unproductive capacity in our military infrastructure. After all, how could anybody stand up here and say that they were supporting that? Having said that, I don't think we should sign onto another BRAC process until we are confident that the process will be done without making it a political football or without receiving an answer to several very fundamental questions, which I would like to go into.

No. 1, we need to certify what is meant by overcapacity. Everybody seems to agree that there is excess capacity in the structure of the military. I think that is obvious. Senator LEVIN

just went over that. But if you ask different people where exactly that excess infrastructure exists, a variety of answers will certainly be given. Many argue that there is a great disparity between the reduction of military end-strength, down 36 percent—Senator MCCAIN mentioned that. Every proponent of the BRAC process and of this amendment will tell you that the military end-strength is down 36 percent and reduction of military base structure is down 21 percent. Now, there is a relationship between these two. I know that. But there is no numerical correlation that would define what percentage of base closure we should strive for. That is extremely important. If there were such a numerical correlation, closing any of our bases would help bring the percentage in line.

I think common sense tells us that it is a lot more complex than simple percentages. If we all agree that excess capacity exists—and I think we do—I think that the Department of Defense, before we approve something like this amendment, should develop a certified list defining that excess capacity. What's wrong with that? I might add, I think we probably have that list already prepared. Why not really delineate the amount of excess and the priority of eliminating that excess and the difficulty of restoring the capability if required by a military operation? Let me repeat that. Let us try to delineate the amount of excess and the priority of eliminating that excess and, most important, the difficulty of restoring the capability if required by a military operation.

Once you lose the base, once you lose that infrastructure, like Humpty-Dumpty, it is off the wall, gone; you can't regain it. It is not reasonable to agree to a BRAC if we don't fully understand the nature and location and the amount of the reported excess.

I have the same letter from Secretary Cohen and the letter illustrated on the minority side from the Joint Chiefs of Staff expressing their support for a BRAC. Secretary Cohen, a good friend, a former colleague, said this: "With the expiration of the previous BRAC legislation, the Department needs a process to close or realign excess military installations. Even after four rounds of base closures, we have eliminated only 21 percent"—here we go again—"of our U.S. base structure while force structure will drop by 36 percent by fiscal year 2003."

Let me repeat again what I think is a fallacy. Secretary Cohen's letter—I know it is not his intent, but his letter suggests the direct correlation, again in percentage points, between base closures of 21 percent and force structure reductions of 36 percent. There is no direct correlation between the reduction of troops and how many bases should be cut. There is, of course, a connec-

tion, but to suggest there is some kind of a mathematical correlation is false. It is misleading. Exactly how we could get into indiscriminate cutting of facilities—the assumption of such a simple-minded statement is that all bases are equal.

Senator LEVIN has just indicated that of 100 bases remaining, and there is a need to reduce base structure by perhaps 15 percent, that any 15 bases would do the trick. Unfortunately, this is the exact argument—down 36 percent in troops but only 21 percent in bases—which was made in behalf of this whole argument. It is the very reason we need to understand which bases are in excess and which bases support the strategy. If it is 15 percent and you cut 15 bases out of 100, if that doesn't have anything to do with what kind of a base it is, what kind of force is there, or what the mission of the base is, I don't think that correlation really makes any sense.

Let's talk about the type of facilities to be considered once the DOD develops a certified list of excess capacity, and then what specific types of facilities to be considered for closure should be provided. If the Department of Defense demonstrates that certain types of facilities do not represent excess capacity, it doesn't make any sense to include them in the process. Why would we want to do that?

The effect of this action would shorten and focus the BRAC process. We would have successful BRAC, we would eliminate a lot of the headaches, pain and suffering, and the politics that the proponents of this amendment always talk about. Just as important, it would let those communities with military facilities as neighbors know whether they need to be concerned or not and prevent them from spending large sums of money to help save their bases. That is what happens.

As soon as this amendment is passed—I hope it does not; the committee did not pass it and the House of Representatives did not pass it—every community next to a base in America will hire a consultant, spending large sums of money, and will end up in BRAC purgatory. It is not necessary. We could shorten the process and get this job done with a better process.

Let's talk about the criteria to be used for closure recommendations.

There needs to be a full discussion of the criteria used for the BRAC process. I have the old criteria here somewhere, but, obviously, this isn't the criteria that is going to be used. This is the former base realignment and closure criteria. I thought the new criteria were going to be judged on the Bottom-Up Review and the QDR and the National Defense Panel. The National Defense Panel hasn't made a comment on where we are headed in terms of national defense strategy. We don't have the criteria yet. I think we are putting the cart before the horse.

So, at any rate, I think we need a full discussion of the criteria used for the BRAC process to ensure the results of the process are consistent with the strategy, as I have indicated, of the Bottom-Up Review and the QDR. For example, it makes little sense to me to use the same criteria of the last BRAC since we have substantially altered the military since then and our strategy has been changed. That is why we are going through this. A critical analysis of the criteria and their weight in the process is required. We should not inadvertently cut meat from our capacity if fat exists somewhere else simply because the criteria we used is flawed.

I want to talk about cost for just a moment. It seems to me, despite the claims of, I think, \$2.7 billion that the letter indicated that we are going to save—and I think Senators LEVIN, MCCAIN, and others listed \$13.5 billion by the year 2001—I question that either in magnitude or when those savings will be seen. The whole purpose of this process, as proposed by the authors of this amendment, is to save the precious defense dollars.

Let me point out that we are supposed to be talking about national strategy here. The committee did its best, but in terms of trying to determine how much we spend on defense in the post-cold-war period, we said, "OK, you can have all the strategy you want, but don't spend more than \$250 billion."

So it is budget driven and numbers driven, and the whole key argument in behalf of this is to save the precious defense dollars and use them for procurement and modernization and quality of life. So you close the bases. You save the money. And, as the Joint Chiefs of Staff, the Secretary, and the proponents of the amendment said, we are going to improve the quality of life, modernization, and procurement.

Well, I am not sure that those savings will be there. And, second, I will tell you where the money will go. If we could earmark this money, maybe put it in a lockbox and give the key to Senator THURMOND—I sure trust him as to where the money should go—I might support this. But do you know where the money is going to go? Peacekeeping missions. For peacekeeping missions since President Clinton took office: 1993, \$2.441 billion; 1994, \$1.9 billion; 1995, \$2.16 billion; 1996, \$3.3 billion; 1997, projected \$3.27 billion. I am not sure that even accounts for Bosnia.

We are talking about savings that are going to occur in the outyears. And, yet, we have been using the peacekeeping fund for modernization and readiness and quality of life? That is what has been happening. If we could earmark these savings for all of the very good purposes that proponents of this amendment are talking about, it might be one thing. But we are not.

So what will happen is that we will go through this whole process only to

find out that we are putting a lot of people into what I call BRAC purgatory only to find out that we don't have the separation by the people who really do that right now between those bases that are needed and not, and also the problem with cost savings only to find out that it will be spent for peacekeeping.

I am not opposed to peacekeeping in every instance. But it seems to me in terms of our national strategy and in America's national interest, I am not sure that that has been simply well spent.

I would like to associate myself with the remarks of Senator FEINSTEIN of California, and I would like to say that I know that it is the right thing to do in regard to base closures. Nobody in this Senate—nobody anywhere—is for saving excess infrastructure. That is just not a possible position, and we shouldn't do that.

I might add in closing, Mr. President, that I am one who is concerned about some of my colleagues who with some degree of condescending understanding look at me and say, "Well, now, you know, we all have politics, and we all have the pain of politics." I know it is going to be hard. This is not premised on any base in Kansas. This is based on a firm belief that this may be the right thing to do. But we are going at it the wrong way, and it is very premature.

So for the reasons that I have listed—and I would only add that there is no reason why we can't wait on the QDR, the review, and the National Defense Panel, have the new criteria, certify the excess, earmark the savings, and, yes, then go ahead with some kind of a BRAC. There is no reason why we can't do that. But it seems to me that we are rushing to judgment here, and I think it would be very counterproductive. I think we should watch out for the law of unintended affects.

I rise in opposition to the amendment offered by the Senator from Arizona and as agreed to by the Senator from Michigan and urge my colleagues to take another look at this. Let's take a little time. Let's do this right.

I yield the floor.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Maine.

Ms. SNOWE. Thank you.

PRIVILEGE OF THE FLOOR

Mr. President, first of all, I ask unanimous consent that the privilege of the floor be granted to two of my staff members, Tom Vecchiolla and Peggy Kline, during the pending consideration of the Defense authorization bill.

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

Ms. SNOWE. Mr. President, thank you.

First of all, I would like to commend the chairman of the Senate Armed Services Committee, Senator THURMOND, and the ranking member, Sen-

ator LEVIN, for their tremendous efforts in bringing the Defense Department authorization bill to the floor. I certainly think they have taken a great deal of initiative and leadership in putting this legislation together. I appreciate their efforts in that regard.

I certainly want to associate myself with the remarks made by the Senator from Kansas, Senator ROBERTS, on the amendment that has been offered by our colleague from Arizona, Senator MCCAIN. It is an amendment that I certainly will oppose in proposing more rounds of military base closures and realignment.

I am certain the committee rejected the call for new base closings, and the Senate should follow suit.

As we all know, the administration has asked for two more rounds of base closings with the intent of realizing \$2.8 billion per year in savings from these new BRAC rounds. The administration further stated that these estimated savings are to be used to meet the well-established requirements for \$60 billion in procurement funding which is necessary to modernize our forces to meet the challenges of the 21st century.

I have consistently asked the question as to exactly what has happened to the savings in the past four BRAC rounds that started in 1988. The Pentagon estimated the savings to occur from those four rounds to be in the area of \$57 billion over the next 20 years with the annualized savings of upwards of \$5.6 billion per year starting in the year 2001. In its April 1995 report, the GAO estimated that such savings projects their estimates at less than \$17 billion over the next 20 years, past the number that had been projected by the Department of Defense, with annual recurring savings possibly being in the area of \$1.8 billion in the year 2001.

Mr. President, GAO conducted a further analysis and issued a following report in April 1996. In this report GAO found that the total amount of actual savings that may be estimated from the four previous BRAC rounds is uncertain, for a number of reasons, the primary of which, according to the GAO, is that the DOD accounting systems do not provide adequate information or isolate their impact from that of other DOD initiatives.

Despite the fact that the DOD has complied with legislative requirements for submitting annual costs and savings estimates, the GAO further stated that the estimates' usefulness is limited because the estimates are not budget quality and that the inclusion of these estimates of reduced personnel costs by all of the services are not uniform and, further, the GAO determined that certain community assistance costs were excluded. In fact, in one example, GAO identified the fact that DOD BRAC cost estimates included

more than \$781 million in economic assistance to local communities as well as other costs.

In December 1996, the Congressional Budget Office, in its report, stated that it was unable to confirm or accept DOD's estimates of cost savings because the DOD is unable to report actual spending and savings from BRAC action.

So now we have the Pentagon, the GAO, and the Congressional Budget Office with differing estimates on what has actually been saved and what is supposed to happen as a result of these four BRAC rounds since 1988. There is no consensus on the numbers. That, indeed, in my opinion, is a significant problem, if we are to predicate future closings on these savings and estimated savings for the future.

The fact is we are chasing an elusive infrastructure savings because there is no straight-line corollary between the size of our forces and the infrastructure required to meet two nearly simultaneous major regional conflicts. The Department of Defense has even admitted to the GAO investigators that they do not have accounting systems in place to isolate the impact of specific initiatives such as BRAC.

So, in fact, we have no comprehensive adjustment of the reduction of the infrastructure that has occurred as a result of the four previous rounds of base closings and the impact on munitions as well as our forces. In fact, when these base closing rounds were first initiated, one of the greatest concerns that I had was that they would underestimate the cost of savings and overestimate the savings to accomplish the base closings.

Mr. President, the projections for national defense outlays decrease 34 percent over the period from 1990 to the year 2002. We have all seen the downward pressure in defense spending. In fact, we have seen a reduction of more than 40-percent in the defense budget since 1985. Future years' defense plans call for a 40 percent increase in the defense modernization budget within the confines of an overall defense budget that essentially will remain flat over the next few years. But yet, we have seen a procurement budget that has plummeted from \$54 billion in 1990 to today's level of just over \$42 billion.

It is interesting, because in the same time that we are seeing a reduction in procurement, we have had four previous rounds of base closings. You might have thought that money would have been invested in the procurement budget, but, in fact, the contrary has happened because again the Department of Defense underestimated the cost that is required to close these bases and overestimated the savings.

As of May 1997, the DOD has invested \$14 billion in base closings. The total implementation costs of the four previous BRAC actions through 2001 are

estimated at \$23 billion. Through fiscal year 1996, the DOD estimates that it may have saved through cost avoidance approximately \$10 billion.

So, in simple terms, to date we have spent \$14 billion to avoid costs of \$10 billion. Yet, we are promised by the DOD that the savings is in the outyear savings—savings that even DOD's own budget analysts say they are not equipped to track.

The promise for the outyears has been a recurring theme for the Pentagon over the last 4 years. How many times have each of us heard that the fix for the procurement account is in the outyears? And each year we see the administration's request for procurement steadily decline. In fact, in each of these 4 years since the Pentagon completed the Bottom-Up Review an investment in the procurement accounts has actually been postponed.

The procurement request for 1998 is \$42 billion, whereas the fiscal year 1995 program had projected reaching \$54 billion by now. So we have not seen the funding promised, and the DOD cannot show it to us in its own budgets, and the reasons are obvious. The funding has migrated elsewhere.

In its own Quadrennial Defense Review, the DOD said the \$18 billion meant for procurement under the 1995 plan has disappeared. The QDR report tells us that the funding migrated to three places. First, it went to unprogrammed operating expenses such as contingency operations like Bosnia. The second place was unrealized savings from initiatives like outsourcing or business process re-engineering which failed to achieve the objectives and expectations, similar to the failure to achieve the levels of savings expected in the previous four BRAC rounds. And the third, of course, was new program demands.

The QDR stated national defense policy of shape-respond-prepare reinforces the fact that U.S. forces will conduct smaller scale contingency operations for peacetime engagement. These operations include, according to the report, intervention, limited strike, no-fly zone enforcement, peace enforcement, peacekeeping, humanitarian assistance, and disaster relief. The QDR further projects that U.S. involvement in the smaller scale contingency operations will increase over the next 20 years.

So we can expect more and more peacekeeping operations, far beyond the traditional missions of peacekeeping operations, that are going to require more robust military requirements. The QDR cites the obvious problem that DOD has had with the constant migration of funds which were planned for procurement ending up in operation and support activities. This certainly has been the case in the last few years to pay for operations like Bosnia and other areas where we

have developed peacekeeping operations.

Since 1991, in over 39 separate contingency operations in Southwest Asia, Bosnia, Somalia, Rwanda, et cetera, it is estimated that the taxpayers will pay over \$17 billion for these operations. And as I illustrate in this chart here today, I think we can get an example of the multiple operations that the United States has been engaged in just in the decade of the 1990's. We know that in 1989 we spent less than \$100 million in peacekeeping operations. In the decade of the 1990's alone we have spent the grand total of \$17.2 billion and counting.

We all know the administration has underestimated the costs of our participation in the forces in Bosnia, not to mention the length of time. It is estimated that we will spend upward of \$6.8 to \$7 billion until June 1998. My expectation is that we will have underestimated those costs as well. But we have spent a total of \$17.2 billion in peacekeeping operations. That is an exorbitant price that we are now paying for unbudgeted, for the most part, operations and missions elsewhere—unanticipated and in most cases unbudgeted. The cost for Bosnia, as I said, has been over \$7.2 billion, assuming we withdraw in June 1998. The cost for these operations have quadrupled—quadrupled—since 1991. The fact is the Department of Defense has been heavily taxed to meet these deployments.

We know that of the \$17.2 billion that will have been spent in contingency operations through June 1998, about \$8 billion of this amount was reimbursed to the Department of Defense by Congress through supplementals. The Department of Defense, however, has also told us that \$2.3 of the \$17.2 billion total were service absorbed costs, funding that was taken directly out of procurement and other accounts to pay for these operations.

Mr. President, I suspect that the remaining difference of almost \$7 billion was siphoned from procurement accounts as well as the operations and readiness accounts to pay for these contingency operations. We have asked the Department of Defense for these figures and they cannot provide them. As of 1997, we readily know that we were facing over 2.5 billion dollars' worth of unfunded contingency operations and that required, as we know, a supplemental appropriation which we passed a couple of weeks ago. But we must ask the question, because it has been asked but it has not been answered, how many modernization programs got impacted as procurement dollars were siphoned from the modernization programs by the DOD comptroller to pay for these unprogrammed operations? It is obvious that this is a persistent problem. We know that we can expect more of the same. In fact, the QDR report that was issued by the

administration, as I said previously, expects that small scale contingency operations will be high over the next 20 years, so that we literally cannot anticipate the numerous unbudgeted operations in which the United States will participate.

The State Department did a compilation in 1995 of the voluntary contributions of the United States in 13 other countries to support U.N. peacekeeping operations. The United States provided for 54 percent of those costs—54 percent—11 other countries, NATO countries and Australia, 45 percent, and Japan less than 1 percent.

So it is obvious and clearly apparent that the United States is assuming an enormous cost and burden for these peacekeeping operations. And as I also said earlier, these peacekeeping operations are not within the traditional operations as we have known them in the past where we are upholding and enforcing a cease-fire agreement that has been reached by two or more parties. These operations have gone beyond that to peace enforcement where we are imposing a peace on recalcitrant parties. That requires more military expertise, weaponry, and requirements on the part of our own military as we have seen not only in Somalia but, of course, as we have seen in Bosnia.

The point of all of this is that what we are seeing happening in the Defense Department's budget is that more and more of the funds are being drawn from operations and the readiness account, indeed, from modernization, because even the administration has not been able to meet its own procurements modernization goal of \$60 billion. The fact is a \$17 billion gap in the modernization goal because that money is being drawn away into these operations.

I believe that the pressure to come up with more base closing rounds is premised on the need to finance these operations; that we will see whatever savings we can achieve from base closings will not be realized in the modernization accounts. The fact is we have no guidance from the administration in terms of what the administration is apt to spend on base closings because we know there are enormous up-front costs just in the environmental cleanup arena alone, not to mention all the other costs associated with base closings that require up-front expenditures. So we do not have the costs nor the real savings realized in the future. And yet at the same time we are spending more and more of the Defense Department's immediate funds on these peacekeeping operations for which we have not been able to precisely project what the costs will be in the future.

These missions have quadrupled since 1991. We can expect more of the same. And yet we do not have a comprehensive analysis of the impact of the four

previous rounds. They have not been completed. They have not come through yet. And so the administration is now asking for two more rounds without even knowing what the previous rounds have exacted in terms of the impact on our forces, our mission, as well as our infrastructure.

We know that once a base is closed, it is lost forever; it is irreplaceable, and yet we have had no thorough analysis done on what the impact will be for the future. I believe that the pressure for more base closing rounds from the administration is due to the fact that more of these dollars are being siphoned away from modernization and into peacekeeping operations. So we could have two more rounds, but we do not know what the savings will be, we do not know whether or not it is going to go into modernization, and we do not know what the impact will be on our forces as well as our mission.

I believe we are relying on a flawed approach to achieve the savings from infrastructure reductions that have yet to be realized, and we are finding that the Defense Department is spending billions of dollars on contingency operations which have little or no relevance to our vital national interests, and yet we are willing to cut the heart out of our military infrastructure within our sovereign borders without fully evaluating the impact to our national defense.

The fact is I believe that we are on a collision course with less than expected savings from base closings and an increased number of contingency operations that will result in a further degradation of our force readiness and it will delay much needed procurement.

I realize that we are facing limited resources within the Defense Department's budget and within our own overall Federal budget, but we must also be concerned for our troops and our resources, that they are not overtaxed in support of these numerous contingency operations over which we obviously have had little control. We have to take a more judicious approach to the deployment of our forces in view of our constrained resources as well as protecting our vital national interests, not only for today but also for tomorrow.

So I ask the Senate to reject the amendment that has been offered by the Senator from Arizona because I believe clearly that we have to begin a thorough examination of what has already transpired before we take any future actions that we will regret, and at the same time I hope that it will put some pressure on this administration to begin a thorough reexamination of the necessity of constantly deploying troops in areas that perhaps they should not be engaged.

Mr. President, I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I thank both the chairman and ranking member of the Armed Services Committee for their handling of this bill and for their help in bringing it to this particular position. I particularly want to commend my friend, the ranking member, the distinguished Senator from Michigan, for his advocacy of this particular amendment. I am pleased to join as a cosponsor with the Senator from Michigan and the Senator from Arizona and others. But I recognize it is a very difficult amendment for all concerned, as the Senator from Michigan so eloquently explained a few minutes ago on this floor. I know his particular State was more impacted in terms of strategic air base closures.

My own State is more dependent on defense spending on a per capita basis than any other State in the Union. Year after year more defense dollars, per capita, are spent in Virginia than in any other State. So this is not a popular or easy issue in my own State. But I have tried to analyze the reasons why most of those who do oppose this particular amendment are opposed. It seems to me, Members are opposing another BRAC round for three principal reasons: No. 1, unwillingness to endure the pain of another closure round; No. 2, concerns about the accuracy of estimated savings; and, No. 3, concerns over the integrity of the process.

Regarding the pain of closures, I can only say that I see the choice as a simple one. We can either preserve jobs and facilities in our own States or we can provide desperately needed funding to ensure that our troops can fight and win in future wars, which, of course, is the reason that we have a national defense capability in the first place. By virtually every expert estimate, early in the new century we will simply be unable to fund a force necessary to support a very prudent and measured national military strategy.

During the cold war, our massive base infrastructure had substantial duplication built in because of enormous uncertainties about the scale and consequences of a strategic war with the Soviet Union. Much of that duplication we probably could have done without, but I would certainly concede that military construction in Members' home States or districts has undeniable appeal politically. But we no longer have the luxury of duplicating infrastructure just to keep the folks back home happy.

As many have noted, every dollar we keep spending on bases we don't really need is a dollar we cannot spend on maintaining end strength, replacing aging weapons systems, advancing our military technology to ensure dominance of the future battlefield, and keeping quality of life at a level that will ensure strong recruiting and retention.

The second rationale for opposing a new BRAC round stems from the assertion that because we don't know exactly how much we saved from previous BRAC rounds, that we should not go forward until we do. If we accept this rationale, however, we would never have another round of base closures, which I suspect would be just fine with many who cite this reason for opposing the effort. But if our net savings from another BRAC round are significant, although indefinite, it seems to me we ought to move forward now. Why should we postpone doing what we know we are going to have to do anyway, just because our estimate of savings are imprecise, as long as we know they are significant?

The reality is that the long-term savings from the first four-base closure rounds will exceed \$5 billion a year when they are completed. It just so happens the Secretary of Defense is still seeking approximately that much money to meet the modernization objectives that he set forth in the Quadrennial Defense Review. New base closure commissions, if they are courageous enough to close the bulk of the remaining excess bases, should add billions in additional savings. If Members want to conduct more studies on exactly how much has been and will be saved by BRAC rounds, that's fine, but let's not hold up this process for a study that we know will tell us that billions will be saved.

The third reason Members are opposing a new BRAC round is their concern about the integrity of the BRAC process in light of the attempt to privatize-in-place the work at Kelly and McClellan Air Force depots, or ALC's. To avoid any future ambiguities about this matter, a provision here clarifies that privatization in place will be allowed only if the BRAC explicitly permits this at a military installation.

None of these reasons for opposing another base closure round, in my judgment, is compelling. The responsible thing to do, I believe, for our Nation's security is to cut excess infrastructure as soon as possible. Waiting will only delay the inevitable and cost our military billions in funds that are badly needed for maintaining force structure, supporting training and day-to-day operations, and adequately funding modernization.

I urge my colleagues, in this case, to make the responsible choice, the choice that the Secretary of Defense, that all of the service Secretaries, that all of the service chiefs and that all of the CINC's agree is the only responsible choice, and that is to begin another round of BRAC closures as soon as possible.

With that, I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 771 TO AMENDMENT NO. 705

(Purpose: To require a report on the actual costs and savings attributable to previous base closure rounds and on the need, if any, for additional base closure rounds)

Mr. DORGAN. Mr. President, I rise today to offer a second-degree amendment to the amendment that has been offered by Senators MCCAIN and LEVIN, an amendment that was just supported by my colleague and friend from Virginia. I do this with great respect for the views of those who have offered the amendment on base closing. But I come to a different conclusion than they do on this subject, and represent that conclusion with a second-degree amendment. When I conclude my remarks, I will send my second-degree amendment to the desk.

I would tell my colleagues I offer the amendment on my behalf, on behalf of Senator LOTT, Senator DASCHLE, Senator THURMOND, Senator DOMENICI, Senator CONRAD, Senator FEINSTEIN, Senator DODD, Senator BINGAMAN, Senator BOXER, Senator BURNS, Senator LANDRIEU, Senator ROBERTS, and Senator FORD.

I am offering this second-degree amendment to the amendment now pending, which would authorize two additional rounds of base closures, one in 1999 and the other in the year 2001.

For those unfamiliar with the issue of base closures, they should know that we have established in this country previously, on several occasions—actually, through four rounds, but three of them really full rounds—something called the Defense Base Realignment and Closure Commission. And the Commission then begins to study what kind of military installations do we have in this country, where are they, what is their capability, and how many of them might now be surplus and might be closed in order to save money for the future. That is what the base closure process was about.

I have supported the base closure process on those occasions. I have voted for it and believed it was appropriate, as we downsized the military after the cold war, that we also then needed to get rid of the surplus in our facilities and save the money that we can save that is necessary for other areas, such as training and readiness and weapons programs and other priorities. So I have supported that in the past, believing that as you downsize force structure, you also are going to have surplus military installations that must, in fact, be closed.

In the process of doing that, we have ordered the closures in the rounds of 1988, 1991, 1993, and 1995. That resulted in the decisions to close 97 military installations in this country. The military is slightly over halfway through the process of closure of these 97 installations; slightly more than one-half of those bases have, in fact, been closed. In fact, the second base closure round

is scheduled to finish this month, and those are the bases that the 1991 Base Closure Commission decided to close. The 1993 and 1995 closures, the third round and the fourth round, they will be shut down completely—and they are in the process now—but they will be shut down completely perhaps in the year 2001. So we have been involved in the substantial shutdown of military facilities under the Base Closure Commission process, have done it now for a number of years—9 years this process has been in effect—and now the proposal in this defense authorization amendment is to say, let's have two additional rounds of base closures.

What is the problem with that and why do I offer an amendment? Let me describe my amendment first and then describe the problem. I say in my amendment that the Secretary of Defense shall prepare and submit to Congress, to the defense committees of Congress, a report on the costs and the savings attributable to the base closure rounds before 1996, and on the need, if any, for additional base closure rounds. The rest of the second-degree amendment describes what we would like the Secretary to report to us on. The amendment also would prohibit the funding of further base closure commissions until the Congress has received that report.

But I would like to go through a series of charts, to tell you why I think there are significant questions that must be answered before this Congress should authorize one additional or two additional rounds of base closures.

The General Accounting Office, the GAO, which is the congressional accounting watchdog agency, says that "Congressional auditors can't verify the estimates of base closure savings"; the Department of Defense "cannot provide information on actual savings" from the previous rounds; the DOD's savings estimates, according to the GAO, are "inconsistent . . . unreliable . . . incomplete." That is the GAO.

The Congressional Budget Office, the nonpartisan Congressional Budget Office, says: "The Congressional Budget Office was unable to confirm or assess the Department of Defense's estimates of costs and savings because the Defense Department is unable to report actual spending and savings for BRAC actions"—in other words, the base closures.

The Congressional Budget Office also says:

CBO cannot evaluate the accuracy of DOD's estimates without empirical data.

The DOD does not track . . . actual savings that have accrued.

And on the specific subject of the McCain-Levin amendment, the Congressional Budget Office says this about additional rounds of base closing:

The Congress could consider authorizing an additional round of base closures if the

Department of Defense believes that there is a surplus of military capacity after all rounds of BRAC have been carried out.

And then it says, and this is important for my colleagues to understand:

That consideration, however, should follow an interval during which the Department of Defense and independent analysts examine the actual impact of the measures that have been taken thus far.

Finally, CBO says:

Such a pause [or an interval] would allow the Department of Defense to collect the data necessary to evaluate the effectiveness of initiatives and to determine the actual costs incurred and the actual savings achieved.

That is not me. It is not a conservative or liberal or Democrat or Republican; that is the General Accounting Office, the GAO, the investigative watchdog, and the Congressional Budget Office, the nonpartisan Congressional Budget Office, saying that after all of these rounds of base closures, they can't get information about what have the costs and the savings been.

What has been the experience? What is the impact for the American taxpayer on all of this? How much do you save when you close them down? And what have been the costs of closing them down?

The Congressional Budget Office says it would be a reasonable thing to do to have an interval to really evaluate what are you doing, what are you achieving, how much are you saving. That is why I think it makes no sense for us in this authorization bill to proceed immediately now, before nearly one-half of the bases that have been previously ordered closed are closed, and say, "Well, now, let's do two additional rounds. We don't know what the costs and benefits are of the previous rounds, we don't know what the savings to the taxpayers have been, we don't know what the costs have been, but let's order two more rounds."

So I offer a second-degree amendment that says the Secretary of Defense shall prepare and submit to the congressional defense committees a report on the costs attributable to base closure rounds. Let's get a full accounting before we move for two additional base closure rounds.

Let me respond to some of the other statements that have been made on this issue. Proponents of more base closures suggest more closures are needed to match the base infrastructure to our force structure. They say as the force structure comes down, clearly we should be able to close some bases, and that is true. But let's look at the figures.

According to Congressman HEFLEY, the chairman of the House National Security Committee's Subcommittee on Military Installation and Facilities, if you measure by plant replacement the value of bases in the United States and around the world, base infrastructure has fallen by 27 percent, very close to

the one-third or 33 percent reduction in force structure. Other estimates of reduction in base structure are either not calculating the plant replacement value or they are calculating values of only bases in the Continental United States, which ignores the 43 percent reduction in U.S. bases overseas.

In addition to that, the military's operational bases—that is, the bases that host the combat units—are already closing down in proportion to the defense drawdown. For example, when all the BRAC rounds are done, the Air Force will have closed 22 of 74 major air bases, 30 percent; the Navy will have closed 10 of 17 naval stations, nearly 60 percent, and 12 of 29 naval air stations, 40 percent; the Army will have closed 10 major combat and training facilities, about one-third of those Army bases. So with respect to the operational bases, there has already been an appropriate amount of base closing done.

Proponents of the amendment to authorize two additional rounds of base closings say we need more base closing rounds in order to be able to afford new weapons. We will achieve savings from base closings and, therefore, be able to afford the new weapons programs. Let's examine just a bit what these arguments mean by asking what the savings from base closures are or will be or have been with what sketchy information we have.

There are various estimates of savings from the BRAC implementation period from 1988 to the year 2001. The Congressional Budget Office in December said they were not able to get very much information. They estimated, with what information they had, that we would save \$5.3 billion in that period, this despite four base closing rounds in closures that began 9 years ago.

So, if this number is accurate, with sketchy information, yes, base closures save some money but very slowly, and if future base closing commissions decide to close bases in 2001, the savings would be available, again, very slowly perhaps by the year 2010. And the savings here are only estimates from sketchy information that both the GAO and the Congressional Budget Office indicate is unreliable and incomplete. They say the information on this is simply not available from the Department of Defense.

The Government Accounting Office and the Congressional Budget Office also say in closing military installations that the Department of Defense has not taken into account the full cost of environmental cleanup when a base is closed, the accurate proceeds from the sale of land in closing bases, the economic transition costs, especially those not funded by the Department's base closing program, the higher costs of operation at bases that gain missions from the bases that are closed

and higher construction costs at the bases that gain missions.

In summary, Mr. President, my amendment is important because it would require the Pentagon to report to Congress on what have been the actual costs and savings in four base closing rounds over nearly a 10-year period. Until and unless we get information about what are the costs and benefits, I don't think we ought to legislate in the dark, and that is what we would be doing if we were to decide now to rush off and authorize two additional rounds of base closures without knowing the impact of, the costs of, or the benefits of the closures in the previous four rounds.

I am pleased to offer the amendment with some very strong support from some very influential Members of the Senate. The majority leader, Senator LOTT, is a cosponsor; the minority leader, Senator DASCHLE; the distinguished chairman of the Armed Services Committee, Senator THURMOND; and many others.

I think all of us feel the same way. There may be at some future date a need to reconcile further base capacity with troop strength. We understand that, we have understood that through four rounds of base closings. However, there will also be, and is now, a requirement that we understand exactly what we are doing, what are the costs and what are the benefits, and this would not be the time to authorize additional rounds of base closures prior to our having the information available on what we have done in the past.

One final point. All of us perhaps have some parochial interests, and I would certainly understand if someone said, "Well, but you have some military installations in your State." Yes, we do, and I have supported previous base closing rounds despite the fact that we have military installations, and it would probably not be in my best interest to do that, but I supported that because I understand we must reduce capacity in these installations.

But, I also understand that every time you go through a base closing round, there are additional costs imposed on nearly every community that has a military installation that is not calculated anywhere on these papers, and that is the cost of the economic investment that doesn't happen and the stunted economic growth in a community because a potential investor says, "That, community, I don't want to invest there at the moment. I want to wait a couple years to see if that military installation, that community is going to be there for the long-term future. If not, that region is going to have 20 percent unemployment, and the last thing I want to do is lose my investment."

So community after community after community has imposed on it a stunted

cost of economic development when we begin this process.

I am not here today to say I will never support another BRAC round, but this is the wrong time to initiate two additional rounds. If we look in the future at what the overcapacity might be, if there is, in fact, an overcapacity, then we should respond to that. But I do not want, in this circumstance, to authorize two rounds before we know the full cost, the full value and the full benefit of previous base closure rounds.

Mr. President, I ask unanimous consent that Senator FORD from the State of Kentucky be added as a cosponsor.

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

Mr. DORGAN. Mr. President, as I conclude, I send my second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. LOTT, Mr. DASCHLE, Mr. DOMENICI, Mr. THURMOND, Mr. CONRAD, Mrs. FEINSTEIN, Mr. DODD, Mr. BINGAMAN, Mrs. BOXER, Mr. BURNS, Ms. LANDRIEU, Mr. FORD, and Mr. ROBERTS, proposes an amendment numbered 771 to amendment No. 705.

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

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

The amendment is as follows:

After "SEC." on page 1, line 3 of the amendment, strike all and insert:

REPORT ON CLOSURE AND REALIGNMENT OF MILITARY BASES.

(a) REPORT.—The Secretary of Defense shall prepare and submit to the congressional defense committees a report on the cost and savings attributable to the base closure rounds before 1996 and on the need, if any, for additional base closure rounds.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A statement, using data consistent with budget data, of the actual costs and savings (in the case of prior fiscal years) and the estimated costs and savings (in the case of future fiscal years) attributable to the closure and realignment of military installations as a result of the base closure rounds before 1996, set forth by Armed Force, type of facility, and fiscal year, including—

(A) operation and maintenance costs, including costs associated with expanded operations and support, maintenance of property, administrative support, and allowances for housing at installations to which functions are transferred as a result of the closure or realignment of other installations;

(B) military construction costs, including costs associated with rehabilitating, expanding, and construction facilities to receive personnel and equipment that are transferred to installations as a result of the closure or realignment of other installations;

(C) environmental cleanup costs, including costs associated with assessments and restoration;

(D) economic assistance costs, including—

(i) expenditures on Department of Defense demonstration projects relating to economic assistance;

(ii) expenditures by the Office of Economic Adjustment; and

(iii) to the extent available, expenditures by the Economic Development Administration, the Federal Aviation Administration, and the Department of Labor relating to economic assistance;

(E) unemployment compensation costs, early retirement benefits (including benefits paid under section 5597 of title 5, United States Code), and worker retraining expenses under the Priority Placement Program, the Job Training Partnership Act, and any other Federally-funded job training program;

(F) costs associated with military health care;

(G) savings attributable to changes in military force structure; and

(H) savings due to lower support costs with respect to installations that are closed or realigned.

(2) A comparison, set forth by base closure round, of the actual costs and savings stated under paragraph (1) to the annual estimates of costs and savings previously submitted to Congress.

(3) A list of each military installation at which there is authorized to be employed 300 or more civilian personnel, set forth by Armed Force.

(4) An estimate of current excess capacity at military installations, set forth—

(A) as a percentage of the total capacity of the installations of the Armed Forces with respect to all installations of the Armed Forces;

(B) as a percentage of the total capacity of the installations of each Armed Force with respect to the installations of such Armed Force; and

(C) as a percentage of the total capacity of a type of installation with respect to installations of such type.

(5) The types of facilities that would be recommended for closure or realignment in the event of an additional base closure round, set forth by Armed Force.

(6) The criteria to be used by the Secretary in evaluating installations for closure or realignment in such event.

(7) The methodologies to be used by the Secretary in identifying installations for closure or realignment in such event.

(8) An estimate of the costs and savings to be achieved as a result of the closure or realignment of installations in such event, set forth by Armed Force and by year.

(9) An assessment whether the costs of the closure or realignment of installations in such event are contained in the current Future Years Defense Plan, and, if not, whether the Secretary will recommend modifications in future defense spending in order to accommodate such costs.

(c) DEADLINE.—The Secretary shall submit the report under subsection (a) not later than the date on which the President submits to Congress the budget for fiscal year 2000 under section 1105(a) of title 31, United States Code.

(d) REVIEW.—The Congressional Budget Office and the Comptroller General shall conduct a review of the report prepared under subsection (a).

(e) PROHIBITION ON USE OF FUNDS.—No funds authorized to be appropriated or otherwise made available to the Department of Defense by this Act or any other Act may be used for any activities of the Defense Base Closure and Realignment Commission established by section 2902(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) until the later of—

(1) the date on which the Secretary submits the report required by subsection (a); or

(2) the date on which the Congressional Budget Office and the Comptroller General complete a review of the report under subsection (d).

(e) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Secretary should develop a system having the capacity to quantify the actual costs and savings attributable to the closure and realignment of military installations pursuant to the base closure process; and

(2) the Secretary should develop the system in expedient fashion, so that the system may be used to quantify costs and savings attributable to the 1995 base closure round.

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

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I rise in opposition to the Levin-McCain amendment and in support of the Dorgan-Daschle-Lott amendment. Before I speak on the substance, I want to, again, take note of the tremendous leadership we are receiving from the Armed Services Committee chairman, the Senator from South Carolina, and the cooperation we are getting from the Senator from Michigan as they try to move this legislation through. They are doing an outstanding job. I know we will start a series of votes later on this afternoon, and we continue to look forward to completing this very important legislation before the week is out.

Mr. President, I have followed these base closure recommendations, so-called BRAC issues, now for many years. I was in the House when it was first proposed by a young Congressman from Texas, DICK ARMEY. I was a member of the Rules Committee, and he came to me and asked about how to get this procedure to be considered, to get it through the Rules Committee, to get it to the floor of the House of Representatives. I remember specifically telling him how the procedure would work, but assuring him from the beginning I would oppose it.

I have always been opposed to this approach. It is one more example of Congress not being able to deal with the tough issues of what we need in terms of facilities in this country and passing the decisions off—the tough decisions off—to others, in this case the Commission. I don't think that is the way it should be done, and that is not the way it was done until recent years.

In the past, the Pentagon, the Department of Defense, would make recommendations to Congress. Congress, through the appropriate committees—Armed Services and the Appropriations Committee—would consider those recommendations and, in some instances, base closures were approved, including facilities in my own State and probably most States in the Nation, and in others, it was rejected. But somehow over the years, it became more and more difficult to close these bases or to make decisions, to make changes in the bases, and so these so-called BRAC

rounds gained some currency and were pushed and, in fact, passed through the Congress.

We have been down this old BRAC road before, three-and-a-half or four times, if you will. I maintain it has not worked well. First of all, we found that it is a very difficult process. There is always concern about the fairness of how it is done. There are always some implications or indications that some political considerations came into play, and there always will be. But also I think it is important that we remember what it does to the communities and to the people who are involved.

These are just not nameless, faceless people. These are bases in communities, communities that are disrupted by these proceedings, communities and States spending millions of dollars trying to prove the worth of their bases. So we know that it has had an impact on the communities where these bases have existed.

We know it has created problems for the Defense Department among the various branches. We know that it is almost totally impossible to assess the real damages or the benefits or the savings from these closings. We have seen this in instance after instance. For instance, we have made decisions that certain bases would be closed and there would be certain savings. Yet, we have found that it has been very difficult to move toward closing those bases and getting the savings for no other reason than we have found, in many instances, that there are environmental problems in cleaning up those bases before they can be turned over to the private sector or the local communities.

To this day, the recommendations of previous BRAC's have not been completed. We have bases or facilities, depots that supposedly were going to be closed. They are not closed. So without having had an opportunity to really assess the damage that has been done to our capabilities and our facilities for the military of this country, without having an opportunity to really get these bases closed and, therefore, the savings achieved, we have now the recommendation that we have not one but two more of these base closure rounds.

I think that it has been a very dubious process that has caused lots of problems, and it should not go forward again with two more rounds until we fully understand the ramifications and the implications of what we have already done.

So that is why I think that the Dorgan amendment is a better approach. It doesn't say that we will never have another base closure round, although I can't envision myself voting for one in the future anymore than I have in the past, but it does set up a legitimate, logical process to assess what has already happened, what has been achieved in terms of savings as a result of those decisions, what it has done to

our capabilities militarily, before we go forward with another round.

The amendment that has been offered by Senator DORGAN and others allows already authorized base closures and realignments to go forward, and that is important, I emphasize again, because what has already been agreed to has, in fact, not been completed. This would include the 97 base closures and the 55 realignments that have already been agreed to.

Economic and fiscal ramifications of closing and realigning bases Congress has already authorized will stretch well into the 21st century. The Pentagon estimates on the savings cannot be supported. GAO, for instance, recently concluded that the "Department of Defense cannot provide [accurate] information on actual savings." The Congressional Budget Office has stated that it "was unable to confirm or assess DOD's estimates of cost and savings because the Department is unable to report actual spending and savings for [these] actions." As a result of all these factors, CBO observed that additional base closures "should follow an interval during which DOD and independent analysts examine the actual impact of the measures that have been taken * * *"

The Dorgan-Daschle-Lott amendment sets up a logical process to review what we have already done before we go forward with recommended rounds in the future. The last Base Closure Commission concurred in the assessment and stated that another round of base closures should not occur until the year 2001—not 1999, as proposed in the Levin-McCain amendment. That is an important point. The last Base Closure Commission specifically recommended that there not be another one until the year 2001, if then, so that we could get our work done, see what happened, and then make an informed judgment about whether to go forward with it again in the future.

This amendment provides the Pentagon with the time to develop accounting techniques so they can fully and accurately reflect the costs and savings from previous and future rounds of base closures, and it requires the Pentagon to prepare a report on the financial ramifications of past and future base closures and to have the report reviewed by GAO and CBO.

In short, Mr. President, this sets up a process to take a look at what we have already done, evaluate it, make sure we understand the cost savings or the costs that have been expended to try to achieve what has already been agreed to before we go forward, and then and only then after that review should we make an informed decision about whether or not to have another round.

I am going to hand out to my colleagues when we start having votes a list that I had prepared of facilities and activities that were considered by the

Base Closure Commissions in the years 1991 to 1994, but not closed. There is a long list. And I just want to ask my colleagues, whether they be from California or Connecticut or Georgia or Minnesota or my own State or any other State, take a look at what is on this list.

Think of what you have already been through, and think of the impact it would have on the military if some of these facilities, which are very fine facilities that are important for our training for the Air Force, for the Navy, if they should be threatened once again with being closed. Do you want that? So I will have this list, and I invite my colleagues from all over the United States to take a look at this list.

This should not be done. We should not be closing down needed facilities and needed bases in the United States while we are sending our military men and women on humanitarian missions around the world. We are looking after the needs and problems around the world. That is fine. But what about the impact and the needs in our own communities of our own constituencies and most importantly of the military itself?

I vigorously oppose the Levin-McCain amendment and I will go along with the Dorgan-Daschle-Lott amendment because I think it is a better alternative and that it sets up a logical process to evaluate whether or not we should ever have another Base Closure Commission.

Mr. President, with that I yield the floor.

Mr. NICKLES addressed the Chair.
The PRESIDING OFFICER (Mr. FAIRCLOTH). THE SENATOR FROM OKLAHOMA.

Mr. NICKLES. Mr. President, I want to join with my colleague from Mississippi in urging our colleagues to vote no on the McCain amendment.

Mr. President, the entire process dealing with base closure is a process that Congress entered into with the administration, a joint process where we said we would work together, set up a commission, a commission of experts, we call it BRAC, the Base Closing Commission, and they would make recommendations and send those to the President. The President would either accept it or reject it. He could not modify it. If the President did not agree with those recommendations, he could send it back to the Base Closing Commission and they could change it. But he has two options: He accepts it or rejects it.

Same thing with Congress. Under the procedure that was set up—I might mention, it worked quite well the first three rounds. The President took the recommendations; then he would forward those on to Congress, and then Congress accepted them. We could not amend it. We could not say that it included a base from the Senator from

Montana's home State, the chairman of the Military Construction Subcommittee, so we will send that specific recommendation back, or maybe a recommendation to close a base in the home State of the Senator from South Carolina or Mississippi, those are powerful Senators, the chairman of the Armed Services Committee, and the majority leader respectively.

We did not touch those. We did not set it up that way. We set it up so an independent commission of experts, appointed and I might mention confirmed by the Senate, would work and work very hard. One of the toughest jobs around was for this commission to travel to all the bases on the so-called suspect list or the possibility list. They would visit these bases, and then they would make their recommendations.

I might mention in the process, they would probably terrify the individual communities and all the individuals associated with those bases. They would terrify them because they were afraid they might lose their job, they were afraid they might be on the final base closure list, they were afraid they might lose a job they think is a pretty good job—in all likelihood it is a good job, and they do not want to lose it.

So Congress had to—I don't know if it should be called collective wisdom, but we said, "Let's put it on this group, these real experts, a lot of retired military people, people that are going to spend the time and really investigate and analyze which bases should be closed." We have too much base infrastructure, so we had to close them. So that was the process. And it worked quite well the first three rounds.

Then in the fourth round President Clinton changed it. We had the same Base Closure Commission, a good commission. They made their recommendations, sent it to the President, and said accept it or reject it. President Clinton did neither. He said: Well, we're going to accept all the recommendations except for two, except for ones in California and Texas. There are a lot of electoral votes. We have an election coming up. So he did not accept the base closure recommendation.

He tried to modify it. He said: "Well, we won't close two bases. We'll privatize them and keep them in existence." That was not what the Base Closure Commission had said. Congress did not have that option. We were not able to say, "Wait a minute, we want to close all these on the list except for—" We did not do that.

So the President, in my opinion, violated the law. And I think the law is very clear. Other people debated, "Wait a minute. Does he have the flexibility? Does the Base Closing Commission give him the option to privatize in place or is this something he created?" I think it is something he created. That was not the intent of the Base Closing Commission.

Could he fudge? Could he interpret it that way? Well, he did. So far he has gotten away with it. But that was not what the base closing law called for. That was not the intent of the Base Closing Commission. And certainly the President circumvented the will of the BRAC, and of the base closing process. I think he destroyed a lot of good will in the process.

A lot of people might have been willing to say, well, we might comply with another round, but I will tell you, you cannot comply with another round if you think the executive branch might violate that trust or politicize this process. And that is exactly what President Clinton did.

I might even read for my colleagues an op-ed article from the Washington Post at that time, July 14, 1995. I will just read this part of it.

Over the past couple of weeks [President] Clinton has been engaged in a highly publicized effort to ensure that many of the jobs at McClellan Air Force Base in Sacramento will be privatized. That is rather disingenuous. If the privatization is real, it will merely perpetuate the expensive overcapacity that the base closing is supposed to reduce. If the private-sector jobs rapidly fade away after another election or two, the people who held them will rightly consider the whole effort a sham.

What he had was an effort to win votes, and again violate the process. And so should we have another couple of base closing rounds? I do not think so. No, not as long as there is not an understanding that we are all going to be in this boat together, the President is going to abide by the law and Congress is going to abide by the law. The President certainly did circumvent the law in this case.

I will read to you a quote from a speech President Clinton made in Texas. He said:

On July 1st, you were dealt a serious blow when the Independent Base Closing Commission said that we ought to shut Kelly down. At my insistence and my refusal to go along with that specific recommendation, the Air Force developed the Privatization In Place Plan that will keep thousands of jobs here at this depot.

That was made October 17, 1995.

President Clinton is exactly right, he refused to go along with the specific recommendation of the Base Closing Commission. The point is, if he wanted to disavow the Base Closing Commission decision, he could have sent it back to the Commission. He said, "I will agree with all these, but not these two." And that would have been the process to follow; he could have sent it back to the Base Closing Commission.

Maybe they would have reconsidered; maybe they would not have. But he did not do that. He said: I am going to accept and amend. And the law did not give him that right. So he violated the process, and created a new process, and one, in my opinion, where he undermined the credibility that we have

under this law that worked in the first three rounds and did not work in the fourth round. He politicized the process.

Should we just have another two rounds? I do not think so. I just cannot see that Congress would allow another round or another two rounds and terrorize all these communities if they think, and the individual Members of Congress think, "Well, wait a minute. Maybe we're not going to do this on military value. Maybe we're going to do it on politics. Because politics entered the last round, maybe politics will be in the next round."

The President found a clever way of doing it. We do not have to close any base. We will just privatize in place. We do not have to lose any jobs. He promised in California—there were 8,700 jobs the day the base closures were announced, and he said, we will have 8,700 jobs in the year 2001. We will have 5,000 jobs a few years later than that. We will promise you jobs forever. That is not privatization in place. That is electoral politics.

And it is a real shame he introduced election politics into the base closing process, some real violation of trust for every single Member that had a base closed in any round—any round. If you were willing to say, OK, we will put our bases at risk since we are all doing it together for the good of the country, for the good of national defense, I am willing to leave my rights alone as a Senator to participate in this process for the good of national defense and the good of our country because we know we have to do it, we know we have to reduce excess base capacity, if we are not going to play politics a lot of people said they are willing to do that. Then President Clinton plays politics.

So, Mr. President, I strongly urge my colleagues to vote no on the McCain amendment. We should not have additional base closing rounds in this Senator's opinion until and unless we comply and until or unless we make absolutely, totally, completely, sure that politics will not be involved in any future round.

