SENATE—*Thursday, October 14, 1993*

(Legislative day of Wednesday, October 13, 1993)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. DORGAN].

PRAYER

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

Let us pray:

Hear O Israel: the Lord our God is one Lord: And thou shalt love the Lord thy God with all thine heart, and with all thy soul, and with all thy might. And these words, which I command thee this day, shall be in thine heart: And thou shalt teach them diligently unto thy children, and shalt talk of them when thou sittest in thine house, and when thou walkest by the way, and when thou liest down, and when thou risest up.—Deuteronomy 6:4–7.

God of Abraham, Isaac and Israel, of Moses and the Prophets, of Jesus and the Apostles, Father of us all, these profound words from the Torah are the mandate for a functional family, a healthy home, and a strong social order. Help us to hear them, heed them, and apply them in our lives and our homes.

In Jesus' name. Amen.

RESERVATION OF LEADER TIME

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT OF 1994

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 3116, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes.

The Senate resumed consideration of the bill.

Mr. INOUYE addressed the Chair.

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

Mr. INOUYE. Mr. President, the committee is ready to proceed. However, the author of the first amendment to be proposed is on his way.

I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GREGG. Mr. President, I ask unanimous consent to proceed as if in morning business for 5 minutes.

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

The Senator is recognized for 5 minutes.

WARRANT OFFICER MICHAEL DURANT

Mr. GREGG. Mr. President, this is obviously a day of good news for New Hampshire, for the country, and especially for the people of Berlin as their son WO Michael Durant is released and returned to Germany where he will be treated.

Michael Durant, as we all know, was the individual who was held hostage in Somalia. He was sent to Somalia as a soldier of the United States and comported himself extremely well representing our country and doing his job pursuing his duty.

Unfortunately, in the process of undertaking that obligation, he was taken prisoner and he was wounded. But he has now been released, and the people of New Hampshire and the people of this country are obviously greatly heartened by that.

There was universal support from the folks in New Hampshire for him and for his family during this very difficult time. We are still a small enough State to be really considered a community. We are a State where people are very concerned about our fellow citizens and when they are put in harm's way. There are a great many prayers not only in Berlin but across the whole State to assure the safe return of Michael Durant which now appears to be accomplished.

The early reports are that his wounds are significant but that he is going to recover and, as I mentioned, he will be going on to Germany for excellent treatment in an American military base hospital. So this is excellent news.

But out of this tragedy, which has turned out well for Michael Durant but not so well for the other Americans who died there, some very significant questions are raised. Today, it was reported in the Washington Times that the commander of the troops in Somalia opposed pursuing Mr. Aideed under the manhunt as requested as it was pursued. The commander, as represented by this newsstory, if it is accurate, represented to the leadership of the Pentagon that to pursue Mr. Aideed in this manner was not something that could be accomplished effectively, that it was not a mission that the military should pursue, I presume because of the nature of the situation in Mogadishu where you have over a million people living in very close quarters, and yet the commander, according again to the story, was overruled by the Secretary of Defense. In addition, we know that the Secretary of Defense rejected a request by the commander in the field for support in the area of transport, in the area of heavy military equipment, and in the area of more men in order to undertake the manhunt effort.

That rejection may well have been one of the reasons why the men who were shot down in the helicopters found themselves under fire and without relief for almost 9 hours—9 hours during which American soldiers' lives were at risk and, unfortunately, some were lost.

Those two major decisions, which appear to have been taken by the Secretary of Defense and the administration and which appear to have been in opposition to the requests and positions of the commander in the field and the military commanders on the ground, raise very serious issues, serious issues involving the appropriateness of the mission, No. 1, and, No. 2, the question of whether or not American lives would have been lost had the on-the-ground commanders' positions been followed and accepted by the Secretary of Defense and the administration.

I would hope that the proper committees of this Senate would hold open and public hearings on these two issues. I do not understand how we can pursue a course in Somalia which is inconsistent with our military advice of our commanders in the field, and I believe the American people want to know why we were pursuing a course in Somalia which was inconsistent with our military commanders and people on the ground who were responsible for that action.

American lives have been lost. One American has been put through an incredible trauma in the person of Warrant Officer Durant. He has now returned. But the question remains: Why

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

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were these lives put at risk? Was the mission appropriate? Did the military personnel advise against the mission and were they overruled by the Secretary of Defense? Did the military commanders on the ground request greater support in order to pursue the mission and were they overruled by the Secretary of Defense and the administration? And if those decisions were made, was the approximate result of those decisions the loss of American lives?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. GREGG. I thank the Acting President pro tempore and hope we will hold hearings on this issue.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

FIRST EXCEPTED COMMITTEE AMENDMENT

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

The ACTING PRESIDENT pro tempore. The Chair would advise the first excepted committee amendment is pending.

Under the previous order, Senator BUMPERS is to be recognized to offer an amendment.

Mr. INOUYE. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

AMENDMENT NO. 1027

(Purpose: To reduce the amount of funding provided for the Trident II Missile Program)

Mr. BUMPERS. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. Without objection, the pending committee amendment will be set aside and the clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. DORGAN, Mr. WOFFORD, and Mr. FEINGOLD, proposes an amendment numbered 1027.

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

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

The amendment is as follows:

On page 27, strike lines 13–14 and insert in lieu thereof the following: "$2,972,906,000, to remain available for obligation until September 30, 1996: *Provided*, That of the funds appropriated in this paragraph, $1,028,596,000 shall not be obligated or expended for procurement or advance procurement of Trident II missiles unless the President has certified to Congress that the other signatories to the START treaty have rejected a United States proposal to the Joint Compliance and Inspection Commission that "detubing" be accepted as an option for eliminating SLBM launchers under START II."

Mr. BUMPERS. Mr. President, I want to say to the distinguished floor manager, who has been more than generous and cooperative on this, that I have for the time being and I am not sure permanently stricken the last part of the amendment he has there, and I will talk about that in just a moment. But let me first talk about the substance of this amendment.

I cannot remember in my 19-year tenure in the Senate where the Senate has had an opportunity, Congress has had an opportunity to save between $13 and $17 billion with no military or strategic disadvantage.

I have had a few Senators in the last few weeks say to me that they were sorry they voted for a lot of the defense spending of the 1980's. And those same Senators told me they were going to support this amendment.

I want to say, first of all, that it is a little bit complicated for people who do not keep up with strategic weaponry and the START agreements and the agreements that we have had with the Soviet Union in the past and now have with Russia and other former Soviet Republics.

But under the START II agreement—and this is very basic, and so all of my colleagues I hope will understand this if they do not understand any other part of the debate—the United States and Russia and Kazakhstan and Belarus, and the Ukraine are limited to 3,500 warheads each. In my opinion, this is a good treaty. We should have always been negotiating treaties based on warheads rather than land launchers.

But this amendment deals with submarine-launched missiles.

Now, while both Russia and the United States are each allowed 3,500 warheads, we are allowed 1,750 warheads on submarines. That leaves us, if we choose to put all the 1,750 warheads on submarines, with 1,750 warheads to be placed on bombers and ICBM's, land-based missiles.

Mr. President, in 1997, the U.S. Navy will have delivered to it its 18th Trident submarine. That is the completion of the Trident Program. And by 1997, those 18 Trident submarines will compose the entire submarine missile firing part of our strategic weaponry.