I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise to support the Dorgan-Daschle amendment. I think that is the logical step to take at this time. I wish to commend the majority leader, Senator LOTT, the assistant majority leader, Senator NICKLES, for their excellent talks that they made on this subject. I wish to commend all others who took that position or the opposite position for participating in this debate. This is a very important subject. I am very pleased that so many Senators have taken part in this debate, which is very helpful to our country.

Mr. President, I am not going to make a long talk. We have had a lot of talk the other day. I expect to speak less than 5 minutes.

Mr. President, in my judgment, and that of many of my colleagues, the Secretary of Defense has not made a sufficient case for additional base closures. The one point that has been a common theme throughout the debate on additional base closures rounds has been the extent of actual overcapacity in the existing infrastructure. I am not satisfied that we have accurate data on this matter and should not vote for any additional rounds until we have an independent assessment of the overcapacity.

As a second concern is that I believe that the desire for supposed savings is becoming the sole driving force for additional base closure, without consideration of continuing requirements. The Department has not identified the upfront cost of doing another closure round and I am worried that, based on experience, most of the claimed savings will not materialize, or be used for modernization.

Mr. President, it is also important that the Congress understands on how the Department plans to proceed with the next BRAC and whether it will focus on facilities where excess capacity truly exists. I do not need to remind my colleagues that we have had four rounds of base closures, and that many of our communities have endured tremendous turmoil and great losses because of them. These communities were under the impression that the closures they endured would resolve the overcapacity problem. I recall the Department's claiming that BRAC 95 would be "The Mother of all BRACs." In fact, this was a gross overstatement. I suggest that the Presidential campaign had a role in limiting the scope of BRAC 95, and the communities and the Nation are now bearing the consequences of that action.

Despite the stated good intentions of my colleagues, I oppose taking action at this time. We must have a better understanding of the excess capacity, what the future military requirements will be and how the Department will pay for this expensive undertaking. Until we have that information, I urge the Senate to vote against this amendment.

Mr. LEVIN. Mr. President, just briefly, a few comments on the BRAC amendment of Senator MCCAIN, myself, Senator ROBB and others.

First, on the cost question. The Defense Department has testified on the savings. Their testimony is part of the record. The Under Secretary for Defense, John Goodman, before the Readiness Subcommittee of the Armed Services Committee, testified that their estimate of net cost in savings are as follows: 98 major installations closed through BRAC, costs through 2001,

when they would be fully implemented, \$23 billion; savings through 2001, in billions, \$36.5 billion. That is a \$13 billion savings during that period, and then after 2001, recurring savings, every year, because we had the courage to pass four BRAC rounds, of \$5.6 billion.

Now, that is our modernization shortfall. That is why the Joint Chiefs of Staff, every single one of them, plead with us, in a very direct letter, plead with us to support the Secretary of Defense in his request for two more BRAC rounds.

Now, there is no use coming to this floor and talking about the need to modernize or to make sure we have the most advanced forces in the world, the most ready forces in the world, with the highest moral in the world, when we are not willing to take the steps that are necessary to make those things possible. We know we are not going to get increases in the defense budget. We know we have a 5-year budget that we have to live within.

So the question, then, is, are we going to keep excess baggage, infrastructure, which the Defense Department says is no longer necessary? It is a tough choice. I could not agree more with my friends from Oklahoma and Mississippi and others who have spoken about the difficulty that communities go through. My communities in Michigan have gone through it and will again if we pass this BRAC round. Three Air Force base communities, all three SAC bases, gone. We know something about that. We know about the pleas that we made to the BRAC commission and the Defense Department. We know about that. We know the urgencies of those pleas. But there is no alternative.

History has proven over and over again that if you are going to get rid of excess infrastructure—and we know we have excess, and the experts are telling us that—it seems to me we have no reason to disbelieve the Joint Chiefs when they tell us we have this major surplus of capacity. The Chairman of the Joint Chiefs of Staff, General Shalikashvili, says we have more excess capacity now than we did when we started the BRAC process because we have reduced the size of our force. Are we listening? When we get these kind of pleas from the uniformed military not to waste money on bases that they cannot afford to maintain, are we listening to them, or are we going to take an easy way out, which is to say give us a report.

We have a report: the Defense Department. That is the report. That chart is the report for the Defense Department. Now, can they prove those figures so that they can be audited? No, these are estimates of the Defense Department. That same Congressional Budget Office which points out that the estimates cannot be confirmed with precision, also says this, which is

not reported. I didn't hear the opponents of this amendment quote this part of the CBO report, although I may have missed it, in fairness to them. I didn't hear it. CBO believes that BRAC actions will result in significant long-term savings.

Now, we can delay it. They will be longer term. We heard the argument, "Look how long it has taken for the environmental cleanup," and that is true. It will take longer if we don't close a base, to clean up that base environmentally, than if we do. We know that, by the way, historically. We have money to clean up bases we are closing where we don't have money to clean up bases that are staying open. If we are worried about the speed with which a base is cleaned up, they are cleaned up more quickly, I say, ironically and sadly, when they are closed than when they are kept open. That is a pretty sad comment, but that is a fact. That is the reality.

So if we want to speed up the environmental cleanup, you don't keep a base open to that purpose, and you surely don't delay closing bases which need to be closed if the environmental cleanup has taken too long. It will take longer if you delay the closing. Delaying closing of needless infrastructure does not speed up the environmental cleanup of that infrastructure; it delays the environmental cleanup of that infrastructure.

Now, we are talking here about a significant sum of money in this defense budget. I want to just repeat these estimates: \$5.6 billion is the estimate. People say, "Well, we don't have the dollars." Yes, we do. Here is the report from the Defense Department. There is the chart from the Defense Department. These documents here are the basis of that report. I am not so sure how many of us want to go through each one of these to see if those figures add up to the \$5.6 billion, but here they are. The savings are real. Even the CBO, which says they can't confirm the precision, the accuracy of these estimates, says, again, CBO believes that BRAC actions will result in significant long-term savings.

We just got a report from Secretary Cohen addressed to Senator THURMOND, a letter that reads as follows: "As the Senate moves to final consideration of its version of the FY 98 defense authorization bill, I urge you to support the McCain-Levin amendment authorizing BRAC rounds in 1999 and 2001."

Now, he is giving the estimate of the two additional rounds in terms of the recurring savings. I am sure this is what the next sentence means, because we had this testimony, in effect.

We estimate two additional rounds would result in savings of approximately \$2.7 billion annually.

I know from previous testimony he is referring to the recurring savings. That is a significant hunk of change, even in the defense budget.

And then he says something we ought to listen to.

These savings are absolutely critical to the department's modernization plan.

He goes on:

There have been some questions regarding the savings actually realized from previous base closures. We have taken these questions seriously and asked the Department of Defense Inspector General to take an independent look at this issue. The Inspector General's preliminary results indicate that there is no basis for concern that BRAC has not been highly cost effective.

I am going to repeat that before I continue because that is sort of the bottom line here.

The Inspector General's preliminary results indicate that there is no basis for concern that BRAC has not been highly cost effective.

And then Secretary Cohen goes on to say:

The preliminary audit examined BRAC 1993 actions, including the largest Navy closure, Mare Island, and eight Air Force Bases closed or realigned. For these bases, the IG found that DOD overestimated costs by \$148 million and underestimated savings by \$614 million.

The IG's report is attached to his letter. This report goes through some of the reasons why they actually underestimated here the savings.

So, instead of, at least on this study by the IG, the bases actually saving us less than predicted, the closing of those bases that were studied by the IG turned out to save us more than was projected by a significant amount, and the reasons for it, again, were set forth in the IG's report.

There is another argument that we have heard, and that argument is that this action has been politicized. There will be arguments back and forth as to whether or not the privatization in place that occurred at two facilities was consistent or not with the Base Closing Commission. You can argue that either way. Obviously, the State that is affected positively by the President's or the Defense Department's decision feels it was perfectly within the scope of the Base Closing Commission's report. The States which were negatively affected, in their view, by that decision argue it was not contemplated by the Base Closing Commission.

The Base Closing Commission report, however, says that these facilities "consolidate the remaining workloads to other DOD depots or"—and that is the critical word for those who argue one side of this issue, "or"—"or to private-sector commercial activities as determined by the Defense Depot Maintenance Council."

Well, the Defense Depot Maintenance Council determined those two actions should be taken so that they could be privatized in place. I think that, at least, is reasonably, arguably, provided for by the Base Closing Commission report. It says "or"—"to consolidate the remaining workloads to other DOD de-

pots or to private-sector commercial activities as determined by the Defense Depot Maintenance Council," as the alternative to consolidating the remaining workloads to other DOD depots.

Two options were laid out by the Base Closing Commission. The DOD followed one option. They privatized in place. But whichever side of that argument one takes—and we have heard both arguments—that is no excuse, even if one follows the view that that was politicized, that they should not have been privatized in place. They should have gone to other DOD facilities, and that was a political decision.

If one accepts that argument and concludes that is right, what reason would that be not to have future rounds of base closings? What we simply would do, as we have done in this bill, is to make sure that there will be no privatization in place in the future without the specific recommendation of the Base Closing Commission, which is created in this amendment. Why would we want to cut off our nose to spite our face, even if one believes that it was politicized? Why would we want to say we don't want to save \$2 billion in the future because DOD or the President politicized the last round? We will cure the problem and disallow privatization in place, unless it is explicitly provided for by the Base Closing Commission—more explicit than the language that I even read.

Now, our amendment does that. We are not going to cure the perceived problem of this privatization in place action by denying future base closings and denying savings of \$2.3 billion a year, which Secretary Cohen says is the estimated savings from the next two rounds of base closures. We are not going to cure that problem. We are going to make our problem worse, not better.

Now, we can address that problem, and some may want to do that with amendments on this floor. If they wish, they are free to try to offer amendments to reverse that decision. My own view is that we ought to make sure that that action is competitive and is certified by the inspector general of the Department of Defense as being a fair and open competition as between the various alternatives that are sought here.

Let the marketplace decide—that is my view—in a fair and open competition. But there have been some proposals that maybe there ought to be amendments to cure what is perceived to be that political problem. That at least addresses the problem. Denying future rounds of base closings, which will deny us savings of billions of dollars, doesn't cure the perceived inequity or unfairness that resulted, many feel, from the privatization in place decision of the Defense Department. We are not curing the problem. We are just denying ourselves savings.

So there is not a logical connection between those two actions. Now, I understand. If I were representing one of those three States, I know I would feel the same way they do. At least I think I would. I can understand that. We all represent States and feel passion for the States we represent. We all represent our States as advocates. We believe in them and we believe they ought to get a fair shake. When we don't think they got a fair shake, we are on the Senate floor pleading for our State. So I understand.

As I said, I understand the pain of base closing. We have been through it, and we might face more. But I also understand what the Joint Chiefs are telling us when they say we have excess, surplus baggage, that the infrastructure exceeds the number of personnel that we now have. "The tail is too big for the tooth," as they say in the military. We have to slim down. When General Shalikashvili, who is a distinguished soldier, Chairman of our Joint Chiefs, says we have more surplus capacity now than we did when the BRAC closing process began, we should listen.

We are listening. We have offered this amendment to give us a chance to proceed to shed the excess weight that Secretary Cohen has asked us to shed, to save the billions that we need and cannot afford to waste if we are going to fully protect and defend the security of this Nation.

Mr. President, I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the senior Senator from Arizona.

Mr. MCCAIN. I thank my friend from Michigan for a very lucid and, I think, fact-filled discussion of this issue, which I believe has become more Orwellian in nature, if I might characterize it as that.

We are now debating whether closing a base will save money or not. If that were not the case, Mr. President, we made a terrible mistake at the end of World War II. We should have kept all the bases open that we built all over America during World War II and should not have closed any of them. I am, frankly, astonished.

Now, I think there have been valid arguments made over the process. There have been arguments made as to whether the process was politicized in the last round of BRAC. I think that there have been some valid points here. But, Mr. President, anyone in the world, I think, can understand that if you have to reduce a business, a corporation, or whatever it is, because the in-flow of money has been reduced, then you have to close a number of facilities because you don't have the business.

Mr. President, the military, in many ways, is a business. They are assigned a mission. They receive money to carry out that mission, and they build the facilities and equipment and hire the

men and women to carry out that mission. Then, as that mission is reduced and the amount of money to support that mission is reduced, you shrink the size of the support establishment.

It is not really very complicated. To make an argument that a base closing does not save money over time, really, to me, defies all logic. Yes, there have been costs associated with base closings that were not anticipated. I will certainly agree with that. A lot of it had to do with environmental cleanup. But the fact is, Mr. President, that those costs would have been incurred anyway and probably would have been higher as years went by and the pollution and the environmental poisoning would have become greater. So to somehow say that because we had to clean up bases that were closing does not justify the bases being closed, that ignores the fact that sooner or later the environmental cleanup would have had to take place.

Now, Mr. President, if you have three bases and you only need two, then you need to keep paying the electric bill at the third base, keep the runways paved and the housing up and the grass cut. All of those are costs that are associated with excess inventory. So when you don't have the requirement for that inventory because the mission has been reduced—the funding in this case—then you reduce the support establishment. I don't know how it could be much less complex than that.

When we talk about CBO estimates, DOD savings estimates are inconsistent, unreliable, and incomplete, maybe they are. Maybe they are all those things. But you can't deny the fundamental fact that unless you believe we are going to increase defense spending, we have to have a better match-up between the support establishment and the operating forces, and that because our reduction in overall funding and our failure to implement the reductions in the support establishment is not matched up, we therefore are losing in this "tooth to tail" ratio, which the Senator from Virginia, Senator ROBB, has talked about on occasion.

One of the opponents of this amendment said that Congress should be doing this. I totally agree that Congress should be making these decisions. It is a lack of courage on the part of Congress that we have to turn to a commission. But, Mr. President, it is perfectly clear that for 17 years not a base was closed, even though there was a requirement, in the view of one and all, to do so. It was because Congress didn't have the political will to do it. That is why we resorted to the Base Closing Commission.

Now, if I had the confidence that Congress would act in a responsible fashion and we would close bases as necessary, then I would not support the commission. But the record is perfectly

clear that, for all those years, we were unable to close a base because Congress was politically paralyzed, so we had to give the responsibility and the blame to a Base Closing Commission.

The Senator from Michigan has already referred to the letter of the Secretary of Defense. I am told that a letter from the President is coming over. The inspector general of DOD found that, in some cases, they overestimated cost by \$148 million, and they underestimated savings by \$614 million. The inspector general is a well-respected individual, and her memorandum, which is contained in the cover letter by Secretary Cohen, I think is abundantly clear.

Mr. President, I don't like to drag out this debate too long. I think that some arguments have been made that I think are important to be made by the opponents of this amendment. I want to make it clear that if the Dorgan second-degree amendment is not tabled, the Senator from Michigan and I intend to have a vote on our amendment up or down. So we will raise that amendment again until there is a final adjudication by this body on the McCain-Levin amendment. I hope that the Dorgan second-degree amendment is tabled and we can have an up-or-down vote on the other.

The Senator from Michigan pointed out and showed the stacks of information that have been sent over to the Senate. The Senator from Michigan and others have pointed out the abundance of information that has been sent over by the Department of Defense and the forms and reports as to how much money has been saved and where and under what circumstances. Yes, we underestimated the environmental cleanup costs, but we have underestimated the environmental cleanup costs in every toxic waste site in America, not just on military bases. Those toxic waste sites are not going to go away just because the base remains open. Sooner or later, that problem is going to have to be addressed. So I hope that we will act in agreement.

One other thing. The letter from the chiefs of the services that came over, including the Chairman of the Joint Chiefs of Staff—many of the allegations I have heard quite often are that members of the military are empire builders, they never want to give up a base or a weapons system, and they never met a weapon system they didn't love. These individuals are calling for these tough decisions to be made because they know what will happen if we don't close these bases. It will not free up the money, which is absolutely vital, in their view, to modernizing the force and retaining the men and women we need in the All Volunteer Force, to provide sufficient funds for training and operations in order to keep our military the best in the world, because you can't siphon off all this money into

support functions and expect us then to have enough money left over to carry out the operations that are necessary.

So, Mr. President, at the appropriate time, I will move to table the Dorgan second-degree amendment. I hope we can dispense with this issue as soon as possible.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Utah is recognized.

Mr. HATCH. Mr. President, I want to take a few moments today to talk about this process. I have to say that having gone through the three BRAC processes we have had in the past, having traveled from city to city to make the cases that we made, having fought very hard to try and make sure the process was honest and decent, having lived through it, where the defense depot in Ogden was shut down—we felt, for very poor reasons. The only reason was that it was more interior, it seems to me, than the bases on the various coasts. But it seems to me that that was one of its great advantages. It would be much more difficult to attack if we got into difficulty.

But we lived with that. We lived with the shutdown of the Tooele Army Base, which literally had the greatest heavy-duty vehicle repair facility in the world, just completed at a cost of almost \$200 million to the taxpayers. And they shut down. Now they wish they had not because they now don't have the facilities or quite the same capability to take care of Army heavy-duty vehicles. It was a stupid thing to do. But that is what they did, in spite of the fact that Utahans have the chemical weapons destruction facility there. And we put up with all of the hazardous problems of storing chemical weapons in Utah and even transporting them around with various aspects in and out of Utah and with the chemical weapons demilling that we do there.

Utahans have always been very patriotic. They have supported the military as much, if not more so, than any other State in the Union, and I think the attitude is still that way in spite of some of these glaring inequities that have occurred. We lived with those. We can accept them.

I agree with the distinguished Senator from Arizona. We should shut down bases that do not deserve to compete, or really aren't competitive, or really are dealing with old, worn-out, less modernized facilities and also equipment, and work done on various less modernized pieces of equipment. But what we are getting very upset about lately is that we went all through this BRAC process, and we worked our tails off trying to make a case for the Hill Air Force Base and Ogden Air Logistics Command. We did. It came out No. 1 without question. It was the best Air Logistics Command in all of the Air Force—in all of the military. The work force was one of the

best in the history of the country. And we won. So did Tinker Air Force Base. So did Warner Robins.

Mr. President, they won because they were more competitive. These three bases won because they could do a better job. They won because they literally made sense as far as keeping our Air Force modernized and working well with the best equipment possible. Three work forces appeared to be the best, and certainly Hill was No. 1. Since that has happened, Hill has gone down to about a 54 or 55 percent utilization of capacity.

I have to say this. With that low utilization of capacity, which should be up around 85 percent had the transition work been given to Hill, and which we hope will be given to Hill, if we could get it up over 70 percent of capacity, as high as 85 percent of capacity, Hill Air Force Base would be so competitive that nobody could compete with them in the world today. But at 54 or 55 percent, it means that the costs are much higher than literally they would be if we were utilizing the capacity in a fair and decent manner.

I have to say that we have had many Air Force people tell us they don't want to ever see Hill hurt because it is the best Air Logistics Command in the armed services today. But their hands are somewhat tied by the administration that is playing politics with the BRAC process.

The administration has indicated because there are two Presidential States involved that even though the full BRAC process said that McClellan Air Force Base in Sacramento had to be shut down and that Kelly Air Force Base in San Antonio had to be shut down, the administration has indicated they don't want them shut down. As a matter of fact, they are now talking about privatization in place. It is nice to talk about that if all things were equal—if literally good business principles were practiced; if literally there was not any stacking of the deck in either case; if literally the regulations that would be written would be fair. Maybe there could be an argument for that.

But the only argument that should be made for privatization in place is after the consolidation of the three Air Logistic Commands that won the competition. Once they are consolidated, then I have no problem with trying to place some privatization and have private companies bid on some of the work.

Keep in mind that one reason why we don't go straight to privatization is because during time of war, we want to be able, above all things, to be functional, and we don't want to have to worry about whether prices are going to be jacked up by private companies, or whether or not we have the capacity to take care of the needs of our fighting men and women overseas, or for any other number of reasons.

Mr. President, the President's politicization of the BRAC95 process has become a common theme on this floor. I admire the willingness of so many of my colleagues on both sides of the aisle to explicitly state that privatization-in-place was not intended by BRAC, and that this deliberate evasion of the BRAC recommendations can only portend defeat for those seeking future BRAC rounds.

UTAH DOES NOT DESERVE TO LOSE THREE BRACS
IN A ROW

My State, Utah, does not deserve to lose in three successive BRAC rounds. We lost 5,000 jobs from the closure of two installations, the Tooele Army Depot in BRAC91 and the Defense Depot at Ogden in BRAC93. But Hill Air Force Base, and the Ogden Air Logistics Center, is a different case.

Hill is the best of the best among maintenance depots, rated as a tier I installation. That means the highest military value. By contrast, Kelly and McClellan were rated tier III—meaning the lowest military value. To privatize at the worst depots is to demean the merits of the Air Force and BRAC decisions to preserve the best, and the best is the work force at Hill.

I can make the case that BRAC91 was wrong. The Army put \$250 million into the finest consolidated maintenance depot for wheeled combat vehicles in the world. A couple of years later, it shut it down and moved the work to the Red River Army Depot at Texarkana. Then what do you think happened? Red River was designated for closure! But it gets worse—DOD virtually abandoned Tooele until the Tooele County Commission, to its everlasting credit, aggressively beat the bushes for users, successfully bringing Detroit Diesel onto the former base.

The point is that Utahns can and do turn bad situations into successes. We can deal with adversity, but we do not have to deal with the type of unfairness and outrageous discrimination that is being dealt to my State by the President.

Let me remind my colleagues that Hill met the best of the BRAC95 parameters, which included military value and return on investment.

Utah is a terrific investment for the Air Force and the Nation:

DOD is mindful of Utah's value for the same reasons that domestic and foreign businesses flock to the State. And they certainly don't come because of our political clout alone—after all, we have only five electoral votes.

Utah's attraction lies with its people, its business climate, its youthful and well-educated work force.

The State has the highest educational level in the United States, according to the U.S. Bureau of Labor Statistics.

Money Magazine and Business Week, among other sources, repeatedly cite it as the best place to do business, the

best place to live, and the so-called Software Valley of the World.

And its work force is the youngest in the country and teeming with skilled college graduates who work. Ask any business in Utah about the Utah work ethic; in fact, ask the BRAC commissioners! Ask the Air Force!

In a few words: Utahns are the real return on investment, and it is why the Air Force and BRAC have heavily endorsed the retention of Hill.

Utah's military value is unmatched. The BRAC commissioners didn't miss a thing in assessing Hill's military value. It hosts the gateway to the Nation's largest exercise site, the Utah Test & Training Range, covering 2,675 square miles. This is the only range in the world on which every active Air Force aircraft can exercise—keep that point in mind. If Hill is not properly used, or if the President's privatization deception causes an underutilized Hill to suffer in a future BRAC round, I will tell you now that this range will not longer be available to DOD. It is just that simple. People in Utah are going to turn against them.

Even though we have been the most patriotic State, or equal to any other patriotic State in the Union.

I will not allow the citizens of my State to become a DOD trash can—dumping bombs on our fragile terrain, using our remote regions for developing chemical defenses or demilitarizing dangerous chemical munitions, for example. We tolerate as day-to-day sacrifices certain activities that we see other States revolting against.

We want Hill's military value appreciated and developed precisely the way that BRAC intended, and that means consolidating core workload at Hill. We want this work at the best depot. Like most other Americans, we do not want privatization of the workload at the site of the worst depot. We want the ICBM depot at Hill to flourish, the F-16 logistics management program, and the C-130 depot programs to be expanded as intended. We deserve—because we have earned—the F-22 and Joint Strike Fighter depot programs over the next decade.

Hill does not work well at the current 50-percent capacity usage level, nor at the 66-percent level which it would have in the outyears if privatization in place occurs. We work best when we are at full capacity, and that is why BRAC directed a consolidation package that would put Hill at 86-percent utilization in the year 2001. It was done, to repeat myself, because Hill is the best of the best.

HILL REFLECTS THE UTAH "CAN-DO" SPIRIT

Mr. President, Utah is a State populated initially by pioneers who lived and overcame adversity—even in the face of outrageous unfairness and persecution. Today, the Old Mormon Trail is alive with men and women of all ages, and of all faiths, who are re-re-

creating that spirit as they trek toward Utah.

We overcame the unfairness of Tooele Army Depot loss, as I mentioned.

Despite our remote location, we are a literate, sophisticated State with 17 percent of the Utah adult speaking a foreign language, most fluently.

Our small State with just over 1 million persons in the work force, has over 1,800 information technology and computer software companies.

Our unemployment rate is 3.5 percent, while our job creation rate is twice that of the United States at 7.3 percent.

And, we are the fifth fastest growing State.

Mr. President, I could go on—but my point has been made, I believe. It is that, like many other Members of both the House and Senate, we demand fairness. When we appoint an independent commission, we expect its recommendations to be honored by a Chief Executive who is President of all the people, not just those with the greatest number of potential votes.

PRIVATIZATION IN PLACE

Mr. President, the Base Realignment Commission—BRAC—issue that affects us most deeply is the evasion of the BRAC recommendation to consolidate workload at a public depot or at a commercial private sector facility. This BRAC recommendation has been distorted by the Clinton administration to allow what has now become known as privatization in place.

In the next few minutes, I will present eight reasons why privatization in place will not work. It is not economically feasible, and it is inherently unfair to the public depot competitor:

First, it will worsen already deteriorated efficiency in the depot system;

Second, GAO has identified current wasteful depot practices that privatization in place can't provide;

Third, past depot reforms have not succeeded;

Fourth, the problem of excess capacity is not solved;

Fifth, it will not produce promised cost savings;

Sixth, the best depots are being sacrificed on a shaky political alter;

Seventh, the case for privatization in place has yet to be made; and

Eighth, the privatization-in-place competition lacks the elements of fairness expected in Government solicitations.

PRIVATIZATION-IN-PLACE WILL COMPOUND IDENTIFIED DEPOT INEFFICIENCIES

Mr. President, the Depot Caucus is an informal group of Members of Congress with strong interests in averting the problems of depot waste and inefficiency. Our goal is to ensure the availability of high-readiness equipment to our Armed Forces.

Depot operations are part of service logistics, which is probably the most difficult of all military specialties. Even some of history's top military strategists, Napoleon and von Clausewitz, to name two of the greatest, failed to insert military logistics into their battle plans and strategies. Yet, military logistics has long been one of the great strengths of our military services. It has also been an undeniable cause of our success on the battlefield.

My point here is that we cannot afford the inefficiencies and waste that privatization in place will bring to an already cumbersome depot system in DOD.

GAO HAS FOUND DEPOT OPERATIONS WASTEFUL AND INEFFICIENT

GAO has identified \$2.5 billion of losses over 4 years directly related to an Air Force depot system that is already encumbered with 40 percent excess capacity. In its May 1997 report on defense depot operations, the GAO said "DOD consistently experienced losses [in depot operations] * * *, and has had to request additional funding to support their operations."

Why do I raise this specific point? Because depot operations are expected to at least break even. That has always been one of the Air Force depot system's ever-elusive goals. But, instead, the system will sustain operating losses for fiscal year 1997, which the Air Force estimates at \$1.7 billion. This exceeds even the GAO forecasted losses.

Let me add that operating losses is an auditor's term of art. GAO's mandate is to audit organizational and operational procedures to evaluate efficiency and effectiveness, predictors of program quality.

DEPOT FINANCIAL MANAGEMENT REFORMS HAVE HELPED ONLY marginally

This is not to say that DOD hasn't been working the problem; it's just not getting any better. Let me give you an example.

In 1995, DOD streamlined the financial management of its depot operations by devolving control over depot financing from the office of the Secretary of Defense to the military services. This reform shifted accountability for the Defense Business Operating Fund [DBOF], placing it at the service level. I share GAO's demand for better accountability. But the problems plaguing DBOF just followed the so-called reforms.

First, the Air Force, not unlike the Navy, advance billed its customers, which are the military units sending equipment to the depots and which pay for the services of the depots. The advance billing came to \$2.9 billion, which was to ensure that sufficient cash balances were available to pay for the goods, services, and other stock items required by the depots to service the assets. Still, the Air Force will operate this year at the \$1.7 billion deficit that I mentioned earlier.

The second point regarding this reform is that there is simply too little demand for depot service. It's a classic supply-demand problem that every undergraduate encounters in textbooks. I suggest to my colleagues that if they owned a chain of auto repair facilities—let's say 5—and there was significant excess capacity, the logical thing would be to close two garages and consolidate the work in the remaining three. Unlike a lot of what the Air Force does, this is not rocket science.

But, I can't place too much blame on the Air Force. They have four big problems, the last of which is beyond their control:

First, they're faced with 40 percent overcapacity;

Second, they have a resulting \$1.7 billion deficit this year;

Third, there are gross inefficiencies and distortions that always accrue to business planning when you have to advance bill your customers; and

Fourth, they now have some members of their board of directors, including Congress, telling them to throw caution to the wind and sustain these inefficiencies anyway!

Many Members of this body have run businesses. Is there anyone here who could keep afloat under these conditions?

My last point on current inefficiencies is that these problems were not unknown before we compiled the Defense depot provisions in the bill before us today.

You'll recall that during the BRAC process we used a sophisticated analytical modeling technique called COBRA [Cost of Base Realignment Activities]. The parameters and formulas applied by the COBRA model long ago uncovered the same problems. Academicians say that a model's strength is related to its ability to predict and explain. The accuracy with which BRAC uncovered, explained, and predicted the problems that we are discussing today suggests COBRA's efficacy. Perhaps some other agencies of government ought to try it.

THE PROBLEM OF EXCESS CAPACITY

Mr. President, the GAO testified before the Senate Defense Appropriations Subcommittee hearing last month. In his testimony before that panel, the Assistant Comptroller General made the following observation on excess capacity. DOD's 40 percent excess capacity, he said, "is a significant contribution toward inefficiency and high cost of DOD's maintenance program and in generating significant losses in the depot maintenance activity group of the services' working capital funds." This was in further reference to the annual \$1.7 billion annual Air Force depot system loss referred to earlier.

Still more importantly, the GAO testimony continued—and I want to emphasize the following remarks:

The Air Force's plans for implementing BRAC recommendations will do little to reduce excess capacity and will likely result in increased depot maintenance prices.

Here, of course, the GAO witness was referring to Air Force proposals to implement privatization in place to avoid the BRAC recommendation for the consolidation of workload to depots or other commercial private activities. In the case of San Antonio and Sacramento, this expressly excludes privatization in place as an alternative to closure.

Mr. President, as a customer of the depot system, you don't have real market choice if you cannot utilize alternatives to suppliers who lock you into higher prices. My point is that depots are forced to be inefficient, both as competitors as well as business operators, where we deny them the opportunity to rid themselves of excess capacity to bring down costs.

The problem of waste gets worse. GAO found a \$689 million loss from continued excess capacity related to the DOD privatization in place plan. If you multiply this amount over 6 years, which is the statutory period for the phase-out of BRAC closures, the loss to the taxpayers is a staggering \$4.1 billion. Imagine what it would be if an 8-year contract, as proposed in the McClellan competition, were to be awarded!

Again, I plead with my colleagues who have been in business to stop and think about this—could you keep your customers if you just kept raising prices, while requiring them to disperse badly needed operating funds to pay for services in advance?

It may be great theater, but it's a lousy business practice. And it is even worse as public policy. We are gouging the taxpayers to subsidize such outrageous waste. We need to put a stop to it by preventing privatization in place.

PRIVATIZATION IN PLACE DOES NOT PRODUCE COST SAVINGS

Mr. President, GAO has also criticized the overly optimistic assumptions about cost savings that were anticipated from privatization in place where it had been authorized. I repeat: where authorized, to distinguish from the plain language of the BRAC recommendation regarding Sacramento and San Antonio, which stated "consolidation . . . to commercial private sector activities," which in no way allows the inference of privatization in place. Privatization in place was not intended. This is a point clearly made by the ranking minority member of the Readiness Subcommittee and junior Senator from Virginia on this floor last Thursday evening.

But, let me turn to a case study where privatization in place was directly recommended by BRAC. Let's look at the results. I refer to the BRAC 1993 decision regarding the Air Force Aerospace Guidance and Metrological

Center located at Newark AFB, Ohio. GAO performed an audit of facility operations under privatization in place and found that the Air Force itself estimated costs to be \$9 to \$32 million higher than those before the operation went private. In fact, I was told by the Air Force over the weekend that there remain nearly 150 government employees at the site.

Despite this history, the solicitation for privatization at McClellan is actually forecasting a 25 percent cost savings! Every sensible government accountant that I've spoken to claims this figure is at best vastly inflated.

THE PRESIDENT IS SACRIFICING THE BEST DEPOTS ON A SHAKY POLITICAL ALTER

Politicization of the BRAC process is risky both economically and militarily. The consequences are already quite clear:

Both the House and Senate will deny the President future BRAC rounds. Who among us can support continuation of a process that has become blatantly political? Who is willing to roll the dice with the livelihoods of workers in their States, let alone the lives of our servicemen and women?

We are denying DOD critically needed modernization moneys that were to come from the BRAC savings.

Worse, still, we are courting the serious deterioration of combat efficiency and safety if our armed services do not get technologies—technologies which are already in the hands of our adversaries, some of them Third World countries.

There is not the least likelihood that demand will rise to meet the sustained levels of excess capacity perpetuated by the President's actions. For example, modern weapon systems have reduced programmed depot maintenance. The F-16, for one, has no routine depot-maintenance requirements. And that aircraft is to be replaced by the Joint Strike Fighter, which has even a longer mean-time-between-failures requirement—MTBF means the average that a system can operate without major replacement or overhaul. The F-22, which will replace the F-15, also has no programmed depot maintenance.

But the problems of excess capacity get worse. GAO has calculated that the 5 depots left in place will have 57 million direct work hours to perform 32 million direct work hours of labor, and the requirement will fall by over 37 percent to 20 million direct work hours by 1999. This means that the depot system will have over 2½ times the amount of labor it needs.

Mr. President, the President's politicization of BRAC is costing our defense structure the best of the best.

The BRAC decision could not have been more clear. Hill AFB was a Tier I depot, meaning that it had the highest military value. San Antonio and Sacramento, by contrast, were Tier III—or installations which had the lowest

military value. The ratings were made by the Air Force and used extensively in the BRAC rounds. Yet, the Air Force is now being brow-beaten by its political masters in the Clinton administration into renouncing its own objective rankings.

At the same time, these Tier III installations are being extended the same rewards that were fairly won by the hard work of the Utah, Georgia, and Oklahoma bases. Mr. President, what does this say for merit? Or, will the Senate merely go on record with the message that lots of electoral votes carry the day?

What statement are we making to motivate government employees to provide their best effort? How much political distortion and corruption of good performance are we willing to tolerate?

Let me put a more positive face on some of these problems. Let's consider the value to the taxpayer of pursuing the BRAC recommendations, that is, keeping the best, while eliminating the poorer performers. According to GAO, the elimination of the San Antonio and Sacramento depots, as proposed by BRAC, would produce the following gains:

Excess capacity, by 1999, would fall from 65 percent to 27 percent. On the other hand, if the bases are not closed, San Antonio will have 89 percent of its maximum capacity idled, while Sacramento will be at 90 percent;

Average hourly rates would be reduced by \$6 per hour; and

That \$182 million would be saved annually from these types of economies of scale and efficiencies.

Regrettably, I have to say that the President's attitude toward the non-coastal Western States, and especially my own State of Utah, cannot escape our attention. It should be foremost in the thoughts of every Senator from this region.

The President has repeatedly interfered with, tried to disrupt, and tried to knock off course the most economically vibrant regional economy in the Nation.

Need another example? Among other punitive land use regulations, he has usurped without prior consultation 1.7 million acres of land in my State, arbitrarily removing them from economic development and other generally beneficial uses. I refer here to the grand Staircase-Escalante National Monument.

It troubles me substantially that the President, even though he is in his second term, is simply not acting as the President of all the people and all the States. He is acting as the President for the large, electorally rich States. If this were not true, the decision to implement the BRAC recommendation would be a no-brainer.

THE PRIVATIZATION IN PLACE COMPETITION IS INHERENTLY UNFAIR

Mr. President, I have done a thorough assessment of the proposal for

privatization in place at McClellan. I find two major flaws that starkly stack the deck against the public depot and favor private bidders.

First, the public depot bidders are forced to bear an unfair share of the costs of transitioning the Sacramento depot from active Air Force status.

The DOD Cost of Competition Handbook stipulates that both public and private bidders must cite the transition costs in their bids. However, the private bidder doesn't include the costs of early retirement, separation, or relocation for workers at Sacramento who lose their jobs. But the public depot shows it as an accounting charge because it's paid by the taxpayer.

This becomes a form of double accounting. In fact, BRAC intended, and Congress provided the moneys, to fund personnel transition costs regardless of who wins. Yet, the impression is left that this is a cost that will be integrated into the depot's cost to its customers.

Second, the private bidders get substantial financial and performance advantages from the use of the excess capacity intended to be closed by BRAC.

The local redevelopment authority can determine its own cost of leasing the facility to the private bidder. What an incentive. There is nothing to keep the leasing agreement from covering just about anything, such as depreciation writeoffs, improvements, and even equipment and facility maintenance. All of this allows the private bidder to be artificially low.

Yet another inequity denies the public depot from beginning military construction related to the workload transfer until the contract is awarded. This means the work must be performed at the Sacramento location for an indeterminate period of time, adding to the public bidder's cost. And, of course, reducing the fairness of the competition.

The McClellan bid consists of a 5-year contract with three 1-year options, for a possible total award of 8 years. The options are performance based. This means that the LRA is certain to expend moneys on facilities maintenance in order to allow the private contractor to achieve better productivity, and through that level of performance, ensure the option awards. The public depot, on the other hand, must invest in facilities modernization and reflect this investment in its cost.

THE CASE FOR PRIVATIZATION IN PLACE JUST CAN'T BE MADE

Mr. President, on the basis of all available evidence, we should conclude that privatization in place cannot fairly or reasonably produce cost savings. More likely, it will contribute to waste and inefficiency. In support of this proposition, I want to make the following closing arguments:

First, depots are already among the most critical or so-called high-risk areas of the Federal Government.

High risk is a special designation used by GAO to alert Congress to areas that are highly vulnerable to waste, fraud, abuse, and mismanagement.

Second, GAO has already forecast that, by the end of fiscal year 1999, San Antonio will have 89 percent of its maximum productive capacity as excess, while Sacramento's excess capacity will be at 90 percent. Both of these levels are more than twice the current 40 percent excess capacity that we are arguing about today. In other words, the problem is going to be doubly bad by the end of the next fiscal year if we don't solve it now by ending privatization in place.

Again, these problems are caused in great part by diminished workload requirements related to force downsizing. Yet, as I said earlier, it is the savings generated by reducing infrastructure that are fueling our ability to modernize our equipment, something that almost every Member of this body knows is necessary.

Third, GAO told the Appropriations Committee panel that: "the Air Force has the most serious excess capacity problem." The combined losses could reach about \$500 million if the Sacramento and San Antonio facilities are kept in the inventory.

Let me remind my colleagues of the value of the BRAC findings that I mentioned earlier. I need to repeat this: in making its determinations regarding both these depots, BRAC leaned heavily on the Air Force's own designation of the Sacramento and San Antonio ALC's as so-called Tier III installations. This means, as most of us involved in the BRAC process will recall, that the installations had the lowest military value. I challenge anyone to argue that there is some redemptive value that could follow from the revival of installations that the Air Force itself realized should be closed.

I might add, Mr. President, that Utah has been on the low end of the BRAC process in other areas. My State has lost two installations. I must admit that I fought hard to prevent those losses. I do not deny the trauma that the closure of such a large military facility causes States and communities. And, I admit that if the situation were reversed, I might be making the same weak arguments my colleagues from California and Texas are making today. I am well aware of what is at stake for my colleagues from Texas and California.

But, this does not excuse the Clinton administration from its responsibilities either to the defense of our country, to the ensuring the safest possible equipment for our servicemen and women, or to the taxpayers who are footing the bills. The President needs to take the broad view. And, by rejecting the BRAC recommendations—and compromising the entire BRAC process for unsupportable political reasons—he clearly has not.

We should not tolerate diversions from, or the politicization of, the BRAC recommendations. The very nature of downsizing means that there will be losers and survivors. We must make every effort to protect the integrity that the process itself demands.

But, more importantly, one of our essential duties under the Constitution is to provide for the common defense. Congress and the President have the ultimate responsibility for the support of our Armed Forces. It is a duty we cannot delegate. I simply ask each of my colleagues these questions:

Do we fulfill that duty when we knowingly allow diversions that produce gross inefficiencies in the operation of military services from the recommendations of an independent commission?

And do we honor our obligations by denying funds produced by these recommendations for the provision of technologically superior equipment and training for our fighting men and women?

We need to affirm our duties and obligations. Only then will we take a major step toward giving our citizens and our fighting men and women the type of defense the country expects.

Mr. President, let me just say, in conclusion, that I want this process to work. It is very difficult for me to support a future BRAC process if this is going to be politicized the way we see it being politicized right now. After all, the pain, suffering, inconvenience, and difficulties in traveling around the country and meeting time after time with the military, with the various administrations, and so forth, to have to put up with what is going on right now is just unacceptable.

Frankly, I can't support a future BRAC process if that is the best we can do with this one, which I thought was fair and which came out with very tough decisions. They weren't easy. I feel sorry for anybody who has lost anything. But we have lost plenty, too.

All I can say is, if we lose this, then I am never going to get over it. I don't think the people of Utah are going to get over it, and I think, frankly, the country will be poorer for it, and I think our national security interests will be poorer for it.

I yield the floor.

Mr. THURMOND addressed the Chair. The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent that Senator SESSIONS and Senator INHOFE be added as cosponsors to amendment 420 offered by Senator COCHRAN.

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

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that Jeanine Esperne of Senator KYL's staff be

granted privileges of the floor during consideration of S. 936.

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

Mr. THURMOND. Mr. President, I ask unanimous consent that at 5:30 p.m. today, there be 15 minutes of debate equally divided between Senator WELLSTONE and Senator THURMOND, or his designee, and 15 minutes of debate between Senator GORTON and Senator INOUE; and, immediately following that debate, the Senate proceed to vote on or in relation to the Wellstone amendment 670, to be followed by a vote on or in relation to the Gorton amendment 424, to be followed by a vote on or in relation to the Dodd amendment 765; and, finally there be 2 minutes for debate equally divided before the second and third vote.

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

Mr. THURMOND. Mr. President, I further ask unanimous consent that no other amendments be in order to the above-listed amendments.

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

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, parliamentary inquiry. Is the Dorgan amendment with reference to base closures pending?

The PRESIDING OFFICER. Yes.

Mr. DOMENICI. I would like to speak for a few moments on the subject. I will not take long.

Mr. President, I rise in support of the Dorgan-Domenici amendment to require the Department of Defense to submit a report to Congress detailing the costs and savings of previously authorized base closure rounds and on the need, if any, for further base closure rounds prior to the Congress authorizing the Department to move forward with additional closures. This amendment stands for a simple proposition. It says that as Members of Congress we will take our oversight responsibilities seriously when major decisions that affect the lives of all Americans are on the table. It says that we will take a long hard look at where we have been before we chart a course for where we are going. We owe the people we represent a commitment to carefully analyze what the last four rounds of base closure dating back to 1989 have accomplished before we decide to give the authority to the Department of Defense to conduct two more base closure rounds. This amendment does not say that additional base closure rounds are not necessary, or that they will not be needed in the future. This amendment simply requires that the Congress be able to have essential factual data about the costs and savings associated with previous rounds before we authorize legislation that would give the Department of Defense the authority to

conduct new rounds. This amendment is reasonable, it is fair, and it offers a common sense approach to the serious modernization problems we face.

Mr. President, I want to make clear before I begin that I understand the argument of those who say that BRAC savings are an important part of the funds that will finance the future modernization of our Armed Forces and keep our military the most technologically advanced and lethal fighting force in the world. I understand that the Quadrennial Defense Review and the National Defense Panel established by the Congress concluded that further reductions in the DOD base structure are essential to free up money we need to modernize our forces. I am aware that in a recent letter, all members of the Joint Chiefs of Staff urged the Congress to "strongly support further reductions in base structure proposed by the Secretary of Defense." Nevertheless, Mr. President, the question is not whether the savings are needed, the question is will the necessary savings for force modernization be present if we conduct two more rounds of closure? In that regard, no one can guarantee that the savings will be present after two more rounds. No one can guarantee the projected savings from previous rounds will be what they are currently estimated. The QDR did not guarantee the savings will be present, the National Defense Review Panel has not assured the Congress that the savings will be present, and the Joint Chiefs of Staff has not assured the Congress that the savings will be present if we close more bases.

There have been four rounds of base closure—1988, 1991, 1993, 1995. They have resulted in decisions to close 97 of 495 major bases in the United States. Between 1990 and 2001 the DOD estimates that BRAC actions will produce a total of \$13.5 billion in net savings. After 2001, when all of the previous BRAC actions must be completed, steady State savings are estimated by the DOD to be \$5.6 billion per year. CBO estimates that it will cost \$23.4 billion to close all 97 bases. These costs are mostly due to environmental cleanup at closing bases, 30 percent, additional operations and maintenance at receiving bases, 35 percent, and additional construction and renovations and receiving bases, 30 percent.

CBO projects at total of \$57 billion in savings by the year 2020. CBO estimates that DOD will save about \$28.7 billion during the BRAC implementation process, 1988–2001, which means a net savings of only \$5.3 billion during those years. Half of the \$57 billion in savings are projected to come from lower operations and maintenance costs; a quarter from less spending on personnel, including civilians whose jobs are eliminated; the remainder comes from projected land sales.

Mr. President, the main question we must ask ourselves is how reliable is

this cost savings information? The answer, unfortunately, is that no one really knows. Not the Department of Defense, not the Congress, not the President.

We in New Mexico have had a fair amount of experience with the base closure process and one fact that we have learned is that what the Department of Defense estimates in savings cannot, and should not be taken for granted. We need to examine carefully whether the savings promised have some basis in reality. The responsible choice is to see where we have been before we set a course of where we are going.

For example, during the 1995 BRAC process the Secretary of Defense recommended that Kirtland Air Force Base undergo a major realignment. Before we took a long hard look at their numbers for costs and savings, the Department of the Air Force estimated that it would spend \$277.5 million to realign the base while projecting a \$464.5 million in savings over 20 years.

Mr. President, what would you say if I told you that not only did we find that the Air Force's costs and savings were wholly inaccurate, but that after careful analysis by my staff, knowledgeable members of the community, and others in the congressional delegation, the Secretary of Defense for the first time in the history of the BRAC process wrote to the BRAC Commission and told them that " * * * the recommendation for the realignment of Kirtland Air Force Base no longer represents a financially or operationally sound scenario."

Specifically, we found that if the Air Force major realignment of Kirtland Air Force Base passed that the Department of Energy would have to assume \$64 million in conversion costs and that it would cost an additional \$30.6 million per year to maintain the safety, security, and viability of the critical base operations that remained.

Mr. President, the New Mexico experience with BRAC may be unique, but it serves to make the essential point that we are making with this amendment. The driving factor behind base closure decisions should continue to be the overall cost to the taxpayer. In our case, the original half-billion cost savings turned out to be a half-billion new cost to the taxpayer. The message of the New Mexico experience is that we need to carefully examine the Department's projected costs and savings in order to thoughtfully determine whether it is a wise decision to give the Department of Defense the legislative authority they need to conduct additional base closure rounds. The Dorgan-Domenici amendment will give the Congress the necessary data to make this decision in a thoughtful and precise manner.

Mr. President, the Senators from New Mexico and North Dakota are not

the only people who think that the Department of Defense's current costs and savings projections may not be reliable. The Congressional Budget Office says it "cannot evaluate the accuracy of DOD's estimates without empirical data." In even stronger words the CBO states that the "Department is unable to report actual spending and savings for BRAC actions." CBO recommends that, "Congress could consider asking DOD to establish an information system that would track the actual costs and savings of closing military bases. The system could apply to BRAC IV bases because DOD is just beginning to shut down those bases and virtually all the work remains to be done."

In addition to the CBO's analysis, the Government Accounting Office had this to say, "DOD cannot provide accurate information on actual savings because (1) information on base support costs was not retained for some closing bases and (2) the services' accounting systems cannot isolate the effect on support costs at gaining bases."

Mr. President, the task we have before us is clear. My advice to Senators is to make the responsible choice and let us take a careful look before we leap into two new rounds of base closure. There will be enough time for the Department of Defense to close additional bases if the costs and savings of the first four rounds prove to be accurate. Even those who argue for additional base closure rounds today will not tell you that the future of our military's capability rests on deciding at this moment in time to give the DOD the authority to conduct additional rounds of base closure. By making the responsible choice today and voting for the Dorgan-Domenici amendment Senators will show that they are concerned about the modernization of our forces by requiring the data that shows the savings required to finance that modernization will be present at the end of the closure process.

Mr. President, I believe that the Dorgan-Domenici amendment will provide the information necessary for the Congress to make decision of whether to authorize additional rounds of base closure sound, well reasoned, and based on fact. I ask my colleagues for their support, and I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. I would like to speak briefly in favor of the Dorgan-Lott second-degree amendment and associate myself with that amendment. I do think it is important before we go forward with additional BRAC's that we know and can certify the amount of money that has been saved by prior BRAC rounds. I do not think we have taken that into consideration. There is a lot that is also associated with closure costs.

But more to the point on this particular issue, it seems to me that we have been through this BRAC process here now for several rounds, and some of that may have been very healthy to do, but that we ought to stop and appraise just what was good about that, and, more importantly, I think we need to go through a BRAC on domestic discretionary spending. Let us look at some of the programs that are discretionary programs, not entitlement programs but discretionary programs, say, within the Department of Commerce or, say, within the Department of Energy. Let us go through a BRAC there. Let us take a look at those and have a vote up or down. We ought to be focusing our effort there where we know we have some wasteful programs. We know there is money that is being wasted and spent not for a good reason or cause.

We have gone through that on some of the military bases as far as looking at some bases that may not be necessary to have, but would it not be so much wiser now to focus on some of these discretionary programs? They are in the media virtually every day—the Advanced Technology Program being a corporate welfare program, for one instance. We have other programs that have been identified. We have a fleet of ships under the Commerce Department that we have been saying for a long time ought to be privatized rather than being run there. That is a wasteful spending program. I have a list of those that I think we ought to go through far before we start up some other BRAC round in the military when we do not even know what sort of cost or what sort of savings we have had associated within it.

So, Mr. President, I just think we have a lot better things that we could be doing with our time and focus on rather than going back through a BRAC round. I do think it is constructive, through the Dorgan-Lott approach, to get a sense of where we are costwise, get a sense of what cost we have with closing a military base, get a strategy going here which guarantees that further base closures will not jeopardize national security. We need to look at all those things before we go forward with another BRAC round.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. The floor is available. Any Senator who now wishes to express himself on the other side of this issue has the opportunity. We are going to be voting here in just a little bit.

Mrs. BOXER. Mr. President, I rise to strongly oppose efforts to authorize additional rounds of base closings. I believe that it is bad policy to close more bases without accurately knowing the ramifications of previous cuts.

Congress has already approved four rounds of base closings, the latest round occurring in 1995. My State of California has suffered unfairly during this process, losing 27 major installations. Job losses from these closings are estimated to exceed 250,000, and the total economic loss will top \$8 billion.

Although the California economy is experiencing an economic upturn, unemployment in my State continues to run two percentage points above the national average. It is clear that communities in California are disproportionately being hurt by the BRAC process.

It is unfair to ask my State to bear the brunt of yet another round of base closings. It is even more egregious to ask Californians to go through another round of closings when they are still suffering from previous rounds. Past BRAC rounds will continue to weigh heavily on my State because many bases from the 1995 closure round will not close until 1999 or after. Furthermore, some of these closures have not proven to be cost-efficient, and that is one reason why we are not seeing the savings that had been previously promised.

I believe that we should not even consider future base closings until we have had the time to properly analyze the ramifications of the previous four rounds. We need to have solid data about the long-term costs and benefits of base closures. More importantly, we need to make sure that we understand the effect these closures have had on the real people whose lives drastically change when a base in their community is closed.

That is why we should pass the Dorgan Amendment, of which I am a cosponsor. This amendment would require the Department of Defense to issue a report on the long-term costs and savings incurred from the previous rounds of base closings before future BRAC's could go forward. I simply can not see how we can entertain the idea of additional rounds of base closures without first having the benefit of solid data and hard numbers from previous BRAC's.

Mr. President, Californians are amazingly resilient. They have overcome devastating floods, disastrous earthquakes and terrorizing floods. Our state has gone through a lot. But I promise that California will not suffer further economic damage from another round of base closings until I have exhausted every tool available to me as a Senator. I urge my colleagues to oppose a new round of base closures.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I appreciate the opportunity to say just a couple of more words about the amendment that is now pending. It is a second-degree amendment offered to the first-degree amendment that had been

previously offered by Senator MCCAIN and Senator LEVIN.

I indicated when I started out I have great respect for both of them. We reach a different conclusion and come to a different judgment on this question, and I do want to say in response to some of the discussion that has been held in this Chamber that this is not a question about whether closing bases saves money. I accept the notion that closing military installations saves money.

That is why I have been involved in supporting four previous base closing rounds. It clearly will save money. We do not know how much. I do not think anyone here knows how much. The Congressional Budget Office has reviewed it, the Government Accounting Office has reviewed it, and they are trying to understand how much money is saved and what are the costs. Are we saving a little bit of money and having very substantial costs? Are we saving a lot of money? We do not know. There has not been a decent accounting.

I am not standing here quibbling about whether closing additional bases will save money. It likely will save money. The question is should we in this authorization bill launch two additional rounds of base closures when the GAO and the Congressional Budget Office indicate—especially CBO indicates—it would be wise for us to have an interval at this point during which we fully understand what we have done in the previous four rounds by which we have said let us close 100 military installations only about 50 of which are now closed.

Let us finish the job we have done in the previous four rounds before we decide whether and when we initiate two additional rounds of base closing. We might discover that the basis for the previous closures and the conditions under which those closures were ordered and the experience of those closures might persuade us to do something different, maybe closing other installations in a different way. I do not know. But we ought to have the benefit of that experience and that knowledge before we proceed.

That is the issue. I know the Senate Democratic leader is in the Chamber and wishes to speak on this subject, and I shall not go further. I may have something to say later. But this is an interesting and, I think, a useful discussion for us to have, and I appreciate the cosponsorship of both the majority leader and the minority leader to my second-degree amendment.

Mr. President, I yield the floor.

Mr. DASCHLE. Mr. President, I commend the distinguished Senator from North Dakota for his extraordinary work on this particular amendment and appreciate very much his advocacy and the effort he has made throughout the day to make the case. He and others have spoken eloquently and very

persuasively. There is little else I can add. Nevertheless, I do want to touch on a number of issues largely for the purpose of emphasis. I think it is very critical that we have an opportunity to talk through this matter as carefully as we can.

Let me also give great credit to our distinguished ranking member. I have had the good fortune to work with him on so many issues, and it is extraordinarily rare that I find myself in disagreement with him on anything. So for me to be in this position, in fact standing at his desk, is a very uncomfortable situation, to say the least.

Mr. LEVIN. If the Democratic leader will reciprocate just for a moment and yield, I am also standing at his desk, so we are even.

Mr. DASCHLE. I thank Senator THURMOND, the distinguished chairman, who is standing at another desk, for his leadership and the effort he has made in moving this bill.

Past Congresses have approved four rounds of base closures—1988, 1991, 1993 and 1995. We have already agreed to close 97 out of the 495 military bases and realign an additional 55 bases. I have joined with many others in voting yes every step of the way. Yes on authorizing four rounds of base closures. Yes on closing 97 bases. And yes on aligning 55 others. So, let no one doubt this Senator's willingness to cast a difficult vote in support of our national defense. I have done so in the past and am prepared to do so in the future.

However, voting to close more bases at this time makes no sense—for our military, for our budget and, perhaps most importantly, for local communities. This is the position not only of the Senators from the Dakotas and Senators from across the country, it is also the position, as the distinguished Senator from North Dakota noted, of the Congressional Budget Office, of the General Accounting Office, and even the Base Closure Commission.

I will get back to that in just a minute. The principal argument advanced by supporters of this particular amendment is a fiscal one. The Pentagon needs to achieve savings to stay within its \$1.4 trillion budget.

Setting aside the issue for the amount of whether the Pentagon really needs \$1.4 trillion—and given the current international circumstances and the sacrifices we are asking of important domestic problems—we need to look at the proponents' claims about future significant savings.

According to Pentagon's figures, we did not break even on base closures until 1996, nearly a decade after we began the current phase of base closings. In other words, the Pentagon's figures indicate we did not save one dime during the first eight years of base closures; instead we spent billions and billions of additional dollars. It is only after nearly a decade of economic

dislocation and hardship that the Pentagon's own analysis begins to demonstrate any net savings.

In fact it takes up to 6 years to close a base once Congress has authorized its closure, and of the 97 bases Congress voted to close since 1988, we have actually closed just over half this number. Since the last round of base closures was passed in 1995, it will take the Pentagon until the year 2001 just to complete action on the bases we have already voted to close.

So, Mr. President, the question is, since we have not even closed about one-half the bases that were scheduled for closure, why is it that we are now making the effort to move to close still more before we have completed our work on the last ones?

CBO and the General Accounting Office do not trust Pentagon figures. In fact, CBO's analysis shows that the Pentagon has consistently overestimated the savings that will accrue from a given round of base closures. In the first round, the Pentagon estimated that we would achieve \$844 million in savings for the period 1990 to 1995. Subsequently, it turned out that instead of saving money, the round actually lost \$517 million. For the second round of base closures, the Pentagon initially estimated that we would save \$2.916 billion from 1992 to 1997. What happened? We did not save \$2.9 billion. We will be fortunate to save about one-third of that amount, roughly \$972 million. For the third round, the Pentagon estimated that we would lose \$715 million for the period 1994 to 1999. It now estimates we will not lose quite as much, about \$553 million. Clearly less than a stellar record for the Pentagon's forecasters.

So the estimates according to the Department of Defense itself, which has generated this kind of skepticism from the General Accounting Office and the Congressional Budget Office, is that we are not doing as well as we had originally anticipated; we are not making the savings in base closings that we expected.

The sharp fall in Pentagon savings estimates are really represented by this graph. The Pentagon's forecast for savings from the first round of base closure was reduced by 161 percent for the period 1990 to 1995. In the second of base closures, the Pentagon savings estimate has been revised downward by 67 percent. And in the third round, the Pentagon has already acknowledged that it miscalculated by about 23 percent.

This chart proves as clearly, I think, as anyone can that on the basis of savings there is real reason to question whether or not we have achieved the stated goals of the Base Closure Commission—161 percent off the mark in the first one, 67 percent off the mark in the second one and 23 percent off the mark in the third one.

GAO and CBO, two independent congressional advisory organizations, have each conducted thorough examinations of the costs and savings inherent in the base closure process. And they concur in their findings: They can reach no conclusions on savings from base closures, given the Pentagon's current accounting system. As expressed by GAO in a recent report, "[the Defense Department] cannot provide accurate information on actual savings". As stated by CBO in a December 1996 report, "CBO was unable to confirm or assess DOD's estimates of cost and savings because the [Defense] Department is unable to report actual spending and savings for [base closure] actions."

What we do know so far is that there has been a gross overestimation of what will have achieved in savings to date. So, before we decide to go to yet another round, the question presents itself, is this the right time? Not knowing how much we are going to achieve, not knowing whether or not we are going to save or actually spend more money, is this the time to commit to yet another base closing round?

As I said, there are a lot of different policy questions involved here. One is savings. Another is the tremendous ripple effect through the local economies that will be felt well into the next century with yet another base closing round. We are going to be living with severe dislocations and economic loss, we know that. We are also going to be living with short-term degradation in military capability as individual military units pick up their operations and move from one base to the other.

And we really have not looked at alternative approaches to achieve savings within the \$1.4 trillion defense budget. And there are alternative cost saving approaches. For example, the bill before us contains an additional \$5 billion additional commitment for weapons systems that were either not requested by the Pentagon or not requested in the quantities proposed in this bill. Let me say this again. This bill contains over \$5 billion for weapons systems that the Pentagon judged unnecessary for national security. By my calculation if we were to attempt to save this same \$5 billion through base closures alone, it would take until nearly the end of the first decade of the 21st century. In other words, by paring back weapons systems that even the Pentagon did not request, we could save today what would take roughly a decade to accomplish through base closures—even if we accept the Pentagon's rosy and highly questionable assumptions regarding potential savings.

So, instead of focusing exclusively on surplus bases, perhaps we need to be discussing other ways with which to achieve any necessary savings. Looking at surplus weapons systems may be one way to do it. I am prepared to look at any and all options. However, before

we commit to an approach that may not generate savings and that may not give us the framework within which a very thoughtful consideration of infrastructure can take place, we should do what this second-degree amendment sets forth.

The second-degree amendment is based on two major assumptions. First, Congress should allow already authorized base closures to go forward before we cause still more dislocation and hardship. Second, Congress should be fully informed about the implications of past and future closings before we commit ourselves to still more closings.

Therefore, rather than launch another round immediately, the second-degree provides the Pentagon with time to develop accounting techniques so that they and we can fully and accurately understand the costs and savings from previous and future rounds of base closures. This amendment requires the Pentagon to prepare a report on these financial changes and to have that report reviewed by the GAO and CBO. Finally, our amendment requires the Pentagon to do all of this in a timely manner.

Just as important is what this amendment does not do. The amendment does not preclude future base closures that may reveal themselves to be justified once we fully understand the ramifications. If there are to be future base closures, we simply want to be able to ensure that we understand where we are today in terms of infrastructure changes we have already approved and to be able to accurately assess the long-term impact of any proposed future changes. That is the concept that I think the CBO itself has articulated.

According to the Congressional Budget Office, consideration of additional base closures "should follow an interval during which DOD and independent analysts examine the actual impact of the measures that have been taken thus far. Such a pause [they add] would allow the Department of Defense to collect data necessary to evaluate the effectiveness of initiatives and to determine the actual costs incurred and savings achieved. Additional time would also allow more informed assessment of the local impacts of the bases already closed."

Finally Mr. President, after hearing the views of GAO and CBO, I ask the Senate to consider the perspective of the last Base Closure Commission. Largely as a result of the continued turbulence and the lack of hard information, the Commission itself recommended that Congress not authorize another round of closures until the year 2001. Only our amendment is consistent with the findings of the Base Closure Commission.

So based upon the analysis presented to us by CBO, by the GAO, by the Base

Closure Commission, I think to move yet another round at this time is just premature.

My record on base closures is clear. I have supported them when I thought they were needed and would produce the desired outcome—a leaner, more effective military that minimizes disruptions to our communities. GAO and CBO indicate that the Pentagon cannot tell us today what we have saved from past rounds, let alone yet-to-be determined future rounds. The only statement that can be made with any confidence is that our communities will suffer dislocations and disruptions well into the 21st century from actions that we have already taken.

The case for inflicting additional suffering on them is far from compelling, especially when there are many other ways to achieve the necessary efficiencies within our defense budget. What we need to do is to find them. GAO, CBO, and the Base Closure Commission all acknowledge as much.

Let's work together to see that happens. Only one base closure amendment protects the interests of our military and our communities, that is the second-degree amendment pending. I urge its support.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, I ask unanimous consent that the letter we just received from the Secretary of Defense about the savings which have resulted from BRAC 1993 actions, a letter dated July 9, 1997, be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, DC, July 9, 1997.

HON. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Senate moves to final consideration of its version of the FY 98 Defense Authorization Bill, I urge you to support the McCain-Levin amendment authorizing BRAC rounds in 1999 and 2001. We estimate two additional rounds would result in savings of approximately \$2.7 billion annually. These savings are absolutely critical to the Department's modernization plans.

There have been some questions regarding the savings actually realized from previous base closures. We have taken these questions seriously and asked the Department of Defense Inspector General (DoDIG) to take an independent look at this issue. The IG's preliminary results indicate that there is no basis for concern that BRAC has not been highly cost effective. The preliminary audit

examined BRAC 93 actions, including the largest Navy closure (Mare Island) and eight Air Force bases closed or realigned. For these bases, the IG found that DoD overestimated costs by \$148 million and underestimated savings by \$614 million. I have attached a copy of the IG's preliminary report for your review.

I would greatly appreciate your support for two additional BRAC rounds and hope you find this information useful in your consideration of the McCain-Levin amendment.

Enclosure.

BILL COHEN.

INSPECTOR GENERAL,
DEPARTMENT OF DEFENSE,
Arlington, VA, June 23, 1997.

Memorandum for Principal Deputy Under Secretary of Defense (Acquisition and Technology)

Subject: Review of Base Realignment and Closure (BRAC) Costs and Savings

This is to provide the interim results of the audit being conducted by this office in response to the Under Secretary of Defense for Acquisition and Technology memorandum of February 7, 1997. The audit objectives are to compare the BRAC costs and savings estimates in previous budgets with actual experience and to identify lessons learned regarding management controls for estimating and tracking BRAC costs and savings.

The lack of records makes retroactive reconstruction of actual costs and savings from pre-1993 BRAC impossible at this point. Likewise, it is too soon to assess BRAC 95 costs and savings. We have focused our review, therefore, on the BRAC 93 round. The audit universe for BRAC 93 is comprised of cost estimates totalling \$7.3 billion and savings estimates of \$7.5 billion through FY 1999. The bulk of both the BRAC 93 budgeted costs and savings, \$5.2 billion and \$4.6 billion respectively, was related to Navy installations. During the first portion of the audit, we reviewed the experience at the largest BRAC 93 site, Mare Island Naval Shipyard, and all eight Air Force BRAC 93 sites. In addition, we started identifying construction project cancellations at all Navy sites. The nine fully audited installations had BRAC cost estimates of \$1.1 billion and savings estimates of \$1.8 billion.

The initial audit results indicate that the Navy and Air Force erred on the side of conservative estimating, over-estimating costs at the sites reviewed by up to \$148 million and underestimating savings by \$614 million. The reasons for the variances included:

Some cost estimates were related to block obligations for one-time implementation costs, which were never adjusted to reflect actual disbursements. Researching these largely invalid obligations could free up significant funding for current BRAC requirements.

Canceled military construction projects valued at \$8 million at Mare Island were not counted in savings estimates.

An additional \$58 million of canceled construction projects at other Navy BRAC 93 sites was not counted because incomplete projects funded in prior year programs were not counted, even if they were curtailed.

The Navy assumed that 40 percent of the indirect civilian labor costs at Mare Island would transfer to other shipyards, but the audit indicated minimal related increases in other shipyards indirect costs.

Reductions for base operation support costs at Mare Island were underestimated after the first year of closure.

Documentation did not exist to explain differences between the Air Force biennial budget and reductions reflected in the Air Force Future Years Defense Plan.

The results of the audit to date, while not fully staffed nor statistically projectable across either BRAC 93 or all BRAC rounds, appear to corroborate the DoD position that concerns that BRAC has not been highly cost effective are unfounded. As a result of consultation with the Deputy Under Secretary of Defense (Industrial Affairs and Installations), we plan to continue auditing the BRAC 93 costs and savings. In our audit report this fall, we will provide recommendations for management controls on estimating and tracking costs and savings for any future BRAC rounds.

We hope that this update is helpful. If there are questions, please feel free to contact me or Mr. Robert J. Lieberman, Assistant Inspector General for Auditing, at (703) 604-8901.

ELEANOR HILL,
Inspector General.

Mr. LEVIN. As I indicated before, Mr. President, since we are talking about estimated savings, the IG that was requested by the Department of Defense to make these estimates found that the costs were overestimated by \$148 million and savings underestimated by \$614 million, which means in this study by the DOD IG, there were significantly greater savings than had been predicted by the BRAC commission. That, of course, is somewhat different—very different—in terms of the evidence of that presented by the distinguished Democratic leader. We are not sure whether the leader's numbers came from the original Department of Defense estimates before they went to BRAC, and that is something we will check out, because in all but one case, the commission produced savings significantly less than had been requested by the Department of Defense.

Finally, relative to the argument that the cost of previous base closures have been underestimated, one of the reasons the original Department of Defense estimates were high was that they estimated the savings from the sale of land. We changed the rules in the middle on that one. The revenue never materialized because we changed the rules, very consciously, to provide that most base property would be given away when the base was closed rather than sold. We did that to make economic redevelopment more feasible. That has benefited all of our States just about where these closings have taken place. So that is another possible explanation for the difference in these numbers.

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

The PRESIDING OFFICER. If the Senator will withhold.

AMENDMENT NO. 670, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, on the amendment offered by the Senator from Minnesota, there will now be 15 minutes of debate equally divided between the Senator

from Minnesota and the Senator from South Carolina. Who yields time?

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, this amendment, which is an amendment that I have offered with Senator HARKIN, from Iowa, is very simple and straightforward. It authorizes, so it is not subject to a point of order, it just authorizes the Secretary of Defense to transfer to the Secretary of Agriculture \$5 million over the next 5 years, \$25 million altogether. That is \$5 million out of a \$265 billion Pentagon budget, a budget that is some \$2.6 billion more than the Pentagon itself has requested.

So out of that \$2.6 billion more than the Pentagon has requested, this is an amendment that says take \$5 million and transfer it to the Secretary of Agriculture; that is to say, authorize the Secretary of Defense to transfer this to the Secretary of Agriculture.

This \$5 million program per year was eliminated. We should never have done that. This is to correct an egregious mistake that we made. This has everything in the world to do with malnutrition and hunger among children. This \$5 million has been used effectively nationwide—a small amount of money—as a catalyst, as an outreach program, to enable States and school districts to set up and expand the School Breakfast Program. As a matter of fact, I think one of the reasons it was eliminated was that it had been so successful, in fact, in enabling school districts to expand the School Breakfast Program, the argument then being we would have to invest more resources in the School Breakfast Program.

I read from a letter received from the Food Research & Action Center that points out that only "seven of ten, 71.4 percent, of the schools that offer school lunch participate in the School Breakfast Program. This represents only 65,000 of the almost 92,000 schools that" participate. "Additionally, just 39.6 percent of low-income children participating in the National School Lunch Program also participate in the School Breakfast Program. While more than 14 million low-income children participate in the National School Lunch Program, only 5.6 million participate in the School Breakfast Program."

Is it too much to ask, as we keep talking about our children being our most precious resource, given the fact that all these children are God's children, is it too much to ask for \$5 million to be put back into this program that has been so successful? That is what this amendment is all about.

Mr. President, there are 8 million children who don't participate, and if these children had a chance to get a good breakfast and these children, therefore, were not hungry, they would

be in a much better position to learn. When children are hungry and children do not have a good breakfast and can't start out the day, they are not going to be able to learn, and when they are not able to learn, as adults, they are not able to earn. This amendment should be adopted with 100 votes.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I oppose the amendment offered by Senator WELLSTONE in regard to the School Breakfast Program.

I remind my colleagues that the President proposed the repeal of these startup grants during last year's welfare debate. In addition, the Democratic substitute welfare reform bill contained a provision to repeal these grants. Obviously, people across the political spectrum believe this grant program to be unnecessary.

I also remind my colleagues that this requirement was not identified in the budget request, and presently, about four in every five low-income children already attend a school with a school breakfast program. The breakfast program has expanded to the extent that it is not clear additional funds are necessary or would have the effect of bringing more schools into the program.

The last point I want to make is that transferring funds from the Department of Defense, even making the authority discretionary, is bad precedent. We shouldn't make this a precedent. We, in the Congress, should make these decisions and not delegate them to the Secretary of Defense.

Mr. President, we have a budget agreement. We should not void this agreement and our responsibilities to make these decisions. I urge my colleagues to defeat this amendment.

I thank the Chair and yield the floor.

Mr. WELLSTONE. Mr. President, might I ask how much time I have?

The PRESIDING OFFICER. The Senator from Minnesota has 4 minutes, 18 seconds.

Mr. WELLSTONE. I am waiting for my colleague, Senator HARKIN. I ask unanimous consent to add Senator HARKIN as an original cosponsor.

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

Mr. WELLSTONE. I ask unanimous consent that a variety of letters of endorsement be printed in the RECORD.

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

FOOD RESEARCH &
ACTION CENTER,
Washington, DC, July 9, 1997.

Senator PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: We are writing to enthusiastically support your amendment

to the DOD Reauthorization Bill which would authorize the transfer of funds from DOD to the school breakfast and summer food start up and expansion programs.

Both the school breakfast and summer food programs remain under-utilized and many public and private sponsors require special initial funding to get programs off the ground. Funding is necessary to inform potential sponsors of the availability of these programs and how to qualify.

Only approximately seven of ten (71.4%) of the schools that offer school lunch participate in the School Breakfast Program. This represents only 65,000 of the almost 92,000 schools that offer school lunch also offer school breakfast. Additionally, just 39.6% of the low-income children participating in the National School Lunch Program also participate in the School Breakfast Program. While more than 14 million low-income children participate in the National School Lunch Program, only 5.6 million participate in the School Breakfast program. Participation rates for the Summer Food Program are even lower.

Your amendment and your efforts on behalf of low-income children will not only serve the immediate need to get food into children's bellies, but will also serve the long-term goal of feeding their brains, and getting them ready to learn!

Sincerely,

EDWARD COONEY,
Deputy Director.

ELLEN TELLER,
Senior Attorney for
Government Affairs.

BREAD FOR THE WORLD,
Silver Spring, MD, July 9, 1997.

DEAR SENATOR WELLSTONE: Bread for the World, a grassroots Christian citizens' movement against hunger, heartily supports your efforts to strengthen the School Breakfast Program. We hereby endorse your amendment to require the Secretary of Defense to transfer \$5 million to the Secretary of Agriculture to provide funds for outreach and startup for the School Breakfast Program.

We agree with you that a hungry child can not learn the way they should and we know that in the end, this hurts not only the child, but our society as a whole. A nation as blessed as ours should not allow children to go hungry.

Thank you for your continued commitment to hungry children.

Sincerely,

LYNETTE ENGELHARDT,
Domestic Policy Analyst.

AFSCME,
Washington, DC, July 9, 1997.

Hon. PAUL WELLSTONE,
U.S. Senate,
Washington, DC.

DEAR SENATOR WELLSTONE: On behalf of the 1.3 million members of the American Federation of State, County and Municipal Employees (AFSCME), we strongly support your amendment to transfer \$5 million from the Department of Defense to the School Breakfast Program to fund the outreach and startup grant program.

The School Breakfast Program has proven successful in improving the health and educational achievement of children who have been able to participate. Unfortunately, about 27,000 schools do not offer the School Breakfast Program because they lack the capital funds needed to meet the startup costs. This deprives eight million low-income children of the opportunity to eat a nu-

tritious and healthy meal in school. In prior years, the \$5 million grant program was critical in enabling schools to establish a breakfast program.

We support your amendment to continue the outreach and startup School Breakfast grant program with \$5 million for fiscal year 1998 by transferring the funds from the Department of Defense's budget.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

Mr. DOMENICI. Mr. President, the Wellstone amendment would require the Secretary of Defense to transfer \$5 million to the Secretary of Agriculture for school breakfasts.

The purpose of the nondefense program that Senator WELLSTONE wants to support with defense funds may be laudatory; however, the amendment is ill-considered and very problematic.

First the amendment would, in principle, violate the bipartisan budget agreement that Congress has completed with the President and that we are working hard to enforce: the amendment would reduce the amount of defense spending the agreement specifies and would increase non-defense discretionary spending above the levels of the agreement.

Second, the amendment would violate the intent of firewalls that Congress has adopted over the years—and as recently as the 1998 budget resolution that we just passed last month. As all Senators know, these firewalls are designed to prevent transfers between defense discretionary spending and nondefense discretionary spending, and they establish a 60-vote point of order against such transfers. However, the amendment has been modified to go to great lengths to circumvent a Budget Act point of order and has confused the issue of whether it actually constitutes a Budget Act violation.

Third, the amendment imposes an unfair obligation on the Appropriations Committee. If the amendment is passed, the Appropriations Committee is given the Hobson's choice of having to repeal the Wellstone amendment or to seek a directed scoring of the transferred money so that it would count as nondefense discretionary spending—as it should. This would, in turn, require the relevant appropriations subcommittees to find offsets for this additional nondefense discretionary spending. If the Appropriations Committee reports a Defense appropriation bill consistent with the letter and intent of the Wellstone amendment, it will immediately be subject to a 60-vote point of order.

For all of these reasons, the Wellstone amendment is bad legislation, and I urge all Senators to reject it, whether or not they favor the program that would benefit from this amendment.

Mr. WELLSTONE. Mr. President, this should be an easy vote for Senators: \$5 million out of over \$2 billion

more than the Pentagon asked for to have an outreach program and enable local school districts to buy refrigerators so they can have a school breakfast program so that we can make sure that all of our children go to school and are able to learn.

It is that simple. I mean, where are our priorities? We can't even come up with \$5 million? This is not a mandate. This just simply authorizes the Secretary of Defense to transfer this. This is a way that we as a Senate can, in fact, commit a little bit more by way of resources to make sure that there is an adequate nutritious breakfast for more children who go to school in America. How in the world can you vote against it?

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. Two minutes, thirty-nine seconds.

Mr. WELLSTONE. Might I ask whether or not the other side intends to respond at all? If not, I will finish up. I am trying to wait for Senator HARKIN, but I will go ahead and conclude. Might I ask whether the other side has yielded back its time?

Mr. THURMOND. Mr. President, no.

The PRESIDING OFFICER. The Senator from South Carolina wishes to keep his time reserved.

Mr. WELLSTONE. Mr. President, a report from Tufts University Center on Hunger, Poverty and Nutrition on the link between nutrition and cognitive development in children states that even before results are detectable, inadequate food intake limits the ability of children to learn, affecting their social interactions, intuitiveness, and overall cognitive functions.

Come on, we have to stop having all of these conferences on early childhood development and talking about children, and now we know that we have some 8 million children who don't get a chance to participate in this program, we know there are many children who are malnourished, and we know for \$5 million a year out of this budget, which is \$265 billion, \$2.6 billion more than the Pentagon asked for, we can't even make this kind of small commitment to children in America? That is what this vote is about.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time is reserved. Who yields time?

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

The PRESIDING OFFICER. The Senator from Georgia is recognized for the 5 minutes, 40 seconds remaining of the time of the Senator from South Carolina.

Mr. COVERDELL. I thank the Senator from South Carolina and compliment him on his fine work as chairman of the Armed Services Committee.

AMENDMENT NO. 771

Mr. COVERDELL. Mr. President, I ask unanimous consent to be added as a cosponsor of the Dorgan-Lott-Daschle second-degree amendment to the McCain amendment.

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

Mr. COVERDELL. Mr. President, the McCain amendment purports to create another series of base realignment closure commissions. I am opposed to that and have so stated and have so advised the Secretary of Defense. I do not believe there should be another Base Realignment Closure Commission until the administration can certify to the Congress that all the work of the previous Base Realignment Closure Commissions has occurred and properly.

Many of us, particularly in the States affected by Air Force depots, believe the President and the administration undermined BRAC and undermined the confidence in the people and the Congress with regard to its integrity, because essentially the President overrode the 1995 BRAC recommendations, in our judgment, particularly as they relate to Kelly Air Force Base in Texas and McClellan Air Force Base in California. That is in dispute. I certainly acknowledge the comments and characterizations that have been made by the good Senators from Texas and California.

But this issue must be resolved and it must restore the confidence of the Congress and it must reassert an integrity into the process for the people who undergo this horrendous process, that the legislation has to apply to the President, the administration, and the Department of Defense, not just to the people in Congress.

I rise in opposition to the McCain amendment and in support of the second-degree amendment offered by Senators Dorgan, Lott, and Daschle.

I yield any remaining time back to the managing Senator.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 670, AS MODIFIED

Mr. THURMOND. Mr. President, I move to table Wellstone amendment 670.

The PRESIDING OFFICER. All time has not been yielded back on both sides.

Mr. THURMOND. I yield back any time I have.

The PRESIDING OFFICER. The Senator from South Carolina yields back the remainder of his time. The Senator from Minnesota has 52 seconds.

Mr. HARKIN. How much time, Mr. President?

The PRESIDING OFFICER. Fifty-two seconds.

Mr. HARKIN. How much?

The PRESIDING OFFICER. Fifty-two.

Mr. HARKIN. Mr. President, I rise in support of the Wellstone amendment. This School Breakfast Program has been one of the best in this country. Already we have kids getting school lunches, but they don't get the school breakfast.

I say that if you ever want to see a clean plate, you go to a school breakfast program. These kids come in, they are hungry, there is not a drop of food left when they put those trays back into the hopper. The school lunch may be a little different.

If you really want to have an impact on early childhood education and getting these kids to learn, this is the place to put the money. It was wrong to take it out of welfare reform. I tried at that time to put the money in, and we could not do it. It was wrong for this to be taken out in the welfare reform to save that kind of money. It does not save money. It ruins lives because we are not providing the money for the outreach program for the school breakfast startups and for the summer feeding program.

This is a small amount of money. I think out of this whole defense thing we could at least authorize the Secretary of Defense to transfer a measly \$5 million to get this job done.

The PRESIDING OFFICER. All time is now yielded back. Time has expired on this amendment.

AMENDMENT NO. 424

The PRESIDING OFFICER. The question now occurs on amendment No. 424 offered by the Senator from Washington [Mr. GORTON]. Debate on this amendment is limited to 15 minutes equally divided between Senator GORTON and Senator INOUE.

Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, I come to the floor this evening to speak on amendment No. 424 to the defense authorization legislation that was proposed yesterday by my colleague, Senator GORTON. I am a cosponsor of this amendment to require the Navy to reopen the selection process for the donation of the USS *Missouri*.

From the beginning, I have followed closely the Navy's handling of the *Missouri*, working with Senator GORTON, Congressman NORM DICKS, the Washington congressional delegation, and my constituents. The "Mighty Mo" is a relic of immense importance and historical significance. It was on the decks of this great battleship that World War II came to a welcome end.

The *Missouri* is particularly valued by the residents of my home State where she has been berthed for most of the last 40 years in Bremerton. She is a source of great pride to the veterans in my State, many of whom served in

World War II, including in the Pacific theater and aboard the *Missouri*.

I have reviewed yesterday's debate over the amendment, and I want to take this opportunity to make several additional remarks for the RECORD.

I first want to commend both Senator GORTON and Senator INOUE. The debate was indicative of the immense interest in the *Missouri* and all of the States that competed for the honor of displaying this important piece of our history.

While I cannot speak for the other applicants, I know of the care, the time, and the commitment demonstrated by the Bremerton, WA, community in preparing its proposal to the Navy. Bremerton, Kitsap County and Washington State have developed a kinship with the "Mighty Mo." It is because of this kinship with the battleship, and our 40-year record of paying tribute to the *Missouri* each and every day, that I continue to believe that Bremerton is the ideal home for the *Missouri*.

Last August, the Secretary of the Navy announced the decision to award the *Missouri* to Honolulu, HI. Following the Navy's decision, significant questions were raised regarding the Navy's process in awarding the battleship. It is those questions, including a General Accounting Office report, that brings me here today to seek the Senate's support for our amendment to reopen the *Missouri* donee selection process.

I want to reiterate what our amendment seeks to accomplish. We simply seek only the Senate's support to instruct the Navy to conduct a new donee selection process. We do not seek to influence or prejudice that selection process. We only want a fair competition administered by the Navy in a manner worthy of this great battleship.

I recognize that the Navy is under no obligation to conduct a competition for important relics like the *Missouri*, but the fact is the Navy did conduct a competition for the *Missouri*. Having conducted this competition, I think it is only fair to the competing communities to expect the Navy to conduct itself in an aboveboard and a forthright manner.

Clearly, significant mistakes were made by the Navy in the *Missouri* competition. The GAO report clearly identifies the Navy's numerous shortcomings in this competition. Proponents and opponents can and do differ over whether the Navy's handling of the competition influenced the outcome. But I find it very difficult to conclude that all communities were treated fairly by the Navy. And that is what we are asking for today. It really is just a simple matter of fairness for all of the competing communities.

I urge my colleagues to support the Gorton-Murray-Feinstein amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INOUE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUE. Mr. President, the matter before us goes much deeper than the gallant lady, the U.S.S. *Missouri*. It involves the process of competition in the U.S. Government. Every day there is some competition. There is a competition between two great manufacturing plants to see whether this plant should build a tank or that plant. There are competitions going on as to what company should build the joint strike fighter or the C-17 or the B-2. Should it be Boeing? Should it be McDonnell Douglas?

These competitions are part of the life of the U.S. Government. And if we look upon this measure before us as a simple *Missouri* amendment, then we have not seen the deeper picture; we will be setting a very, very dangerous precedent, Mr. President.

This competition was won fairly and impartially. If the Congress of the United States is to take a step to overturn this decision, then what will happen to all the other competitions that we have been faced with? Whenever there is a contest on who would build that submarine—should it be Norfolk or should it be Connecticut?—if Connecticut wins, should Norfolk come to the Congress and appeal the case, or vice versa?

Mr. President, let me just read once again from the letter from the Secretary of the Navy. The Secretary says—and this is from a letter dated June 10; and it is part of the RECORD at this moment:

I have reviewed the General Accounting Office report . . . and I find that it contains nothing that would warrant reopening the process. The General Accounting Office stated that the Navy "impartially applied" the donation selection process, and that all applicants received the same information at the same time . . . I remain confident that my selection of Pearl Harbor was in the best interest of the Navy and our Nation, based on the impartial review of the relative merits of the four acceptable applications. . . . The General Accounting Office also noted, however, that none of the applicants requested clarification on any aspect of these two criteria [that the proponents speak of].

No one complained about the process when it was ongoing. The complaints come at the end of the process.

It may interest you, Mr. President, to know that the State of Missouri—and this ship is named after the State of Missouri—by resolution that was passed unanimously by the Missouri Senate, the general assembly, the House of Representatives concurring:

. . . memorialize the Congress of the United States, the President of the United States, the Chief of Naval Operations, and the Secretary of the Navy to take any appropriate action necessary to permanently locate the U.S.S. *Missouri* at Pearl Harbor, Honolulu, Hawaii, next to the U.S.S. *Arizona* Memorial,

for the purpose of serving as a Naval Memorial and Museum. . . .

There is another organization, Mr. President. It is the Iowa Class Preservation Association. The U.S.S. *Missouri* is an Iowa class battleship. I will not read the whole letter, but I ask unanimous consent that it be printed in the RECORD.

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

IOWA CLASS PRESERVATION ASSOCIATION

TO: Mr. JERRY KREMKOW, USS *Missouri* Memorial Association, 2610 Kilihau St., Honolulu, HI.

DEAR MR. KREMKOW, The Iowa Class Preservation Association is a non-profit organization that is dedicated to acquiring the museum rights to one of the Iowa Class Battleships currently in storage.

All four ships were recently released by the US Navy and of these only the USS *Missouri*, which looks like she's heading to Pearl Harbor, seems safe from the scrap yard. Our organization plans on acquiring and establishing one of the three other ships as a museum in the city of San Diego, CA. We believe that the combination of port facilities, tourism base and the lack of capital ship museums on the west coast would make San Diego an ideal location for a ship exhibit.

Our major concern is that the East Coast already has several battleship and aircraft carrier museums and has reached it saturation point. There is no way all three battleships will be able to survive on the East Coast. Therefore unless we can bring one of the three to the West Coast, it is highly likely that at least one of these fine ships will be scrapped.

As stated the purpose of our group is to save one of the ships that is in danger of being lost due to lack of support. As long as your organization is diligently seeking to acquire the USS *Missouri* we will support you and not seek to obtain the *Missouri*. We personally feel that a berth near the USS *Arizona* Memorial would be an appropriate place for such an historic ship. We look forward to working with your organization in saving two of the magnificent battleships.

Sincerely,

ROBERT DANIELS,
President.

STEVEN RUPP,
Vice President.

Mr. INOUE. It says that:

The Iowa Class Preservation Association . . . is dedicated to acquiring the museum rights to one of the Iowa Class Battleships currently in storage.

* * * * *

We personally feel that a berth near the USS *Arizona* Memorial would be an appropriate place for [the *Missouri*].

Here we have a letter from the Navy League of the United States. And I ask unanimous consent that this letter, as well as another, be printed in the RECORD.

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

NAVY LEAGUE OF THE UNITED STATES,

Arlington, VA, March 31, 1995.

Hon. JOHN H. DALTON,
Secretary of the Navy,
Washington, DC.

DEAR SECRETARY DALTON: I am writing on behalf of The USS *Missouri* (BB63) Memorial

Association and its efforts to have the Battleship enshrined at Pearl Harbor.

As you are probably aware, the Navy League of the United States is quite strong in the Pacific Area and particularly in Honolulu which has the largest Navy League Council in the world. This project has the complete support of the Pacific Area Navy League, which has supplied much of manpower and motivation to move this effort along for the past two years.

Our Hawaii Navy League councils, led by the Honolulu Council have a proven record of "getting the job done" with projects such as The Pearl Harbor Memorial, The Bowfin Memorial, commissioning of USS Lake Erie and provisions of MARS equipment for vessels deploying out of or thru Pearl Harbor. We feel that this tribute to peace and victory belongs along side of the revered USS Arizona Memorial in Pearl Harbor. We urge you to look favorably on this project and award USS Missouri to the Memorial Association for its purposes.

Yours very truly,

J. WALSH HANLEY.

NAVY LEAGUE OF THE UNITED STATES,
Jefferson City, MO, July 9, 1997.

DEAR SENATOR: In Executive Session this afternoon the Board of Directors of the Mid-Missouri Council of the Navy League of the United States voted in favor of the transfer of the battleship U.S.S. Missouri to Pearl Harbor. We feel this is the most appropriate location for the Missouri.

We are opposed to the Gorton Amendment and urge you to vote against it.

Sincerely,

HERMAN SMITH,
President.

Mr. INOUE. In part it states:

This project has the complete support of the Pacific Area Navy League, which has supplied much of [the] manpower and motivation to move this effort along for the past two years.

Mr. President, I have a letter from the American Legion of the Department of Missouri, Inc. I ask unanimous consent that it be printed in the RECORD.

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

THE AMERICAN LEGION,
DEPARTMENT OF MISSOURI, INC.,
Jefferson City, MO, July 9, 1997.

HON. DANIEL K. INOUE,
U.S. Senate,
Washington, DC.

DEAR SENATOR INOUE: I am writing on behalf of The American Legion State of Missouri to express our stronger possible disagreement with the proposed Gorton Amendment (S. Admt. 424) to the Defense Authorization Bill (S. 936).

If adopted, this amendment will stop the transfer of the battleship Missouri to Pearl Harbor and force the Secretary of the Navy to reopen the competition. The American Legion State of Missouri in convention voted unanimously to transfer the battleship to Pearl Harbor. The 1996 General Assembly State of Missouri unanimously passed a concurrent resolution supporting the transfer to Pearl Harbor.

Pearl Harbor was chosen by the Secretary of the Navy after rigorous evaluation as the site most suitable for memorializing the Missouri. The process was fair and honest, and the results should be carried out. We agree with this decision.

USS Missouri belongs in Pearl Harbor, within sight of USS Arizona, where future generations can come and understand American's involvement in World War II, from beginning to end.

I urge you and the honorable members of the United States Senate to vote against the Gorton Amendment.

Sincerely,

JAMES S. (JIM) WHITFIELD,
Chairman, Legislative Assistance Committee.

Mr. INOUE. This letter makes it very clear that:

[The] USS Missouri belongs in Pearl Harbor, within site of the USS Arizona, where future generations can come and understand America's involvement in World War II, from beginning to end.

Mr. President, the GAO report has been cited. The GAO report makes it very clear that Pearl Harbor won the competition without question. And, more importantly, Hawaii did not lose the competition even if it is based solely on financial and technical issues.

Mr. President, I realize that no one relishes the thought of losing. We all want to win. But the human affairs of this Nation would tell us that at times one wins and another loses. And if we are to set a precedent that whenever someone loses that he will come to Congress to appeal his case, the process that we have established for the past decades to determine decisions that are very necessary to our Defense Department, if such be subject to appeal at each turn by the Congress, we will get nowhere.

I just hope that those of us here will recognize from this report and from all other reports that this competition was won fairly and impartially and that it is in the public interest and the interests of the Navy and our Nation that this ship be based in Pearl Harbor.

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

Who yields time?

There are approximately 3 minutes and 30 seconds remaining for the proponents of the amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 670, AS MODIFIED

Mr. THURMOND. Mr. President, I had previously moved to table the Wellstone amendment. It seems there is some misunderstanding, but I so move to table the Wellstone amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Ms. COLLINS). The question is on agreeing to

the motion to table the Wellstone amendment numbered 670, as modified.

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

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS] is necessarily absent.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

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

The result was announced—yeas 65, nays 33, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—65

Abraham	Enzi	Lott
Allard	Faircloth	Lugar
Ashcroft	Frist	Mack
Bennett	Gorton	McCain
Biden	Graham	McConnell
Bingaman	Gramm	Murkowski
Bond	Grams	Nickles
Breaux	Grassley	Robb
Brownback	Gregg	Roberts
Bryan	Hagel	Roth
Burns	Hatch	Santorum
Campbell	Helms	Sessions
Chafee	Hollings	Shelby
Cleland	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Collins	Inhofe	Snowe
Coverdell	Inouye	Stevens
Craig	Kempthorne	Thomas
D'Amato	Kerrey	Thompson
Dod	Kyl	Thurmond
Dodd	Landrieu	Warner
Domenici	Lieberman	

NAYS—33

Akaka	Ford	Moseley-Braun
Baucus	Glenn	Moynihan
Boxer	Harkin	Murray
Bumpers	Jeffords	Reed
Byrd	Johnson	Reid
Conrad	Kennedy	Rockefeller
Daschle	Kerry	Sarbanes
Dorgan	Kohl	Specter
Durbin	Lautenberg	Torricelli
Feingold	Leahy	Wellstone
Feinstein	Levin	Wyden

NOT VOTING—2

Coats Mikulski

The motion to lay on the table the amendment (No. 670), as modified, was agreed to.

Mr. THURMOND. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. THURMOND. Madam President, I ask for order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

AMENDMENT NO. 424

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, on the Gorton amendment No. 424.

Who yields time?

Mr. GORTON. Madam President, I ask unanimous consent that there be 4 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GORTON. Madam President, I ask the Chair to bring the Senate to order, please.

The PRESIDING OFFICER. The Senate will be in order. The Senator from Washington is entitled to be heard.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senate is still not in order. The Presiding Officer would appreciate it if the Senate would be in order. The Presiding Officer hopes not to break the gavel.

The Senator from Nevada is recognized.

Mr. REID. Madam President, I have two congressional fellows, and I ask unanimous consent that they be allowed floor privileges during the pendency of this action.

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

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Madam President, I ask unanimous consent that King Gillespie of my staff be allowed floor privileges.

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

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Madam President, a few years ago, when the battleship *Missouri* was decommissioned for the second time, after more than 30 years, the Navy began a process to determine where it could become a permanent historic monument. The Navy carried on that process over an extended period of time under the rules that had been applicable to all previous donations.

Two weeks before it made its final decision, the Navy informed the applicants of two additional and quite separate considerations. It did not tell any of the applicants the weight those considerations would be given. It did not inform them of the fact that they could submit additional items. They were really quite separate from the first set of considerations. At the end of that first round, Bremerton and Honolulu were essentially tied. At the end of the second and unfair round, the Navy awarded the *Missouri* to Honolulu.

The General Accounting Office—our General Accounting Office—has reported these changes, has reported that this was the wrong thing to do, and has reported that the Navy should change its processes in the future.

My amendment does not seek to change the location of the *Missouri*. It just asks the Navy to start the process over again, to treat all applicants fairly, to set the rules in advance, and not to change the rules just before the game is over without telling people what the weight of the new rules will be.

I ask for your votes on it as a matter of simple fairness to all of the applicants—both in California and Washington and in Hawaii—in a process which is very important to each one of these communities and which the

Navy, very regrettably, has carried on in a totally unfair fashion to this point.

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

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Madam President, this proposal is very important both to the opponents and proponents. I am still unable to hear because of the noise in the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

PRIVILEGE OF THE FLOOR

Mr. THURMOND. Madam President, I ask that Janice Nielsen, a legislative fellow working in Senator CRAIG's office, be granted the privilege of the floor during the duration of the debate on S. 936, the defense authorization bill.

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

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Madam President, the GAO report makes it very clear that the competition was impartial and fair and that, when all the numbers were counted, Pearl Harbor was the winner because, as the Secretary of the Navy has indicated, it will serve our Nation's interests and the interests of the U.S. Navy to have the *Missouri* memorialized and made into a monument next to the Arizona so that all Americans from this day on will be able to see in one place the beginning and the end of World War II.

But, more importantly, Madam President, this amendment does not involve just the *Missouri*. It involves the process of competition. If the Congress is to be called upon at each time whenever someone loses, where do we end? Whenever there is a competition for the building of a submarine, should the losing State come forward to the Congress and ask for reconsideration? If they lose a carrier, should the losing State come here and ask the colleagues here for reconsideration? We have competition going on at every moment of the day.

Madam President, let us not set a bad precedent. I think the time has come for decision. The merits are clear. The State of Missouri is in favor of their ship being berthed in Hawaii. The American Legion is in favor of that. The Navy League of the Pacific is in favor of that. I think the Nation would prefer to have the U.S.S. *Missouri* have its final resting place in Pearl Harbor where it belongs.

Thank you, very much.

The PRESIDING OFFICER. All time has expired.

The question occurs on amendment No. 424 offered by the Senator from Washington [Mr. GORTON].

Mr. THURMOND addressed the Chair.

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

Mr. THURMOND. Madam President, I ask unanimous consent that the remaining rollcall votes in this series be limited to 10 minutes each.

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

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Madam President, I was unavoidably delayed by the weather coming in and just missed that last vote. I wonder if it would be all right with my colleagues if I ask unanimous consent to be recorded in favor of the tabling on the last vote.

The PRESIDING OFFICER. The Parliamentarian informs the Presiding Officer that unfortunately that unanimous-consent request is not permissible under the Senate rules.

Mr. COATS. That is acceptable to me, if the RECORD will indicate that I made the request.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, I hope that the RECORD will show nothing with reference to the Parliamentarian. The rule clearly states that once the Chair has announced the results of a vote no Senator may be allowed to vote. Moreover, the Chair cannot even entertain such a request under the rule.

Mr. COATS. Madam President, I withdraw that request. I wouldn't want to do anything to offend the rules. I have been flying in from Nairobi, Africa, for the last 32 hours on British Airways, which has been on strike, and had to change. And I can't tell you what I have gone through in the last 32 hours to try to get here for these votes. But I wouldn't want to offend the rules.

So I will leave it at that.

I withdraw my request.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 424 offered by the Senator from Washington [Mr. GORTON]. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

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

The result was announced—yeas 46, nays 53, as follows:

{Rollcall Vote No. 163 Leg.}

YEAS—46

Abraham	Coats	Enzi
Allard	Collins	Faircloth
Ashcroft	Coverdell	Feinstein
Boxer	Craig	Frist
Burns	D'Amato	Gorton
Campbell	DeWine	Gramm
Chafee	Domenici	Grams

Grassley	Lott	Shelby
Gregg	Lugar	Smith (OR)
Hagel	Mack	Snowe
Helms	McConnell	Specter
Hutchison	Murray	Thomas
Inhofe	Nickles	Thompson
Jeffords	Roth	Wellstone
Kempthorne	Santorum	
Kyl	Sessions	

NAYS—53

Akaka	Feingold	Lieberman
Baucus	Ford	McCain
Bennett	Glenn	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Harkin	Murkowski
Bond	Hatch	Reed
Breaux	Hollings	Reid
Brownback	Hutchinson	Robb
Bryan	Inouye	Roberts
Bumpers	Johnson	Rockefeller
Byrd	Kennedy	Sarbanes
Cleland	Kerry	Smith (NH)
Cochran	Kerry	Stevens
Conrad	Kohl	Thurmond
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Warner
Dorgan	Leahy	Wyden
Durbin	Levin	

NOT VOTING—1

Mikulski

The amendment (No. 424) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 765

The PRESIDING OFFICER. The Senate will be in order so that we can proceed to the next vote.

Under the previous order, there will now be 2 minutes of debate equally divided on the Dodd amendment No. 765. Who yields time?

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I understand from the distinguished chairman of the committee there is no objection to this amendment. My colleague from Arizona, Senator McCAIN, and I offered this amendment. We are asking for a recorded vote here because in so many instances over the past 5 years when we have had votes on Mexico, every one of them has been over a negative issue. This resolution merely commends the people of Mexico and the Government of Mexico for the very fine election that they had last Sunday. I thought it would be worthwhile for this body to say to Mexico how much we appreciate and admire their process last week and hope it portends great news for the coming years.

With that, Madam President, I yield back the remainder of my time.

Mr. THURMOND. Madam President, I yield back my time.

The PRESIDING OFFICER. All time is yielded back. The question now is on agreeing to amendment No. 765 proposed by the Senator from Connecticut [Mr. DODD]. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—98

Abraham	Faircloth	Lott
Akaka	Feingold	Lugar
Allard	Feinstein	Mack
Ashcroft	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Moseley-Braun
Biden	Gorton	Moynihan
Bingaman	Graham	Murkowski
Bond	Gramm	Murray
Boxer	Grams	Nickles
Breaux	Grassley	Reed
Brownback	Gregg	Reid
Bryan	Hagel	Robb
Bumpers	Harkin	Roberts
Burns	Hatch	Rockefeller
Byrd	Helms	Roth
Campbell	Hollings	Santorum
Chafee	Hutchinson	Sarbanes
Cleland	Hutchison	Sessions
Coats	Inhofe	Shelby
Cochran	Inouye	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kempthorne	Snowe
Coverdell	Kennedy	Specter
Craig	Kerry	Stevens
D'Amato	Kohl	Thomas
Daschle	Kyl	Thompson
DeWine	Landrieu	Thurmond
Dodd	Lautenberg	Torricelli
Domenici	Leahy	Warner
Dorgan	Levin	Wellstone
Durbin	Lieberman	Wyden
Enzi		

NOT VOTING—2

Jeffords

Mikulski

The amendment (No. 765) was agreed to.

Mr. THURMOND. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Arizona.

MODIFICATION TO AMENDMENT NO. 705

Mr. McCAIN. Madam President, I send a modification to my amendment No. 705 to the desk and ask unanimous consent it be made a part of amendment 705.

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

The modification follows:

On page 4, after the period on line 12, add at the end of subparagraph (2) under (c) PRIVATIZATION IN PLACE: "Nothing in this provision would prevent a private contractor, using facilities on a closed military base, from competing for defense contracts or from receiving or being awarded a contract if the bid is deemed to save money under established procurement procedures, provided that the competition offers a substantially equal opportunity for public sector entities and private sector entities to compete on fair terms without regard to the location where the contract will be performed;"

AMENDMENT NO. 771 TO AMENDMENT NO. 705, AS MODIFIED

Mr. THURMOND. Madam President, I ask unanimous consent that there now be 10 minutes equally divided, prior to a vote on the Dorgan second-degree amendment to the McCain amendment.

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

The Senate will be in order.

Mr. THURMOND. Madam President, I yield my 10 minutes to Senator McCAIN.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. I yield 2 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2 minutes. The Senate will be in order.

Mr. GRAMM. Madam President, could we have order? We are limited to the time we have, and I think it is important everybody be heard.

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Texas.

Mr. GRAMM. Madam President, we have cut defense since 1985 by 34 percent. We have closed 18 percent of the military bases. We have more nurses in Europe than we have combat infantry officers in Europe. We have a huge overhang of bureaucracy, a huge overhang of bases that we have to shear down to the size that is required for the force that we are now willing to fund in the House and Senate. In short, with this huge overhang of bureaucracy and bases, we have a tiger but increasingly the tooth is too small and the tail is too long.

Nobody wants base closings. We have closed five bases in my State. But we all know it is something that needs to happen. So I intend to support the amendment of the Senator from Arizona. I intend to oppose the Dorgan amendment, which for all practical purposes kills the underlying amendment.

I think basically we have to recognize defense has been cut by 34 percent. We have closed only 18 percent of the military bases. If we are going to preserve modernization, if we are going to keep the pay and benefits to maintain the finest people in uniform we have ever had, we are going to have to close more military bases.

So, I hate it, as I am sure many of our colleagues do, but there is no alternative, given the amount of money that the House and Senate are willing to appropriate. I urge my colleagues to defeat the Dorgan amendment and to support the McCain amendment.

I yield the remainder of my time to Senator McCAIN.

The PRESIDING OFFICER. Who yields time? The Senator from Michigan.

Mr. LEVIN. Could we clarify the unanimous consent agreement we are

operating under? I understand there is 10 minutes equally divided between the proponents and opponents of the Dorgan amendment, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator North Dakota.

Mr. DORGAN. The Senator from Texas has just used information that is not accurate. He is referring only, when he talks about 18 percent, to the bases in this country. We have also closed bases overseas. When you add that to it, the total bases closed represent about 27 percent of the infrastructure.

But the point of my second-degree amendment is to say this: Let us at this point not authorize two additional rounds of base closures until we figure out what we have done, what the consequences of what we have done are in the last four rounds. We do not have all the facts about what the last four rounds have given us in terms of costs and benefits.

Let me not speak for myself. Let me have the Congressional Budget Office do it, and the GAO has done something similar. It says:

The Congress could consider authorizing an additional round of base closures if the Department of Defense believes that there is a surplus of military capacity after all rounds of BRAC have been carried out.

That is what CBO says. Then CBO says:

That consideration, however, should follow an interval during which the DOD and independent analysts examine the actual impact of the measures that have been taken thus far.

Why does CBO say that we ought to wait and take a measure of what we have done? Because they cannot get the facts. No one knows what are the costs and what are the savings. What CBO is saying is let's figure out what we have done. We have ordered the closure of nearly 100 military installations and only about half of them have been fully closed. At this point, let us finish that closure, assess the costs and the benefits, and then proceed, if necessary, to authorize additional base closures.

I reserve the remainder of my time.

Mr. STEVENS. Will the Senator yield a minute-and-a-half to me?

Mr. DORGAN. I will be happy to yield a minute-and-a-half to the Senator from Alaska.

Mr. STEVENS. Madam President, I join the majority leader in supporting the Dorgan amendment. I do so because, in our recent trips overseas, we have found a new military base, a U.S. military base in Kuwait; we have a new one at Prince Sultan in Saudi Arabia; we have been expanding a new one at Aviano, in Italy. The Hungarians believe we are going to continue to maintain their base once they join NATO.

It will take no Base Closure Commission for the administration to start closing bases overseas. I would rather see them stop building new bases overseas. But, certainly we need a report like this to try and get some idea about what is going on.

Last, I would say this, almost 40 percent of our military personnel today who are combat personnel are overseas. I do not believe we should have a Base Closure Commission to decide how many bases to close here at home until they return. It is not time to have a new base closure commission.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I wonder if the Senator from Arizona will yield me 1 minute?

Mr. MCCAIN. Mr. President, 60 percent of the bases overseas have been closed, and that is a fact. I don't know where the Senator from Alaska has been traveling, but I suggest he go to Germany where we have basically dismantled our huge defense establishment, which was necessary and no longer is. There are stacks and stacks of information that can be provided about the costs that have been reduced as a result of the base closings that have taken place.

Finally, we are now in an Orwellian argument that not closing bases somehow saves money. It is the strangest argument I have been through on the floor of the Senate. We have to reduce these.

I do not intend to move to table the Dorgan amendment. I expect the Dorgan amendment will win. But I will tell my colleagues right now, this will be a sad day.

This will be a sad day in the history of the Senate, because we will not have fulfilled our obligations to the men and women in the military because we continue to siphon off money to pay for bases that we don't need instead of paying for the troops and the equipment that they need to fight and win.

Mr. LEVIN. Will the Senator yield 1 minute to me?

Mr. MCCAIN. I yield to the Senator from Rhode Island, former Secretary of the Navy, and then the remaining time to the Senator from Michigan.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Rhode Island is recognized. Mr. President, I support the Levin-McCain amendment, which will allow the Defense Department to reduce its excess infrastructure and use resulting savings for needed equipment modernization.

After four rounds of base closings (1988, 1991, 1993 and 1995), the U.S. military has eliminated 21 percent of its base structure. Overall force structure, people and weapons starting in 1988 and ending 5 years from now on the other hand, is being reduced by 36 percent. This gap between the level of our forces and our infrastructure should not continue to exist indefinitely. If we do not

continue the process of reducing excess capacity, the Defense Department will not have the funds to modernize its increasingly outdated weaponry and continue to maintain adequate readiness.

Today, we have heard arguments that the savings promised by earlier base closure rounds either have not materialized or have not been fully accounted for. Mr. President, I do not believe that we have to document exactly how much has been saved to the last nickel from previous BRAC's in order to continue this necessary process.

The fact of the matter is that previous base closures have resulted in substantial savings, currently estimated to be a total of \$13.5 billion. The final amount of these savings may not be known for years. Perhaps these savings have not been as great as originally thought, but they have been there. You simply cannot reduce 21 percent of your infrastructure and not come up with some significant cost savings. Secretary of Defense Cohen—who endured some very painful base closings in his State as a Senator—has estimated that two additional rounds would result in savings of approximately \$2.7 billion annually.

Mr. President, all six members of the Joint Chiefs of Staff—who account for some 24 stars—have written Congress to urge two additional base closures. The previous BRAC itself also recommended additional reductions. The Joint Chiefs recognize that our troops ought to be armed with the very best equipment when called to battle. It was this technological edge that proved so valuable in the gulf war.

But these weapons have a cost, and continuing to expend valuable resources on unneeded infrastructure will hinder modernization and detract from readiness. I urge support for the Levin-McCain amendment and opposition to the Dorgan amendment.

Mr. President, I certainly hope the prediction of the Senator from Arizona is not accurate, that the Dorgan amendment will prevail. I think it is not a good amendment. We have to reduce the base structure in the country as we bring down the forces. I support the efforts of Senator MCCAIN vigorously and hope he will prevail.

The PRESIDING OFFICER. The Senator from Michigan has 1 minute.

Mr. LEVIN. Mr. President, I support the McCain amendment and very much oppose the Dorgan amendment. I hope we will listen to General Shalikashvili. This is what he said when he testified:

As difficult as it is politically, we will have to further reduce our infrastructure. We have more excess infrastructure today than we did when the BRAC process started. We need to close more facilities, as painful and as expensive as it is.

We should listen to the head of our uniformed military. The Secretary of Defense has told us we cannot afford

this waste of resources in an environment of tough choices and fiscal constraint. We must shed weight. The savings are on this chart. They have been estimated by the Department of Defense. We have a letter from all of the Joint Chiefs pleading with us, it is called a 24-star letter, all the Joint Chiefs, and the chairman and the vice chairman pleading with us to shed excess weight.

I hope we will not adopt the Dorgan amendment. If we adopt it, it will destroy the possibility that this year—this year—as we propose in the McCain amendment, we will again do what we must do, as painful as it is. And those of us who come from States which have had bases closed and which face additional base closings, as I do in my State, understand that pain.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from North Dakota controls 2 minutes.

Mr. DORGAN. Mr. President, I yield a minute to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 1 minute.

Mr. NICKLES. Mr. President, I urge my colleagues to vote in favor of the Dorgan-Lott substitute and against the McCain amendment. Even if this substitute is not adopted, I urge them to vote against the McCain amendment, and the reason is, for the first time in the four base closing rounds, this administration played politics. They said, "Well, we're going to accept all of them except for two." That has never happened. It didn't happen in the first round, it didn't happen in the second round, and it didn't happen in the third round. It happened in the fourth round.

I don't think we should give them additional rounds until we have a clear understanding that we are not going to play politics. We are going to close bases on the merits and not on electoral votes.

I urge my colleagues to vote in favor of the Dorgan-Lott substitute.

The PRESIDING OFFICER. The Senator from North Dakota controls 1 minute 12 seconds.

Mr. DORGAN. Mr. President, first of all, I have voted for every previous round of base closings and intend to vote again when additional bases are needed to be closed, but if this is, in fact, about saving money, then let us at least pay some heed to the Congressional Budget Office.

The Congressional Budget Office says that additional base closing rounds ought to follow an interval during which the Department of Defense and independent analysts examine the actual impact of what has been done so far. If this is, in fact, about saving money, let's take the advice of the Congressional Budget Office and figure out what we have done before we decide to do more, what has the cost and the benefit been of what we have done.

The majority leader, the minority leader, Senator THURMOND, Senator STEVENS, and so many others have cosponsored this second-degree amendment, which is very simple. The second-degree amendment asks the Secretary of Defense to prepare and submit to Congress a report on the costs and savings on the closure rounds that have already been occurring and to give us information that we don't now have before we proceed to talk about additional rounds of base closures.

The PRESIDING OFFICER. All time has expired.

Mr. MCCAIN. Mr. President, I ask unanimous consent that my colleague, the Senator from Virginia, who has been standing to make a statement, be granted 30 seconds.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Virginia is recognized for 30 seconds.

Mr. ROBB. I thank my colleague from Arizona. We have given a great deal of attention to the fact that the tooth-to-tail ratio is completely out of whack. It used to be 50-50 10 years ago. It is close to 70-30 now. The tail being the support of everything else. If we want to support force structure, if we want to be capable of carrying out our commitments, we have to cut infrastructure. The savings start as soon as we begin to cut infrastructure. We can argue about how many dollars later on. With that, Mr. President, I thank the Chair and yield the floor.

Mr. THURMOND addressed the Chair. The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Adopt the Dorgan-Lott second-degree amendment.

The PRESIDING OFFICER. A roll-call has not been requested on this amendment.

Mr. MCCAIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 771, offered by the Senator from North Dakota [Mr. DORGAN] to amendment No. 705, as modified. The yeas and nays have been ordered. The clerk will call the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

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

The result was announced—yeas 66, nays 33, as follows:

The result was announced—yeas 66, nays 33, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—66

Abraham	Allard	Baucus
Akaka	Ashcroft	Bennett

Bingaman	Durbin	Lott
Bond	Faircloth	Mack
Boxer	Felstein	McConnell
Breaux	Ford	Moseley-Braun
Brownback	Frist	Moynihan
Bumpers	Graham	Murkowski
Burns	Grams	Murray
Campbell	Gregg	Nickles
Cleland	Hagel	Roberts
Cochran	Hatch	Santorum
Collins	Helms	Sarbanes
Conrad	Hollings	Sessions
Coverdell	Hutchinson	Shelby
Craig	Hutchison	Smith (NH)
D'Amato	Inhofe	Snowe
Daschle	Jeffords	Specter
DeWine	Johnson	Stevens
Dodd	Kempthorne	Thompson
Domenici	Landrieu	Thurmond
Dorgan	Lautenberg	Torricelli

NAYS—33

Biden	Harkin	McCain
Bryan	Inouye	Reed
Byrd	Kennedy	Reid
Chafee	Kerrey	Robb
Coats	Kerry	Rockefeller
Enzi	Kohl	Roth
Feingold	Kyl	Smith (OR)
Glenn	Leahy	Thomas
Gorton	Levin	Warner
Gramm	Lieberman	Wellstone
Grassley	Lugar	Wyden

NOT VOTING—1

Mikulski

The amendment (No. 771) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 705, AS MODIFIED, AS AMENDED

The PRESIDING OFFICER. The question is on the McCain amendment No. 705, as modified, as amended.

Mr. LEVIN. Have the yeas and nays been ordered?

The PRESIDING OFFICER. Is there objection to vitiate the yeas and nays on amendment No. 705?

Without objection, it is so ordered.

The question now occurs on agreeing to McCain amendment No. 705, as modified, as amended.

The amendment (No. 705), as modified, as amended, was agreed to.

EXECUTIVE SESSION

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations just reported from the Armed Services Committee: Gen. Wesley Clark and Lt. Gen. Anthony Zinni. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, and any statements relating to the nominations appear at the appropriate place in the RECORD, and the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

IN THE ARMY

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10 United States Code, section 601:

To be general

Gen. Wesley K. Clark, 5682.

IN THE MARINE CORPS

The following-named officer for appointment in the U.S. Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10 United States Code, section 601:

To be general

Lt. Gen. Anthony C. Zinni, 7104.

Mr. LOTT. Mr. President, I would like to note special appreciation to the Armed Services Committee for moving these nominations. I want to thank the chairman for having extra meetings to get these two nominations cleared. I want to thank Senator LEVIN from Michigan.

It would have been a very awkward situation tomorrow and the next day at the change of command of our NATO officials if we had not had Gen. Wesley Clark confirmed and in a position to assume command from General Joulwan. This was a very positive move. I thank the Armed Services Committee and the Senate for their cooperation in these confirmations.

I yield the floor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Would the Chair inform the Senator from Nevada what the parliamentary status on the floor is at this time?

The PRESIDING OFFICER. The pending business is the defense bill, S. 936, and the pending question is on Dodd amendment No. 763.

Mr. REID. I ask unanimous consent that the Dodd amendment be set aside for purposes of my offering an amendment.

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

AMENDMENT NO. 772

(Purpose: to authorize the Secretary of Defense to make available \$2,000,000 for the development and deployment of counter-landmine technologies)

Mr. REID. Mr. President, I ask the clerk to call up amendment No. 772.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 772.

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

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

The amendment is as follows:

On page 30, between lines 19 and 20, insert the following:

() AVAILABILITY OF FUNDS FOR COUNTER-LANDMINE TECHNOLOGIES.—Of the amounts available in section 201(4) for demining activity, the Secretary of Defense may utilize \$2,000,000 for the following activities:

(1) The development of technologies for detecting, locating, and removing abandoned landmines.

(2) The operation of a test and evaluation facility at the Nevada Test Site, Nevada, for the testing of the performance of such technologies.

Mr. BUMPERS. Will the Senator yield for a question?

Mr. REID. Yes.

Mr. BUMPERS. Could the Senator say about how long he anticipates speaking on his amendment?

Mr. REID. About 10 to 12 minutes.

Mr. BUMPERS. I thank the Senator.

Mr. REID. Several years ago, I and a number of my colleagues took a trip.

One of the places we went to was Angola. It was a beautiful country. It is a country that has been devastated by war. We did not see the wild animals roaming the plains as they did at one time. We did not see the oil fields pumping as well as they should have. What we did see were hundreds of people who had been injured by landmines. Their legs were gone, their arms were gone. We, of course, did not see the people who were killed on a daily basis in Angola from landmines.

If Angola were the only place in the world that had been devastated by landmines, perhaps we should not take the time of this body by looking at it. But Angola is important, and where the antipersonnel landmines have ravaged the countryside, we in this body must be concerned.

I rise today, having introduced an amendment to accelerate the removal of millions of abandoned antipersonnel landmines. This is just one more important step in the long and difficult job of stopping forever the killing and maiming of innocent men, women and children, by these useless relics of warfare and terrorism.

Mr. President, I am appreciative of the work that has been done by Senator PAT LEAHY on bringing to our attention the devastating problem of abandoned landmines. He has fought long and hard and spoken out on this issue, and I appreciate that. He has a long-time commitment to terminating this threat to innocent noncombatants. The whole world, and especially the developing world, owes Senator LEAHY thanks for his leadership in forever banning these instruments of war.

These landmines have limited military utility, with primary value found in the terror and timidity they incite in the enemy infantry. Modern military battles, though, are not won by the infantry. Victory may very well be sealed by the infantry, but the battle is won by the air, by the artillery and by the armored mechanized forces.

My amendment responds to a terribly tragic situation in which an unnecessary weapon remains long after battle, and wreaks its terror and its death and destruction on innocent civilians.

Mr. President, I am going to recite some statistics that are unbelievable, for lack of a better description.

It is estimated that there are more than 100 million of these landmines buried and abandoned in 64 different countries. That is one landmine for every 50 people on this Earth. I have talked about Angola. The Angolan war lasted for much more than a decade. The country of Angola has 10 million people in it, but buried in the dirt in Angola are more than 20 million landmines, 2 landmines for every person in Angola.

They are buried, they are unexploded, they are unrecovered, and they are waiting for women and children, principally, to step on them. Why women and children? Because the women are often the ones to work the fields and the children are the ones that often unknowingly stray into the abandoned minefields.

In Angola, 120 people die every month from landmines. Four people a day in Angola are killed. This does not take into consideration the scores, the hundreds of people that I saw in Angola missing legs and arms.

Every month in Cambodia, 300 Cambodians are casualties—10 casualties each and every day.

Afghanistan, Mozambique, Croatia, Bosnia, Vietnam—in all these countries, and more, the toll mounts.

We were in Bosnia a year or so ago. While we were there a call came over the commander's radio, a call reporting a landmine casualty. It was a Russian who had had a leg blown off by a landmine. These are occurrences that happen all the time.

In the world, we have about 70 casualties a day, 500 each week, 30,000 a year. These casualties are unnecessary, and without action on our part—we cannot leave it to anyone else—they are going to continue to be unavoidable.

Most of those killed and injured have not done anything but try to farm, walk to school, walk to the market, walk to a hospital, take a shortcut home. Some of the children are just playing in the fields around their homes. But, on this day, playing around their homes, their farms or their schools, a landmine goes off, killing or maiming the child.

Think of it, Mr. President, every day not knowing whether any particular

step you take is going to wind up in death or losing a limb or limbs. People should not have to live that way.

We, as the most powerful Nation in the world, have an obligation, I believe, with the great scientific minds we have in this country, to figure out a way to better detect those mines and to remove them.

Estimates from a year ago projected that about 100,000 landmines were being removed each year while about 2.5 million mines were being placed in the Earth each year. So what does this mean? Humanity, zero; landmines, 2.4 million every year. That is no contest.

Like most problems, the abandoned landmine problem is rooted in economics. How much does it cost to remove a landmine? Lots of money, up to \$1,000 a landmine. How much does it cost to place a landmine in the ground? A couple bucks. That is all.

The recovery costs go up dramatically when the mine field maps are lost or purposely destroyed or become so old as to engender no confidence in the minds of the recovery crews.

If we do not outlaw antipersonnel landmines, the economics guarantees proliferation of this barbaric practice. The economics of mine warfare guarantee more death and maiming and destruction unless these devices are forever outlawed and stockpiles around the world are quickly destroyed.

But the world community might not outlaw antipersonnel landmines because they are so cheap and easy to use. I say that antipersonnel landmines have no place in a civilized world. We must stop the distribution of these implements of terror that spread permanent disability, disfigurement, and death wherever they have been used.

There is pending in the Senate a bill to permanently ban the use of antipersonnel landmines. I support that legislation, as do 58 other Senators. This is the legislation that has been led by Senator LEAHY.

But even if the Senate supports this ban, others in the world community may not. The best and most effective way of banning landmines is to make them useless by making their discovery cheap and easy and by developing faster and cheaper ways of clearing landmines. This would be both a humanitarian advance and a lifesaving action for our troops on combat missions.

To do this successfully we must better develop capabilities to locate buried landmines, and then we need to develop new and more effective ways to clear them.

A few months ago, Mr. President, I made a tour of the lab at Livermore in California, one of our national laboratories. I said to them, how much money are we spending to find a way to remove these landmines? They said about \$100,000 a year.

We can do better than that.

The magnitude of this task is significant. If one man could locate and recover one landmine every hour, that would be eight devices per 8-hour day per man in the field. Today's technology, of course, does not allow us to do it anywhere near as quickly as that. But even at that rate, which we cannot achieve today, it would take 1,000 men working 7 days a week, 24 hours a day, 34 years to remove the landmines that are now buried. But remember, we are putting in about 2.4 million extra ones each year.

There are a lot of ideas out there of what we can do. We need to focus on developing and deploying landmine remediation systems while continuing the research that promises better capability in the future.

An area of the Nevada test site has been equipped and used by our national laboratories for testing new ways of landmine detection and location. For example, at the Nevada test site, which was used for underground nuclear explosions and aboveground nuclear explosions, we can test these in many different ways. Systems were tested that permitted remote locations of buried landmines under favorable conditions. But much improvement is needed because conditions are almost never favorable.

We will shortly begin testing a new concept that promises a better performance, and has the added value of detecting nonmetallic landmines, because the people who develop these weapons of destruction have gone a step further. They are no longer metal, they are plastic. This new concept allows detection and discrimination of buried objects at much greater depths. But we need to do something to develop the technique.

As progress is made in landmine detection and location, we need to develop and test better ways of landmine recovery and destruction. We can do that. That is what this amendment is all about. There is plenty of talent, scientifically, to do it. We just need the support for infrastructure, personnel, equipment, and field work to do something about it.

I say, again, antipersonnel landmines have no place in the future of civilized nations. We need to get on with developing better capability to remove these devices that are already deployed. Cheaper and faster landmine clearing will protect both innocent civilians and our combat troops and it will remove much of the incentive to spread more of these terrible instruments of terror, injury, death, and destruction.

The amendment I have submitted today will permit our national laboratories to use their superb talents for accelerated development of landmine detection and clearing technologies. The report language for the National Defense Authorization Act includes direction to the Department of Defense

to establish more effective collaboration with the weapons laboratories of the Department of Energy.

This amendment is consistent with that direction. It will apply an existing national resource to this important mission and it will facilitate the development and testing of a new technology that promises mine detection performance well beyond that of any existing capability. This amendment will make antipersonnel landmines useless by cheap and easy detection, localization, and removal.

Mr. President, I urge my colleagues to support this amendment.

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 PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I ask unanimous consent I be permitted to proceed for 5 minutes as in morning business.

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

BALANCING THE BUDGET

Mr. BUMPERS. Mr. President, several weeks ago I stood at this desk during the debate on the budget resolution and offered an amendment that I thought was an eminently serious, major, defining amendment on that bill. I have been here 22½ years and I knew perfectly well that I was not going to prevail on that amendment. But I had pointed out during the course of the debate that in the 22½ years I have been here, probably the most important goal I had hoped to see achieved during my tenure in the Senate was a balanced budget.

I had, on several occasions, voted against a constitutional amendment to balance the budget simply because of my reverence for the Constitution and for my belief that economic policy has no place in the Constitution. I had always argued and will argue until my dying day that balancing the budget is a matter of will by the Members of the U.S. Congress, and to suggest that the only way we can screw up the nerve and stiffen our spines to balance the budget is to put it in the Constitution is demeaning in the extreme.

So that is why in 1993 I voted for the reconciliation bill that raised taxes and cut spending. It raised taxes on 1½ percent of the wealthiest people in America and cut spending by \$250 billion over a 5-year period, all of which combined was supposed to reduce the deficit from what it would otherwise be by \$500 billion over the ensuing 5 years. Mr. President, that 5-year period is not yet up, but in 1998 on the fifth anniversary of the passage of that bill, it will

not have saved \$500 billion, it will have saved \$1 trillion and more. That bill is responsible for the deficit going from almost \$300 billion in 1992 to what we thought was \$67 billion until today.

It has been a source of unbelievable satisfaction to me to see the deficit in 1993 go from \$290 billion anticipated to \$254; in 1994, to \$205 billion; in 1995, \$154 billion; in 1996, \$107 billion; in 1997, anticipated to be \$67 billion, and this morning's front page of the Washington Post says that because the economy is so good and people are paying taxes that the deficit this year will be \$45 billion or less. That will be the smallest deficit we have had, as we lawyers like to say, since the memory of man runneth not.

The reason I rise to speak, Mr. President, is not just to catalog that history with which all the Senators are all too familiar, but to point out another item that was included in that Washington Post story. It said if we can just get the House and Senate conferees to keep bickering for another year and not pass this tax cut, we could easily balance the budget in 1998.

Two weeks ago when I offered my amendment to forgo tax cuts, I said we should forgo tax cuts, honor what I consider to be a nonnegotiable demand by the American people to balance the budget and balance the budget in 2001, maybe even 2000. And now this morning's paper says you do not have to postpone taxes to do it in 2001. If you postpone taxes, you can do it in 1998. Never, never in modern times have we been so close to actually doing what most of us say we want to do, and that is balance the budget.

Now, Mr. President, I got a whopping 18 votes for my amendment 2 weeks ago. I am not going to call the names of the Senators that voted with me, but I hope people will look at the RECORD and see who had the courage, who had the vision and the spine to stand up on the floor of the Senate and vote for an eminently sensible proposal to balance the budget earlier, much earlier, than the bill we were debating. And 4 of those courageous 18 people were up for reelection next year. They certainly have my praise and my respect because they believe in the American people and they were willing to stand up and vote for a reduction of the deficit as opposed to a tax cut.

If you ask the American people, would you favor this \$135 billion tax cut over the next 5 years, or would you prefer a balanced budget over the next 2 years, I can tell you the answer would be 70 percent to 80 percent of the people would opt for a balanced budget.

Mr. President, the 18 votes I got to postpone the tax cuts in order to bring about a balanced budget much sooner is the smallest number of votes I have ever received on an amendment since I have been in the Senate. And it was probably as good, as authentic and cou-

rageous an amendment as I have ever offered since I have been in the Senate. It could have changed the economic course of the country.

Mr. President, the article in the paper this morning got one thing totally wrong. The article stated that neither the Democrats nor the Republicans are going to be able to take credit for the balanced budget.

I take strong exception to that as a Democrat. Two of the finest Senators we ever had in the U.S. Senate lost their seats in 1994 because they stood up and voted for the 1993 budget which raised certain people's taxes. The House of Representatives fell to the Republicans in 1994 when NEWT GINGRICH became speaker and the U.S. Senate went to the Republicans and there was not one Republican in the House or the Senate that voted for that bill which has brought about this exhilarating chance to actually balance the budget.

So to say that President Clinton has not been courageous in proposing the 1993 budget package is a terrible injustice and it is wrong. It is his legacy. It is the legacy of this President that he stood firm on deficit reduction in offering that bill, which cost the Democrats dearly at the polls the following year. So far as I am concerned, the stock market has been soaring ever since that bill was passed in 1993, despite the promises of some of the most distinguished Senators on the other side, who said that this is going to end the world as we know it, and you are going to see people out of work and more homeless people, and you are going to see a depression if we pass this bill.

We passed the bill. The stock market took off because people were encouraged and finally believed that the people down here knew what they were doing and were finally going to screw up their nerve and give them a sound fiscal Government. It has been going on ever since, and that is precisely the reason we are within striking distance of balancing the budget right now. To say nobody can claim credit for that is a real stretch. It was President Clinton. It was not easy. Most of you will recall that the Vice President had to come over and sit in the chair and break a tie in order to pass that bill. Today, the American people are the beneficiaries.

I hope that the conferees are unable to reach an agreement on this, because if they don't reach an agreement, we can balance the budget. If they do reach an agreement, Lord only knows what the results are going to be. All we know is that the wealthiest people in America are going to get a handsome tax cut and the budget is not going to be balanced.

So, Mr. President, I rise tonight to set the record straight on what I think is an extremely important event. I was absolutely euphoric this morning to

read that the deficit that was anticipated to be \$127 billion this year was then calculated to be about \$104 billion, and then calculated about 3 months ago to be \$67 billion, and this morning calculated to be \$45 billion. It is beyond our wildest dreams. Why would we not seize the moment to forego this tax cut and do precisely what the American people want us to do? It isn't too late.

Mr. President, I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

AMENDMENT NO. 778

(Purpose: To amend title 18, United States Code, to revise the requirements for procurement of products of Federal prison industries to meet needs of Federal agencies)

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

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

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. ABRAHAM, Mr. ROBB, Mr. HELMS, Mr. KEMPTHORNE, Mr. DASCHLE, and Mr. BURNS, proposes an amendment numbered 778.

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

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

The amendment is as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 844. PRODUCTS OF FEDERAL PRISON INDUSTRIES.

(a) PURCHASES FROM FEDERAL PRISON INDUSTRIES.—Section 4124 of title 18, United States Code, is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following new subsections (a) and (b):

“(a) A Federal agency which has a requirement for a specific product listed in the current edition of the catalog required by subsection (d) shall—

“(1) provide a copy of the notice required by section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) to Federal Prison Industries at least 15 days before the issuance of a solicitation of offers for the procurement of such product;

“(2) use competitive procedures for the procurement of that product, unless—

“(A) the head of the agency justifies the use of procedures other than competitive procedures in accordance with section 2304(f) of title 10 or section 303(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)); or

“(B) the Attorney General makes the determination described in subsection (b)(1) within 15 days after receiving a notice of the requirement pursuant to paragraph (1); and

“(3) consider a timely offer from Federal Prison Industries for award in accordance with the specifications and evaluation factors specified in the solicitation.

“(b) A Federal agency which has a requirement for a product referred to in subsection (a) shall—

“(1) on a noncompetitive basis, negotiate a contract with Federal Prison Industries for

the purchase of the product if the Attorney General personally determines, within the period described in subsection (a)(2)(B), that—

"(A) it is not reasonable to expect that Federal Prison Industries would be selected for award of the contract on a competitive basis; and

"(B) it is necessary to award the contract to Federal Prison Industries in order—

"(i) to maintain work opportunities that are essential to the safety and effective administration of the penal facility at which the contract would be performed; or

"(ii) to permit diversification into the manufacture of a new product that has been approved for sale by the Federal Prison Industries board of directors in accordance with this chapter; and

"(2) award the contract to Federal Prison Industries if the contracting officer determines that Federal Prison Industries can meet the requirements of the agency with respect to the product in a timely manner and at a fair and reasonable price."

(b) LIMITATION ON NEW PRODUCTS AND EXPANSION OF PRODUCTION.—Section 4122(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) Federal Prison Industries shall, to the maximum extent practicable, concentrate any effort to produce a new product or to expand significantly the production of an existing product on products that are otherwise produced with non-United States labor"; and

(3) in paragraph (6), as so redesignated, by striking out "paragraph (4)(B)" and inserting in lieu thereof "paragraph (5)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

Mr. LEVIN. Mr. President, this amendment is cosponsored by Senators ABRAHAM, ROBB, HELMS, KEMPTHORNE, DASCHLE, and BURNS. This is to implement the recommendation of the National Performance Review that we should require Federal prison industries to compete commercially for Federal agencies' business instead of having a legally protected monopoly.

Mr. President, our amendment will eliminate the requirement for Federal agencies to purchase prisoner-made goods even when they cost more and are of lesser quality. This amendment will ensure that the taxpayers get the best possible value for their Federal procurement dollars. If a Federal agency can get a better product at a lower price from the private sector, it should be permitted to do so. The taxpayers will get the savings.

Many in Government and in industry point out that the Federal Prison Industries' products are often more expensive than commercial products, inferior in quality, or both. For example, the Deputy Commander of the Defense Logistics Agency wrote in a May 3, 1996, letter to the House that Federal Prison Industries had a 42-percent delinquency rate in its clothing and textile deliveries, compared to a 6-percent

rate for the commercial industry. For this record of poor performance, the Federal Prison Industries charged prices that were an average of 13-percent higher than commercial prices. Five years earlier, the DOD inspector general reached the same conclusion, reporting that the Federal Prison Industries' contracts were more expensive than contracts for comparable commercial products by an average of 15 percent. Now, the Department of Defense made roughly \$150 million in purchases from Federal Prison Industries last year, and so this is currently costing the Department of Defense, alone, \$25 million.

Mr. President, it just makes no sense that, with all of the advantages in terms of labor price, which is nominal in prison, that they can assert a monopoly which gives them the right to sell to the Defense Department products at a greater cost than the Defense Department could buy them in the commercial market, and this amendment would correct that.

At this point, I want to yield to my good friend and colleague from Michigan, Senator ABRAHAM, for his statement. I ask unanimous consent that I be immediately recognized thereafter to complete my statement.

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

The junior Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I thank my colleague and friend who brings us, I think, a wise amendment tonight, which I am happy to cosponsor. This is a pretty simple amendment, really. It does not say that anybody should get a preference over the Prison Industries, but simply that those who are in the private sector, who create jobs for people, who play by the rules and work hard, ought to have the same opportunity to bid on Federal contracts that the Federal Prison Industries themselves enjoy.

As my colleague from Michigan, Senator LEVIN, has indicated, we have numerous examples that suggest that, right now, the Federal taxpayers are not getting their money's worth when Federal agencies purchase office equipment, because the Prison Industries' costs are greater than would be the case if the private sector were involved. Moreover, of course, it is our view that if competition was injected into the system, the cost would go down, even though it is conceivable that the Prison Industries would continue to be the contractor chosen for the production and provision of such furnishings.

In my State, Mr. President, we have a lot of people in this industry. I have spoken with them in the plants in which they work—not just the people who run the plants, but the people working on the floor making the finest furniture in the world. They have an

interesting take on the way we do business. They say: Doesn't it seem unusual that we should work hard, 40 hours a week, and sometimes more, to produce a high-quality piece of furniture, and that we should have a certain amount of the money we earn for that hard work sent to Washington to pay taxes, or sent to Lansing, or wherever, and then that we should see those tax dollars go to the Federal Government to be used, at least in part, to support the development of an industry that competes with us and prevents us from having the opportunity to create better paying jobs and more jobs?

That doesn't make sense to them, Mr. President, and it doesn't make sense to me. It seems that we ought to pride ourselves here on providing our taxpayers the most efficient Government possible. That ought to mean that when we purchase equipment and furniture for the Federal departments and agencies, we get the best bargain possible and that we at least make sure that folks who work hard and play by the rules in the furniture industry, or any other industry, have the opportunity to benefit from the Federal contracts that are let to purchase furniture and other sorts of items that help us in the Federal agencies and departments. To me, this is just pure common sense. So for that reason I support this amendment.

I think all we are asking for here is a level playing field—no special preference, no exclusion of the private sector from the bidding process. If the furniture made by the Federal Prison Industries is the best deal, then that is who ought to be doing the work. But if it is not, then the taxpayers deserve the best deal.

As to a broader point, I just want to say this. I believe that people in prisons should work. This is in no way, or should it be in any way, interpreted as an amendment designed to suggest that those who are doing hard time should stop doing hard time or that those who are learning trades and skills ought to be in any way prevented from doing so. But it seems to me that what makes sense is for the Prison Industries to focus primarily on providing services, and so on, in areas where they aren't competing with American workers and American jobs in the private sector. I think, at a minimum, we should level the playing field so that that can occur.

For those reasons, I am happy to support this amendment as a cosponsor. I look forward to the continuation of this debate tomorrow on the floor as well.

Under the previous order, I yield the floor back to the Senator from Michigan.

The PRESIDING OFFICER. Under the previous order, the senior Senator from Michigan is recognized.

Mr. LEVIN. I yield to the chairman of the committee who, I understand,

wants to make a statement at this time.

Mr. THURMOND. Mr. President, the amendment offered by the Senator from Michigan, Senator LEVIN, would seriously damage the functioning of the Federal Prison Industries, Incorporated known as FPI.

FPI is the Bureau of Prisons' most important inmate program. It keeps inmates productively occupied and reduces inmate idleness and the violence and disruptive behavior associated with it. Thus it is essential to the security of Federal correctional institutions, the communities in which they are located, and the safety of Federal correctional staff and inmates. Eliminating FPI's mandatory source status in law would dramatically reduce the number of inmates FPI would be able to employ. The inmate idleness this would create would seriously undermine the safety and security of America's Federal prisons.

In addition to the general benefit of keeping our prison population employed, the Federal Prison Industries Program has the added benefit that 50 percent of the wages paid to prisoners employed under the program are used to pay off fines and provide restitution to the victims of their crimes. This is an important benefit that must not be impeded.

FPI has no other outlet for its products than Federal agencies. The constraints within which FPI operates cause it to be less efficient than its private sector counterparts. While private sector companies specialize and become highly efficient in certain product areas, FPI, in an attempt to limit its market share in any one area, has diversified its product line. Private sector companies strive to obtain the most modern, efficient equipment to minimize the labor component of their manufacturing costs. FPI, on the other hand must keep its manufacturing process as labor intensive as possible in order to employ the maximum number of inmates.

Since FPI operates its factories in secure correctional environments, it faces additional constraints that limit its efficiency. For example, every tool must be checked out at the beginning of the day, checked in before lunch, checked out again in the afternoon, and checked in at the end of the day. In addition, Federal Prison Industries factories are occasionally forced to shut down because of inmate unrest or institutional disturbances. The costs associated with civilian supervision and numerous measures necessary to maintain the security of the prison add substantially to the cost of production.

It should be noted that the average Federal inmate has an 8th grade education, is 37 years old, is serving a 10-year sentence for a drug related offense, and has never held a steady job. According to a recent study by an inde-

pendent firm, the overall productivity rate of an inmate with a background like this is approximately 1/4 that of a civilian worker.

FPI must have some method of offsetting these inefficiencies if it is expected to acquire a reasonable share of Government contracts and remain self financing. The offsetting advantage that Congress has provided is the mandatory sourcing requirements in section 4124 of title 18, United States Code. This section requires that Federal agencies purchase products made by FPI as long as those products meet customer needs for quality, price, and timeliness of delivery. If the product is not currently manufactured by FPI, or if the FPI is not competitive in quality, price or timeliness, Federal Prison Industries will grant a waiver to allow the Federal agency to purchase the product from private sector suppliers.

The amendment proposed by Senator LEVIN would force the Attorney General to require that Federal agencies purchase FPI products on a case-by-case basis, increasing paperwork and administrative expense unnecessarily. The current FPI mandatory source requirement provides a steady flow of work to the inmate population and reduces the requirement for FPI to expend large amounts of money on advertising and marketing. If such expenses had to be incurred, sales levels and market share would have to be expanded to cover them. This would have an adverse impact on private sector companies in the same businesses as FPI.

I urge my colleagues to reject the Levin amendment. Mr. President, I ask unanimous consent that a letter from the Council of Prison Locals of the AFL-CIO be printed in the RECORD.

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

FEDERAL PRISON COUNCIL 33,
(AFL-CIO)
June 19, 1997.

Hon. STROM THURMOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR. I am writing to express the strong opinion of the Council of Prison Locals, American Federation of Government Employees, against Senator Levin's proposed amendment to the Defense Authorization Bill. The Levin Amendment would eliminate mandatory source status for Federal Prison Industries (FPI), a wholly-owned corporation of the Federal Government.

The Council of Prison Locals is the exclusive representative of 22,000 bargaining unit employees nationwide working in the nation's Federal Prisons. Our members feel that this is the Bureau of Prisons most important correctional program.

We have several concerns with the Levin Amendment. The first concern is that FPI should be looked at as part of the overall Bureau of Prisons program. This should include hearings on the Judiciary Committee. We feel the safety of thousands of Correctional Workers is in jeopardy because of the "perception" that FPI is somehow controlling

the Federal market. This could not be further from the truth. We believe that FPI is part of safe prison management of our facilities and should not be an amendment to some unrelated legislation.

We urge you to oppose the Levin Amendment and keep the Federal Prison System safe for its workers.

Sincerely,

PHIL GLOVER,
Northeast Regional Vice President,
Council of Prison Locals, AFGE.

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

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized.

Mr. LEVIN. I thank the Chair.

Mr. President, last July, a master chief petty officer of the Navy testified before the House National Security Committee that the FPI monopoly on the Government furniture contract has undermined the Navy's ability to improve living conditions for its sailors. This was his testimony.

Speaking frankly, the FPI product is inferior, costs more, takes longer to procure. FPI has, in my opinion, exploited their special status, instead of making changes that would make them more efficient and competitive. The Navy and other services need your support to change the law and have Federal Prison Industries compete with private sector furniture manufacturers under GSA contract. Without this change, we will not be serving sailors or taxpayers in the most effective and efficient way.

There was a coalition that joined together to try to provide for competition. All we are asking for is the private sector to be allowed to compete when its product costs less and when its product is a better quality. The competition in contracting at coalition is made up of 28 organizations and 204 businesses. Their letter, in part, reads as follows, that this amendment would implement a recommendation of the National Performance Review which stated that our Government should "take away Federal Prison Industries' status as a mandatory source of Federal supplies and be required to compete commercially for Federal agencies' business." This solution would help manufacturers by eliminating the barriers to competition and allowing the bid process to take place.

We received a letter from Access Products of Colorado Springs, CO. They were denied an opportunity to bid on an Air Force contract for toner cartridges because Federal Prison Industries exercised its right to take the contract on a sole-source basis.

This is a small business in Colorado trying to sell to the Government. They have to compete with incredibly cheap labor in the prisons, which ranges between 23 cents an hour and \$1.15 an hour. That is labor paid in the prison. This small business in Colorado makes this product, and they want to sell it to the Government. Here is what they write.

My company bid \$22 a unit. The Federal Prison Industries' bid was \$45 a unit.

The Government ended up paying \$45. So here you have a small business struggling to survive against Federal Prison Industries paying incredibly cheap prices for its labor, comes in with a bid of half of what that product is bid by the FPI and loses the bid.

We are not trying to get a monopoly for the private sector. We are trying to eliminate this monopoly which is assumed by FPI, which allows it to say, this product, since it is produced by FPI, must be used by the Federal agencies, even though it costs the taxpayers more and, in many cases, is nowhere near as good in quality.

This is what the Access Products folks in Colorado Springs went on to say:

The way I see it, the government just over-spent my tax dollars to the tune of \$1,978. The total amount of my bid was less than that. Do you seriously believe this type of product is cost effective? I lost business. My tax dollars were misused because of unfair procurement practices mandated by Federal regulation. This is a prime example, and I am certain not the only one, of how the procurement system is being misused and small businesses in this country are being excluded from competition with the full support of Federal regulations and the seeming approval of Congress. It's far past time to curtail this company known as Federal Prison Industries and require them to be competitive for the benefit of all taxpayers.

The Veterans' Administration sought repeal of this mandatory preference on several occasions on the ground that FPI prices for textiles, furniture, and other products are routinely higher than identical items purchased from commercial sources. Most recently, Veterans Administration officials estimated that repeal of this preference would save \$18 million over a 4-year period for their agency alone, making that money available for veterans services.

We all want to do what we can do reasonably to make sure that work is available for Federal prisons. But the way that we are doing it is all wrong.

As one small businessman in the furniture industry put it in very emotional testimony at a House hearing last year:

Is it justice? Is it justice that Federal Prison Industries would step in and take business away from a disabled Vietnam veteran who was twice wounded fighting for our country and give that work to criminals who have trampled on honest citizens' rights, therefore effectively destroying and bankrupting that hero's business which the Veterans Administration suggested he enter?

Here you have a veteran of Vietnam who has entered into the business at the suggestion of the Veterans Administration, and he is not allowed to compete on a level playing field with Federal Prison Industries.

Our amendment is supported by the Chamber of Commerce, the National Federation of Independent Business, the National Association of Manufacturers, the Business and Industry In-

dustrial Furniture Manufacturers Association, the American Apparel Manufacturers Association, the Industrial Fabrics Association International, the Competition in Contracting Act Coalition, and hundreds of small businesses from Michigan and around the country.

Mr. President, there is something fundamentally wrong with the procurement system which says that a small businessperson cannot compete even though his price is lower than a Federal Prison Industries' price, which has the cheapest labor in the country, 23 cents an hour to \$1.15 an hour, and when we tell the veterans who open up small businesses and want to supply the Veterans Administration with a product, that they can't compete because the Federal Prison Industries has a monopoly on a product. We are not dealing fairly with either that veteran or that small businessperson.

There are many products which this Government buys that are imported which are not produced with American labor of small business, and instead of diversifying to produce those products currently imported and made with non-American labor, we have Federal Prison Industries continuing to focus on textiles, furniture, on items which displace American workers and American small businesses because they have a monopoly.

We are not seeking a preference. I want to drive home that point. We are not saying Federal Prison Industries should not be allowed to compete. It is the opposite. We are saying American small businesses should be allowed to compete where their price is cheaper and when their quality is better. For Heaven's sake, they ought to be allowed to sell to their Government and not be faced with a monopoly which charges more for even a less quality product frequently, as these letters explain, and nonetheless, sells to the Government at a greater expense to the taxpayers.

That is why the NFIB, the Chamber of Commerce, the National Association of Manufacturers, all of these small businesses in all of our States are pleading with us to end this monopoly situation.

Let me read from some of their letters. The National Federation of Independent Business says, in a letter dated June 19, 1997:

Today, federal agencies are forced to buy prison-made products through Federal Prison Industries (FPI) . . . This is yet another example of avoidable government waste as virtually all such items are available from the private sector, which provides them more efficiently and at lower prices. In addition, such mandatory purchases from the FPI costs America jobs. Firms that can't enter an industry or expand production, can't hire new employees.

The Chamber of Commerce says, in a letter dated June 19, 1997:

The Chamber has long-standing policy that the government should not perform the pro-

duction of goods or services for itself or others if acceptable privately owned and operated services are or can be made available for such purposes. We recognize the importance of the productive training and employment of our nation's inmate population. However, we believe that our federal prison system should not be given preferential treatment at the cost of our nation's small business owners. We believe that there are other substantial sources of work available to inmates that would not infringe upon the private sector's opportunities to compete for government contracts.

The National Association of Manufacturers says, in a letter dated June 25, 1997:

The present system that gives FPI a virtual lock on federal government contracts has hurt thousands of businesses, resulted in higher cost(s) for goods and services bought by the government and in many cases has resulted in loss of jobs and business opportunities for our members. Removal of the "FPI mandatory source status is an idea [whose] time has come . . .

Mr. President, our amendment would not require FPI to close any of its facilities, or force FPI to eliminate any jobs for federal prisoners, or undermine FPI's ability to ensure that inmates are productively occupied. It would simply require FPI—which currently ranks as one of the sixty largest federal contractors—to compete for federal contracts on the same terms as all other federal contractors. That is simply justice to the hard-working citizens in the private sector, with whom FPI would be required to compete.

The obvious fact is that FPI already has built-in competitive advantages, even if it is forced to compete for its contracts. First and foremost, FPI pays inmates a fraction of the wages paid to private sector working in competing industries. FPI's pay scales, as of March 27, 1995, were as follows:

Grade:	Compensation rate
1	\$1.15/hour
2	0.92/hour
3	0.69/hour
4	0.46/hour
5	0.23/hour

Second, the Federal government provides land to FPI for the construction of its manufacturing facilities. Third, FPI pays no corporate income taxes and has no need to provide health or retirement benefits to its workers.

On top of these advantages, the taxpayers provide a direct subsidy to Federal Prison Industries products by picking up the cost of feeding, clothing, and housing the inmates who provide the labor. There is simply no reason why the taxpayers should be required to provide an indirect subsidy as well, by requiring federal agencies to purchase products from FPI even when they are more expensive and of a lower quality than competing commercial items.

Mr. President, I am a supporter of the idea of putting federal inmates to work. A strong prison work program

not only reduces inmates idleness and prison disruption, but can also help build a work ethic, provide job skills, and enable prisoners to return to productive society upon their release.

However, I believe that a prison work program must be conducted in a manner that does not unfairly eliminate the jobs of hard-working citizens who have not committed crimes. FPI will be able to achieve this result only if it diversifies its product lines and avoids the temptation to build its workforce by continuing to displace private sector jobs in its traditional lines of work.

That is why I participated in an effort in the early 1990's to help Federal Prison Industries identify new markets that it could expand into without displacing private sector jobs. In 1990, the House Appropriations Committee requested a study to identify new opportunities for FPI to meet its growth requirements, assess FPI's impact on private sector businesses and labor, and evaluate the need for changes to FPI's laws and mandates. That study conducted by Deloitte & Touche on behalf of FPI, concluded that FPI should meet its growth needs by using new approaches and new markets, not by expanding its production in traditional industries. The Deloitte & Touche study concluded:

FPI needs to maintain sales in industries that produce products such as traditional furniture and furnishings, apparel and textile products, and electronic assemblies to maintain inmate employment during the transition.

These industries should not be expanded, and FPI should limit its market shares to current levels.

I followed up on that report by meeting with FPI officials and participating in a "summit" process, sponsored by the Brookings Institute, designed to develop alternative growth strategies for FPI. The summit process resulted in two suggested areas for growth: entering partnerships with private sector companies to replace off-shore labor; and entering the recycling business in areas such as mattresses and electrical motors.

Unfortunately, FPI has chosen to take the exact opposite course of action. Last year, for instance, FPI acted unilaterally to virtually double its furniture sales from \$70 million to \$130 million and from 15 percent of the federal market to 25 percent of the federal market, over the next five years. This follows a steady growth in FPI's market share which has already taken place, unannounced, over the last ten years. In direct contravention of the Deloitte & Touche recommendations, FPI has announced its intention to undertake similar market share increases in other traditional product lines, such as work clothing and protective clothing.

This amendment would return FPI to the course prescribed by Deloitte & Touche and the Brookings summit by

requiring it to concentrate any future expansion efforts, to the maximum extent practicable, on products currently sold to federal agencies that would otherwise imported. Expansion in existing lines of business would still be possible, but only as a last resort, and only as a result of competition, on a level playing field, with private industry.

Mr. President, this amendment is appropriate on this bill, because the Department of Defense is FPI's biggest customer, and pays by far the largest subsidy for FPI's overpriced products. The competition required by our amendment will save millions of dollars for the Department of Defense and other federal agencies. It should also improve FPI's performance, forcing it to become more efficient and productive, and advancing FPI's objectives of instilling a strong work ethic and providing a positive job experience. Working in non-productive and uncompetitive jobs may reduce inmate idleness, but it does not provide realistic work experience that will translate to the private sector.

We need to have jobs for prisoners, but it is unfair and wasteful to allow FPI to designate whose jobs it will take, and when it will take them. Competition will be better for working men and women around the country, better for the taxpayer, and better for FPI.

Mr. WARNER. Mr. President, I commend my friend, the Senator. He has my support. I will vote with him tomorrow. He is right on.

Mr. LEVIN. I thank my good friend from Virginia.

Mr. President, I understand there will be a period of time tomorrow immediately prior to voting on this amendment for the proponents and opponents to summarize arguments. I think that will be part of the unanimous consent request which is going to be propounded in a few moments.

I thank the Chair.

I thank my good friend from Virginia.

I yield the floor.

FFTF

Mr. GORTON. Mr. President, I would like to engage the Senator from New Hampshire, [Mr. SMITH] in a colloquy to clarify a provision within the bill's title on Department of Energy national security programs. Section 3134 limits, for a prescribed time period, the funds made available by the National Defense Authorization Act for the purpose of evaluating tritium production to two options: use of a commercial light water reactor or building an accelerator. As you know, DOE has decided to evaluate, in addition to a commercial reactor and an accelerator, the Fast Flux Test Facility, as known as the "FFTF," as a possible back-up production option to provide interim quantities of tritium. The FFTF is currently, and in the future proposed to be, funded from sources not covered by

this bill, specifically, the non-defense Environmental Management account and the civilian Nuclear Energy account. Accordingly, would the Subcommittee chairman agree that the limitation contained in section 3134 is not applicable to FFTF and similar options that are funded through programs wholly unrelated to that monies provided by this defense bill.

Mr. SMITH of New Hampshire. If the Senator would yield, that is correct. The provision being proposed is applicable only to the stated plans in the Department's "dual track" strategy. This bill would not affect the Fast Flux Facility, because that facility is currently funded through a non-defense account. This bill does not have authority over these funds, and therefore, this provision would in no way alter the commitment made by former Secretary O'Leary to keep the FFTF in a hot stand-by condition.

Mr. GORTON. I thank the Senator for this clarification.

AIR FORCE SERGEANTS ASSOCIATION

Mr. McCAIN. Mr. President, on Monday, the Senate adopted a symbolic, yet important amendment which grants a Federal charter to the Air Force Sergeants Association, a highly respected nonprofit, veterans association.

Over the past 36 years, the Air Force Sergeants Association has been stalwart in representing the interests of Air Force enlisted men and women. The association has served a vital purpose by informing Members of Congress of the concerns of enlisted servicemembers and their families, and likewise informing enlisted personnel where Members of Congress stand on critical personnel issues, such as pay, military medical health care, quality of life and earned retirement benefits for active duty, Reserve component, and military retirees.

This Federal Charter is a symbolic gesture that shows Congress appreciation to the Air Force Sergeants Association for the outstanding service they provide and to the dedicated men and women whom the association represents. We pay tribute to the non-commissioned officers who form the backbone of the Air Force.

Noncommissioned officers turn the wrenches, prepare the aircraft, walk the perimeters, and train "new" junior officers as they report to their first assignments directly from their commissioning source. The contribution of our noncommissioned officers cannot be overstated whether as major contributors to dismantling the Iron Curtain, winning the Persian Gulf War, to carrying out vital peacekeeping missions throughout the world or projecting American power wherever and whenever it is needed.

As the Air Force celebrates its 50th anniversary, Congress honors the commitment and contribution of enlisted

servicemembers to our national security. Granting this Federal charter demonstrates our gratitude for their outstanding efforts.

Mr. President, I appreciate the support of my colleagues for this amendment. It is with great honor and gratitude that I was asked to introduce this legislation by my friends at the Air Force Sergeants Association.

I ask unanimous consent that the text of the Air Force Sergeants Association Federal charter amendment, amendment number 728, be printed again in the CONGRESSIONAL RECORD.

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

AMENDMENT NO. 728

(Purpose: To provide a Federal charter for the Air Force Sergeants Association)

Insert after title XI, the following new title:

TITLE XII—FEDERAL CHARTER FOR THE AIR FORCE SERGEANTS ASSOCIATION

SEC. 1201. RECOGNITION AND GRANT OF FEDERAL CHARTER.

The Air Force Sergeants Association, a nonprofit corporation organized under the laws of the District of Columbia, is recognized as such and granted a Federal charter.

SEC. 1202. POWERS.

The Air Force Sergeants Association (in this title referred to as the "association") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the District of Columbia and subject to the laws of the District of Columbia.

SEC. 1203. PURPOSES.

The purposes of the association are those provided in its bylaws and articles of incorporation and shall include the following:

- (1) To help maintain a highly dedicated and professional corps of enlisted personnel within the United States Air Force, including the United States Air Force Reserve, and the Air National Guard.
- (2) To support fair and equitable legislation and Department of the Air Force policies and to influence by lawful means departmental plans, programs, policies, and legislative proposals that affect enlisted personnel of the Regular Air Force, the Air Force Reserve, and the Air National Guard, its retirees, and other veterans of enlisted service in the Air Force.
- (3) To actively publicize the roles of enlisted personnel in the United States Air Force.
- (4) To participate in civil and military activities, youth programs, and fundraising campaigns that benefit the United States Air Force.
- (5) To provide for the mutual welfare of members of the association and their families.
- (6) To assist in recruiting for the United States Air Force.
- (7) To assemble together for social activities.
- (8) To maintain an adequate Air Force for our beloved country.
- (9) To foster among the members of the association a devotion to fellow airmen.
- (10) To serve the United States and the United States Air Force loyally, and to do all else necessary to uphold and defend the Constitution of the United States.

SEC. 1204. SERVICE OF PROCESS.

With respect to service of process, the association shall comply with the laws of the

District of Columbia and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 1205. MEMBERSHIP.

Except as provided in section 1208(g), eligibility for membership in the association and the rights and privileges of members shall be as provided in the bylaws and articles of incorporation of the association.

SEC. 1206. BOARD OF DIRECTORS.

Except as provided in section 1208(g), the composition of the board of directors of the association and the responsibilities of the board shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the District of Columbia.

SEC. 1207. OFFICERS.

Except as provided in section 1208(g), the positions of officers of the association and the election of members to such positions shall be as provided in the bylaws and articles of incorporation of the association and in conformity with the laws of the District of Columbia.

SEC. 1208. RESTRICTIONS.

(a) **INCOME AND COMPENSATION.**—No part of the income or assets of the association may inure to the benefit of any member, officer, or director of the association or be distributed to any such individual during the life of this charter. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to the officers and employees of the association or reimbursement for actual and necessary expenses in amounts approved by the board of directors.

(b) **LOANS.**—The association may not make any loan to any member, officer, director, or employee of the association.

(c) **ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.**—The association may not issue any shares of stock or declare or pay any dividends.

(d) **DISCLAIMER OF CONGRESSIONAL OR FEDERAL APPROVAL.**—The association may not claim the approval of the Congress or the authorization of the Federal Government for any of its activities by virtue of this title.

(e) **CORPORATE STATUS.**—The association shall maintain its status as a corporation organized and incorporated under the laws of the District of Columbia.

(f) **CORPORATE FUNCTION.**—The association shall function as an educational, patriotic, civic, historical, and research organization under the laws of the District of Columbia.

(g) **NONDISCRIMINATION.**—In establishing the conditions of membership in the association and in determining the requirements for serving on the board of directors or as an officer of the association, the association may not discriminate on the basis of race, color, religion, sex, handicap, age, or national origin.

SEC. 1209. LIABILITY.

The association shall be liable for the acts of its officers, directors, employees, and agents whenever such individuals act within the scope of their authority.

SEC. 1210. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) **BOOKS AND RECORDS OF ACCOUNT.**—The association shall keep correct and complete books and records of account and minutes of any proceeding of the association involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) **NAMES AND ADDRESSES OF MEMBERS.**—The association shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the association.

(c) **RIGHT TO INSPECT BOOKS AND RECORDS.**—All books and records of the association may be inspected by any member having the right to vote in any proceeding of the association, or by any agent or attorney of such member, for any proper purpose at any reasonable time.

(d) **APPLICATION OF STATE LAW.**—This section may not be construed to contravene any applicable State law.

SEC. 1211. AUDIT OF FINANCIAL TRANSACTIONS.

The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended—

(1) by redesignating the paragraph (77) added by section 1811 of Public Law 104-201 (110 Stat. 2762) as paragraph (78); and

(2) by adding at the end the following: "(79) Air Force Sergeants Association."

SEC. 1212. ANNUAL REPORT.

The association shall annually submit to Congress a report concerning the activities of the association during the preceding fiscal year. The annual report shall be submitted on the same date as the report of the audit required by reason of the amendment made in section 1211. The annual report shall not be printed as a public document.

SEC. 1213. RESERVATION OF RIGHT TO ALTER, AMEND, OR REPEAL CHARTER.

The right to alter, amend, or repeal this title is expressly reserved to Congress.

SEC. 1214. TAX-EXEMPT STATUS REQUIRED AS CONDITION OF CHARTER.

If the association fails to maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986 the charter granted in this title shall terminate.

SEC. 1215. TERMINATION.

The charter granted in this title shall expire if the association fails to comply with any of the provisions of this title.

SEC. 1216. DEFINITION OF STATE.

For purposes of this title, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the territories and possessions of the United States.

AMENDMENT NO. 420

Mr. GLENN. Mr. President, I rise to speak in support of an amendment offered by my colleagues, Messrs. COCHRAN and DURBIN, to correct a significant deficiency in our export licensing system.

I will speak today of the current practice of allowing the export from the United States of high-powered, dual-use computers—machines that until very recently were called supercomputers—without any prior U.S. Government assessment of their end uses or end users. The amendment takes a significant step to correct this problem—not by banning the export of such machines, but merely by requiring exporters to obtain an individual validated export license before exporting them from the United States or re-exporting them from elsewhere.

The amendment specifically requires a license for the export of computers with a composite theoretical performance level equal to or greater than 2,000 million theoretical operations per second [MTOPS], when such machines are

destined to a group of countries that now receive such computers—up to a level of 7,000 MTOPS—without U.S. Government end use or end user checks.

The specific group of controlled countries—the so-called “Tier 3” countries—is described as follows in the Bureau of Export Administration’s Report to Congress for Calendar Year 1996: “* * * countries posing proliferation, diversion or other security risks.” So we are dealing here with certain countries that our government, on the basis of all the information at its disposal, has determined pose risks to our security.

SOME ANCIENT HISTORY

This is not the first time I have spoken about the proliferation risks associated with high-powered computers. On October 31, 1989, I spoke of the dangers from supercomputers and super bombs (CONGRESSIONAL RECORD, 10/31/89, p. S-14382 ff.).

On that occasion, I reminded my colleagues of the role computers play in designing nuclear weapons, and this particular application will only grow in importance now that the world appears heading for a ban on all nuclear explosions. Though it is true indeed that countries do not need high-powered computers to build the bomb—witness America’s 1945-vintage Fat Man and Little Boy bombs—it is well recognized today that such computers are absolutely essential to developing advanced nuclear weapon designs, including H-bombs, especially when nuclear test explosions are prohibited. These computers are also useful in designing nuclear weapon delivery systems, the full gamut advanced conventional weapons systems, and have other national security applications—cryptography, for example.

Over a decade ago, in January 1986, America’s three nuclear weapon labs—the Lawrence Livermore, Los Alamos, and Sandia National Laboratories—issued an unclassified report aptly titled, “The Need for Supercomputers in Nuclear Weapons Design.” The following extracts clearly identify the utility of supercomputers—as defined back in 1986—in the design and improvement of our Nation’s nuclear weapons:

Large-scale computers are essential to carrying out the weapons program mission. Computers provide essential understanding and enable us to simulate extremely complicated physical processes . . . Computers enable us to evaluate performance and safety over the decades of a weapon system’s lifetime . . . computers enable us to verify weapon designs within testing limits.

With large-scale computers, we have been able to improve our designs by optimizing design parameters, while reducing the number of costly experiments in the design process . . . Tests involving high explosives have been reduced from 180 tests for a 1955-vintage weapon to fewer than 5 for today’s weapons because of computation.

Computers enable us to extrapolate to new capabilities . . . it is this computational ca-

pability, driven by the needs of the weapons design, that has made possible new concepts and enhanced safety in weapons.

The inability to calculate solutions to complex problems [during the years of the Manhattan Project] hampered development and forced weapons designers to build in large margins against error (e.g., large amounts of high explosive, which increased weight to such an extent that some designers were uncertain the devices could actually be carried by existing aircraft) . . . It has been estimated that a team of scientists using the calculators of the 1940s would take five years to solve what it takes a Cray computer one second to perform.

Without supercomputers, the nation’s nuclear weapons program would be deprived of much of its vitality . . . supercomputing is essential . . . in providing us with a tool to simulate the complex processes going on during a nuclear explosion . . . computers enable us to infer real-environment weapon performance from underground nuclear tests.

The computer becomes absolutely essential in the evolution of a design that will survive the “fratricide” threat . . . the computer is essential in designing a system whose vulnerability to an ABM attack is reduced to an acceptable level.

[Computers] enable the designer to “test” ideas before actually committing to hardware fabrication . . . computing capabilities are absolutely critical to progress in new designs.

OK, so those were the uses of high-powered computers a decade ago. Obviously, computer technology has grown rapidly—even exponentially—since that time. This growth has led to much higher computing speeds, more manufacturers, more applications, improved software, and more countries seeking such machines. The growth has been so rapid that many both in and out of Government have come to believe—or appear to have convinced themselves—that this technology is completely uncontrollable.

The rapid advancement of this technology has been accompanied by an equally rapid decontrol of some of the very devices we used to make some of the most powerful weapons the world has ever known. The Commerce Department’s Bureau of Export Administration, for example, reports in its most recent Annual Report to Congress that—“Due to the 1994 and 1995 liberalization for computers, this commodity group has been replaced by shotguns as being the most significant commodity group for which export license applications were received in fiscal year 1996.” So it now appears that we are giving closer regulatory attention to shotguns than to a key technology that our top weapons labs have characterized as essential to performing a variety of nuclear-weapons applications.

But the supporters of this decontrol effort are not daunted by this news. They have consistently argued that if some other country is exporting high-powered computers without rigorous controls—or without any controls at all—then by golly, so should we, or else we would face the horrible accusation of “shooting ourselves in the foot” by

denying U.S. manufactures market opportunities that are available to their foreign competitors. If there is evidence of foreign availability, in short, if there is at least one other country out there—whether it be North Korea, or Iran, or China, or any other nation—if just one of these countries decides to cash in on America’s restraint, then we should have the same profit-making opportunities.

Well, there are a lot of problems with this point of view, some legal, and some political and moral. Let’s have a closer look at these problems.

THE LEGAL AND POLITICAL FOUNDATIONS OF LICENSING

Under our Constitution, treaties are the supreme law of the land. One of our treaties, the Nuclear Non-Proliferation Treaty of 1968 [NPT], explicitly requires America not in any way to assist any non-nuclear weapon state to acquire the bomb. That treaty does not contain any proviso indicating that assistance may be provided if some other country is providing such assistance. It has no loophole allowing such assistance provided through a third party. It contains no codicils exempting the computer industry or any other industrial sector from the duty not in any way to assist the proliferation of nuclear explosive devices. The taboo on assistance is clear and categorical.

As well it should be. Indeed, America is quite fortunate that the term “not in any way” does not mean “except in some ways.” After all, there are 5 nuclear-weapon states today in the NPT and over 175 non-nuclear-weapon states in the world that have ratified or acceded to that treaty. If today we decide that it is fully consistent with this treaty obligation for the United States to decontrol completely technology that our top weapons designers at our nuclear weapon labs have publicly identified as essential to performing a variety of nuclear weapons-related activities, then how can we even pretend to be complying with this treaty? Is this the kind of approach we wish for other members of the treaty to adopt, to interpret that treaty as only requiring the regulation of state-of-the-art technology or goods that are only exclusively available at home? Is this what is ahead for American leadership in the global nonproliferation regime?

If this is the reasoning that is to guide America’s technology transfer control policies into the 21st century, then I truly worry not just for the future of the NPT but for the future security of our country. To those who argue that we should only control state-of-the-art or sole-national-source technology, I ask: Why limit this logic only to the controls over computers? Why not, after all, also decontrol all of the other technologies that go into making bombs, except those items that are the most modern or exclusively sold in the U.S.?

The answer of course, is self apparent. Such a step would amount the crudest possible form of technological indexing, where U.S. controls would simply be ratcheted down with every new technological advancement. Such an approach would wreak havoc on any responsible nonproliferation policy.

The hydrogen bombs that America fielded in the 1950's and 1960's are no less dangerous in the hands of our adversaries just because they were made with technology that is now a half-century old. To advocate the decontrol of a technology strictly on the bases of so-called foreign availability, or the age, or level of sophistication of the item, without regard to either the actual end use or identity of the end user, is to turn a blind eye to proliferation. It is a sure-fire method to bring, as fast as possible, anachronistic weapons of mass destruction back into fashion. Fortunately, the NPT does not only aim at preventing the proliferation of state-of-the-art bombs—and we and our friends and allies around the world are much better off as a result.

Nor does our domestic legislation take such an approach. I am proud, for example, to have been the principal author of the Nuclear Non-Proliferation Act of 1978 [NNPA], which requires the President to control "all export items * * * which could be, if used for purposes other than those for which the export is intended, of significance for nuclear explosive purposes" (section 309(c)). Now I suppose it might have been possible to have written this law only to control:

The smallest possible number of chokepoint export items . . . which are known beyond even the faintest shadow of a doubt to be exclusively intended for a weapons-related use in a publicly-listed bomb plant in a rogue regime that is known to be pursuing weapons of mass destruction.

But fortunately that is not how the law was written and our Nation is quite a bit safer with the original text. No indeed, the law was quite explicit in requiring the control over "all" export items—and all means all—which "could be"—not just are—"of significance for" nuclear explosive purposes—not just absolutely critical to performing such functions.

We also have several sanctions laws that punish foreign countries and firms that assist other countries to acquire nuclear weapons. The so-called "Glenn/Symington amendments" in sections 101 and 102 of the Arms Export Control Act, for example, require sanctions against any party involved in the transfer of unsafeguarded uranium enrichment technology or nuclear reprocessing technology. These are the types of technology that produced the nuclear materials used in the Nagasaki and Hiroshima bombings. I guess you can call that old technology. I guess you could say there is "foreign availability" of that technology since many

other nations can perform these fuel cycle operations. I guess that today's methods of enriching uranium or separating plutonium are more sophisticated than they were 20 years ago. But does any of this mean that we should rewrite all of our nuclear sanctions laws to correspond to this dubious new doctrine of controlling only state-of-the-art goods? Absolutely not, the question answers itself.

When China transferred ring magnets to Pakistan's unsafeguarded uranium enrichment plant, I did not wonder, "now gee, were these items state-of-the-art quality or just 1970's-vintage?" I was not angry that the items did not come from San Francisco, Chicago, New York, or even Cleveland. I did not care how sophisticated, or how old, or how cheap, or how "available" such items were. I did care, however, that China was assisting Pakistan to produce nuclear materials for its secret bomb project.

Nonproliferation is about not assisting countries to get the bomb—not just a duty to control the most modern gadgets available. When the special U.N. inspectors found tons of Western dual-use goods in Saddam Hussein's weapons bunkers, did any of my colleagues recall an avalanche of mail from their constituents expressing outrage that more U.S. goods were not found in Saddam's arsenal? Were there pickets in front of the Capitol haranguing the Congress further to relax export controls so that we can lower our Nation to that grimy "level playing field" quite evidently enjoyed by some of our European friends? None that I could find.

None indeed. Here is what happened instead. The public was outraged, and outraged all the more amid revelations shortly after the gulf war in 1991 that United States dual-use goods did, indeed, turn up in Iraq. This outrage, with a little help from the news media, helped to stimulated some constructive reforms in America's nonproliferation policy. In 1992, America succeeded in getting 27 nations of the Nuclear Suppliers Group to commit themselves not to export dual-use goods to unsafeguarded nuclear facilities and to require full-scope international safeguards for all exports of nuclear reactors and other nuclear energy-related technology. Before these sensitive dual-use goods can be exported, under this multilateral understanding, member governments must review specific license applications and review the specific nonproliferation credentials of the importing parties.

In this instance, America did not stoop to adopt the laissez faire nuclear trading practices of other countries; instead, we raised the level of the international playing field to our level by showing that our Nation is a leader not a follower when it comes to nonproliferation.

Another positive reform in U.S. nonproliferation controls was implemented just a few months after Iraq invaded Kuwait. President Bush unveiled the "Enhanced Proliferation Control Initiative" [EPCI], which authorized the U.S. Government to prohibit the export of any item—repeat, any item—that could contribute to the proliferation of missile technology or chemical and biological weapons. A similar control had existed for years covering dual-use nuclear technology where the exporter "knows or has reason to know" that the item would be used in a weapons-related application.

The EPCI or so-called knows rule was intended, however, to complement—not to replace—the Nation's export licensing system. Let me cite a recent case to illustrate this point.

On February 19, 1997, for example, the Washington Post reported that a California computer firm, Silicon Graphics, Inc., had illegally sold four supercomputers to a Russian nuclear weapons facility. The article quoted the chief executive officer of this firm as offering the following explanation for the export: "The Department of Commerce doesn't provide a list of facilities around the world that we shouldn't ship to. So we tend to rely on the end-user statement on how they will be used." In short, the company interpreted the knows rule as applying only to the importer's stated end-use for the specific export. The company, and it is probably not alone in this respect, evidently did not even consider the possibility that its importer would consider offering a bogus end use.

Now there are several reasons why the U.S. Government cannot go around publishing the names and locations of all the world's secret bomb facilities and their suppliers. Here are three of them—First, the names change rapidly in the black business of nuclear proliferation and a printed list would no doubt be obsolete as soon as its ink was dry; second, the public identification of such facilities and suppliers could well jeopardize U.S. intelligence collection capabilities; and third, such a listing could be quite useful to a proliferant country or group, effectively amounting to free market research for the proliferators.

So there are some significant limitations in the extent to which the Government can delegate export control responsibilities to the private sector. Companies simply do not have the capabilities of U.S. intelligence agencies. That is the reason why licensing is such a good idea: It is the best known technique for making efficient and effective use of the resources of our Government—for which the U.S. taxpayer has paid so dearly over the years—to assess proliferation risks in specific exports.

Thus even if some of the goods we control are being sold by foreign competitors, and even if some goods are

not state-of-the-art, it still makes considerable sense for the U.S. Government to require licenses for items that could assist countries to make bombs. Why? For two key reasons.

First, licensing is the Government's window on the world market for U.S. products; export decontrol or devolution of export controls to the private sector slams that window shut. In other words, licensing creates a paper trail, generates data, and gives our Government's nonproliferation analysts something concrete to work with. This information is valuable in assessing—and subsequently reducing—proliferation risks. Thus, even if license applications are rarely denied as is currently the case, it still makes sense to require licenses for goods that, as our treaties and domestic laws specify, could assist other countries to make weapons of mass destruction.

Second, our leadership role in international nonproliferation regimes requires not just words but deeds. If we want other nations to strengthen their controls, we should be prepared to do so ourselves. Again, our job must be to use our leadership to raise international standards up to our own level playing field, rather than lower our own to some homogenized least-common-denominator standard set by the world's most irresponsible suppliers.

SOME ADDITIONAL LOOSE ENDS

Before concluding today, I would like to touch upon a few other charges that have been leveled against the very idea of requiring export licenses for any but state-of-the-art computers. I will address two of such charges.

First, our national economy will allegedly be hurt by the establishment of licensing requirements for computers rated at over 2,000 MTOPS going to the designated nations.

We should keep in mind here that the overwhelming majority of America's exports leave the country without requiring export licenses at all. In 1995, for example, America exported \$969 billion in goods and services, while the Government denied export licenses for goods valued at only \$30 million. To give my colleagues an idea of the scale we are talking about here, the ratio between the value of those goods that were denied licenses and the total value of U.S. trade in that year is analogous to the difference between the length of a pencil eraser and the height of the Washington Monument. That is about the same ratio as the size of garden pea on the quarter-inch line of a 100-yard football field, or the amount of calories in a single carrot relative to a year's worth of balanced meals.

Here is another way to put this problem in its proper context: \$99.20 out of every \$100 in U.S. exports did not require an export license. And of the few that did require such a license, only one license in a hundred was denied. That was in 1995. Since then, computer

controls have been substantially liberalized (along with chemical exports going to parties to the Chemical Weapons Convention), while overall U.S. exports were just over \$1 trillion in 1996. Relative to total U.S. trade, therefore, fewer and fewer goods are requiring licenses.

Now some might argue that while these figures may be true, certain industries face a greater likelihood of having to face license requirements than other industries. Yes that is undoubtedly true: If you produce something that is likely to assist another country to get the bomb, you can expect Uncle Sam to get a bit nosy and, if the system is working right, to be an outright nuisance. No company, however, can claim any right under U.S. law to help another country to make nuclear weapons or any other weapons of mass destruction. We have a free economy—but our individual freedom to produce and market goods is not unlimited, especially when it comes to goods that can jeopardize our national security.

As John Stuart Mill once wrote in his book, "On Liberty," over a 100 years ago: "Trade is a social act. Whoever undertakes to sell any description of goods to the public, does what affects the interest of other persons, and of society in general; and thus his conduct, in principle, comes within the jurisdiction of society." The writer of those words was one of England's foremost liberal economists. Even Adam Smith himself admitted that the Government had a legitimate responsibility to regulate certain forms of trade.

And I for one cannot imagine a more legitimate basis for regulating trade than to ensure that America is not assisting other countries to make the bomb. Fortunately, I am not alone in this conviction. As President Clinton stated on October 18, 1994: "There is nothing more important to our security and to the world's stability than preventing the spread of nuclear weapons and ballistic missiles." The key legislative task—a responsibility now before us today—is to ensure that this principle is reflected in the rules and procedures America uses to control its own exports. License-free exports of technologies that our weapons labs have repeatedly identified as useful in making bombs and reentry vehicles hardly seems to me an appropriate way to implement this Presidential statement of our top national priority.

Our national economy will not be hurt, and America's international economic competitiveness will not be crippled, by the establishment of a licensing requirement on computers rated at 2,000 MTOPS and above going to certain destinations—though our national economy could well be endangered, and considerable business opportunities lost, if a nuclear war should someday

break out involving foreign weapons that designed with computers that were Made in USA.

Most computers, moreover, will still leave the country without export licenses. We are talking about today machines that have special capabilities. On June 12 of this year, a senior strategic trade advisor at the Department of Defense, Peter Leitner, testified before a hearing of the Joint Economic Committee on "Economic Espionage, Technology Transfers and National Security." Dr. Leitner included with his testimony a graphic showing some of the functions in our own military of computers operating at levels actually less than 2,000 MTOPS. He pointed out that NORAD had recently upgraded its computers by buying Hewlett-Packard computers rated between 99 and 300 MTOPS. He testified that machines have been used below 2,000 MTOPS to perform the following functions: space vehicle design (launch and control); high-speed design simulations; prewind tunnel modeling; reentry vehicle design (ICBMs); and high-speed cryptography.

Perhaps we should require licenses for computers at even lower levels than 2,000 MTOPS, as Dr. Leitner's testimony implies. It seems hard to justify the authorization of exports—without even requiring a license or an end user or end-user check—of technology that is capable of being used in designing nuclear weapons or reentry vehicles as being in any way consistent with our national security interests. Until some international agreement can be reached on an alternative level, however, the 2,000 MTOPS level is a good place to begin to strengthen controls over these sensitive dual-use items.

Multilateral control over this technology is of course the best course to pursue, but multilateralism has to begin somewhere. The United States—with its reputation as the world's leading champion of nonproliferation and with its world-class computer industry—has an extraordinary opportunity for leadership in encouraging other members of the Nuclear Suppliers Group to adopt similar controls. A diplomatic effort of this nature would also help to alleviate fears of our industry that the duty of complying with these controls would fall only on U.S. exporters. Our negotiations with other members of the NSG should begin with one basic question: Why should computers be exempt from the no-assistance norm that lies at the heart of the global nonproliferation regime?

My colleague from Minnesota, Mr. GRAMS, has recently suggested that perhaps the General Accounting Office might be called upon to examine the national security risks of unregulated exports of computers in this range and, depending on the scope and content of the request, this might be a good idea indeed. But until we see a specific request and a finished study, I think the

amendment proposed by Messrs. COCHRAN and DURBIN is a prudent course to follow for the immediate future.

It is useful to recall that GAO does indeed have some relevant background in dealing with the proliferation implications of such computers. At my request back in 1994, the GAO prepared a lengthy report on U.S. export licensing procedures for handling nuclear dual-use items. In testimony before the Committee on Governmental Affairs on May 17, 1994, a senior GAO official, Joseph Kelly, noted that recent export control reforms in recent years "... will almost certainly result in a substantial decline in the number of computer license applications and could complicate U.S. efforts to prevent U.S. computer exports from supporting nuclear proliferation." GAO concluded that "many of the computers that will now be free of nuclear proliferation licensing requirements are capable of performing nuclear weapons-related work." (GAO/NSIAD-94-119, 4/26/94 and GAO/T-NSIAD-94-163, 5/17/94.) Mr. President, these do not seem to me to be the types of items that should be, in GAO's terms, "free of nuclear proliferation licensing requirements."

The second charge leveled against the establishment of a licensing requirement is that it would place U.S. exporters at a competitive disadvantage, due to the protracted delays in obtaining the necessary license approvals. This argument also lacks credibility. The Bureau of Export Administration [BXA] in the Department of Commerce is so proud of its recent efforts to streamline the export license application process that it trumpets this achievement in its most recent annual report to Congress. Here is what that report had to say about the licensing process:

... BXA implemented significant improvements in the export license system via Presidential Executive Order 12981 [which] ... limit the application review time by other U.S. agencies, provide an orderly procedure to resolve interagency disputes, and establish further accountability through the interagency review process.

[E.O. 12981] ... reduces the time permitted to process license applications. No later than 90 calendar days from the time a complete license application is submitted, it will either be finally disposed of or escalated to the President for a decision. Previously, all license applications had to be resolved within 120 days after submission to the Secretary. ... By providing strict time limits for license review and a "default to decision" process, it also ensures rapid decisionmaking and escalation of license applications.

In FY 1996, the Bureau introduced a PC-based forms processing and image management system which, along with the new multipurpose application form, enhances BXA's ability to make quick and accurate licensing and commodity classification decisions.

BXA ensures that export license applications are analyzed and acted upon accurately, quickly, and consistently, and that exporters have access to the decisionmaking process, with current status reports avail-

able at all times. Rapid processing is available for the majority of applications BXA receives.

BXA also notes that it is in the process of upgrading and expanding its electronic licensing process to provide prompt customer service.

It is also noteworthy that BXA discusses in the same report its assistance to Russia and other new republics of the former Soviet Union to upgrade their national systems of export control. Obviously, if America is decontrolling goods useful in making nuclear weapons and other weapons of mass destruction, and the missile systems to deliver them, then we can hardly hope to inspire these other countries to show any greater discipline.

It would be far better for us to be sticking to a strict interpretation of the "not in any way to assist" obligation that the United States and every other nuclear-weapon state in the NPT has vowed to implement. We should lead the way in strengthening international controls, not in relaxing them under the false flag "economic competitiveness." We should remember that these other countries have their own conceptions of "economic competitiveness" that, if allowed to become a global norm, could lead to a total collapse of the international non-proliferation regime. We have as much at stake in encouraging these countries to place nonproliferation as a high-national priority as we have in ensuring a similar priority here at home.

CONCLUSION

So I ask my colleagues to join me in voting for this constructive reform of our export licensing process. We have the people in our government who are competent to review these licenses. We have the technology and procedures in our Government to ensure the prompt and efficient handling of license applications. We have both domestic and international legal obligations that requires the control of technology that could assist other countries to get the bomb. And we have legitimate national security interests to protect. America can be a formidable economic competitor in the world without becoming the world's most formidable proliferator of nuclear or dual-uses goods. I urge my friends and colleagues to vote for this amendment.

HIGH-PERFORMANCE COMPUTERS

Mr. WARNER. Mr. President, I had the opportunity earlier today to meet with a number of computer manufacturers located in my State. They expressed grave concerns about the amendment which you have proposed. I would like to take this opportunity to engage in a colloquy with the Senator from Mississippi in an effort to get more information on this important issue into the RECORD.

My constituents allege that, by next year, your amendment will have the effect of restricting the sale of personal

computers—similar to those in our Senate offices—to Tier 3 countries. Do you agree with this statement?

Mr. COCHRAN. Mr. President, based upon statements made by Under Secretary of Commerce for Export Administration William Reinsch, it is highly unlikely that personal computers capable of more than 2,000 MTOPS will be available by next year. At a recent hearing Secretary Reinsch said, "high-end Pentium-based personal computers sold today at retail outlets perform at about 200 to 250 MTOPS," and at another hearing, this one before my subcommittee on June 11, he also said that "computer power doubles every 18 months, and this has been the axiom in the industry for I think about 15 years." The math is straightforward; if top-end PC's are capable of 250 MTOPS today, 18 months from now they'll be capable of 1,000 MTOPS; and 54 months from now—in 4½ years—they'll be capable of 2,000 MTOPS. Fifty-four months from now is not, contrary to the claims of some computer manufacturers, the fourth quarter of next year.

Mr. WARNER. Mr. President, it is my understanding that, since 1995 when the new export control standards were established, there have been over 1,400 computers sold in this range to Tier 3 countries. Of those 1,400 sales, a small number have allegedly wound up with military end users in Russia and China. What evidence do we have concerning these alleged computer sales to military end users?

Mr. COCHRAN. Mr. President, according to the Department of Commerce, from the period January 25, 1997, through March 1997, 1,436 supercomputers were exported from the United States. Of that number, 91—or 6.34 percent—went to Tier 3 countries, some of which went with an individual validated license. We know, based upon statements by Russian and Chinese Government officials, that some of these supercomputers are in the Chinese Academy of Sciences, a military facility in Chungsha, China, and in Arzamas-16 and Chelyabinsk-70. Arzamas-16 and Chelyabinsk-70 are both well-known nuclear weapons development facilities in Russia; the suggestion by exporters that these high performance computers would be in either of these locations and not be doing nuclear-related work appears to be somewhat self-serving and contrary to common sense. According to Russia's Minister of Atomic Energy, these supercomputers are "10 times faster than any previously available in Russia." The Chinese Academy of Sciences, which has worked on everything from the D-5 ICBM to enriching uranium for nuclear weapons, hasn't been shy about its new supercomputing capabilities, saying that its American supercomputer provides the Academy with "computational power previously unknown" available to "all the major

scientific and technological institutes across China." American high performance computers are now available to help these countries improve their nuclear weapons and improve that which they are proliferating.

Mr. WARNER. Mr. President, if your amendment passes, it is my understanding that this would be the first time that export control parameters would be established in statute. I am concerned that with advances in technology, the fixed parameters will quickly become outdated. How will we be able to deal with these technological advances when fixed parameters are included in legislation? Did you consider other alternatives to fixed statutory language, such as an annual review of the threshold by a neutral third party or government entity?

Mr. COCHRAN. Mr. President, the current policy is established in regulation, and regulation has the force and effect of law. For Congress to participate in the policymaking process it must pass legislation. Furthermore, the pace of technological advancement is such that, at some point in the future, it is entirely possible that the 2,000 MTOPS level—which is the administration's current floor—will have to be raised. That is why, on July 7 on the Senate floor, I said that if, 4 or 5 years from now, industry's optimism proves to be correct, I will be pleased to return to the floor and offer legislation adjusting the 2,000 MTOPS level.

Mr. WARNER. Mr. President, I have been told that computers with similar capabilities and computing power are readily available from other nations. Given that, the concern is that your amendment would put U.S. computer companies at a competitive disadvantage since these computers are readily available on the world market. What has your subcommittee's research shown regarding the foreign availability of computers in this range (2,000-7,000 MTOPS)? What is the market share of U.S. manufacturers of computers in this range, and has that market share changed since the administration liberalized its policy in 1995?

Mr. COCHRAN. Mr. President, this amendment will not in any way reduce the number of American high-performance computers going to Tier 3 countries. It does not change the administration's standards for making the exports; all that is changed is the question of who makes end-use and end-user determinations for Tier 3 countries. In fact, at least eight high-performance computers have been exported to Tier 3 countries with an individual validated license since this policy started. Only entities that shouldn't be receiving these supercomputers in the first place won't, because of closer scrutiny by the executive branch, receive them under this amendment. So, the suggestion by some manufacturers that this amend-

ment would somehow reduce their market share is an argument that has no basis in fact.

Mr. WARNER. Mr. President, it has been alleged that the licensing requirement contained in your amendment will put U.S. computer companies at a commercial disadvantage since it often takes up to 6 months for the Commerce Department to approve an export license. By contrast, the Japanese often approve export licenses in 24 hours. In conjunction with your efforts on this amendment, have you explored options for improving the export license approval process at Commerce?

Mr. COCHRAN. Mr. President, Japan has a more restrictive export control policy than does the United States. I support making the Department of Commerce export licensing process more efficient, though a more efficient process cannot come at the expense of national security concerns, which must be adequately addressed in the process. I would note, as well, that more than 95 percent of export licenses considered by Commerce are currently approved in 30 days or less.

AMENDMENT NO. 669

Mr. ROCKEFELLER. Mr. President, I am proud to cosponsor an amendment to the Department of Defense authorization bill that would restore funding for bioassay testing of atomic veterans. I urge all of my colleagues to join in support of this important measure.

In my role as the ranking member of the Senate Committee on Veterans' Affairs, I have heard firsthand of the difficulties experienced by veterans exposed to ionizing radiation during their military service when they have tried to get their radiation-related diseases service connected by the Department of Veterans Affairs. The main reason for this difficulty is the sometimes impossible task of accurately reconstructing radiation dosage.

The law currently distinguishes between two groups of veterans: those who warrant presumptive service connection for their radiation-related conditions because of their participation in an atmospheric nuclear test, the occupation of Hiroshima or Nagasaki, or their internment as a prisoner of war in Japan during World War II, which resulted in possible exposure to ionizing radiation—and those who may have been exposed to ionizing radiation in service under other circumstances, such as service on a nuclear submarine. Those veterans who do not receive presumptive service connection and suffer from radiogenic diseases must prove their exposure to radiation by having the VA and DOD attempt to reconstruct their radiation dose through military records. VA looks to the DOD to perform these dose reconstructions.

This amendment is so important because the White House Advisory Committee on Human Radiation Activities has acknowledged that there are inad-

equated records to determine the precise amount of radiation to which a veteran was exposed, and what the long-term risks associated with that exposure are. As of September 1996, VA had only granted service connection to 1,977 out of 18,896 veterans who had filed claims based on participation in all radiation-risk activities. VA estimates that it has granted fewer than 50 claims of veterans who did not receive presumptive service connection.

This amendment would authorize \$300,000 for the completion of the third and final phase of Brookhaven National Laboratory's testing of radiation-exposed veterans. Brookhaven's fission tracking analysis could provide a more accurate measure of an individual's internal radiation dosages. I have contacted VA in support of the Brookhaven project in the past. VA's response indicated that it is the Department of Defense, not the VA, who has the responsibility to provide dose estimates for veterans exposed to ionizing radiation. That is why we must restore funding to the Brookhaven project in the DOD authorization bill.

As ranking member of the Committee on Veterans' Affairs, I have seen the struggles of America's atomic veterans and their survivors. I have heard testimony of the veterans who bravely served in our military, and who are now sick and dying and cannot get the compensation they have earned by their service to our country. These veterans were placed in harm's way, sworn to secrecy, and abandoned by their government for many years. It is critical that we search for a better way to assess their exposure to radiation. It is vital that we restore funding to a program that can renew hope to atomic veterans and their families.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent for a period of morning business not to exceed 10 minutes.

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

Mr. WARNER. Mr. President, if I might ask my distinguished colleague, we have a few cleared amendments on the bill. Would it be possible to clear up these few amendments and then return to his request?

Mr. BROWNBACK. I have no objection to doing that.

Mr. WARNER. I thank the Senator. Mr. President, we are ready to proceed, if the distinguished ranking member is prepared.

AMENDMENT NO. 607, AS MODIFIED

Mr. WARNER. Mr. President, I ask unanimous consent that Senator KYL's amendment be modified as indicated in the modification, which I now send to the desk, numbered 607.

Mr. LEVIN. Mr. President, let me ask a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

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

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I understand that this modification, which has been offered by the sponsor of the amendment, would be in order, that he would have the right to modify his own amendment. Is that correct?

The PRESIDING OFFICER. The Senator from Arizona would have the right to modify his amendment only if cloture is not invoked tomorrow.

Mr. LEVIN. As of right now, if the Senator from Arizona were here, he would have the right to modify his amendment. Is that correct?

The PRESIDING OFFICER. If cloture were invoked tomorrow, the particular modification would be invalid without unanimous consent.

Mr. LEVIN. Parliamentary inquiry. Perhaps I did not state it clearly. If the Senator from Arizona were here now and offered to modify his own pending amendment, which is what I understand is being offered—

The PRESIDING OFFICER. It would be invalidated by the adoption of cloture tomorrow in the absence of unanimous consent.

Mr. WARNER. Mr. President, I am seeking unanimous consent and appearing on behalf of the Senator and offering it on his behalf. And the yeas and nays, to my understanding, have not been ordered.

The PRESIDING OFFICER. If unanimous consent were granted to the modification, of course.

Mr. WARNER. That is correct. And I have sought unanimous consent.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Parliamentary inquiry. I am sorry to press this. But my parliamentary inquiry is, that right to modify his own amendment would exist if the Senator were here himself at this point.

The PRESIDING OFFICER. Only with unanimous consent, should cloture be invoked tomorrow.

Mr. LEVIN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

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

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

Mr. WARNER. Now, Mr. President, I thank the indulgence of the Chair while the Senator from Michigan and I have resolved such differences as we may have had and once again restate, I ask unanimous consent that the amendment of the Senator from Arizona, amendment No. 607 be amended, and I send to the desk the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. WARNER. I thank the Chair.

The amendment (No. 607), as modified, is as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. LIMITATION ON USE OF COOPERATIVE THREAT REDUCTION FUNDS FOR DESTRUCTION OF CHEMICAL WEAPONS.

(a) LIMITATION.—No funds authorized to be appropriated under this or any other Act for fiscal year 1998 for Cooperative Threat Reduction programs may be obligated or expended for chemical weapons destruction activities, including for the planning, design, or construction of a chemical weapons destruction facility or for the dismantlement of an existing chemical weapons production facility, until the date that is 15 days after a certification is made under subsection (b).

(b) PRESIDENTIAL CERTIFICATION.—A certification under this subsection is a certification by the President to Congress that—

(1) Russia is making reasonable progress toward the implementation of the Bilateral Destruction Agreement;

(2) the United States and Russia have resolved, to the satisfaction of the United States, outstanding compliance issues under the Wyoming memorandum of Understanding and the Bilateral Destruction Agreement;

(3) Russia has fully and accurately declared all information regarding its unitary and binary chemical weapons, chemical weapons facilities, and other facilities associated with chemical weapons; and

(4) Russia and the United States have concluded an agreement that—

(A) provides for a limitation on the United States financial contribution for the chemical weapons destruction activities; and

(B) commits Russia to pay a portion of the cost for a chemical weapons destruction facility in an amount that demonstrates that Russia has a substantial stake in financing the implementation of both the Bilateral Destruction Agreement and the Chemical Weapons Convention, as called for in the condition provided in section 2(14) of the Senate Resolution entitled "A resolution to advise and consent to the ratification of the Chemical Weapons Convention, subject to certain conditions", agreed to by the Senate on April 24, 1997.

(c) DEFINITIONS.—In this section:

(1) The term "Bilateral Destruction Agreement" means the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Nonproduction of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons, signed on June 1, 1990.

(2) The term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) The term "Cooperative Threat Reduction program" means a program specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201: 110 Stat. 2731; 50 U.S.C. 2362 note).

(4) The term "Wyoming Memorandum of Understanding" means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Re-

publics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

AMENDMENT NO. 644

(Purpose: To make retroactive the entitlement of certain Medal of Honor recipients to the special pension provided for persons entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll)

Mr. WARNER. Now, Mr. President, on behalf of Senator KEMPTHORNE, I offer an amendment which would make retroactive the entitlement of certain Medal of Honor recipients for special pensions provided to persons entered and recorded in the Medal of Honor rolls.

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

Mr. LEVIN. The amendment has been cleared, Mr. President.

Mr. WARNER. I therefore urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. KEMPTHORNE, proposes an amendment numbered 644:

At the end of subtitle D of title V, add the following:

SEC. 535. RETROACTIVITY OF MEDAL OF HONOR SPECIAL PENSION.

(a) ENTITLEMENT.—In the case of Vernon J. Baker, Edward A. Carter, Junior, and Charles L. Thomas, who were awarded the Medal of Honor pursuant to section 561 of Public Law 104-201 (110 Stat. 2529) and whose names have been entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll, the entitlement of those persons to the special pension provided under section 1562 of title 38, United States Code (and antecedent provisions of law), shall be effective as follows:

(1) In the case of Vernon J. Baker, for months that begin after April 1945.

(2) In the case of Edward A. Carter, Junior, for months that begin after March 1945.

(3) In the case of Charles L. Thomas, for months that begin after December 1944.

(b) AMOUNT.—The amount of the special pension payable under subsection (a) for a month beginning before the date of the enactment of this Act shall be the amount of the special pension provided by law for that month for persons entered and recorded on the Army, Navy, Air Force, and Coast Guard Medal of Honor Roll (or an antecedent Medal of Honor Roll required by law).

(c) PAYMENT TO NEXT OF KIN.—In the case of a person referred to in subsection (a) who died before receiving full payment of the pension pursuant to this section, the Secretary of Veterans Affairs shall pay the total amount of the accrued pension, upon receipt of application for payment within one year after the date of the enactment of this Act, to the deceased person's spouse or, if there is no surviving spouse, then to the deceased person's children, per stripes, in equal shares.

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

The amendment (No. 644) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 596

(Purpose: To authorize \$6,719,000 for the construction of a combined support maintenance shop, Camp Johnson, Colchester, Vermont)

Mr. LEVIN. Mr. President, on behalf of Senators LEAHY and JEFFORDS, I offer an amendment which would authorize \$6.7 million for the construction of a combined support maintenance shop for the Vermont Army National Guard in Colchester, VT.

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

Mr. WARNER. Mr. President, it has been cleared.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. LEAHY, for himself and Mr. JEFFORDS, proposes an amendment numbered 596:

On page 382, line 15, strike out "\$155,416,000" and insert in lieu thereof "\$162,135,000".

Mr. JEFFORDS. Mr. President, I am pleased to be offering, with my colleague Senator PATRICK LEAHY, an amendment to the Department of Defense authorization bill to provide for the construction of a combined support and maintenance shop [CSMS] at Camp Johnson, VT.

This project is to be constructed in Colchester, VT and used by the Vermont National Guard to meet its support level maintenance mission. The quantity, size and type of equipment now assigned to the Vermont Army National Guard have required them to propose the construction of this CSMS. The new facility will have administrative offices and allied shops as well as special bays for maintenance work on all types of vehicles. The design money for this project was approved by the Congress last year.

The Vermont Army National Guard has stretched the limits of the current facility which was built over 40 years ago, in 1956. The current facility has very significant shortfalls in all office and shop areas. The existing work bays cannot accommodate the M-1 tank. In addition, essential maintenance and maintenance training is consistently delayed due to the lack of space. Without the construction of a new facility readiness of the Vermont Army National Guard will be adversely affected.

In order to assure that the Vermont Army National Guard is ready at all times to meet the needs of our nation's defense, Senator Leahy and I have worked together on this project. I am pleased that the Vermont Army National Guard can move forward on this CSMS and hope that my colleagues will support the efforts that Senator Leahy

and I have taken to insure that the Vermont Army National Guard can meet the military needs of our country in the next century.

I commend Chairman THURMOND for his foresight to realize that his new facility is essential in order for the Vermont Army National Guard to meet the anticipated demands on them in the coming years.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 596) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 781

(Purpose: To authorize \$3,210,000 for the construction of an Army National Guard readiness center at Macon, Missouri)

Mr. WARNER. Mr. President, again, I am standing in for the distinguished chairman of the Armed Services Committee this evening in offering these amendments.

On behalf of Senator BOND, I offer an amendment which would authorize \$3.2 million for the construction of a readiness center for the Missouri Army National Guard in Macon, MO.

This amendment, it is my understanding, has been cleared.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BOND, proposes an amendment numbered 781:

On page 382, line 15, strike out "\$155,416,000" and insert in lieu thereof "\$158,626,000".

Mr. BOND. Mr. President, I rise to offer an amendment to the Defense authorization bill to include authorization for funding construction of a National Guard readiness center. Military construction projects such as this will ensure that as we downsize our military, the facilities which house and service our military will not be left to deteriorate. Armories throughout the Nation need to be adequately maintained and upgraded to provide decent training facilities for the men and women assigned to units based at these armories and to protect the vital equipment stored there. In Macon, MO, there is a company of soldiers located in a facility owned by the city, which was constructed in the 1890's and is totally inadequate. In order to provide these soldiers with a facility capable of maintaining their proficiency in mission essential task training, I have requested funds adequate to complete such a facility. I also point out that it will be less expensive to create a new facility than to attempt to refurbish this 19th century structure.

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

The amendment (No. 781) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 610

(Purpose: To authorize \$5,232,000 for the addition and alteration of an administrative facility at Bellows Air Force Station, Hawaii)

Mr. LEVIN. Mr. President, on behalf of Senator INOUE, I offer an amendment which would authorize \$5.2 million for the alteration of an administrative facility at Bellows Air Force Station, HI.

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

Mr. WARNER. The amendment has been accepted on this side.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. INOUE, proposes an amendment numbered 610:

On page 366, in the table following line 5, insert after the item relating to Robins Air Force Base, Georgia, the following new item:

Hawaii	Bellows Air Force Station	\$5,232,000
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On page 366, in the table following line 5, strike out "\$540,920,000" in the amount column in the item relating to the total and insert in lieu thereof "\$546,152,000".

On page 369, line 9, strike out "\$1,793,949,000" and insert in lieu thereof "\$1,799,181,000".

On page 369, line 13, strike out "\$540,920,000" and insert in lieu thereof "\$546,152,000".

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

The amendment (No. 610) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 782

(Purpose: To make certain adjustments in the authorizations relating to military construction projects)

Mr. WARNER. On behalf of Senators THURMOND and LEVIN, I offer an amendment which would make funding adjustments to provide the necessary offset to fund certain military construction projects.

I undoubtedly think it has been accepted on the other side.

Mr. LEVIN. It has been, Mr. President.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, for himself and Mr. LEVIN, proposes an amendment numbered 782:

On page 356, line 8, strike out "\$1,957,129,000" and insert in lieu thereof "\$1,951,478,000".

On page 357, line 4, strike out "\$1,148,937,000" and insert in lieu thereof "\$1,143,286,000".

On page 360, in the table following line 7, strike out the item relating to Naval Station, Roosevelt Roads, Puerto Rico.

On page 360, in the table following line 7, strike out "\$75,620,000" in the amount column in the item relating to the total and insert in lieu thereof "\$65,920,000".

On page 362, line 14, strike out "\$1,916,887,000" and insert in lieu thereof "\$1,907,387,000".

On page 362, line 20, strike out "\$75,620,000" and insert in lieu thereof "\$65,920,000".

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

The amendment (No. 782) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 783

(Purpose: To authorize the Secretary of the Air Force to enter into an agreement for the use of a medical resource facility in Alamogordo, New Mexico)

Mr. LEVIN. Mr. President on behalf of Senator BINGAMAN, I offer an amendment that would authorize the Secretary of the Air Force to enter into an agreement to grant \$7 million to a private nonprofit hospital in Alamogordo, NM, to construct and equip a new joint-use hospital.

I ask also unanimous consent that Senator DOMENICI be added as an original cosponsor.

I believe it has been cleared on the other side.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BINGAMAN, for himself and Mr. DOMENICI, proposes an amendment numbered 783:

On page 226, between lines 2 and 3, insert the following:

SEC. 708. AUTHORITY FOR AGREEMENT FOR USE OF MEDICAL RESOURCE FACILITY, ALAMAGORDO, NEW MEXICO.

(a) AUTHORITY.—The Secretary of the Air Force may enter into an agreement with Gerald Champion Hospital, Alamogordo, New Mexico (in this section referred to as the "Hospital"), providing for the Secretary to furnish health care services to eligible individuals in a medical resource facility in Alamogordo, New Mexico, that is constructed, in part, using funds provided by the Secretary under the agreement.

(b) CONTENT OF AGREEMENT.—Any agreement entered into under subsection (a) shall, at a minimum, specify the following:

(1) The relationship between the Hospital and the Secretary in the provision of health care services to eligible individuals in the facility, including—

(A) whether or not the Secretary and the Hospital is to use and administer the facility jointly or independently; and

(B) under what circumstances the Hospital is to act as a provider of health care services under the TRICARE managed care program.

(2) Matters relating to the administration of the agreement, including—

(A) the duration of the agreement;

(B) the rights and obligations of the Secretary and the Hospital under the agreement, including any contracting or grievance procedures applicable under the agreement;

(C) the types of care to be provided to eligible individuals under the agreement, including the cost to the Department of the Air Force of providing the care to eligible individuals during the term of the agreement;

(D) the access of Air Force medical personnel to the facility under the agreement;

(E) the rights and responsibilities of the Secretary and the Hospital upon termination of the agreement; and

(F) any other matters jointly identified by the Secretary and the Hospital.

(3) The nature of the arrangement between the Secretary and the Hospital with respect to the ownership of the facility and any property under the agreement, including—

(A) the nature of that arrangement while the agreement is in force;

(B) the nature of that arrangement upon termination of the agreement; and

(C) any requirement for reimbursement of the Secretary by the Hospital as a result of the arrangement upon termination of the agreement.

(4) The amount of the funds available under subsection (c) that the Secretary is to contribute for the construction and equipping of the facility.

(5) Any conditions or restrictions relating to the construction, equipping, or use of the facility.

(c) AVAILABILITY OF FUNDS FOR CONSTRUCTION AND EQUIPPING OF FACILITY.—Of the amount authorized to be appropriated by section 301(21), not more than \$7,000,000 may be available for the contribution of the Secretary referred to in subsection (b)(4) to the construction and equipping of the facility described in subsection (a).

(d) NOTICE AND WAIT.—The Secretary may not enter into the agreement authorized by subsection (a) until 90 days after the Secretary submits to the congressional defense committees a report describing the agreement. The report shall set forth the memorandum of agreement under subsection (b), the results of a cost-benefit analysis conducted by the Secretary with respect to the agreement, and such other information with respect to the agreement as the Secretary considers appropriate.

(e) ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term "eligible individual" means any individual eligible for medical and dental care under chapter 55 of title 10, United States Code, including any individual entitled to such care under section 1074(a) of that title.

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

The amendment (No. 783) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 784

(Purpose: To require a report on the policies and practices of the Department of Defense relating to the protection of members of the Armed Forces abroad from terrorist attack)

Mr. WARNER. Mr. President, on behalf of Senator SPECTER, I offer an

amendment which would require the Secretary of Defense to provide the Congressional defense committees with a report that would contain an assessment of the policies and procedures for determining force protection requirements within the Department of Defense and procedures to determine accountability within the Department of Defense when there is a loss of life due to a terrorist attack.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SPECTER, proposes an amendment numbered 784:

On page 306, between lines 4 and 5, insert the following:

SEC. 1041. REPORT ON POLICIES AND PRACTICES RELATING TO THE PROTECTION OF MEMBERS OF THE ARMED FORCES ABROAD AND TERRORIST ATTACK.

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

(1) On June 25, 1996, a bomb detonated not more than 80 feet from the Air Force housing complex known as Khobar Towers in Dhahran, Saudi Arabia, killing 19 members of the Air Force and injuring hundreds more.

(2) On June 13, 1996, a report by the Bureau of Intelligence and Research of the Department of State highlighted security concerns in the region in which Dhahran is located.

(3) On June 17, 1996, the Department of Defense received an intelligence report detailing a high level of risk to the complex.

(4) In January 1996, the Office of Special Investigations of the Air Force issued a vulnerability assessment for the complex, which assessment highlighted the vulnerability of perimeter security at the complex given the proximity of the complex to a boundary fence and the lack of the protective coating Mylar on its windows.

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following:

(a) An assessment of the current policies and practices of the Department of Defense with respect to the protection of members of the Armed Forces abroad against terrorist attack, including any modifications to such policies or practices that are proposed or implemented as a result of the assessment.

(2) An assessment of the procedures of the Department of Defense intended to determine accountability, if any, in the command structure in instances in which a terrorist attack results in the loss of life at an installation or facility of the Armed Forces abroad.

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

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.

AMENDMENT NO. 785

(Purpose: To express the sense of Congress regarding the transfer of the ground communication-electronic workload from McClellan Air Force Base, California, to Tobyhanna Army Depot, Pennsylvania, in accordance with the schedule provided for the realignment of the performance of such workload; and to prohibit privatization of the performance of that workload in place)

Mr. WARNER. Mr. President, on behalf of the Senators SANTORUM and SPECTER, I offer an amendment which would express the sense of the Senate that the ground communication-electronic depot maintenance workload currently performed at McClellan Air Logistics Center should be transferred to the Army Depot at Tobyhanna, PA, in adherence to the schedule prescribed for that transfer by the Defense Depot Maintenance Council on March 13, 1997.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SANTORUM, for himself and Mr. SPECTER, proposes an amendment numbered 785:

At the end of subtitle B of title III, add the following:

SEC. 319. REALIGNMENT OF PERFORMANCE OF GROUND COMMUNICATION-ELECTRONIC WORKLOAD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the transfer of the ground communication-electronic workload to Tobyhanna Army Depot, Pennsylvania, in the realignment of the performance of such function should be carried out in adherence to the schedule prescribed for that transfer by the Defense Depot Maintenance Council on March 13, 1997, as follows:

(1) Transfer of 20 percent of the workload in fiscal year 1998.

(2) Transfer of 40 percent of the workload in fiscal year 1999.

(3) Transfer of 40 percent of the workload in fiscal year 2000.

(b) PROHIBITION.—No provision of this Act that authorizes or provides for contracting for the performance of a depot-level maintenance and repair workload by a private sector source at a location where the workload was performed before fiscal year 1998 shall apply to the workload referred to in subsection (a).

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 785) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 786

(Purpose: To make technical amendments and corrections)

Mr. WARNER. Now, Mr. President, on behalf of Senator THURMOND, I offer an amendment which makes technical amendments and corrections to the bill.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 786:

On page 26, after line 24, add the following:

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to the following:

(1) Any purchase, lease, upgrade, or modification initiated before the date of the enactment of this Act.

(2) Any installation of state-of-the-art technology for a drydock that does not also increase the capacity of the drydock.

On page 26, line 21, insert "(a) PROHIBITION.—" before "None".

On page 37, line 9, strike out "6,006" and insert in lieu thereof "6,206".

On page 278, line 12, strike out "under section 301(20) for fiscal year 1998".

On page 365, between lines 18 and 19, insert the following:

SEC. 2206. INCREASE IN AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT ROOSEVELT ROADS NAVAL STATION, PUERTO RICO.

(a) INCREASE.—The table in section 2201(b) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2767) is amended in the amount column of the item relating to Naval Station, Roosevelt Roads, Puerto Rico, by striking out "\$23,600,000" and inserting in lieu thereof "\$24,100,000".

(b) CONFORMING AMENDMENT.—Section 2204(b)(4) of such Act (110 Stat. 2770) is amended by striking out "14,100,000" and inserting in lieu thereof "14,600,000".

On page 400, after line 25, insert the following:

(d) AUTHORITY CONTINGENT ON APPROPRIATIONS ACTS.—The Secretary may exercise the authority under subsection (a) only to the extent and in the amounts provided in advance in appropriations Acts.

On page 409, line 23, insert ", to the extent provided in appropriations Acts," after "shall".

On page 417, line 23, strike out "\$1,265,481,000" and insert in lieu thereof "\$1,266,021,000".

On page 418, line 5, strike out "84,367,000" and insert in lieu thereof "84,907,000".

On page 419, line 17, strike out "\$2,173,000" and insert in lieu thereof "\$2,713,000".

On page 481, line 16, insert "of the Supervisory Board of the" before "Commission".

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 786) was agreed to.

Mr. WARNER. I thank the Chair. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 706

(Purpose: To enhance fish and wildlife conservation and natural resources management programs under the Sikes Act)

Mr. WARNER. Mr. President, on behalf of Senators CHAFEE and BAUCUS, I offer an amendment that would authorize the act to promote effective planning, development, maintenance and coordination of wildlife, fish and game conservation and rehabilitation on military installations.

Mr. President, I also ask that the Senator from Virginia [Mr. WARNER] be included as an original sponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. CHAFEE, for himself, Mr. BAUCUS, and Mr. WARNER, proposes an amendment numbered 706.

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

Mr. CHAFEE. Mr. President, the Sikes Act was enacted by Congress in 1960 to provide enhanced stewardship of fish and wildlife and other natural resources on military installations. It was named for Congressman Bob Sikes of Florida. The act seeks to capitalize on the enormous potential for natural resource conservation on military lands. The Department of Defense controls nearly 25 million acres of land and water at approximately 900 military installations in the United States, and the National Guard oversees an additional 1 million acres on 80 sites. These lands serve as home to approximately 100 endangered or threatened species and countless other fish and wildlife resources.

The Sikes Act was last amended in 1986, and authorization expired in 1993. Since then, several attempts to reauthorize the act have been made, and although Congress has been close several times, all have failed. We now have a golden opportunity to amend and reauthorize the Sikes Act, in S. 936, the bill to authorize the Department of Defense.

Two weeks ago, an agreement was reached among the Department of Defense, the Department of the Interior, the International Association of State Fish and Wildlife Agencies, and the two House committees with jurisdiction over the Sikes Act. The White House approved the agreement the following day. The amendment that I am introducing, together with Senator BAUCUS and Senator KEMPTHORNE, is virtually identical to the House version, which passed in the House as part of H.R. 1119, the Department of Defense authorization bill. This amendment to the Sikes Act will greatly improve the current law.

In its current form, the Sikes Act authorizes the Secretary of Defense to enter into cooperative plans with the Secretary of the Interior and the appropriate State fish and wildlife agency for the conservation of fish and wildlife on military lands. Over the 37 years of the Sikes Act, cooperation under the act has improved fish and wildlife management on military bases.

For example, wetlands associated with the North American Waterfowl Management Plan that are on military bases have been restored under a recent initiative by the Fish and Wildlife Service and Department of Defense. Fort Bragg and Camp Lejeune in North Carolina, and Elgin Air Force base in Florida, have undertaken efforts to protect the redcockaded woodpecker.

Fisheries assessments are taking place on both coasts, including Brunswick Naval air station in Maine and a submarine base in Washington.

While these examples illustrate how cooperation can improve natural resource management, more can and should be done. Only 250 agreements exist, and many of these are outdated. In addition, many agreements provide only for minimal cooperation among parties, rather than affirmative management of the resources. Another 200 agreements are currently being developed.

The amendment that Senator BAUCUS, Senator KEMPTHORNE, and I are introducing would infuse new vigor into implementation of the Sikes Act. Specifically, it would require the Secretary of each military department to develop a natural resource management plan for each of its military installations, unless there is an absence of significant natural resources on the base. The plan would be prepared by the Secretary in cooperation with the Fish and Wildlife Service and the appropriate State fish and wildlife agency. The plan must be consistent with the use of military lands to ensure the preparedness of the military, and cannot result in any net loss in the capability of the military installation to support the military mission of the installation. With those caveats, the plan must also provide for the management and conservation of natural resources. This language accommodates the interests of the State and Federal wildlife agencies as well as the needs of the military.

While the agreement was negotiated on the House side, I would like to make several observations regarding the differences between the current law and this agreement. The most important change in the law, of course, is that development of the natural resources management plans would become mandatory. In practical terms however, this provision would better conform to and encourage the current practice of the military, which already has a policy of developing these plans.

An equally important change to the law would be that preparation and implementation of the plans would be the responsibility of the Secretary of the appropriate military department, rather than the Secretary of Defense. Extensive discussions last year revolved around attempts to agree on a dispute resolution process in the event that the Department of Defense, the Fish and Wildlife Service, and the State fish and wildlife agency could not agree on the development of a particular plan. The balance struck in the current agreement between the requirement to prepare the plans, and the discretion afforded the Secretary of the individual military department regarding the content of each plan, seems to me to be a good one.

Greater specificity would be provided for the contents of the plans, which are to provide for, among other things and to the extent appropriate, fish and wildlife management and habitat enhancement, establishment of management goals and objectives, and sustainable use by the public.

The amendment also provides for an opportunity for the public to comment on individual plans, as well as a review of each military installation by the Secretary of the appropriate military department to determine whether new plans should be prepared or existing plans should be modified. In addition, the amendment would also require annual reports by the Secretaries of Defense and the Interior regarding funding for implementation of the Sikes Act. The Department of Defense currently spends approximately \$5 million for developing plans under the Sikes Act, but there are few cost estimates for State fish and wildlife agencies, as well as for the Fish and Wildlife Service. Thus, these annual reports should provide valuable information.

The amendment also seeks to encourage cooperative agreements for the funding of management and conservation measures without specifying particular cost sharing or matching requirements.

I would note that there is one substantive change between the House language and this amendment. This change was negotiated between the Committees on Environment and Public Works and Armed Services, and approved by all interested parties, including the Departments of Defense and the Interior, and the International Association of State Fish and Wildlife Agencies. Specifically, the deadline for completing the natural resource management plans is extended from 2 to 3 years from the date of the initial report to Congress, which itself is required 1 year from the date of enactment. This change should enable the Department of Defense to complete the plans consistent with its own internal time frames, without unnecessarily missing any statutory deadlines.

I would note that jurisdiction of the Sikes Act, since its passage in 1960, has always rested with the Committee on Environment and Public Works. Bills to amend and reauthorize the act, including one that was introduced in the 103d Congress containing substantive revisions similar to the revisions in this amendment, have all been referred to that committee. The fact that reauthorization of the Sikes Act is being done through the DOD authorization bill represents the fortuitous circumstance that after more than 1 year of debate, agreement happened to be reached by all parties at this particular time in this particular context. I do not expect that this circumstance would alter jurisdiction over the Sikes Act in the future. Nevertheless, the

Committee on Environment and Public Works has always worked cooperatively on that portion of the Sikes Act pertaining to military installations in the past, and will continue to do so in the future.

In closing, Mr. President, I believe that this amendment will improve the Sikes Act significantly, and represents a major achievement in environmental law in this Congress. The speed with which this legislation has moved in this Congress understates its importance both for the agenda of the Environment and Public Works Committee, and for efforts to conserve natural resources nationwide. I would especially like to thank both the distinguished chairman of the Subcommittee on Readiness, Senator INHOFE, and the distinguished chairman of the Committee on Armed Services and manager of the bill, Senator THURMOND, for their cooperation and efforts in facilitating approval of this amendment.

Mr. BAUCUS. Mr. President, I am pleased to join Senator CHAFEE, the chairman of the Environment and Public Works Committee, in supporting an amendment to S. 936, the Defense Authorization Act. This amendment will reauthorize and improve a law commonly known as the Sikes Act. The amendment will reauthorize the law through the year 2003.

The Sikes Act authorizes the Secretary of Defense to manage fish and wildlife and other natural resources on military lands. The Department of Defense controls nearly 25 million acres of land at approximately 900 military installations. These lands encompass all major land types in the United States and include habitat for threatened and endangered species, historic and archaeological sites, and other cultural and natural resources.

Senator CHAFEE and I have been working, in consultation with the Senate Armed Services Committee, to reauthorize and amend the Sikes Act, a law within our committee's jurisdiction, for a number of years. Unfortunately, we were unable during the last Congress to draft amendments that were acceptable to the Interior Department, the Department of Defense, and the International Association of Fish and Wildlife Agencies. I am pleased to say that this amendment has the support of all three. In addition, a nearly identical version was recently passed by the House on the House Defense Authorization bill.

This amendment requires the Secretary of Defense to prepare integrated natural resources management plans for military installations, unless the Secretary determines that preparation of a plan for a particular installation is inappropriate. Plans are to be prepared, in cooperation with the U.S. Fish and Wildlife Service and the State fish and wildlife agency, within 4 years after the date of enactment. I urge all

three agencies to work closely together, taking full advantage of their respective resources and expertise, to develop mutually acceptable plans to conserve fish and wildlife and other natural resources on our Nation's military installations. Finally, the amendment establishes annual review and reporting requirements to ensure that required plans are prepared and implemented.

Mr. President, I urge my colleagues to support the amendment.

Mr. INHOFE. Mr. President, I want to thank Senator CHAFEE and his staff for the willingness to work in a cooperative manner with myself and the staff of the Subcommittee on Readiness.

The Sikes Act Amendment is a significant item of legislation that will directly impact the Department of Defense management of the 25 million acres of land it controls.

While Senator CHAFEE has highlighted some of the positive environmental aspects of this legislation, I would like to stress the need to ensure the preservation of the military mission, readiness and training.

The Sikes Act Amendment makes the preparation of integrated natural resource management plans mandatory for the military departments.

I have reluctantly agreed to the mandatory language of this provision because the Department of Defense and military departments support it and have insisted that this new environmental requirement will not undermine the military mission and will not increase funding for such planning activities.

It should be made clear that:

The Sikes Act Amendment is not intended to enlarge the U.S. Fish and Wildlife Service or State fish and wildlife agency authority over the management of military lands.

Natural resource management plans should be prepared to assist installation commanders in conservation and rehabilitation efforts that are consistent with the use of military lands for the readiness and training of the U.S. Armed Forces.

It is understood that many installations, about 80 percent, have already completed integrated natural resource management plans in cooperation with the U.S. Fish and Wildlife Service and appropriate State fish and game agencies.

Given the level of agency cooperation, the time, the personnel, and funds involved in the completion of existing natural resource management plans, it is expected that most of these plans will satisfy the requirements of the Sikes Act Amendment and will not have to be redone.

I want to close with an emphasis on the need to ensure that the amendment will not result in an increased funding level for natural resource management plans and will not undermine military readiness and training.

As chairman of the Subcommittee on Readiness, I intend to follow the implementation of this amendment, and its impact on military readiness, very carefully.

Senator CHAFEE, I want to thank you again and express my appreciation for our ability to work together on the Sikes Act Amendment and other environmental issues.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 706) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 624, AS MODIFIED

(Purpose: To require the Secretary of the Navy to carry out a program to demonstrate expanded use of multitechnology automated reader cards throughout the Navy and the Marine Corps)

Mr. LEVIN. Mr. President, I call up an amendment numbered 624 offered by Senator ROBB, and I send a modified amendment to the desk. The amendment would require the Secretary of the Navy to carry out an expanded use of multitechnology automated reader cards throughout the Navy and Marine Corps, and I believe this amendment has been cleared by the other side.

Mr. WARNER. Mr. President, that is correct.

The PRESIDING OFFICER. Without objection, the clerk will report the modified amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. ROBB, proposes an amendment numbered 624, as modified:

At the end of subtitle E of title III, add the following:

SEC. 369. MULTITECHNOLOGY AUTOMATED READER CARD DEMONSTRATION PROGRAM.

(a) PROGRAM REQUIRED.—The Secretary of the Navy shall carry out a program to demonstrate expanded use of multitechnology automated reader cards throughout the Navy and the Marine Corps. The demonstration program shall include demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load/off load program of the Navy.

(b) PERIOD OF PROGRAM.—The Secretary shall carry out the demonstration program for two years beginning not later than January 1, 1998.

(c) REPORT.—Not later than 90 days after termination of the demonstration program, the Secretary shall submit a report on the experience under the program to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives.

(d) FUNDING.—(1) Of the amount authorized to be appropriated under section 301(1), \$36,000,000 shall be available for the demonstration program under this section, of which \$6,300,000 shall be available for demonstration of the use of the so-called "smartship" technology of the ship-to-shore work load off load program of the Navy.

(2) Of the amount authorized to be appropriated under section 301(1), the total

amount available for cold weather clothing is decreased by \$36,000,000.

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

The amendment (No. 624), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 631

(Purpose: To restore the garnishment and involuntary allotment provisions of title 5, United States Code, to the provisions as they were in effect before amendment by the National Defense Authorization Act for Fiscal Year 1996)

Mr. WARNER. Mr. President, on behalf of the Senator from Idaho [Mr. CRAIG], I offer an amendment No. 631, that would change the method for processing court-ordered Federal employees' wage garnishment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. CRAIG, proposes an amendment numbered 631:

At the end of title XI, add the following:

SEC. 1107. GARNISHMENT AND INVOLUNTARY ALLOTMENT.

Section 5520a of title 5, United States Code, is amended—

(1) in subsection (j), by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) Such regulations shall provide that an agency's administrative costs in executing a garnishment action may be added to the garnishment, and that the agency may retain costs recovered as offsetting collections."

(2) in subsection (k)—

(A) by striking out paragraph (3); and
(B) by redesignating paragraph (4) as paragraph (3); and

(3) by striking out subsection (1).

The PRESIDING OFFICER. Without objection the amendment is adopted.

The amendment (No. 631) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 645

Mr. WARNER. Mr. President, on behalf of Senator GORTON, the distinguished Senator from Washington, I call up an amendment that would clarify the implementation date of the designated provider program of the uniform services treatment facilities, USTF, to clarify the limitation on total payments and allow the USTF to purchase pharmaceuticals under the preferred pricing levels applicable to Government agencies, No. 645.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. GORTON, for himself, Mrs. HUTCHISON,

and Mr. D'AMATO, proposes an amendment numbered 645:

Page 217, after line 15, insert the following new subtitle heading:

Subtitle A—Health Care Services

Page 226, after line 2, insert the following new subtitle:

Subtitle B—Uniformed Services Treatment Facilities

SEC. 711. IMPLEMENTATION OF DESIGNATED PROVIDER AGREEMENTS FOR UNIFORMED SERVICES TREATMENT FACILITIES.

(a) COMMENCEMENT OF HEALTH CARE SERVICES UNDER AGREEMENT.—Subsection (c) of section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201, 10 U.S.C. 1073 note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(2) by inserting "(1)" before "Unless"; and

(3) by adding at the end the following new paragraph:

"(2) The Secretary may modify the effective date established under paragraph (1) for an agreement to permit a transition period of not more than six months between the date on which the agreement is executed by the parties and the date on which the designated provider commences the delivery of health care services under the agreement."

(b) TEMPORARY CONTINUATION OF EXISTING PARTICIPATION AGREEMENTS.—Subsection (d) of such section is amended by inserting before the period at the end the following: "including any transitional period provided by the Secretary under paragraph (2) of such subsection".

(c) ARBITRATION.—Subsection (c) of such section is further amended by adding at the end the following new paragraph:

"(3) In the case of a designated provider whose service area has a managed care support contract implemented under the TRICARE program as of September 23, 1996, the Secretary and the designated provider shall submit to binding arbitration if the agreement has not been executed by October 1, 1997. The arbitrator, mutually agreed upon by the Secretary and the designated provider, shall be selected from the American Arbitration Association. The arbitrator shall develop an agreement that shall be executed by the Secretary and the designated provider by January 1, 1998. Notwithstanding paragraph (1), the effective date for such agreement shall be not more than six months after the date on which the agreement is executed."

(d) CONTRACTING OUT OF PRIMARY CARE SERVICES.—Subsection (f)(2) of such section is amended by inserting at the end the following new sentence: "Such limitation on contracting out primary care services shall only apply to contracting out to a health maintenance organization, or to a licensed insurer that is not controlled directly or indirectly by the designated provider, except in the case of primary care contracts between a designated provider and a contractor in force as of September 23, 1996. Subject to the overall enrollment restriction under section 724 and limited to the historical service area of the designated provider, professional service agreements or independent contractor agreements with primary care physicians or groups of primary care physicians, however organized, and employment agreements with such physicians shall not be considered to be the type of contracts that are subject to the limitation of this subsection, so long as the designated provider itself remains at risk under its agreement with the Secretary in the provision of services by any

such contracted physicians or groups of physicians."

(e) UNIFORM BENEFIT.—Section 723(b) of the National Defense Authorization Act for Fiscal Year 1997 (PL 104-201, 10 USC 1073 note) is amended—

(1) in subsection (1), by inserting before the period at the end the following: "subject to any modification to the effective date the Secretary may provide pursuant to section 722(c)(2)", and

(2) in subsection (2), by inserting before the period at the end the following: "or the effective date of agreements negotiated pursuant to section 722(c)(3)".

SEC. 712. LIMITATION ON TOTAL PAYMENTS.

Section 726(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201, 10 U.S.C. 1073 note) is amended by adding at the end the following new sentence: "In establishing the ceiling rate for enrollees with the designated providers who are also eligible for the Civilian Health and Medical Program of the Uniformed Services, the Secretary of Defense shall take into account the health status of the enrollees."

SEC. 713. CONTINUED ACQUISITION OF REDUCED-COST DRUGS.

Section 722 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1073 note) is amended by adding at the end the following new subsection:

"(g) CONTINUED ACQUISITION OF REDUCED-COST DRUGS.—A designated provider shall be treated as part of the Department of Defense for purposes of section 8126 of title 38, United States Code, in connection with the provision by the designated provider of health care services to covered beneficiaries pursuant to the participation agreement of the designated provider under section 718(c) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 42 U.S.C. 248c note) or pursuant to the agreement entered into under subsection (b)."

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 645) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 787

(Purpose: To Make Technical Corrections to Section 123)

Mr. WARNER. Mr. President, on behalf of Senator KENNEDY and myself, I offer an amendment which corrects a drafting error in the bill regarding how the cost cap for the *Seawolf* submarine program is defined. Section 123 of this bill, S. 936, was included to clarify those costs that are included and those that are excluded from the total cost cap on the *Seawolf* program. This amendment does not change the *Seawolf* cost cap up or down, but merely corrects an error we made in crafting the language in the committee's markup of the defense authorization.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. KENNEDY, for himself, and Mr. WARNER, proposes an amendment numbered 787:

Strike out section 123 and insert in lieu thereof the following:

SEC. 123. EXCEPTION TO COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

In the application of the limitation in section 133(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 211), there shall not be taken into account \$745,700,000 of the amounts that were appropriated for procurement of *Seawolf* class submarines before the date of the enactment of this Act (that amount having been appropriated for fiscal years 1990, 1991, and 1992 for the procurement of SSN-23, SSN-24, and SSN-25 *Seawolf* class submarines, which have been canceled).

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 787) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 658

Mr. LEVIN. Mr. President, on behalf of Senators LUGAR, BINGAMAN, and other cosponsors, I ask to call up amendment No. 658 that would restore the funds requested in the President's budget for the Department of Defense Cooperative Threat Reduction Program and related programs at the Department of Energy.

I ask unanimous consent at this point that Senator GLENN be added as a cosponsor.

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

MODIFICATION TO AMENDMENT NO. 658

Mr. LEVIN. I send a modification to the desk. I believe this amendment has been cleared by the other side.

Mr. WARNER. That is correct, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The modification follows:

On page 2 of the amendment change line 12, which currently reads "\$56 million" to "\$40 million dollars".

Mr. GLENN. Mr. President, I rise to speak as a cosponsor of the amendment offered by my colleagues, Messrs. BINGAMAN, LEVIN, LUGAR, DOMENICI, and others, to restore \$60 million to the Cooperative Threat Reduction (CTR) Program, \$25 million to the Department of Energy's Materials Protection Control and Accounting [MPC&A] Program, and \$50 million to the International Nuclear Safety Program. The administration requested these funds because they are needed to serve our national security interests. I have heard or seen nothing to dispute this basic conclusion and therefore strongly support the full requested amounts.

These funds serve our interests because they work to alleviate one of the gravest national security threats facing our Nation. Acknowledged by the President and Congress, by liberals and

conservatives, by the House and the Senate, by Republicans and Democrats alike—indeed by all thinking Americans—this threat arises from the dangers all of us would face from the further erosion of Russia's ability to protect its weapons-usable nuclear materials and the technology and dual-use goods needed to produce them. In light of this broad national consensus, I find it hard to understand why we are here today debating a proposal to slash the funds for the programs designed to alleviate this very threat.

Congress should, of course, give close scrutiny to all Federal programs to see if further economies can be made. No one should look upon the Nunn-Lugar program as immune from vigorous congressional oversight. But when one considers the magnitude of the potential threats our country faces from these deadly materials, and considers these threats in light of the genuine progress that has been made (thanks to Nunn-Lugar) in reducing clear and present nuclear dangers in the former Soviet Union, it should be clear to all that Congress has, if anything, short-changed this program rather than over-funded it.

I find these proposed cuts all the more remarkable given the committee's apparent determination to shovel hundreds of millions of additional taxpayer dollars at the National Missile Defense Program, despite the disturbing implications of that program for the future of the Antiballistic Missile [ABM] Treaty, and despite any serious accounting for precisely how these additional funds will be spent.

In 1991, a far-sighted bipartisan coalition gathered to support a proposal offered by our colleagues, Messrs. Nunn and LUGAR, to curb present and potential future proliferation threats emanating from the collapse of the Soviet Union. In 1997, there continues to be a strong consensus both in Congress and across America that it is in our collective national interest to address these threats. Some misinformed commentators have attacked the CTR and MPC&A programs as a form of "subsidy of Russia's nuclear security" or "foreign aid." Perhaps what the critics fear most is that the programs might actually succeed in achieving their ambitious goals, and thereby reduce the need for our government to spend additional billions more to address these grave foreign threats.

I will leave it for others to speculate further about what must be motivating critics of the Nunn-Lugar program—and some of these criticisms might occasionally even be on target—but I remain convinced that the modest funds our country is allocating to CTR and MPC&A efforts are not only well within our means, but vital to our long-term national security and non-proliferation interests. And these funds are truly modest, compared against the

billions we continue to spend on such programs as the B-2, the ever-expanding National Missile Defense program, the airborne and space-based laser programs, and other dubious programs that are well funded in the present bill. A \$135 million cut to these Nunn-Lugar activities is the last thing this program needs. What, after all, has the program already accomplished?

The CTR Program has worked and continues to work to ensure that significant numbers of strategic Soviet nuclear weapons will not be available for use against the United States and its friends and allies around the world. The program has worked to help reduce the risk of nuclear materials finding their way into black markets in unstable regions around the world. The program has worked to facilitate the removal of all nuclear weapons from Ukraine, Belarus and Kazakhstan. The program has worked to help remove over 1,400 nuclear warheads from Russia's strategic weapons systems, and to eliminate hundreds of delivery vehicles for such systems, including submarine launched ballistic missile launchers, ICBM silos, and strategic bombers.

The committee has claimed that the CTR Program can be cut because the loss could be made up with prior years' funds. Yet, Defense Secretary Cohen wrote to the chairman of the committee on June 19 that "All unobligated CTR funds have already been earmarked for specific projects". The CTR Program continues to serve the national interest by helping to eliminate strategic arms programs in Russia and Ukraine—if anything, Congress should be debating today measures to accelerate these efforts rather than to chop them back. The committee's proposal would only work to convert the CTR Program into a competitive threat renewal program.

A few years before Congress made the mistake of eliminating the Office of Technology Assessment, that organization produced an excellent report entitled, "Proliferation of Weapons of Mass Destruction: Assessing the Risks" (OTA-ISC-559, August 1993). On page 6 of that report, readers will find the following unambiguous finding:

"Obtaining fissionable nuclear weapon material (enriched uranium or plutonium) today remains the greatest single obstacle most countries would face in the pursuit of nuclear weapons."

Those were OTA's words, "the greatest single obstacle" to proliferation. Now, what kept Saddam from getting the bomb sooner than he could have? Access to special nuclear material. What is America's leading defense against future nuclear terrorism? Limiting access to special nuclear materials. We should not be cutting programs that help Russia to serve our common interest in limiting international trafficking in special nuclear materials. We should instead be re-

affirming and even expanding such programs. Helping Russia to serve our interest in these ways is not foreign aid, it is part and parcel of our national defense strategy.

The MPC&A programs run by the Department of Energy work specifically on this problem of enhancing controls over these special nuclear materials, plutonium and highly enriched uranium. I have seen the letter that the Energy Secretary sent to the chairman of the committee on June 19—Secretary Peña wrote that the proposed \$25 million cut in the MPC&A program would lead to a 2-year delay in achieving key program objectives. This program deserves our full support. After all, as Secretary Peña says, this program has secured "tens of tons" of nuclear material at 25 sites, and is working on enhanced controls at a total of 50 sites where this material is at risk in Russia, the Newly Independent States, and the Baltics. When we consider that we are dealing with a problem involving hundreds of tons of such material, it hardly seems wise for us now to be cutting back on our efforts to address this formidable threat to our national security.

Another program cut by the committee is the International Nuclear Safety Program. That program is essentially an investment to reduce the risk that fallout from a future Russian nuclear reactor accident will not once again—only a few years after the disastrous Chernobyl accident—be falling down from the sky on United States citizens and other people around the world. There is no fallout defense initiative—or FDI, so to speak—in this bill that would offer any shield over our country or the territory of our allies against such radioactive debris from a future reactor explosion in Russia. The best initiative of this nature is the one in this amendment, to restore the funds needed to enhance the safety and security of certain old Soviet-designed power reactors in the Newly Independent States and Russia.

So, in conclusion, I believe that the bipartisan consensus behind Nunn-Lugar, which is represented in this bipartisan amendment offered today, is alive and well because it addresses genuine threats to our security. I hope all Members will support full funding for these programs.

The PRESIDING OFFICER. Without objection, the amendment is adopted.

The amendment (No. 658), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 778

Mr. HATCH. Mr. President, I feel constrained to oppose the Levin

amendment provision that is filed on this bill before the Senate, as it is a matter that is properly within the jurisdiction of the Judiciary Committee which has not had an opportunity to consider it.

More importantly, in my view, this amendment, while well intentioned, is unwise policy.

This amendment would essentially abolish the Federal Government's purchasing preference for products supplied by Federal Prison Industries [FPI], also known by its trade name of UNICOR.

FPI is the Federal corporation charged by Congress with the mission of training and employing Federal prison inmates.

For more than 60 years, this correctional program has provided inmates with the opportunity to learn practical work habits and skills, and has enjoyed broad, bipartisan support in Congress and from each Republican and Democrat administration.

FPI and its training programs at Federal prisons across the Nation have been credited with helping to lower recidivism and ensuring better job-related success for prisoners upon their release—a result that all of us applaud.

This amendment, in its starkest terms, requires of us a choice—either we want Federal inmates to work, or we do not. I believe that we do want inmates to work, and therefore I must oppose this amendment. I say to my colleagues, if you believe in maintaining good order and discipline in prisons, or if you believe in the rehabilitation of inmates when possible, you should be opposed to this amendment.

Under current law, FPI may sell their products and services only to the Federal Government. The amendment we are debating would not alter this sales restriction.

To ensure that FPI has adequate work to keep inmates occupied, Congress created a special FPI procurement preference, under which Federal agencies are required to make their purchases from FPI over other vendors as long as FPI can meet price, quality, and delivery requirements.

This amendment would remove this procurement preference. Without the Federal Government's procurement preference, FPI probably could not exist. Again, FPI is not permitted to compete for sales in the private market. It may only sell to the Federal Government, and then only if it can meet price, quality, and delivery requirements.

Nothing short of the viability of Federal Prison Industries is at issue here. Under full competition for Federal contracts, combined with market restrictions, FPI could not survive.

My colleagues should remember that the primary mission of FPI is not profit, but rather, the safe and effective incarceration and rehabilitation of Fed-

eral prisoners. Needless to say, FPI operates under constraints on its efficiency no private sector manufacturer must operate under. For example, most private sector companies invest in the latest, most efficient technology and equipment to increase productivity and reduce labor costs. Because of its different mission, FPI frequently must make its manufacturing processes as labor-intensive as possible—in order to keep as many inmates as possible occupied.

The Secure correctional environment FPI in which FPI operates requires additional inefficiencies. Tools must be carefully checked in and out before and after each shift, and at every break. Inmate workers frequently must be searched before returning to their cells. And FPI factories must shut down whenever inmate unrest or institutional disturbances occur. No private sector business operates under these competitive disadvantages.

The average Federal inmate is 37 years old, has only an 8th grade education, and has never held a steady legal job. Some studies have estimated that the productivity of a worker with this profile is about one-quarter of that of the average worker in the private sector.

My colleague's amendment has not been considered by the Judiciary Committee, which has jurisdiction over FPI and, more generally, National penitentiaries under rule XXV of the Standing Rules of the Senate.

The Committee has not had the opportunity to consider the full impact of this proposal on FPI and prison work.

All share the goal of ensuring that FPI does not adversely impact private business. Indeed, FPI can only enter new lines of business, or expand existing lines, until an exhaustive review has been undertaken to the impact on the private sector. Again, this is a restraint that most other businesses do not have imposed on them.

FPI has made considerable efforts to minimize any adverse impact on the private sector. Over the past few years, it has transferred factory operations for multiple factory locations to new prisons, in order to create necessary inmate jobs without increasing FPI sales. FPI has also begun operations such as a mattress recycling factory, a laundry, a computer repair factory, and a mail bag repair factory, among others, to diversify its operations and minimize its impact on the private sector, while providing essential prison jobs.

I agree with my colleagues who believe that we must address the issues raised by prison industries nationwide. As we continue, appropriately, to incarcerate more serious criminals in both Federal and State prisons, productive work must be found for them. At the same time, we must ensure that jobs are not taken from law-abiding workers.

On jobs there is substantial evidence that FPI actually creates a substantial number of private sector jobs. In fiscal year 1996, some 14,000 vendors nationwide registered with FPI, and supplied over \$276 million in sales to FPI.

Every dollar FPI receives in revenue is recycled into the private sector. Out of each dollar, 56 cents go to the purchase of raw materials from the private sector; 19 cents go to salaries of FPI staff; 17 cents go to equipment, services, and overhead, all supplied by the private sector; 7 cents go to inmate pay, which in turn is passed along to pay victim restitution, child support, alimony, and fines. FPI inmates are required to apply 50 percent of their earnings to these costs. One cent goes to activating new FPI factories—again, with equipment purchased from the private sector. Private businesses in every State benefit from these sales.

In short, FPI is a proven correctional program. It enhances the security of Federal prisons, helps ensure that Federal inmates work, and helps in their rehabilitation when possible. The amendment before us now would do immense harm to this highly successful program, and I urge my colleagues to oppose it.

I think it is the right thing to do to oppose it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, my good friend, Senator HATCH, has made reference to the private sector benefiting from Federal Prison Industries. The private sector has spoken loud and clear in letters to us. The NFIB says that this amendment is important because:

Today federal agencies are forced to buy prison-made products. . . . This is another example of avoidable government waste, as virtually all such items are available from the private sector which provides them more efficiently and at lower prices. Mandatory purchases cost America jobs. Firms that can't enter an industry or expand production can't hire new employees.

The U.S. Chamber of Commerce says:

We believe that our Federal prison system should not be given preferential treatment at the cost of our Nation's small business owners. We believe that there are other substantial sources of work available to inmates that would not infringe on the private sector's opportunities to compete for government contracts.

The National Association of Manufacturers says:

The present system that gives FPI a virtual lock on federal government contracts has hurt thousands of businesses, resulting in higher costs for goods and services bought by the government and in many instances has resulted in loss of jobs and business opportunities for our members.

Removal of the "FPI mandatory source status" is an idea whose time has come.

Mr. President, I ask unanimous consent that the full text of the letters from the NFIB, the Chamber of Commerce, the National Association of

Manufacturers and Access Products Inc. be printed in the RECORD at this time.

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

NATIONAL FEDERATION
OF INDEPENDENT BUSINESS,
Washington, DC, June 19, 1997.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: On behalf of the more than 600,000 members of the National Federation of Independent Business (NFIB), I am writing to urge the Congress to take action to ensure that increased competition is encouraged between small business and prisons.

It is well known that government agencies sometimes compete against private businesses in providing goods and services. Today, federal agencies are forced to buy prison-made products through Federal Prison Industries, Inc. (FPI). It is considered the mandatory source of some 85 items ranging from general supplies to office furniture. This is yet another example of avoidable government waste as virtually all such items are available from the private sector, which provides them more efficiently and at lower prices. In addition, such mandatory purchases from the FPI costs America jobs. Firms that can't enter an industry or expand production, can't hire new employees.

In a survey of our members, 70 percent believe that government agencies should not be allowed to compete against private businesses. In addition, the prohibition of competition between government agencies and small businesses was one of the top recommendations of the 1995 White House Conference on Small Business. Small businesses do not want to prohibit prison industries from entering the market, they just want a fair and level playing field upon which to compete against the FPI.

We urge you to take action to ensure that the FPI competes fairly for federal agencies' business. Small businesses should not have to compete with government-supported entities with exclusive contracts that give them an immediate and unfair advantage.

Sincerely,

DAN DANNER,
Vice President,
Federal Governmental Relations.

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, June 19, 1997.

Re Prison Industry Mandatory Preference.

MEMBERS OF THE UNITED STATES SENATE: I am writing to urge your support for the amendment to be offered by Senators Levin and Abraham to eliminate mandatory preference for prison industry goods for government contracts to S. 936, the fiscal year 1998 defense authorization bill.

Currently, the federal government is required to purchase needed goods from the U.S. Federal Prison Industries (FPI) if available. This law was enacted in the 1930's and has resulted in a growing encroachment upon private sector enterprise. For example, FPI now accounts for 25% of textiles and furniture purchased by the federal government. The amendment by Senators Levin and Abraham would remove Federal Prison Industries as a "required source of supply" for federal government purchasing.

The FPI produces more than 85 different products and services and in 1994 sold approximately \$392 million worth of goods and

services to the federal government, causing it to be ranked 54th among the "Top 100 Federal Contractors." Additionally, we understand that in order to accommodate the growth in the prison population, FPI is planning to expand its sales. The Chamber supports the National Performance Review recommendation that the FPI's status as a mandatory source be eliminated and that FPI be required to compete commercially for federal business.

The Chamber has long-standing policy that the government should not perform the production of goods or services for itself or others if acceptable privately owned and operated services are or can be made available for such purposes. We recognize the importance of the productive training and employment of our nation's inmate population. However, we believe that our federal prison system should not be given preferential treatment at the cost of our nation's small business owners. We believe that there are other substantial sources of work available to inmates that would not infringe upon the private sector's opportunities to compete for government contracts. Clearly, a balance must be struck between these two competing goals.

The U.S. Chamber, the world's largest business federation, represents an underlying membership of more than three million businesses and organizations of every size, sector and region. On behalf of this membership, I strongly urge your support of the amendment to the defense authorization bill to eliminate the FPI mandatory source of supply requirement and to open these government contracts to fair competition from the private sector.

Sincerely,

R. BRUCE JOSTEN.

NATIONAL ASSOCIATION OF
MANUFACTURERS,
Washington, DC, June 25, 1997.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: On behalf of the 10,000 small and medium members of the National Association of Manufacturers, I would like to restate our support for your bill S. 339. This bill would restore competition to federal procurement by ending the Federal Prison Industries (FPI) mandatory source status.

The present system that gives FPI a virtual lock on federal government contracts has hurt thousands of businesses, resulted in higher cost for goods and services bought by the Government and in many instances has resulted in loss of jobs and business opportunities for our members.

Removal of the "FPI mandatory source status" is an idea which time has come and it has received the support of this current administration in its National Performance Review Recommendations.

We trust that you will move quickly on gaining passage of S. 339 and restore fairness and equity to thousands of small and medium size manufacturers.

Sincerely,

JAMES P. CARTY.

ACCESS PRODUCTS, INC.,
Colorado Springs, CO, April 15, 1997.
Senator WAYNE ALLARD,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR MR. ALLARD: I wrote to you in March of 1997 regarding Federal Prison Industries and the unfair and uncompetitive advantage it has over small companies such as mine

who are seeking to do business with the federal government.

I have a very specific example which I am quite incensed about, not only as a small business owner but as a taxpayer as well.

I recently lost an EDI bid to Unicor. The contractor was Scott AFB and the item solicited was 86 Series 2 remanufactured toner cartridges. For your information, the FRQ# was F1162397T2361. Unicor bid on this item and simply because Unicor did bid, I was told that the award had to be given to Unicor. Unicor won this bid at \$45 per unit. My company bid \$22 per unit. The way I see it, the government just overspent my tax dollars to the tune of \$1978. The total amount of my bid was less than that.

Do you seriously believe that this type of procurement is cost-effective? Forget about fairness to small business—that seems to be an issue lost in the halls of Congress.

I lost business, and my tax dollars were misused because of unfair procurement practices mandated by federal regulations. This is a prime example, and I am certain not the only one, of how the procurement system is being misused and small businesses in this country are being excluded from competition, with the full support of federal regulations and the seeming approval of Congress. It is far past the time to curtail this "company" known as Federal Prison Industries and require them to be competitive for the benefit of all taxpayers.

What will it take to convince you that this is an issue which deserves your attention and your support? Perhaps a visit to my manufacturing facility in Colorado Springs would help. Meet the people who pay their taxes only to have them misused by overspending as per government regulations. I'm sure they will feel their tax dollars could be more wisely used. Meet the people who could also fail to prosper if my company is rendered unable to do business with the federal government because of uncompetitive procurement practices. This is the tip of the iceberg in my industry and I have no wish to go down like the Titanic.

Sincerely,

SHARON KRELL,
Manager/Owner.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. 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. BROWNBACK. Mr. President, I want to make a couple of notes about an upcoming event and something that took place today, and then I have business to conduct before the Senate.

A STRONG ECONOMY AND CULTURAL DECLINE

Mr. BROWNBACK. Mr. President, today there is some excellent news regarding the economy. The deficit, because of such a strong economy and taxes being paid, may be as low as \$45 billion. I am hopeful that we can continue to keep that economy going strong by some of the tax cuts that are

being proposed and are currently being negotiated. I think the real story here of what is taking place on balancing this budget is the fact that the economy is growing. Growth works, and it works well, and it is working well for us here.

I think it would be a mistake if we did not step forward and do whatever we can to continue this economy and this economic expansion that has been one of the longest running expansions we have had in history to date. That is why some of the tax cuts, particularly the progrowth and profamily tax cuts, the capital gains tax cut and the \$500 per child tax credit are very, very important for us to continue, not only to balance the budget and not only to do it before the year 2002, or do it by the year 2000, but to start to pay off the debt. I think it is important we do it.

I also note that while the economy is doing well and we are getting the deficit under control—and those are important things—we certainly need some help in our culture overall. We continue to have terribly high rates of crime taking place in this society. We had in Washington, DC three people in a coffee shop murdered. We continue to have story after story, it seems like, on a daily basis of cultural problems that we are having just throughout society. Whether it is the number of children born out of wedlock, teenage suicide, cultural decline in total, violent crime rates or disintegration of the family, we really have to step it up in these areas.

CHARACTER COUNTS WEEK

Mr. BROWNBACK. Mr. President, one thing I want to draw people's attention to is that in the third week of October, there is going to be a "Character Counts" week taking place. That may be a while off and is not necessary for us to focus on now, but I think it is time that while we look at economic activity being strong and culturally we are having all these problems, let's focus on these things.

The Senator from New Mexico, Senator DOMENICI, has been a major champion of character counts, and that is where people step up and say, "We need to look at ourselves and our own character." Good character doesn't come about by accident, it is a practice of virtue. It is one thing that each and every one of us as Americans can step forward with.

I would like to, as we close today, give one example of a person who stepped up on character, and it is a gentleman in Wichita, KS, in my home State, by the name of Leo Mendoza. Leo is a man who knows that character counts, because he hasn't always had it.

Leo is a survivor of sexual abuse, alcohol abuse, drug abuse and crime. For 17 years, he was in and out of jail, on

and off drugs and in and out of marriages.

But today, after years of soul-searching and counseling, he is, once again, a solid citizen. He is an elder at his church, and he and his wife are trying to adopt a child.

What changed Leo? Was it Government rehabilitation programs? Was it a Government social program? Or was it actually something deeper, something that the Government could neither teach nor instill?

Leo actually never relied on a Government assistance program, partly out of pride, partly out of independence. He never even sought help from others. It was his friends who sought him.

In 1987, a friend of his introduced him to Alcoholics Anonymous and a local church.

Slowly, he began to form the rudiments of character, promising himself that he would confront the daily struggles of life with the firmness that a life of true character is built not on one heroic act, but rather is the consequence of a thousand little struggles. Leo, together with his family, friends, and church, began to rehabilitate. He had the courage to say no, the patience to endure the temptations and the humility to ask God for help when weakness was about to overcome him.

By struggling with his past, Leo learned virtue, and by learning virtue, he built character.

Those struggles teach us about our own character and about what true character is made of.

I give that little vignette as we close today because in attacking the cultural decline and difficulties in this society, this is not something you legislate with massive Government programs or is not something we can sit in a conference room to decide what we are going to do and impose that will upon the country. But rather it is the little individual struggles that each and every one of us has everyday. It is each and every struggle that 250 million-plus Americans deal with. That is how you make a great Nation, people struggling to build character, by building that virtue and struggling to build it one at a time.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that at 9:30 a.m. on Thursday, the Senate resume consideration of the Grams amendment No. 422; that there be 90 minutes remaining for debate to be equally divided between Senator COCHRAN and Senator GRAMS; and that following the conclusion or yielding back of time, the Senate proceed to vote on, or in relation to, the Grams amendment, to be

followed by a vote on, or in relation to, the Cochran amendment No. 420.

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

Mr. BROWNBACK. I further ask unanimous consent that no other amendments be in order to the above-listed amendments.

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

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

COMBATING THE FLOW OF NARCOTICS—SENATE JOINT RESOLUTION 34

Mr. MCCAIN. Mr. President, I joined my colleague and friend, Senator DODD, in introducing a joint resolution calling on the President to take concrete steps to increase the level of international cooperation in combating the flow of narcotics into this country, and to lead America toward coming to grips with the domestic demand that is tearing this country apart while enriching the drug cartels of Latin America and our own organized crime groups.

This legislation acknowledges the problems endemic in waging the war on drugs while domestic demand continues to remain high. It further recognizes the failure of numerous previous efforts at stemming the flow of illegal narcotics. It consequently expresses the sense of Congress that the President should appoint a high level task force, to be chaired by the Director of the Office of National Drug Policy, to establish a framework for improving international cooperation in these efforts. Finally, and of particular importance, it suspends for 2 years the process by which countries are certified as cooperating in the war on drugs.

The drug problem in this country dates at least as far back as the Civil War, when wounded soldiers were turned into morphine addicts as the only way to deaden the horrific pain caused from battle and disease. The problem grew to such an extent that President Nixon felt compelled to establish the Drug Enforcement Administration in order to better coordinate the antidrug effort. President Reagan assigned Vice President Bush to oversee a major escalation in the war on drugs, a war carried on at considerable monetary cost throughout the Bush administration. President Clinton, to his credit, appointed perhaps our finest "drug czar" in Gen. Barry McCaffrey, who has waged the drug war as valiantly as he led troops in combat during Desert Storm.

And still, the flow of illegal narcotics continues virtually unimpeded. Record-breaking seizures serve mainly to remind us of how much more is getting through our porous borders undetected. Street prices alert us to the failure of our best efforts at putting a dent in the problem of drug trafficking. To the extent that one area, for example, cocaine, is tackled with any degree of success, another bigger problem—the resurgence in heroin abuse comes to mind—rises up in its place. Clearly, it is time to step back again and look more critically at every facet of the problem.

I do not believe “chicken-and-egg” debates about which problem, supply or demand, should take higher priority serve any useful purpose. The bill we are offering today addresses both problems. Nor do I believe the certification process has accomplished its intended goal any more than such processes ever really do irrespective of the subject matter. In fact, the decision by the White House to decertify Colombia, which has waged a valiant and costly—in both lives and treasure—struggle against extremely powerful and ruthless cartels while recertifying Mexico, whose law enforcement agencies are so rife with corruption that that country’s equivalent of Gen. McCaffrey was arrested for drug-related crimes, illuminates all too well the impracticality of the current process.

It is easy to argue that the drug problem has been studied to death. It has not, however, been examined from the perspective, and at the level, recommended in this resolution. If I believed for a second that this resolution represented just another attempt at studying the problem of drugs, I would not have attached my name to it. The recommended steps, however, combined with the suspension of the drug certification process, constitute a real and meaningful effort at focusing the Nation’s attention on one of our most serious problems. Drugs are, in every sense of the word, a scourge upon our society. We must take a comprehensive, sober look at the scale of the problem and what realistically can be done about it. We must do this domestically and internationally. We must, once and for all, wage the war on drugs as though we intend to prevail. I hope that my colleagues in the Senate and the House of Representatives will support this legislation.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING JULY 4

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending July 4, the United States imported 8,960,000 barrels of oil each day, 918,000 barrels more than the 8,042,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 58.4 percent of their needs last week,

and there are no signs that the upward spiral will abate. Before the Persian Gulf War, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970’s, foreign oil accounted for only 35 percent of America’s oil supply.

Anybody else interested in restoring domestic production of oil? By U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 8,960,000 barrels a day.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12 noon, a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 748. An act to amend the prohibition of title 18, United States Code, against financial transactions with terrorists.

H.R. 822. An act to facilitate a land exchange involving private land within the exterior boundaries of Wenatchee National Forest in Chelan County, Washington.

H.R. 849. An act to prohibit an alien who is not lawfully present in the United States from receiving assistance under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

H.R. 951. An act to require the Secretary of the Interior to exchange certain lands located in Hinsdale, Colorado.

H.R. 960. An act to validate certain conveyances in the City of Tulare, Tulare County, California, and for other purposes.

H.R. 1086. An act to codify without substantive change laws related to transportation and to improve the United States Code.

H.R. 1198. An act to direct the Secretary of the Interior to convey certain land to the City of Grants Pass, Oregon.

H.R. 1840. An act to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices;

H.R. 1658. An act to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws.

H.R. 1847. An act to improve the criminal law relating to fraud against consumers.

H.R. 2016. An act making appropriations for military construction, family housing,

and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

H.R. 2018. An act to waive temporarily the Medicaid enrollment composition rule for the Better Health Plan of Amherst, New York.

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 29. Joint resolution to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C., and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 173. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize donation of Federal law enforcement canines that are no longer needed for official purposes to individuals with experience handling canines in the performance of law enforcement duties.

H.R. 649. An act to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal section of the Federal Energy Administration Act of 1974.

The enrolled bills were signed subsequently by the President pro tempore [Mr. THURMOND].

The message also announced that pursuant to the provisions of section 711 of Public Law 104-293, the minority leader appointed the following individual to the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction: Mr. Tony Beilenson of Maryland.

The message further announced that pursuant to the provisions of section 806(c)(1) of Public Law 104-132, the majority leader appoints the following individual to the Commission on the Advancement of Federal Law Enforcement: Mr. Gilbert Gallegos of New Mexico.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 822. An act to facilitate a land exchange involving private land within the exterior boundaries of Wenatchee National Forest in Chelan County, Washington; to the Committee on Energy and Natural Resources.

H.R. 951. An act to require the Secretary of the Interior to exchange certain lands located in Hinsdale, Colorado; to the Committee on Energy and Natural Resources.

H.R. 960. An act to validate certain conveyances in the City of Tulare, Tulare County, California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1086. An act to codify without substantive change laws related to transportation and to improve the United States Code; to the Committee on the Judiciary.

H.R. 1198. An act to direct the Secretary of the Interior to convey certain land to the

City of Grants Pass, Oregon; to the Committee on Energy and Natural Resources.

H.R. 1840. An act to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices; to the Committee on the Judiciary.

H.R. 1658. An act to reauthorize and amend the Atlantic Striped Bass Conservation Act and related laws; to the Committee on Commerce, Science and Transportation.

H.R. 1847. An act to improve the criminal law relating to fraud against consumers; to the Committee on the Judiciary.

H.R. 2016. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes; to the Committee on Appropriations.

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-2410. A communication from the Director, Office of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, a report of a rule entitled "Veterans' Benefits Improvement Act of 1996" (RIN:2900-AI66), received on July 1, 1997; to the Committee on Veterans' Affairs.

EC-2411. A communication from the Director, Office of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, a report of a rule entitled "Veterans Education: Submission of School Catalogs to State Approving Agencies" (RIN: 2900-AH97), received on July 1, 1997; to the Committee on Veterans' Affairs.

EC-2412. A communication from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, a rule relative to export administration regulations (RIN0694-AB60), received on June 27, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2413. A communication from the Acting Assistant Secretary for Export Administration, U.S. Department of Commerce, transmitting, pursuant to law, a rule relative to revisions to the entity list, received on June 27, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-2414. A communication from the Acting Executive Director, Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the annual report for calendar year 1996 under the Federal Home Loan Bank Act; to the Committee on Banking, Housing, and Urban Affairs.

EC-2415. A communication from the Deputy Secretary, U.S. Securities and Exchange Commission, transmitting, pursuant to law, a report relative to Release No. 33-7427 concerning the Electronic Data Gathering, Analysis, and Retrieval system; to the Committee on Banking, Housing, and Urban Affairs.

EC-2416. A communication from the Program Director, National Fund for Medical Education, transmitting, pursuant to law, the audited financial statement for the year ended December 31, 1996; to the Committee on the Judiciary.

EC-2417. A communication from the Secretary of Health and Human Services, trans-

mitting, a draft of proposed legislation entitled "To amend the Immigration and Nationality Act to authorize appropriations for refugee and entrant assistance for fiscal years 1998, 1999, and 2000"; to the Committee on the Judiciary.

EC-2418. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to the employment of Americans by the United Nations and Specialized Agencies under the Foreign Relations Authorization Act; to the Committee on Foreign Relations.

EC-2419. A communication from the Assistant Legal Adviser for Treaty Affairs, U.S. Department of State, transmitting, pursuant to law, agreements relative to treaties entered into by the United States under the Case-Zablocki Act; to the Committee on Foreign Relations.

EC-2420. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Maritime Terrorism: A Report to Congress" for calendar year 1996 under the Omnibus Diplomatic Security and Antiterrorism Act; to the Committee on Foreign Relations.

EC-2421. A communication from the Assistant General Counsel, U.S. Information Agency, transmitting, pursuant to law, a report of a rule relative to the Exchange Visitor Program, received on June 27, 1997; to the Committee on Foreign Relations.

EC-2422. A communication from the Secretary of Defense, transmitting, pursuant to law, a proposal to obligate \$23.5 million in Fiscal Year 1997 to implement the Cooperative Threat Reduction Program under the Fiscal Year 1997 Defense Appropriations Act; to the Committee on Armed Services.

EC-2423. A communication from the Secretary of Defense, transmitting, pursuant to law, the Calendar Year 1996 Report on Accounting for United States Assistance Under the Cooperative Threat Reduction Program under the National Defense Authorization Act for Fiscal Year 1996; to the Committee on Armed Services.

EC-2424. A communication from the Director, Operational Test and Evaluation, Office of the Secretary, Department of Defense, transmitting, pursuant to law, a report relative to an alternative live fire test; to the Committee on Armed Services.

EC-2425. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to medical care for children of members of the Armed Services under the 1997 National Defense Authorization Act; to the Committee on Armed Services.

EC-2426. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to Armed Forces Health Professions Scholarship and Financial Assistance Programs under the National Defense Authorization Act for Fiscal Year 1997; to the Committee on Armed Services.

EC-2427. A communication from the Secretary of Defense, transmitting, a notice relative to a retirement of General George A. Joulwan; to the Committee on Armed Services.

EC-2428. A communication from the Secretary of Defense, transmitting, a notice relative to a retirement of Lieutenant General Paul K. Van Riper; to the Committee on Armed Services.

EC-2429. A communication from the Secretary of Defense, transmitting, a notice relative to a retirement of Vice Admiral Douglas J. Katz; to the Committee on Armed Services.

EC-2430. A communication from the Assistant Secretary of Legislative Affairs, U.S. Department of State, transmitting, pursuant to law, a report relative to property transferred to the Republic of Panama under the Panama Canal Act of 1979; to the Committee on Armed Services.

EC-2431. A communication from the U.S. Railroad Retirement Board, transmitting, pursuant to law, a report on the financial status of the railroad unemployment insurance system for calendar year 1997; to the Committee on Labor and Human Resources.

EC-2432. A communication from the Director, Office of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, a report of a rule entitled "Servicemen's and Veterans' Group Life Insurance" (RIN: 2900-AI73), received on July 7, 1997; to the Committee on Veterans' Affairs.

EC-2433. A communication from the Director, Office of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, a report of a rule entitled "Minimum Income Annuity" (RIN2900-AI83), received on July 7, 1997; to the Committee on Veterans' Affairs.

EC-2434. A communication from the Secretary of Veterans Affairs, transmitting, a draft of proposed legislation relative to memorialization of spouses of veterans; to the Committee on Veterans' Affairs.

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-163. A joint resolution adopted by the General Assembly of the State of Colorado; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION 97-1003

Whereas, The federal "Intermodal Surface Transportation Efficiency Act of 1991" (ISTEA) was designed to be the comprehensive solution to federal surface transportation funding since it replaced the "Surface Transportation and Uniform Relocation Assistance Act of 1987", which marked the end of the interstate era; and

Whereas, The purpose of ISTEA is "to develop a National Intermodal Transportation System that is economically efficient and environmentally sound, provides the foundation for the Nation to compete in the global economy, and will move people and goods in an energy efficient manner"; and

Whereas, When it was proposed, ISTEA was designed to give states and local governments flexibility as to how federal moneys were to be spent in their regions but, in fact and practice, the new federal program specifies how these moneys are distributed as well as how they can be spent by states and local governments; and

Whereas, Examples of the types of categories for which specified percentages of ISTEA moneys may be spent include, but are not limited to, safety, enhancements, population centers over 200,000 people, areas with populations under 5,000 people, transportation projects in areas that do not meet the Clean Air Act standards, and minimum allocation, reimbursement, and hold harmless programs; and

Whereas, For the six-year duration of ISTEA, Colorado will receive an estimated

\$1.31 billion in federal moneys, compared to \$1.43 billion Colorado received in the previous six years; and

Whereas, Before the enactment of ISTEA, Colorado was permitted to use a portion of Interstate Maintenance Funds to increase vehicle carrying capacity, but under ISTEA, capacity improvements are limited to High Occupancy Vehicle (HOV) lanes or auxiliary lanes in nonattainment areas; and

Whereas, Since the six-year duration of ISTEA will end after the 1996 fiscal year, Congress will have to reauthorize ISTEA in order to continue the federal surface transportation funding to states and local governments; now, therefore,

Be it Resolved by the House of Representatives of the Sixty-first General Assembly of the State of Colorado, the Senate concurring herein:

That the Colorado General Assembly respectfully urges the 105th Congress of the United States to consider the following proposals as ISTEA comes under scrutiny for reauthorization:

(1) Eliminate federal mandates, sanctions, and restrictions that limit the powers of the states and local governments to accomplish their individual transportation needs and reduce federal oversight and reporting requirements;

(2) Transfer from the General Fund to the Highway Trust Fund, for distribution to the states, the 4.3 cents per gallon fuel tax added by the United States Congress in 1993; and

(3) Allow the 2.5 cents per gallon fuel tax added by the United States Congress in 1990 to be deposited into the Highway Trust Fund and distributed to the states, given the demonstrated need for moneys for transportation systems.

Be It Further Resolved, That copies of this Resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state's legislature of the United States of America, and Colorado's Congressional delegation.

POM-164. A concurrent resolution adopted by the Legislature of the State of Hawaii; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION 242

Whereas, one of the most important legislative initiatives in the 105th Congress is the reauthorization of the federal highway and mass transit programs, referred to as the Intermodal Surface Transportation Efficiency Act (ISTEA); and

Whereas, the quality of our highways and mass transit systems directly affect the lives of virtually all Americans; and

Whereas, the United States Department of Transportation reports that an additional \$15 billion in highway investment above current spending is needed annually just to maintain existing highway conditions; and

Whereas, highway users pay for construction and maintenance of highways and mass transit through the Highway Trust Fund, which is financed with the revenues from the federal motor fuels tax; and

Whereas, in 1993, Congress enacted a 4.3 cent per gallon increase in the motor fuels highway user fee which was directed into the Treasury general fund for deficit reduction rather than into the Highway Trust Fund; and

Whereas, the allocation of federal highway user fee revenues among the states will be the single most contentious issue in the Intermodal Surface Transportation Efficiency Act reauthorization debate; and

Whereas, the allocation debate could effectively be eliminated before it becomes contentious by significantly increasing the total amount of federal highway funds available to be allocated among the states; and

Whereas, this can be accomplished by swift action on the following two measures:

(1) Redirecting the revenue from the 1993, 4.3 cent federal motor fuels tax increase into the Highway Trust Fund; and

(2) Removing the Highway Trust Fund from the unified budget to ensure that all revenues into the Highway Trust Fund are spent; and

Whereas, failure to act on these two measures before the completion of the fiscal year 1998 budget resolution means this source of additional highway revenues for the State of Hawaii could be lost for the entire six-year duration of the Intermodal Surface Transportation Efficiency Act reauthorization measures; now, therefore,

Be it resolved by the Senate of the Nineteenth Legislature of the State of Hawaii, Regular Session of 1997, the House of Representatives concurring, that Hawaii's Congressional Delegation is respectfully urged to support and enact measures before the United States House of Representatives and the United States Senate to redirect the revenue from the 1993, 4.3 cent federal motor fuels tax increase into the Highway Trust Fund, and to remove the Highway Trust Fund from the unified budget, before Congress completes the fiscal year 1998 budget resolution; and

Be it further resolved that certified copies of this Concurrent Resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, Senator Daniel K. Akaka, Senator Daniel K. Inouye, Representative Neil Abercrombie, and Representative Patsy T. Mink.

POM-165. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania; to the Committee on Environment and Public Works.

HOUSE RESOLUTION 203

Whereas, on November 15, 1990, the President signed the Clean Air Act Amendments of 1990 (Public Law 101-549, 104 Stat. 2399); and

Whereas, the Environmental Protection Agency has demonstrated an inability to effectively promulgate fair and equitable regulations pertaining to vehicle emissions which frustrate the intent of the Congress of the United States to permit the various states to have a range of acceptable options; and

Whereas, a number of members of Pennsylvania's Congressional delegation have expressed concern over various aspects to the operational parameters of the emissions program as currently mandated by the Environmental Protection Agency; and

Whereas, it is quite likely that the Commonwealth will be threatened with the loss of up to \$1 billion in Federal highway funds and possibly fined on a daily basis by a Federal District Court judge; and

Whereas, the only remedy for Pennsylvania is Congressional action to relieve these penalties; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize Congress to suspend implementation of the vehicle emissions provisions of the Clean Air Act Amendments of 1990 and subsequent regulations promulgated by the Environmental Protection Agency until October 1, 1998; and be it further,

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. Wesley K. Clark, xx...

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Anthony C. Zinni, xx...

(The above nominations were reported with the recommendation that they be confirmed.)

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. WARNER (for himself, Ms. MIKULSKI, Mr. ROBB, and Mr. SARBANES):

S. 998. A bill to simplify and consolidate the pay system for the United States Secret Service Uniformed Division, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SPECTER:

S. 999. A bill to specify the frequency of screening mammograms provided to women veterans by the Department of Veterans Affairs; to the Committee on Veterans Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBB (for himself, Ms. MIKULSKI, Mr. SARBANES, Mr. WARNER, Mr. KENNEDY, Mr. TORRICELLI, Mr. ROCKEFELLER, Mr. SANTORUM, and Mr. KERRY):

S. Res. 106. A resolution to commemorate the 20th anniversary of the Presidential Management Intern Program; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 107. A resolution to authorize the production of records by Senator ROBERT C. BYRD and Senator JOHN D. ROCKEFELLER IV; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 999. A bill to specify the frequency of screening mammograms provided to

women veterans by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

WOMEN VETERANS LEGISLATION

Mr. SPECTER. Mr. President, I am today introducing legislation which would require the Department of Veterans Affairs [VA] to provide mammograms to women veterans in accordance with nationally accepted standards.

Breast cancer is the second leading cause of death among women and the No. 1 killer of women ages 40 to 49. I am, and will continue to be, personally committed to ensuring that the women of this country receive mammography screening in accordance with the highest possible standards. Enactment of this legislation will ensure that our Nation's women veterans receiving care at Veterans Health Administration [VHA] treatment facilities will have access to mammography screening in accordance with accepted national policy.

At issue is the question of how often women should receive screening mammography examinations and the age at which those examinations should begin. On March 23, 1997, the American Cancer Society [ACS] recommended that women begin annual mammography screening at age 40. On March 27, 1997, after much deliberation, the National Cancer Advisory Board recommended that all women between 40 and 49 years receive regular mammogram screening every 1 to 2 years. The National Cancer Institute accepted the same recommendation, both recommendations being very close to the new ACS standard of annual screening beginning at age 40. In addition, the American College of Radiology Board of Chancellors approved revised guidelines in January 1997, affirming its support for yearly screening for women after the age of 40.

The issue of mammography screening for women between the ages of 40 to 49 has been an issue of particular interest to me and one that has occupied quite a bit of my time during the first half of 1997. In my capacity as chairman of the Appropriations Subcommittee on Labor, Health and Human Services and Education, I have already held four hearings this year addressing the importance of mammography screening for women ages 40 to 49; one here in Washington, DC on February 5, in Philadelphia, PA on February 20, in Pittsburgh, PA on February 24, and in Hershey, PA on March 3, 1997. I have heard testimony, from physicians and women alike, advocating mammography screening beginning at age 40. Currently, 40 States have enacted legislation, and 4 States have legislation pending, which would require either insurance reimbursement for, or mandatory provision of, routine mammogram screening of women ages 40 to 49. Obviously, our Nation sees the value of

screening women early for breast cancer, and the impact that early detection can have on decreasing the mortality of this No. 1 killer of women between 40 and 49.

It is estimated that last year 184,300 women were diagnosed with breast cancer, and this year nearly 44,000 women will die from the disease. Research indicates that regular mammograms for women in their 40's can cut breast cancer mortality by 17 percent. When Dr. Vogel of the University of Pittsburgh Cancer Institute and Magee Women's Hospital testified at the February 24 hearing in Pittsburgh, PA, he stated that there are nearly 1 million women in Pennsylvania between the ages of 40 and 49, and that nearly 2,000 will be diagnosed with breast cancer this year. As many as 1,000 of these women will die. He stated that if women aged 40 to 49 were screened annually, this death toll could be reduced by 250.

I am disappointed that VHA has refused to adopt this higher, now national, standard of mammography screening for our Nation's women veterans despite these research findings and national recognition that early mammography screening can save thousands of women's lives each year. In a report issued in April, 1997, VA's Inspector General Office of Health Care Inspections [OHI] offered their objective and critical assessment of the status of mammography services being provided to our Nation's women veterans receiving treatment at VA treatment facilities. Some of OHI's findings are particularly alarming. For example, only 36 percent of women veterans treated in 1995 were even offered a mammogram and only 79 percent of the VHA facilities systematically recorded reviews of outcome data, including disposition of positive mammograms and correlation of surgical biopsy results with radiologic interpretations. Only 72 percent of VHA facilities assessed effectiveness using quality improvement or quality assurance monitors, and none of the VHA facilities assessed customer satisfaction, quality of final diagnostic product, or any other quality of care indicators for contracted providers of mammography services.

The OHI recommended that VHA offer mammograms in accordance with ACS guidelines—yearly mammography screening, beginning at age 40. VHA, maintaining that mammography screening for women between the ages of 50 to 69 is sufficient, rejected this recommendation. For this reason, I am compelled to introduce this legislation which will require the Department of Veterans Affairs to, at a minimum, offer mammograms in accordance with the most prudent guidelines, those of the American Cancer Society, which call for yearly mammogram screening starting at age 40.

The women who receive treatment at any of our Nation's VA medical centers

deserve mammography screening consistent with the accepted national standard—the highest standard, which is currently the recommendation of the American Cancer Society. As chairman of the Veterans' Affairs Committee, I urge my colleagues in the Senate to join me in supporting this legislation.

ADDITIONAL COSPONSORS

S. 193

At the request of Mr. GLENN, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 193, a bill to provide protections to individuals who are the human subject of research.

S. 322

At the request of Mr. GRAMS, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 322, a bill to amend the Agricultural Market Transition Act to repeal the Northeast Interstate Dairy Compact provision.

S. 358

At the request of Mr. DEWINE, the name of the Senator from Louisiana [Mr. BREAU] was added as a cosponsor of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 365

At the request of Mr. COVERDELL, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 365, a bill to amend the Internal Revenue Code of 1986 to provide for increased accountability by Internal Revenue Service agents and other Federal Government officials in tax collection practices and procedures, and for other purposes.

S. 472

At the request of Mr. CRAIG, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 472, a bill to provide for referenda in which the residents of Puerto Rico may express democratically their preferences regarding the political status of the territory, and for other purposes.

S. 484

At the request of Mr. DEWINE, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 484, a bill to amend the Public Health Service Act to provide for the establishment of a pediatric research initiative.

S. 492

At the request of Mr. SARBANES, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 492, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other

employees in the civil service and other public sector firefighters, and for other purposes.

S. 569

At the request of Mr. MCCAIN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 569, a bill to amend the Indian Child Welfare Act of 1978, and for other purposes.

S. 683

At the request of Mr. STEVENS, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 683, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress.

S. 724

At the request of Mr. NICKLES, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 724, a bill to amend the Internal Revenue Code of 1986 to provide corporate alternative minimum tax reform.

S. 726

At the request of Mrs. FEINSTEIN, the names of the Senator from Utah [Mr. HATCH], the Senator from North Carolina [Mr. HELMS], the Senator from Maryland [Ms. MIKULSKI], the Senator from South Dakota [Mr. DASCHLE], the Senator from Massachusetts [Mr. KERRY], the Senator from Virginia [Mr. WARNER], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Vermont [Mr. LEAHY], the Senator from North Dakota [Mr. CONRAD], the Senator from Delaware [Mr. BIDEN], the Senator from Louisiana [Mr. BREAUX], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Connecticut [Mr. DODD], the Senator from Rhode Island [Mr. REED], the Senator from Indiana [Mr. LUGAR], the Senator from New York [Mr. MOYNIHAN], the Senator from Wisconsin [Mr. KOHL], the Senator from Kentucky [Mr. FORD], the Senator from Nevada [Mr. BRYAN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Michigan [Mr. ABRAHAM], the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Oklahoma [Mr. INHOFE], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Hawaii [Mr. INOUE], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from North Dakota [Mr. DORGAN], the Senator from Georgia [Mr. COVERDELL], the Senator from Vermont [Mr. JEFFORDS], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from South Carolina [Mr. THURMOND], the Senator from Illinois [Mr. DURBIN], the Senator from New Jersey [Mr. TORRICELLI], the Senator from Arkansas [Mr. BUMPERS], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Colorado [Mr. CAMPBELL], the Senator from

Indiana [Mr. COATS], the Senator from Nebraska [Mr. KERREY], and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of S. 726, a bill to allow postal patrons to contribute to funding for breast cancer research through the voluntary purchase of certain specially issued United States postage stamps.

S. 728

At the request of Mrs. FEINSTEIN, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 728, a bill to amend title IV of the Public Health Service Act to establish a Cancer Research Trust Fund for the conduct of biomedical research.

S. 770

At the request of Mr. NICKLES, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 770, a bill to encourage production of oil and gas within the United States by providing tax incentives, and for other purposes.

S. 771

At the request of Mr. MURKOWSKI, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 771, a bill to regulate the transmission of unsolicited commercial electronic mail, and for other purposes.

S. 854

At the request of Mr. GREGG, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 854, a bill to amend the Internal Revenue Code of 1986 to provide a reduction in the capital in the capital gains tax for assets held more than 2 years, and for other purposes.

S. 938

At the request of Mr. BOND, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 938, a bill to amend the Public Health Service Act to provide surveillance, research, and services aimed at the prevention and cessation of prenatal and postnatal smoking, and for other purposes.

S. 980

At the request of Mr. DURBIN, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 980, a bill to require the Secretary of the Army to close the United States Army School of the Americas.

AMENDMENT NO. 420

At the request of Mr. THURMOND the names of the Senator from Alabama [Mr. SESSIONS] and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of amendment No. 420 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 422

At the request of Mr. ABRAHAM his name was withdrawn as a cosponsor of amendment No. 422 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 645

At the request of Mr. GORTON the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of amendment No. 645 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 657

At the request of Mr. DURBIN the names of the Senator from Rhode Island [Mr. REED] and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of amendment No. 657 intended to be proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 658

At the request of Mr. GLENN his name was added as a cosponsor of amendment No. 658 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 670

At the request of Mr. WELLSTONE the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of amendment No. 670 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 688

At the request of Mrs. HUTCHISON the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of amendment No. 688 intended to be proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 689

At the request of Mrs. HUTCHISON the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of amendment No. 689 intended to be proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 706

At the request of Mr. CHAFEE the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of amendment No. 706 proposed to S. 936, an original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. WARNER his name was added as a cosponsor of amendment No. 706 proposed to S. 936, supra.

SENATE RESOLUTION—106—COMMEMORATING THE 20TH ANNIVERSARY OF THE PRESIDENTIAL MANAGEMENT INTERN PROGRAM

Mr. ROBB (for himself, Ms. MIKULSKI, Mr. SARBANES, Mr. WARNER, Mr. KENNEDY, Mr. TORRICELLI, Mr. ROCKEFELLER, Mr. SANTORUM, and Mr. KERRY) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 106

Whereas, the Presidential Management Intern Program was created 20 years ago to attract to federal service men and women of exceptional management potential and special training in public policy;

Whereas, more than 3500 persons have been appointed to federal service under the Presidential Management Intern Program;

Whereas, these men and women contribute to raising the standards of public service through their hard work and dedication: Now, therefore, be it

Resolved, That the Senate recognize the skill and dedication of Presidential Management Intern Program participants and commemorate the 20th anniversary of the Presidential Management Intern Program.

That a copy of this resolution be transmitted to the Presidential Management Alumni Group as an expression of appreciation for their continued support for federal service and the Presidential Management Intern Program.

Mr. ROBB. Mr. President, I rise today to introduce a resolution commemorating the 20th anniversary of the Presidential Management Intern,

or PMI, program. I would request that Senators MIKULSKI, SARBANES, WARNER, KENNEDY, TORRICELLI, ROCKEFELLER, SANTORUM, and KERRY be listed as original cosponsors.

President Carter established the PMI program to recruit graduate students with excellent management potential and public policy backgrounds to the Federal work force. As many of us know, either from working with PMI's in Federal agencies or even having them on our staffs, these men and women have provided valuable services to our country in a wide variety of areas. Since the program's inception, over 3,500 men and women have participated as PMI's with over half of those remaining in government service today.

At a time when many have denigrated Federal employees, I believe we should recognize the outstanding commitment and abilities of these individuals and the program which has worked to ensure that our Government has civil servants of the highest caliber. For that reason, I and my colleagues are introducing this resolution to commemorate the twentieth anniversary of the Presidential Management Intern program and recognize the outstanding men and women who have participated in it.

SENATE RESOLUTION 107—TO AUTHORIZE THE PRODUCTION OF RECORDS

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 107

Whereas, a prosecutor for the State of West Virginia has requested that Senator Robert C. Byrd and Senator John D. Rockefeller IV provide him with copies of constituent correspondence relevant to a criminal case, *State of West Virginia v. Brenda S. Cook*, No. 94-F-20 (Circ. Ct. of Hardy Cnty., W. Va.);

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator Robert C. Byrd and Senator John D. Rockefeller IV are authorized to provide to the State of West Virginia copies of correspondence relevant to the criminal case, *State of West Virginia v. Brenda S. Cook*.

AMENDMENTS SUBMITTED

THE DEPARTMENT OF DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

REID AMENDMENT NO. 758

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, S. 936, to authorize appropriations for fiscal year 1998 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; as follows:

On page 45, between lines 3 and 4, insert the following:

(e) AVAILABILITY OF FUNDS FOR COUNTER-LANDMINE TECHNOLOGIES.—Of the amounts transferred under this section, the Secretary of Defense may utilize not more than \$2,000,000 for the following activities:

(1) The development of technologies for detecting, locating, and removing abandoned landmines.

(2) The operation of a test and evaluation facility at the Nevada Test Site, Nevada, for the testing of the performance of such technologies.

FEINGOLD AMENDMENT NO. 759

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. LIMITATION ON USE OF FUNDS FOR DEPLOYMENT OF GROUND FORCES IN BOSNIA AND HERZEGOVINA.

(a) LIMITATION.—Funds appropriated or otherwise made available for the Department of Defense may not be obligated for the deployment of any ground elements of the Armed Forces of the United States in Bosnia and Herzegovina after the later of—

(1) June 30, 1998; or

(2) a date that is specified for such purpose (pursuant to a request of the President or otherwise) in a law enacted after the date of the enactment of this Act.

(b) EXCEPTIONS.—The limitation in subsection (a) shall not apply—

(1) to the support of—

(A) members of the Armed Forces of the United States deployed in Bosnia and Herzegovina in a number that is sufficient only to protect United States diplomatic facilities in that country as of the date of the enactment of this Act; and

(B) noncombat personnel of the Armed Forces of the United States deployed in Bosnia and Herzegovina only to advise commanders of forces engaged in North Atlantic Treaty Organization peacekeeping operations in that country; or

(2) to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

DOMENICI (AND BINGAMAN) AMENDMENTS NOS. 760-761

(Ordered to lie on the table.)

Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted two amendments

intended to be proposed by them to the bill, S. 936, supra; as follows:

AMENDMENT NO. 760

Insert where appropriate:

SEC. . LOS ALAMOS LAND TRANSFER.

(a) The Secretary of Energy on behalf of the federal government shall convey without consideration fee title to government-owned land under the administrative control of the Department of Energy to the Incorporated County of Los Alamos, Los Alamos, New Mexico, or its designee, and to the Secretary of the Interior in trust for the Pueblo of San Ildefonso for purposes of preservation, community self-sufficiency or economic diversification in accordance with this section.

(b) In order to carry out the requirement of subsection (a) the Secretary shall:

(1) no later than three months from the date of enactment of this Act, submit to the appropriate committees of Congress a report identifying parcels of land considered suitable for conveyance, taking into account the need to provide lands—

(A) which are not required to meet the national security missions of the Department of Energy;

(B) which are likely to be available for transfer within ten years, and;

(C) which have been identified by the Department, the County of Los Alamos, or the Pueblo of San Ildefonso, as being able to meet the purposes stated in subsection (a).

(2) No later than 12 months after the date of enactment of this Act, submit to the appropriate Congressional committees a report containing the results of a title search on all parcels of land identified in paragraph (1), including an analysis of any claims of former owners, or their heirs and assigns, to such parcels. During this period, the Secretary shall engage in concerted efforts to provide claimants with every reasonable opportunity to legally substantiate their claims. The Secretary shall only transfer land for which the United States government holds clear title.

(3) no later than 21 months from the date of enactment of this Act, complete any review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4375) with respect to anticipated environmental impact of the conveyance of the parcels of land identified in the report to Congress, and;

(4) no later than 3 months after the date which is the later of—

(A) the date of completion of the review required by paragraph (3); or

(B) the date on which the County of Los Alamos and the Pueblo of San Ildefonso submit to the Secretary a binding agreement allocating the parcels of land identified in paragraph (1) to which the government has clear title—

submit to the appropriate Congressional committees a plan for conveying the parcels of land in accordance with the agreement between the County and the Pueblo and the findings of the environmental review in paragraph (3).

(5) as soon as possible, but no later than nine months after the date of submission of the plan under paragraph (4), complete the conveyance of all portions of the lands identified in the plan.

(c) If the Secretary finds that a parcel of land identified in subsection (b) continues to be necessary for national security purposes for a limited period of time or that remediation of hazardous substances in accordance with applicable laws has not been completed, and the finding will delay the parcel's con-

veyance beyond the time limits provided in paragraph (5), the Secretary shall convey title of the parcel upon completion of the remediation or after the parcel is no longer necessary for national security purposes.

AMENDMENT NO. 761

Insert where appropriate:

SEC. . NORTHERN NEW MEXICO EDUCATIONAL FOUNDATION.

(a) Of the funds authorized to be appropriated to the Department of Energy by this Act, \$5,000,000 shall be available for payment by the Secretary of Energy to a nonprofit or not-for-profit educational foundation chartered to enhance the educational enrichment activities in public schools in the area around the Los Alamos National Laboratory (in this section referred to as the "Foundation").

(b) Funds provided by the Department of Energy to the Foundation shall be used solely as corpus for an endowment fund. The Foundation shall invest the corpus and use the income generated from such an investment to fund programs designed to support the educational needs of public schools in Northern New Mexico educating children in the area around the Los Alamos National Laboratory.

DODD AMENDMENTS NOS. 762-763

Mr. DODD proposed two amendments to the bill, S. 936, supra; as follows:

AMENDMENT NO. 762

On page 226, between lines 2 and 3, insert the following:

Subtitle B—Persian Gulf Illnesses

SEC. 721. DEFINITIONS.

For purposes of this subtitle:

(1) The term "Gulf War illness" means any one of the complex of illnesses and symptoms that might have been contracted by members of the Armed Forces as a result of service in the Southwest Asia theater of operations during the Persian Gulf War.

(2) The term "Persian Gulf War" has the meaning given that term in section 101 of title 38, United States Code.

(3) The term "Persian Gulf veteran" means an individual who served on active duty in the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(4) The term "contingency operation" has the meaning given that term in section 101(a) of title 10, United States Code, and includes a humanitarian operation, peacekeeping operation, or similar operation.

SEC. 722. PLAN FOR HEALTH CARE SERVICES FOR PERSIAN GULF VETERANS.

(a) PLAN REQUIRED.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall prepare a plan to provide appropriate health care to Persian Gulf veterans (and their dependents) who suffer from a Gulf War illness.

(b) CONTENT OF PLAN.—In preparing the plan, the Secretaries shall—

(1) use the presumptions of service connection and illness specified in paragraphs (1) and (2) of section 721(d) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1074 note) to determine the Persian Gulf veterans (and the dependents of Persian Gulf veterans) who should be covered by the plan;

(2) consider the need and methods available to provide health care services to Persian Gulf veterans who are no longer on active duty in the Armed Forces, such as Per-

sian Gulf veterans who are members of the reserve components and Persian Gulf veterans who have been separated from the Armed Forces; and

(3) estimate the costs to the Government of providing full or partial health care services under the plan to covered Persian Gulf veterans (and their covered dependents).

(c) FOLLOWUP TREATMENT.—The plan required by subsection (a) shall specifically address the measures to be used to monitor the quality, appropriateness, and effectiveness of, and patient satisfaction with, health care services provided to Persian Gulf veterans after their initial medical examination as part of registration in the Persian Gulf War Veterans Health Registry or the Comprehensive Clinical Evaluation Program.

(d) SUBMISSION OF PLAN.—Not later than March 1, 1998, the Secretaries shall submit to Congress the plan required by subsection (a).

SEC. 723. COMPTROLLER GENERAL STUDY OF REVISED DISABILITY CRITERIA FOR PHYSICAL EVALUATION BOARDS.

Not later than March 1, 1998, the Comptroller General shall submit to Congress a study evaluating the revisions that were made by the Secretary of Defense to the criteria used by physical evaluation boards to set disability ratings for members of the Armed Forces who are no longer medically qualified for continuation on active duty so as to ensure accurate disability ratings related to a diagnosis of a Persian Gulf illness pursuant to section 721(e) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1074 note).

SEC. 724. IMPROVED MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS IN CONTINGENCY OR COMBAT OPERATIONS.

(a) SYSTEM REQUIRED.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074d the following new section:

"§1074e. Medical tracking system for members deployed overseas

"(a) SYSTEM REQUIRED.—The Secretary of Defense shall establish a system to assess the medical condition of members of the armed forces (including members of the reserve components) who are deployed outside the United States or its territories or possessions as part of a contingency operation (including a humanitarian operation, peacekeeping operation, or similar operation) or combat operation.

"(b) ELEMENTS OF SYSTEM.—The system shall include the use of predeployment medical examinations and postdeployment medical examinations (including an assessment of mental health and the drawing of blood samples) to accurately record the medical condition of members before their deployment and any changes in their medical condition during the course of their deployment. The postdeployment examination shall be conducted when the member is redeployed or otherwise leaves an area in which the system is in operation (or as soon as possible thereafter).

"(c) RECORDKEEPING.—The results of all medical examinations conducted under the system, records of all health care services (including immunizations) received by members described in subsection (a) in anticipation of their deployment or during the course of their deployment, and records of events occurring in the deployment area that may affect the health of such members shall be retained and maintained in a centralized location to improve future access to the records.

"(d) QUALITY ASSURANCE.—The Secretary of Defense shall establish a quality assurance program to evaluate the success of the

system in ensuring that members described in subsection (a) receive predeployment medical examinations and postdeployment medical examinations and that the record-keeping requirements are met."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074d the following new item:

"1074e. Medical tracking system for members deployed overseas."

SEC. 725. REPORT ON PLANS TO TRACK LOCATION OF MEMBERS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan for collecting and maintaining information regarding the daily location of units of the Armed Forces, and to the extent practicable individual members of such units, serving in a theater of operations during a contingency operation or combat operation.

SEC. 726. REPORT ON PLANS TO IMPROVE DETECTION AND MONITORING OF CHEMICAL, BIOLOGICAL, AND SIMILAR HAZARDS IN A THEATER OF OPERATIONS.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report containing a plan regarding the deployment, in a theater of operations during a contingency operation or combat operation, of a specialized unit of the Armed Forces with the capability and expertise to detect and monitor the presence of chemical hazards, biological hazards, and similar hazards to which members of the Armed Forces may be exposed.

SEC. 727. NOTICE OF USE OF INVESTIGATIONAL NEW DRUGS.

(a) NOTICE REQUIREMENTS.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1107. Notice of use of investigational new drugs

"(a) NOTICE REQUIRED.—(1) Whenever the Secretary of Defense requests or requires a member of the armed forces to receive an investigational new drug, the Secretary shall provide the member with notice containing the information specified in subsection (d).

"(2) The Secretary shall also ensure that medical care providers who administer an investigational new drug or who are likely to treat members who receive an investigational new drug receive the information required to be provided under paragraphs (3) and (4) of subsection (d).

"(b) TIME FOR NOTICE.—The notice required to be provided to a member under subsection (a)(1) shall be provided before the investigational new drug is first administered to the member, if practicable, but in no case later than 30 days after the investigational new drug is first administered to the member.

"(c) FORM OF NOTICE.—The notice required under subsection (a)(1) shall be provided in writing unless the Secretary of Defense determines that the use of written notice is impractical because of the number of members receiving the investigational new drug, time constraints, or similar reasons. If the Secretary provides notice under subsection (a)(1) in a form other than in writing, the Secretary shall submit to Congress a report describing the notification method used and the reasons for the use of the alternative method.

"(d) CONTENT OF NOTICE.—The notice required under subsection (a)(1) shall include the following:

"(1) Clear notice that the drug being administered is an investigational new drug.

"(2) The reasons why the investigational new drug is being administered.

"(3) Information regarding the possible side effects of the investigational new drug, including any known side effects possible as a result of the interaction of the investigational new drug with other drugs or treatments being administered to the members receiving the investigational new drug.

"(4) Such other information that, as a condition for authorizing the use of the investigational new drug, the Secretary of Health and Human Services may require to be disclosed.

"(e) RECORDS OF USE.—The Secretary of Defense shall ensure that the medical records of members accurately document the receipt by members of any investigational new drug and the notice required by subsection (d).

"(f) DEFINITION.—In this section, the term 'investigational new drug' means a drug covered by section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i))."

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

"1107. Notice of use of investigational new drugs."

SEC. 728. REPORT ON EFFECTIVENESS OF RESEARCH EFFORTS REGARDING GULF WAR ILLNESSES.

Not later than March 1, 1998, the Secretary of Defense shall submit to Congress a report evaluating the effectiveness of medical research initiatives regarding Gulf War illnesses. The report shall address the following:

(1) The type and effectiveness of previous research efforts, including the activities undertaken pursuant to section 743 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 10 U.S.C. 1074 note), section 722 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 10 U.S.C. 1074 note), and sections 270 and 271 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1613).

(2) Recommendations regarding additional research regarding Gulf War illnesses, including research regarding the nature and causes of Gulf War illnesses and appropriate treatments for such illnesses.

(3) The adequacy of Federal funding and the need for additional funding for medical research initiatives regarding Gulf War illnesses.

SEC. 729. PERSIAN GULF ILLNESS CLINICAL TRIALS PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) There are many ongoing studies that investigate risk factors which may be associated with the health problems experienced by Persian Gulf veterans; however, there have been no studies that examine health outcomes and the effectiveness of the treatment received by such veterans.

(2) The medical literature and testimony presented in hearings on Gulf War illnesses indicate that there are therapies, such as cognitive behavioral therapy, that have been effective in treating patients with symptoms similar to those seen in many Persian Gulf veterans.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary of Defense and the Secretary of Veterans Affairs, acting jointly, shall establish a program of cooperative clinical trials at multiple sites to assess the effectiveness of protocols for treating Persian Gulf veterans who suffer from ill-defined or undiagnosed

conditions. Such protocols shall include a multidisciplinary treatment model, of which cognitive behavioral therapy is a component.

(c) FUNDING.—Of the amount authorized to be appropriated in section 201(1), the sum of \$4,500,000 shall be available for program element 62787A (medical technology) in the budget of the Department of Defense for fiscal year 1998 to carry out the clinical trials program established pursuant to subsection (b).

AMENDMENT NO. 763

On page 217, between lines 15 and 16, insert the following:

Subtitle A—General Matters

At the appropriate place in the bill at the following new section:

SEC. . (A) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) His Excellency Christopher F. Patten, the now former Governor of Hong Kong, was the twenty-eighth British Governor to preside over Hong Kong, prior to that territory reverting back to the People's Republic of China on July 1, 1997;

(2) Chris Patten was a superb administrator and an inspiration to the people who he sought to govern;

(3) During his five years as Governor of Hong Kong, the economy flourished under his stewardship, growing by more than 30% in real terms;

(4) Chris Patten presided over a capable and honest civil service;

(5) Common crime declined during his tenure, and the political climate was positive and stable;

(6) The most important legacy of the Patten administration is that the people of Hong Kong were able to experience democracy first hand, electing members of their local legislature; and

(7) Chris Patten fulfilled the British commitment to "put in place a solidly based democratic administration" in Hong Kong prior to July 1, 1997.

(B) It is the Sense of the Congress that—
(1) Governor Chris Patten has served his country with great honor and distinction; and

(2) He deserves special thanks and recognition from the United States for his tireless efforts to develop and nurture democracy in Hong Kong.

**STEVENS (AND OTHERS)
AMENDMENT NO. 764**

(Ordered to lie on the table.)

Mr. STEVENS (for himself, Mr. WYDEN, Mr. TORRICELLI, Mr. SMITH of Oregon, Mr. SHELBY, Mr. SARBANES, Mr. REID, Mr. MURKOWSKI, Ms. MIKULSKI, Mr. LEAHY, Ms. LANDRIEU, Mr. JOHNSON, Mr. JEFFORDS, Mr. INOUE, Mr. HOLLINGS, Mr. FORD, Mrs. FEINSTEIN, Mr. ENZI, Mr. DOMENICI, Mr. DEWINE, Mr. D'AMATO, Mr. CONRAD, Mr. COCHRAN, Mr. BYRD, Mr. BURNS, Mr. BUMPERS, Mr. BRYAN, Mr. BREAUX, Mr. BOND, Mr. FRIST, Mr. BINGAMAN, Mr. AKAKA, and Mr. BENNETT) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

At the end of title IX, add the following:
SEC. 905. SENIOR REPRESENTATIVE OF THE NATIONAL GUARD BUREAU.

(a) ESTABLISHMENT.—(1) Chapter 1011 of title 10, United States Code, is amended by adding at the end the following:

§10509. Senior Representative of the National Guard Bureau.

“(a) **APPOINTMENT.**—There is a Senior Representative of the National Guard Bureau who is appointed by the President, by and with the advice and consent of the Senate. Subject to subsection (b), the appointment shall be made from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

“(1) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard; and

“(2) meet the same eligibility requirements that are set forth for the Chief of the National Guard Bureau in paragraphs (2) and (3) of section 10502(a) of this title.

“(b) **ROTATION OF OFFICE.**—An officer of the Army National Guard may be succeeded as Senior Representative of the National Guard Bureau only by an officer of the Air National Guard, and an officer of the Air National Guard may be succeeded as Senior Representative of the National Guard Bureau only by an officer of the Army National Guard. An officer may not be reappointed to a consecutive term as Senior Representative of the National Guard Bureau.

“(c) **TERM OF OFFICE.**—An officer appointed as Senior Representative of the National Guard Bureau serves at the pleasure of the President for a term of four years. An officer may not hold that office after becoming 64 years of age. While holding the office, the Senior Representative of the National Guard Bureau may not be removed from the reserve active-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.

“(d) **GRADE.**—The Senior Representative of the National Guard Bureau shall be appointed to serve in the grade of general.”

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

“10509. Senior Representative of the National Guard Bureau.”

(b) **MEMBER OF JOINT CHIEFS OF STAFF.**—Section 151(a) of title 10, United States Code, is amended by adding at the end the following:

“(7) The Senior Representative of the National Guard Bureau.”

(c) **ADJUSTMENT OF RESPONSIBILITIES OF CHIEF OF THE NATIONAL GUARD BUREAU.**—(1) Section 10502 of title 10, United States Code, is amended by inserting “, and to the Senior Representative of the National Guard Bureau,” after “Chief of Staff of the Air Force,”

(2) Section 10504(a) of such title is amended in the second sentence by inserting “, and in consultation with the Senior Representative of the National Guard Bureau,” after “Secretary of the Air Force”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 1998.

DODD (AND McCAIN) AMENDMENT NO. 765

Mr. DODD (for himself and Mr. McCAIN) proposed an amendment to the bill, S. 936, supra; as follows:

At the appropriate place in the bill add the following new section:

SEC. . (A) Congress finds that—

(1) on July 6, 1997, elections were conducted in Mexico in order to fill 500 seats in the Chamber of Deputies, 32 seats in the 128 seat Senate, the office of the Mayor of Mexico City, and local elections in a number of Mexican states;

(2) for the first time, the federal elections were organized by the Federal Electoral Institute, an autonomous and independent organization established under the Mexican Constitution;

(3) more than 52 million Mexican citizens registered to vote,

(4) eight political parties registered to participate in the July 6, elections, including the Institutional Revolutionary Party (PRI), the National Action Party (PAN), and the Democratic Revolutionary Party (PRD);

(5) Since 1993, Mexican citizens have had the exclusive right to participate as observers in activities related to the preparation and the conduct of elections;

(6) Since 1994, Mexican law has permitted international observers to be a part of the process;

(7) With 84% of the ballots counted, PRI candidates received 38% of the vote for seats in the Chamber of Deputies; while PRD and PAN candidates received 52% of the combined vote;

(8) PRD candidate, Cuauhtemoc Cardenas Solorzano has become the first elected Mayor of Mexico City, a post previously appointed by the President;

(9) PAN members will now serve as governors in seven of Mexico's 31 states;

(B) It is the Sense of the Congress that—

(1) the recent Mexican elections were conducted in a free, fair and impartial manner;

(2) the will of the Mexican people, as expressed through the ballot box, has been respected by President Ernesto Zedillo and officials throughout his Administration;

(3) President Zedillo, the Mexican Government, the Federal Electoral Institute, the political parties and candidates, and most importantly the citizens of Mexico should all be congratulated for their support and participation in these very historic elections.

GRAHAM AMENDMENTS NOS. 766-768

(Ordered to lie on the table.)

Mr. GRAHAM submitted three amendments intended to be proposed by him to the bill, S. 936, supra; as follows:

AMENDMENT NO. 766

At the end of subtitle D of title II, add the following:

SEC. 235. CONSOLIDATION OF ELECTRONIC COMBAT TESTING.

(a) **LIMITATION.**—The electronic combat testing assets of the laboratories and test and evaluation centers of the Department of Defense may not be transferred from the locations of those assets as of the date of the enactment of this Act until the five-year plan for consolidation of laboratories and test and evaluation centers of the Department of Defense required by section 277 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 242) is completed.

(b) **CONTINUED SUPPORT FOR SOCOM AND AIR COMBAT COMMAND.**—The Secretary of Defense shall ensure that, within amounts available for use for the purpose, the range electronic combat test capabilities at Eglin Air Force Base, Florida, are funded at levels sufficient to continue to meet the operational requirements of the Special Oper-

ations Command and the Air Combat Command.

AMENDMENT NO. 767

At the end of subtitle D of title X, add the following:

SEC. 1041. ASSESSMENT OF THE CUBAN THREAT TO UNITED STATES NATIONAL SECURITY.

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

(1) The United States has been an avowed enemy of Cuba for over 35 years, and Fidel Castro has made hostility towards the United States a principal tenet of his domestic and foreign policy.

(2) The ability of the United States as a sovereign nation to respond to any Cuban provocation is directly related to the ability of the United States to defend the people and territory of the United States against any Cuban attack.

(3) In 1994, the Government of Cuba callously encouraged a massive exodus of Cubans, by boat and raft, toward the United States.

(4) Countless numbers of those Cubans lost their lives on the high seas as a result of those actions of the Government of Cuba.

(5) The humanitarian response of the United States to rescue, shelter, and provide emergency care to those Cubans, together with the actions taken to absorb some 30,000 of those Cubans into the United States, required immeasurable efforts and expenditures of hundreds of millions of dollars for the costs incurred by the United States and State and local governments in connection with those efforts.

(6) On February 24, 1996, Cuban MIG aircraft attacked and destroyed, in international airspace, two unarmed civilian aircraft flying from the United States, and the four persons in those unarmed civilian aircraft were killed.

(7) Since the attack, the Cuban government has issued no apology for the attack, nor has it indicated any intention to conform its conduct to international law that is applicable to civilian aircraft operating in international airspace.

(b) **REVIEW AND REPORT.**—Not later than March 30, 1998, the Secretary of Defense shall carry out a comprehensive review and assessment of Cuban military capabilities and the threats to the national security of the United States that are posed by Fidel Castro and the Government of Cuba and submit a report on the review to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The report shall contain—

(1) a discussion of the results of the review; and

(2) the Secretary's assessment of the threats, including—

(A) such unconventional threats as—
(i) encouragement of migration crises; and
(ii) attacks on citizens and residents of the United States while they are engaged in peaceful protest in international waters or airspace;

(B) the potential for development and delivery of chemical or biological weapons; and

(C) the potential for internal strife in Cuba that could involve citizens or residents of the United States or the Armed Forces of the United States.

(c) **CONSULTATION ON REVIEW AND ASSESSMENT.**—In performing the review and preparing the assessment, the Secretary of Defense shall consult with the Chairman of the Joint Chiefs of Staff, the Commander-in-Chief of the United States Southern Command, and the heads of other appropriate agencies of the Federal Government.

(D) CERTIFICATION.—The Secretary of Defense will certify to Congress that contingency plans have been developed and appropriate assets have been identified to defend United States territory against potential hostile action by Cuba. The current assessment by the intelligence community of Cuban military capabilities and the threats to the national security of the United States posed by Fidel Castro and the Government of Cuba will be the basis for development of the contingency plans.

AMENDMENT NO. 768

At the end of title IX, add the following:

SEC. 905. CENTER FOR HEMISPHERIC DEFENSE STUDIES.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish the Center for Hemispheric Defense Studies in the Department of Defense in accordance with section 2166 of title 10, United States Code, as added by subsection (b).

(b) CHARTER FOR CENTER.—(1) Chapter 108 of title 10, United States Code, as amended by section 902, is further amended by adding at the end the following:

“§ 2166. Center for Hemispheric Defense Studies

“(a) ESTABLISHMENT.—There is a Center for Hemispheric Defense Studies in the Department of Defense.

“(b) MISSION.—The mission of the Center is to develop, organize, manage, administer, and present for civilian and military leaders of South American, Central American, and Caribbean nations executive-level academic programs that are designed—

“(1) to stimulate deliberations about defense policy and civil-military relations specifically in the context of the requirements and interests of South American, Central American, and Caribbean nations;

“(2) to provide those leaders with an understanding of defense decisionmaking and resource management in a democratic society;

“(3) to improve the expertise of the civilian leaders of such nations in national defense and military matters;

“(4) to strengthen civil-military relations within those nations; and

“(5) to foster intergovernmental understanding and cooperation in democratic countries in the Western Hemisphere.

“(c) LOCATIONS OF EDUCATIONAL PROGRAMS.—(1) The headquarters of the Center is located at the National Defense University, Fort McNair, District of Columbia. The headquarters is the principle location for the presentation of the core programs of the Center.

“(2) The Center may present at locations in South American, Central American, and Caribbean nations activities that are designed to assist any of such nations to institutionalize the development of civilian defense expertise, as follows:

“(A) Series of short courses.

“(B) Outreach and research activities that complement the educational programs of the Center.”

(2) The table of sections at the beginning of such chapter, as amended by section 902, is further amended by adding at the end the following:

“2166. Center for Hemispheric Defense Studies.”

(c) RELATIONSHIP TO NATIONAL DEFENSE UNIVERSITY.—Subsection (a) of section 2165 of title 10, United States Code, as added by section 902, is amended by adding at the end the following:

“(6) The Center for Hemispheric Defense Studies.”

(d) FIRST PROGRAM SESSION OF CENTER.—The Center for Hemispheric Defense Studies shall present the inaugural session of the Center's core education program during the first quarter of fiscal year 1998.

(e) PLAN FOR PROGRAMS.—Not later than December 31, 1997, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a plan for convening at the Center for Hemispheric Defense Studies a minimum of five core program sessions each year and for operating and maintaining the Center in general.

(f) ASSESSMENT OF DEPARTMENT OF DEFENSE PROGRAMS RELATING TO REGIONAL SECURITY AND HOST NATION DEVELOPMENT IN THE WESTERN HEMISPHERE.—(1) Congress reaffirms the findings on Department of Defense programs relating to regional security and host nation development in the Western Hemisphere that are set forth in subsection (a) of section 1315 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2896).

(2) Not later than May 1, 1998, the Secretary of Defense shall—

(A) carry out another comprehensive review and assessment in accordance with subsection (b) of section 1315 of the National Defense Authorization Act for Fiscal Year 1995 (108 Stat. 2897), in addition to the review and assessment previously carried out under such subsection; and

(B) submit to Congress a report on the additional review and assessment.

**HUTCHISON AMENDMENTS NOS.
769-770**

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted two amendments intended to be proposed by her to the bill, S. 936, supra; as follows:

AMENDMENT NO. 769

On page 68, between lines 17 and 18, insert the following:

SEC. 319. EFFECTIVE DATE OF PROVISIONS RELATING TO DEPOT-LEVEL MAINTENANCE AND REPAIR.

Notwithstanding any other provision of this Act, the provisions of this Act, and any amendments made by such provisions, relating to depot-level maintenance and repair shall take effect on the date of enactment of this Act.

AMENDMENT NO. 770

On page 347, between lines 15 and 16, insert the following:

SEC. 1075. POLICE, FIRE PROTECTION, AND OTHER SERVICES AT PROPERTY FORMERLY ASSOCIATED WITH RED RIVER ARMY DEPOT, TEXAS.

(a) AUTHORITY TO ENTER INTO AGREEMENT.—(1) Notwithstanding any other provision of law, the Secretary of the Army may enter into an agreement with the local redevelopment authority for Red River Army Depot, Texas, under which agreement the Secretary provides police services, fire protection services, or hazardous material response services for the authority with respect to the property at the depot that is under the jurisdiction of the authority as a result of the realignment of the depot under the base closure laws.

(2) The Secretary may not enter into the agreement unless the Secretary determines that the provision of services under the agreement is in the best interests of the United States.

(3) The agreement may provide for the reimbursement of the Secretary, in whole or in part, for the services provided by the Secretary under the agreement.

(b) TREATMENT OF REIMBURSEMENT.—Any amounts received by the Secretary under the agreement under subsection (a) shall be credited to the appropriations providing funds for the services concerned. Amounts so credited shall be merged with the appropriations to which credited and shall be available for the purposes, and subject to the conditions and limitations, for which such appropriations are available.

**DORGAN (AND OTHERS)
AMENDMENT NO. 771**

Mr. DORGAN (for himself, Mr. LOTT, Mr. DASCHLE, Mr. DOMENICI, Mr. CONRAD, Mrs. FEINSTEIN, Mr. DODD, Mr. BINGAMAN, Mrs. BOXER, Mr. BURNS, Ms. LANDRIEU, Mr. FORD, Mr. THURMOND, Mr. ROBERTS, and Mr. COVERDELL) proposed an amendment to amendment No. 705 proposed by Mr. MCCAIN to the bill, S. 936, supra; as follows:

After “SEC.” on page 1, line 3 of the amendment, strike all and insert:

REPORT ON CLOSURE AND REALIGNMENT OF MILITARY BASES.

(a) REPORT.—The Secretary of Defense shall prepare and submit to the congressional defense committees a report on the costs and savings attributable to the base closure rounds before 1996 and on the need, if any, for additional base closure rounds.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A statement, using data consistent with budget data, of the actual costs and savings (in the case of prior fiscal years) and the estimated costs and savings (in the case of future fiscal years) attributable to the closure and realignment of military installations as a result of the base closure rounds before 1996, set forth by Armed Force, type of facility, and fiscal year, including—

(A) operation and maintenance costs, including costs associated with expanded operations and support, maintenance of property, administrative support, and allowances for housing at installations to which functions are transferred as a result of the closure or realignment of other installations;

(B) military construction costs, including costs associated with rehabilitating, expanding, and construction facilities to receive personnel and equipment that are transferred to installations as a result of the closure or realignment of other installations;

(C) environmental cleanup costs, including costs associated with assessments and restoration;

(D) economic assistance costs, including—

(i) expenditures on Department of Defense demonstration projects relating to economic assistance;

(ii) expenditures by the Office of Economic Adjustment; and

(iii) to the extent available, expenditures by the Economic Development Administration, the Federal Aviation Administration, and the Department of Labor relating to economic assistance;

(E) unemployment compensation costs, early retirement benefits (including benefits paid under section 5597 of title 5, United States Code), and worker retraining expenses under the Priority Placement Program, the Job Training Partnership Act, and any other Federally-funded job training program;

(F) costs associated with military health care;

(G) savings attributable to changes in military force structure; and

(H) savings due to lower support costs with respect to installations that are closed or realigned.

(2) A comparison, set forth by base closure round, or the actual costs and savings stated under paragraph (1) to the annual estimates of costs and savings previously submitted to Congress.

(3) A list of each military installation at which there is authorized to be employed 300 or more civilian personnel, set forth by Armed Force.

(4) An estimate of current excess capacity at military installations, set forth—

(A) as a percentage of the total capacity of the installations of the Armed Forces with respect to all installations of the Armed Forces;

(B) as a percentage of the total capacity of the installations of each Armed Force with respect to the installations of such Armed Force; and

(C) as a percentage of the total capacity of a type of installation with respect to installations of such type.

(5) The types of facilities that would be recommended for closure or realignment in the event of an additional base closure round, set forth by Armed Force.

(6) The criteria to be used by the Secretary in evaluating installations for closure or realignment in such event.

(7) The methodologies to be used by the Secretary in identifying installations for closure or realignment in such event.

(8) An estimate of the costs and savings to be achieved as a result of the closure or realignment of installations in such event, set forth by Armed Force and by year.

(9) An assessment whether the costs of the closure or realignment of installations in such event are contained in the current Future Years Defense Plan, and, if not, whether the Secretary will recommend modifications in future defense spending in order to accommodate such costs.

(c) **DEADLINE.**—The Secretary shall submit the report under subsection (a) not later than the date on which the President submits to Congress the budget for fiscal year 2000 under section 1105(a) of title 31, United States Code.

(d) **REVIEW.**—The Congressional Budget Office and the Comptroller General shall conduct a review of the report prepared under subsection (a).

(e) **PROHIBITION ON USE OF FUNDS.**—No funds authorized to be appropriated or otherwise made available to the Department of Defense by this Act or any other Act may be used for any activities of the Defense Base Closure and Realignment Commission established by section 2902(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) until the later of—

(1) the date on which the Secretary submits the report required by subsection (a); or

(2) the date on which the Congressional Budget Office and the Comptroller General complete a review of the report under subsection (d).

(e) **SENSE OF SENATE.**—It is the sense of the Senate that—

(1) the Secretary should develop a system having the capacity to quantify the actual costs and savings attributable to the closure and realignment of military installations pursuant to the base closure process; and

(2) the Secretary should develop the system in expeditious fashion, so that the system may be used to quantify costs and savings attributable to the 1995 base closure round.

REID AMENDMENT NO. 772

Mr. REID proposed an amendment to the bill, S. 936, supra; as follows:

On page 30, between lines 19 and 20, insert the following:

() **AVAILABILITY OF FUNDS FOR COUNTER-LANDMINE TECHNOLOGIES.**—Of the amounts available in section 201(4) for demining activity, the Secretary of Defense may utilize \$2,000,000 for the following activities:

(1) The development of technologies for detecting, locating, and removing abandoned landmines.

(2) The operation of a test and evaluation facility at the Nevada Test Site, Nevada, for the testing of the performance of such technologies.

SARBANES AMENDMENT NO. 773

(Ordered to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 30, between lines 19 and 20, insert the following:

() **AVAILABILITY OF FUNDS FOR COUNTER-LANDMINE TECHNOLOGIES.**—Of the amounts available in section 201(4) for demining activity, the Secretary of Defense may utilize \$2,000,000 for the following activities:

(1) The development of technologies for detecting, locating, and removing abandoned landmines.

(2) The operation of a test and evaluation facility at the Nevada Test Site, Nevada, for the testing of the performance of such technologies.

COATS (AND OTHERS) AMENDMENT NO. 774

(Ordered to lie on the table.)

Mr. COATS (for himself, Mr. BREAUX, Mr. SMITH of Oregon, and Mr. BROWNBACK) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. SENSE OF THE SENATE REGARDING EXPANSION OF THE NORTH ATLANTIC TREATY ORGANIZATION.

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

(1) The North Atlantic Treaty Organization (NATO) will meet July 8 and 9, 1997, in Madrid, Spain, to issue invitations to several countries in Central Europe and Eastern Europe to begin accession talks to join NATO.

(2) Congress has expressed its support for the process of NATO enlargement by approving the NATO Enlargement Facilitation Act of 1996 (Public Law 104-208; 22 U.S.C. 1928 note) by a vote of 81-16 in the Senate, and 353-65 in the House of Representatives.

(3) The Clinton Administration has determined that the United States Government will support inviting three countries—Poland, Hungary, and the Czech Republic—to join NATO at the Madrid summit.

(4) The United States should ensure that the process of enlarging NATO continues after the first round of invitations are issued this July.

(5) Romania and Slovenia are to be commended for their progress toward political and economic reform and their meeting the guidelines for prospective NATO membership.

(6) In furthering NATO's purpose and objective of promoting stability and well-being

in the North Atlantic area, Romania, Slovenia, and any other democratic states of Central and Eastern Europe should be invited to become NATO members as expeditiously as possible upon satisfaction of all relevant criteria.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that NATO should issue a second round of invitations to Central and Eastern European states that have met the criteria for NATO membership at the 1999 NATO summit.

BINGAMAN AMENDMENT NO. 775

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

On page 444, between lines 20 and 21, insert the following:

SEC. 3139. TRITIUM PRODUCTION IN COMMERCIAL FACILITIES.

(a) Section 91 of the Atomic Energy Act of 1954 (42 U.S.C. 2121) is amended by adding at the end the following:

“(d) The Secretary may—
“(A) demonstrate the feasibility of, and
“(B)(i) acquire facilities by lease or purchase, or

“(ii) enter into an agreement with an owner or operator of a facility, for the production of tritium for defense-related uses in a facility licensed under section 103 of this Act.”

(b) Section 210 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1981 (42 U.S.C. 7272) does not apply to activities conducted under this section during fiscal year 1998.

(c) The Nuclear Regulatory Commission may collect fees from the Secretary under section 9701 of title 31, United States Code (the Independent Offices Appropriation Act of 1952) for services rendered to the Secretary in connection with the implementation of this subsection.

BINGAMAN (AND DOMENICI) AMENDMENT NO. 776

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the bill, S. 936, supra; as follows:

At the appropriate place in Title XXXI add the following new section:

SEC. . EDUCATIONAL FOUNDATION FOR SCHOOLS IN THE AREA AROUND LOS ALAMOS NATIONAL LABORATORY.

(a) Of the funds authorized to be appropriated to the Department of Energy by this Act, \$5,000,000 shall be available for payment by the Secretary to a nonprofit or not-for-profit educational foundation chartered to enhance the educational enrichment activities in public schools in the area around Los Alamos National Laboratory (in this section referred to as the “Foundation”).

(b) Funds provided by the Department of Energy to the Foundation shall be used solely as corpus for an endowment fund. The Foundation shall invest the corpus and use the income generated from such investments to fund programs designed to support the educational needs of public schools in northern New Mexico educating children in the area around the Los Alamos National Laboratory.

BINGAMAN AMENDMENT NO. 777

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 936, supra; as follows:

At the end of subtitle E of title X, add the following:

SEC. 1075. RESTRICTIONS ON QUANTITIES OF ALCOHOLIC BEVERAGES AVAILABLE FOR PERSONNEL OVERSEAS THROUGH DEPARTMENT OF DEFENSE SOURCES.

(a) REGULATIONS REQUIRED.—The Secretary of Defense shall prescribe regulations restricting the quantity of alcoholic beverages that is available outside the United States through Department of Defense sources, including nonappropriated fund instrumentalities under the Department of Defense, for the use of a member of the Armed Forces, an employee of the Department of Defense, and dependents of such personnel.

(b) APPLICABLE STANDARD.—Each quantity prescribed by the Secretary shall be a quantity that is consistent with the prevention of illegal resale or other illegal disposition of alcoholic beverages overseas.

LEVIN (AND OTHERS) AMENDMENT NO. 778

Mr. LEVIN (for himself, Mr. ABRAHAM, Mr. HELMS, Mr. ROBB, Mr. KEMPTHORNE, Mr. DASCHLE, and Mr. BURNS) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle E of title VIII, add the following:

SEC. 844 PRODUCTS OF FEDERAL PRISON INDUSTRIES.

(a) PURCHASES FROM FEDERAL PRISON INDUSTRIES.—Section 4124 of title 18, United States Code, is amended by striking out subsections (a) and (b) and inserting in lieu thereof the following new subsections (a) and (b):

“(a) A Federal agency which has a requirement for a specific product listed in the current edition of the catalog required by subsection (d) shall—

“(1) provide a copy of the notice required by section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) to Federal Prison Industries at least 15 days before the issuance of a solicitation of offers for the procurement of such products;

“(2) use competitive procedures for the procurement of that product, unless—

“(A) the head of the agency justifies the use of procedures other than competitive procedures in accordance with section 2304(f) of title 10 or section 303(f) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(f)); or

“(B) the Attorney General makes the determination described in subsection (b)(1) within 15 days after receiving a notice of the requirement pursuant to paragraph (1); and

“(3) consider a timely offer from Federal Prison Industries for award in accordance with the specifications and evaluation factors specified in the solicitation.

“(b) A Federal agency which has a requirement for a product referred to in subsection (a) shall—

“(1) on a noncompetitive basis, negotiate a contract with Federal Prison Industries for the purchase of the product if the Attorney General personally determines, within the period described in subsection (a)(2)(B), that—

“(A) it is not reasonable to expect that Federal Prison Industries would be selected for award of the contract on a competitive basis; and

“(B) it is necessary to award the contract to Federal Prison Industries in order—

“(i) to maintain work opportunities that are essential to the safety and effective administration of the penal facility at which the contract would be performed; or

“(ii) to permit diversification into the manufacture of a new product that has been approved for sale by the Federal Prison Industries board of directors in accordance with this chapter; and

“(2) award the contract to Federal Prison Industries if the contracting officer determines that Federal Prison Industries can meet the requirements of the agency with respect to the product in a timely manner and at a fair and reasonable price.”

(b) LIMITATION ON NEW PRODUCTS AND EXPANSION OF PRODUCTION.—Section 4122(b) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) Federal Prison Industries shall, to the maximum extent practicable, concentrate any effort to produce a new product or to expand significantly the production of an existing product on products that are otherwise produced with non-United States labor.”; and

(3) in paragraph (6), as so redesignated, by striking out “paragraph (4)(B)” and inserting in lieu thereof “paragraph (5)(B)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 779

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to amendment No. 652 submitted by Mr. BINGAMAN to the bill, S. 936, supra; as follows:

Strike out all after the section heading and insert in lieu thereof the following:

(a) INCREASE.—The amount authorized to be appropriated for fiscal year 1998 for Defense-wide procurement under section 104 is hereby increased by \$51,000,000, and within the amount authorized to be appropriated under such section (as so increased) the total amount available for chemical and biological defense counterproliferation programs is hereby increased by \$51,000,000.

(b) OTHER FUNDING.—Of the unobligated balance of the amount authorized to be appropriated for fiscal year 1997 for Defense-wide procurement under section 104 of Public Law 104-201 for chemical and biological defense counterproliferation programs, \$16,000,000 is authorized to remain available for fiscal year 1998 for such programs.

(c) OFFSETTING DECREASE.—The total amount authorized to be appropriated for the Air Force for fiscal year 1998 for operation and maintenance under section 301(4) is hereby decreased by \$51,000,000.

SMITH OF NEW HAMPSHIRE AMENDMENT NO. 780

(Ordered to lie on the table.)

Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to amendment No. 653 submitted by Mr. BINGAMAN to the bill, S. 936, supra; as follows:

Strike out all after the section heading and insert in lieu thereof the following:

(a) INCREASE.—The amount authorized to be appropriated for fiscal year 1998 for Defense-wide procurement under section 104 is hereby increased by \$51,000,000, and within the amount authorized to be appropriated under such section (as so increased) the total amount available for chemical and biological defense counterproliferation programs is hereby increased by \$51,000,000.

(b) OTHER FUNDING.—Of the unobligated balance of the amount authorized to be appropriated for fiscal year 1997 for Defense-wide procurement under section 104 of Public Law 104-201 for chemical and biological defense counterproliferation programs, \$16,000,000 is authorized to remain available for fiscal year 1998 for such programs.

(c) OFFSETTING DECREASE.—The total amount authorized to be appropriated for the Air Force for fiscal year 1998 for operation and maintenance under section 301(4) is hereby decreased by \$51,000,000.

BOND AMENDMENT NO. 781

Mr. WARNER (for Mr. BOND) proposed an amendment to the bill, S. 936, supra; as follows:

On page 382, line 15, strike out “\$155,416,000” and insert in lieu thereof “\$158,626,000”.

THURMOND AMENDMENT NO. 782

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill, S. 936, supra; as follows:

On page 356, line 8, strike out “\$1,957,129,000” and insert in lieu thereof “\$1,951,478,000”.

On page 357, line 4, strike out “\$1,148,937,000” and insert in lieu thereof “\$1,143,286,000”.

On page 360, in the table following line 7, strike out the item relating to Naval Station, Roosevelt Roads, Puerto Rico.

On page 360, in the table following line 7, strike out “\$75,620,000” in the amount column in the time relating to the total and insert in lieu thereof “\$65,920,000”.

On page 362, line 14, strike out “\$1,916,887,000” and insert in lieu thereof “\$1,907,387,000”.

On page 362, line 20, strike out “\$75,620,000” and insert in lieu thereof “\$65,920,000”.

BINGAMAN AMENDMENT NO. 783

Mr. LEVIN (for Mr. BINGAMAN) proposed an amendment to the bill, S. 936, supra; as follows:

On page 226, between lines 2 and 3, insert the following:

SEC. 708. AUTHORITY FOR AGREEMENT FOR USE OF MEDICAL RESOURCE FACILITY, ALAMAGORDO, NEW MEXICO.

(a) AUTHORITY.—The Secretary of the Air Force may enter into an agreement with Gerald Champion Hospital, Alamagordo, New Mexico (in this section referred to as the “Hospital”), providing for the Secretary to furnish health care services to eligible individuals in a medical resource facility in Alamagordo, New Mexico, that is constructed, in part, using funds provided by the Secretary under the agreement.

(b) CONTENT OF AGREEMENT.—Any agreement entered into under subsection (a) shall, at a minimum, specify the following:

(1) The relationship between the Hospital and the Secretary in the provision of health

care services to eligible individuals in the facility, including—

(A) whether or not the Secretary and the Hospital is to use and administer the facility jointly or independently; and

(B) under what circumstances the Hospital is to act as a provider of health care services under the TRICARE managed care program.

(2) Matters relating to the administration of the agreement, including—

(A) the duration of the agreement;

(B) the rights and obligations of the Secretary and the Hospital under the agreement, including any contracting or grievance procedures applicable under the agreement;

(C) the types of care to be provided to eligible individuals under the agreement, including the cost to the Department of the Air Force of providing the care to eligible individuals during the term of the agreement;

(D) the access of Air Force medical personnel to the facility under the agreement;

(E) the rights and responsibilities of the Secretary and the Hospital upon termination of the agreement; and

(F) any other matters jointly identified by the Secretary and the Hospital.

(3) The nature of the arrangement between the Secretary and the Hospital with respect to the ownership of the facility and any property under the agreement, including—

(A) the nature of that arrangement while the agreement is in force;

(B) the nature of that arrangement upon termination of the agreement; and

(C) any requirement for reimbursement of the Secretary by the Hospital as a result of the arrangement upon termination of the agreement.

(4) The amount of the funds available under subsection (c) that the Secretary is to contribute for the construction and equipping of the facility.

(5) Any conditions or restrictions relating to the construction, equipping, or use of the facility.

(c) AVAILABILITY OF FUNDS FOR CONSTRUCTION AND EQUIPPING OF FACILITY.—Of the amount authorized to be appropriated by section 301(21), not more than \$7,000,000 may be available for the contribution of the Secretary referred to in subsection (b)(4) to the construction and equipping of the facility described in subsection (a).

(d) NOTICE AND WAIT.—The Secretary may not enter into the agreement authorized by subsection (a) until 90 days after the Secretary submits to the congressional defense committees a report describing the agreement. The report shall set forth the memorandum of agreement under subsection (b), the results of a cost-benefit analysis conducted by the Secretary with respect to the agreement, and such other information with respect to the agreement as the Secretary considers appropriate.

(e) ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term "eligible individual" means any individual eligible for medical and dental care under chapter 55 of title 10, United States Code, including any individual entitled to such care under section 1074(a) of that title.

SPECTER AMENDMENT NO. 784

Mr. WARNER (for Mr. SPECTER) proposed an amendment to the bill, S. 936, supra; as follows:

On page 306, between lines 4 and 5, insert the following:

SEC. 1041. REPORT ON POLICIES AND PRACTICES RELATING TO THE PROTECTION OF MEMBERS OF THE ARMED FORCES ABROAD FROM TERRORIST ATTACK.

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

(1) On June 25, 1996, a bomb detonated not more than 80 feet from the Air Force housing complex known as Khobar Towers in Dhahran, Saudi Arabia, killing 19 members of the Air Force and injuring hundreds more.

(2) On June 13, 1996, a report by the Bureau of Intelligence and Research of the Department of State highlighted security concerns in the region in which Dhahran is located.

(3) On June 17, 1996, the Department of Defense received an intelligence report detailing a high level of risk to the complex.

(4) In January 1996, the Office of Special Investigations of the Air Force issued a vulnerability assessment for the complex, which assessment highlighted the vulnerability of perimeter security at the complex given the proximity of the complex to a boundary fence and the lack of the protective coating Mylar on its windows.

(b) REPORT. Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report containing the following:

(1) An assessment of the current policies and practices of the Department of Defense with respect to the protection of members of the Armed Forces abroad against terrorist attack, including any modifications to such policies or practices that are proposed or implemented as a result of the assessment.

(2) An assessment of the procedures of the Department of Defense intended to determine accountability, if any, in the command structure in instances in which a terrorist attack results in the loss of life at an installation or facility of the Armed Forces abroad.

SANTORUM (AND SPECTER) AMENDMENT NO. 785

Mr. WARNER (for Mr. SANTORUM for himself and Mr. SPECTER) proposed an amendment to the bill, S. 936, supra; as follows:

At the end of subtitle B of title III, add the following:

SEC. 319. REALIGNMENT OF PERFORMANCE OF GROUND COMMUNICATION-ELECTRONIC WORKLOAD.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the transfer of the ground communication-electronic workload to Tobyhanna Army Depot, Pennsylvania, in the realignment of the performance of such function should be carried out in adherence to the schedule prescribed for that transfer by the Defense Depot Maintenance Council on March 13, 1997, as follows:

(1) Transfer of 20 percent of the workload in fiscal year 1998.

(2) Transfer of 40 percent of the workload in fiscal year 1999.

(3) Transfer of 40 percent of the workload in fiscal year 2000.

(b) PROHIBITION.—No provision of this Act that authorizes or provides for contracting for the performance of a depot-level maintenance and repair workload by a private sector source at a location where the workload was performed before fiscal year 1998 shall apply to the workload referred to in subsection (a).

THURMOND AMENDMENT NO. 786

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill, S. 936, supra; as follows:

On page 26, after line 24, add the following:

(b) EXCEPTIONS.—The prohibition in subsection (a) does not apply to the following:

(1) Any purchase, lease, upgrade, or modification initiated before the date of the enactment of this Act.

(2) Any installation of state-of-the-art technology for a drydock that does not also increase the capacity of the drydock.

On page 26, line 21, insert "(a) PROHIBITION.—" before "None".

On page 37, line 9, strike out "6,006" and insert in lieu thereof "6,206".

On page 278, line 12, strike out "under section 301(20) for fiscal year 1998".

On page 365, between lines 18 and 19, insert the following:

SEC. 2206. INCREASE IN AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT ROOSEVELT ROADS NAVAL STATION, PUERTO RICO.

(a) INCREASE.—The table in section 2201(b) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2767) is amended in the amount column of the item relating to Naval Station, Roosevelt Roads, Puerto Rico, by striking out "\$23,600,000" and inserting in lieu thereof "\$24,100,000".

(b) CONFORMING AMENDMENT.—Section 2204(b)(4) of such Act (110 Stat. 2770) is amended by striking out "\$14,100,000" and inserting in lieu thereof "\$14,600,000".

On page 400, after line 25, insert the following:

(d) AUTHORITY CONTINGENT ON APPROPRIATIONS ACTS.—The Secretary may exercise the authority under subsection (a) only to the extent and in the amounts provided in advance in appropriations Acts.

On page 409, line 23, insert ", to the extent provided in appropriations Acts," after "shall".

On page 417, line 23, strike out "\$1,265,481,000" and insert in lieu thereof "\$1,266,021,000".

On page 418, line 5, strike out "\$84,367,000" and insert in lieu thereof "\$84,907,000".

On page 419, line 17, strike out "\$2,173,000" and insert in lieu thereof "\$2,713,000".

On page 481, line 16, insert "of the Supervisory Board of the" before "Commission".

KENNEDY (AND WARNER) AMENDMENT NO. 787

Mr. WARNER (for Mr. KENNEDY, for himself and Mr. WARNER) proposed an amendment to the bill, S. 936, supra; as follows:

Strike out section 123 and insert in lieu thereof the following:

SEC. 123. EXCEPTION TO COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

In the application of the limitation in section 133(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 211), there shall not be taken into account \$745,700,000 of the amounts that were appropriated for procurement of Seawolf class submarines before the date of the enactment of this Act (that amount having been appropriated for fiscal years 1990, 1991, and 1992 for the procurement of SSN-23, SSN-24, and SSN-25 Seawolf class submarines, which have been canceled).

THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT AMENDMENT ACT OF 1997

THOMPSON (AND GLENN)
AMENDMENT NO. 788

Mr. BROWNBACK (for Mr. THOMPSON, for himself and Mr. GLENN) proposed an amendment to the bill, H.R. 680, to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of necessities to impoverished families and individuals; as follows:

On page 4, insert between lines 5 and 6 the following:

"(D)(i) The Administrator shall ensure that non-profit organizations that are sold or leased property under subparagraph (B) shall develop and use guidelines to take into consideration any disability of an individual for the purposes of fulfilling any self-help requirement under subparagraph (C)(1).

"(ii) For purposes of this subparagraph, the term 'disability' has the meaning given such term under section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)).

On page 4, line 6, strike "(D)" and insert "(E)".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, July 9, 1997, at 9 a.m. in open session, to consider the nominations of Gen. Wesley K. Clark, USA, to be commander-in-chief, United States European Command and Lt. Gen. Anthony C. Zinni, USMC, to be commander-in-chief, United States Central Command.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions and Regulatory Relief and the Subcommittee on Housing Opportunity and Community Development of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, July 9, 1997, to conduct a hearing on the Real Estate Settlement Procedures Act [RESPA], the Truth in Lending Act [TILA] and problems surrounding the mortgage origination process.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet

during the session of the Senate on Wednesday, July 9, for purposes of conducting a joint oversight hearing with the House Committee on Resources which is scheduled to begin at 11 a.m. The purposes of this hearing is to receive testimony on the Final Draft of the Tongass Land Management Plan as the first step in the congressional review process provided by the 1996 amendments to the Regulatory Flexibility Act.

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

COMMITTEE ON THE GOVERNMENTAL AFFAIRS

Mr. THURMOND. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee Special Investigation to meet on Wednesday, July 9, at 9 a.m. for a hearing on campaign financing issues.

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

COMMITTEE ON THE JUDICIARY

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 9, 1997 at 3 p.m. in room S211 to hold a hearing on: "Encryption, Key Recovery, and Privacy Protection in the Information Age."

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. THURMOND. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 9, 1997, at 2:30 p.m. until business is completed to hold a business meeting for a briefing on the status of the investigation into the contested Louisiana Senate election. This meeting will continue at 9:30 a.m. on Friday, July 11, 1997.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. THURMOND. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 9, 1997 at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

ADDITIONAL STATEMENTS

TOBACCO IN THE MILITARY

• Mr. LAUTENBERG. Mr. President, yesterday the Senate adopted an amendment to require the Pentagon to study the effectiveness of the military's programs aimed at promoting healthy lifestyles among members of the Armed Forces. By March 30 of next year, the Secretary of Defense must

submit a report which outlines programs aimed at preventing tobacco and alcohol dependence, in terms of education, rehabilitation, and intervention. I commend the Senator from New Mexico for his leadership on this issue. As a cosponsor to this amendment, I am glad that my colleagues view the health of our military personnel an important factor when considering our Nation's security.

Over the past year, the Pentagon has taken important steps to reduce tobacco use among its personnel. Despite strong opposition from the tobacco industry and its friends in the Congress, policies to remove subsidies from tobacco products sold through military commissaries have been implemented. Further regulations on tobacco advertising and product placement are due to take effect in the future. These are positive steps that have been long overdue.

The need to attack tobacco addiction in the military was crystallized in a report by the Inspector General of the Department of Defense last December. The DOD IG's analysis concluded that between health care and lost productivity attributed to tobacco use, tobacco addiction costs the Defense Department, and American taxpayers, about \$930 million a year. Roughly \$453 million of this is in hospitalization costs alone. In this Senator's view, that's \$930 million too much.

The need to address this issue head-on couldn't be clearer. Tobacco use among military personnel has continued at higher levels than that of the civilian population. Nearly 36 percent of civilian males aged 18 to 25 smoke cigarettes. However, for the same age group in the Army, 41 percent smoke tobacco products as do 39 percent in the Navy and 44.7 percent in the Marine Corps. In light of the fact that the health of our troops, and all members of our military, should be of the utmost importance, this disparity is shameful.

I commend those in the Pentagon who have begun to seriously address the problem of tobacco sales and addiction in the military. They are doing a great service for military personnel by removing subsidies from cigarettes sold in commissaries in an effort to protect their health. They are taking the bold step of evaluating ways to discourage use, an effort which is clearly at odds with the low prices of tobacco products sold on military bases compared to prices in retail outfits in the rest of the country. While I agree that for their service, members of the military should get certain benefits, a line should be drawn at an addictive and destructive product such as tobacco.

Mr. President, I hope that when this Congress receives the report from the Secretary of Defense, as directed by this amendment, it will include bold proposals aimed at curbing addiction.

Our fighting forces need to be the best prepared and the healthiest in the world.●

REMEMBERING JIMMY STEWART

● Mr. SANTORUM. Mr. President, I rise today to honor the memory of one of the most beloved sons of Pennsylvania, Mr. Jimmy Stewart. A native of Indiana County, Mr. Stewart honored all of us by identifying himself, in the fullest sense, as one of us.

Throughout his career, he was hailed as the Everyman, the quintessential American male, an example of "inspired averageness," as one writer put it. And that was his special gift—doing the extraordinary in a way that didn't call attention to itself. But what he did with his life, what he accomplished, did, in the end, call attention to itself, because Jimmy Stewart was not ordinary.

In "Liberty Valance," one of Mr. Stewart's movies in which he plays a Senator returning to town for a rancher's funeral, a newsman says to him: "This is the West, sir. When the legend becomes fact, print the legend." I would like to recall today, Mr. President, how the fact of Jimmy Stewart became the legend. Because with Mr. Stewart, the fact and the legend are one.

Jimmy Stewart was born in Indiana, PA in 1908. His father owned the local hardware store and he always retained ties to his hometown and the traditions that it embodied for him. As he himself said, "This is where I made up my mind about certain things—about the importance of hard work and community spirit, the value of family, church and God."

He graduated with honors from Princeton University in 1932 with a degree in architecture and even did well enough to earn a scholarship to pursue graduate studies in that field. But it was acting he chose to pursue and he would eventually appear in 71 films, among them some of the best ever produced, such as "The Philadelphia Story," "Mr. Smith Goes to Washington," "It's a Wonderful Life," and "Rear Window." For someone with a reputation for uncomplicated wholesomeness, the successful portrayal of so many diverse characters in so many films suggests, as others have remarked, the possession of something more—something deeper and more compelling than simple wholesomeness, although he had that too.

This "something more" was seen most clearly, perhaps, in Mr. Stewart's exemplary service in World War II. When other stars were content to remain at home and fulfill their patriotic obligation in less hazardous ways, Jimmy Stewart willingly left a thriving and prosperous film career to enlist in the Army Air Corps. He enlisted as a private and by 1945 had attained the

rank of colonel. He also aggressively campaigned for combat duty and would eventually fly 20 dangerous missions over enemy territory as a command pilot. By war's end, he had been awarded the Distinguished Flying Cross, the French Croix-de-Guerre, and the Air Medal. He stayed active in the Air Force Reserve and retired a brigadier general, the highest rank ever attained by a professional entertainer.

Just as he had the humility to leave a successful film career to be a soldier like any other in that war, he also had the modesty to return to acting and wonder if he could reclaim a place in Hollywood. And he did, of course. "It's a Wonderful Life" was his first film after the war and it not only returned him to American movie audiences, it gave us and every future generation the wonderful character of George Bailey. George Bailey, who changed so many lives without even knowing it. And, of course for many of us, Jimmy Stewart was George Bailey. Someone who succeeded in so many ways without ever appearing to fully realize how extraordinary those achievements were.

Jimmy Stewart continued to distinguish himself as a citizen, as an actor, and a devoted husband and father for the rest of his life. Once he retired from the movies, he remained active in charitable and community work, wrote poetry and became an ardent champion of film preservation, often coming to Washington to testify before Congress on the subject of colorizing old black and white films—a practice he opposed.

With his death, he leaves two twin daughters and a son. He also leaves millions of devoted fans who admired him as much for his work as for the exemplary character and intelligence he projected throughout his lifetime.

Jimmy Stewart once said that he agreed to do "It's a Wonderful Life" because of one line in it: "Nobody is born to be a failure." He believed that ordinary Americans, in their everyday life, could, and did, do extraordinary things. Jimmy Stewart may have behaved as if he were just like everyone else. And he may have even believed it himself. But he really wasn't. He wasn't average at all. It was simply a final act of skill and generosity that he let us believe he was.●

ALLOWING MEDICARE ELIGIBLE MILITARY RETIREES TO JOIN THE FEDERAL EMPLOYEES HEALTH BENEFITS PLAN

● Mr. BURNS. Mr. President, I recently added my name to the list of cosponsors of S. 224, introduced by Senator WARNER, which will allow Medicare-eligible military retirees to join the Federal Employees Health Benefits Plan. After hearing from military retirees in Montana, I am convinced that this is a necessary step to help ensure

that military retirees have access to quality health care.

When military retirees turn 65, they no longer have guaranteed access to military health care. The lucky ones can get services from military treatment facilities [MTF's] on a space-available basis, but the rest do not have access to MTF's. They must rely on Medicare, which has less generous benefits, despite the commitment they received for lifetime health benefits by virtue of their service to this country. They are the only group of Federal employees to have their health benefits cut off at age 65. That's just not right.

This bill offers a simple solution by allowing military retirees who are eligible for Medicare to join the Federal Employees Health Benefits Plan. This is a popular program which provides good benefits at a reasonable cost. It will serve military retirees well and uphold the Government's commitment to provide quality health benefits. Our military retirees deserve no less.●

HONORING THE RETIRED AND SENIOR VOLUNTEER PROGRAM [RSVP] OF WATERLOO, IA

● Mr. GRASSLEY. Mr. President, I would like to acknowledge the accomplishments of the Retired and Senior Volunteer Program [RSVP] in Waterloo, IA. This program is celebrating 25 years in their community, this year of 1997. In the last 25 years, over two million volunteer hours have been donated to the communities it serves. Among the recipients of these hours have been children, teachers, elderly, handicapped and a variety of service and community agencies. Some of the many community needs RSVP is assisting with are mentoring, assisting teachers, clerical, carpentry, transportation for the frail and elderly, medication, respite care, tax preparation assistance, bulk mailings, money management, etc. The needs are as diverse as the volunteers themselves.

This RSVP program started out as a clearinghouse for volunteers and now includes sponsoring several programs of its own: a mediation program that assists with the small claims courts; a school volunteer program that provides mentors and other volunteers to assist with student needs; a money management program that helps individuals remain independent in their own homes; a respite program that provides relief to care givers; and a tax assistance program that provides tax preparation assistance to the low income and elderly.

RSVP provides challenging volunteer opportunities to those 55 and older. At the same time meeting many community needs through the dedication of their unselfish volunteers, who have proven to be a valuable asset to the communities they serve.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105-13 AND TREATY DOCUMENT NO. 105-14

Mr. BROWNBACk. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaties transmitted to the Senate on July 9, 1997 by the President of the United States:

Extradition Treaty with France (Treaty Document No. 105-13);

Extradition Treaty with Poland (Treaty Document No. 105-14).

I further ask unanimous consent that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the United States of America and France, signed at Paris on April 23, 1996.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the Treaty will not require implementing legislation.

This Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of both countries. It will thereby make a significant contribution to international law enforcement efforts.

The provisions of this Treaty, which includes an Agreed Minute, follow generally the form and content of extradition treaties recently concluded by the United States.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 9, 1997.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty between the United States of America and the Republic of Poland, signed at Washington on July 10, 1996.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the treaty will not require implementing legislation.

This Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of both

countries. It will thereby make a significant contribution to international law enforcement efforts.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 9, 1997.

FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT AMENDMENTS

Mr. BROWNBACk. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 103, H.R. 680.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 680) to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessities to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 788

(Purpose: To provide that the Administrator of General Services shall ensure that nonprofit organizations shall consider the mental or physical disability of individuals for purposes of self-help requirements, and for other purposes)

Mr. BROWNBACk. Mr. President, Senators THOMPSON and GLENN have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. BROWNBACk], for Mr. THOMPSON, for himself and Mr. GLENN, proposes an amendment numbered 788.

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

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

The amendment is as follows:

On page 4, insert between lines 5 and 6 the following:

“(D)(1) The Administrator shall ensure that nonprofit organizations that are sold or leased property under subparagraph (B) shall develop and use guidelines to take into consideration any disability of an individual for the purposes of fulfilling any self-help requirement under subparagraph (C)(1).

“(ii) For purposes of this subparagraph, the term ‘disability’ has the meaning given such term under section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2)).

On page 4, line 6, strike “(D)” and insert “(E)”.

Mr. BROWNBACk. Mr. President, I ask unanimous consent that the amendment be agreed to.

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

The amendment (No. 788) was agreed to.

Mr. BROWNBACk. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, as amended; that the motion to reconsider be laid upon the table; and that any statements relating to the bill appear at the appropriate place in the RECORD.

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

The bill (H.R. 680), as amended, was deemed read the third time and passed.

CLARIFYING PROTECTIONS OF THE FEDERAL TORT CLAIMS ACT

Mr. BROWNBACk. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1901, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1901) to clarify that the protections of the Federal Tort Claims Act apply to the members and personnel of the National Gambling Impact Study Commission.

The Senate proceeded to consider the bill.

Mr. BROWNBACk. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 1901) was deemed read the third time and passed.

AUTHORIZING PRODUCTION OF RECORDS

Mr. BROWNBACk. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 107, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 107) to authorize the production of records by Senator ROBERT C. BYRD and Senator JOHN D. ROCKEFELLER IV.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

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

Mr. LOTT. Mr. President, Senator BYRD and Senator ROCKEFELLER have each received a request from a State prosecutor in West Virginia for copies of correspondence between a West Virginia resident and their offices for use in a pending criminal prosecution in that State. Senator BYRD and Senator ROCKEFELLER believe that granting the prosecutor's request would serve the ends of justice. This resolution authorizes them to provide copies of correspondence in response to the prosecutor's request.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 107) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 107

Whereas, a prosecutor for the State of West Virginia has requested that Senator Robert C. Byrd and Senator John D. Rockefeller IV provide him with copies of constituent correspondence relevant to a criminal case, *State of West Virginia v. Brenda S. Cook*, No. 97-F-20 (Circ. Ct. of Hardy Cnty., W. Va.);

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Senator Robert C. Byrd and Senator John D. Rockefeller IV are author-

ized to provide to the State of West Virginia copies of correspondence relevant to the criminal case, *State of West Virginia v. Brenda S. Cook*.

ORDERS FOR THURSDAY, JULY 10, 1997

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m., Thursday, July 10. I further ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of S. 936, the defense authorization bill.

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

Mr. BROWNBACK. Mr. President, tomorrow morning, the Senate will resume consideration of the defense authorization bill and immediately begin 90 minutes of debate on the Grams second-degree amendment to the Cochran amendment. Following that vote, the Senate will continue debating amendments with rollcall votes occurring throughout the day. The majority leader has stated that it is his intention to assess the progress on the bill following these votes in order to determine if and when the cloture vote will occur.

POSTPONEMENT OF CLOTURE VOTE

Mr. BROWNBACK. Mr. President, I now ask unanimous consent that the cloture vote be postponed at a time to be determined by the majority leader, after consultation with the Democratic leader.

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

PROGRAM

Mr. BROWNBACK. Mr. President, on behalf of the majority leader, I announce that it is his intention to complete action on the defense authorization bill this week. Senators can expect

late-night sessions with rollcall votes into the evening in order to finish this important legislation this week.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:07 p.m., adjourned until Thursday, July 10, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 9, 1997:

DEPARTMENT OF THE INTERIOR

JAMIE RAPPAPORT CLARK, OF MARYLAND, TO BE DIRECTOR OF THE UNITED STATES FISH AND WILDLIFE SERVICE, VICE MOLLY H. BEATTIE.

DEPARTMENT OF AGRICULTURE

I. MILEY GONZALEZ, OF NEW MEXICO, TO BE UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS, VICE KARL N. STAUBER.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SAUL N. RAMIREZ, JR., OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE ANDREW M. CUOMO.

DEPARTMENT OF AGRICULTURE

AUGUST SCHUMACHER, JR., OF MASSACHUSETTS, TO BE UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES, VICE EUGENE MOOS, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 9, 1997:

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

GEN. WESLEY K. CLARK, **X.**

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be general

LT. GEN. ANTHONY C. ZINNI, **X.**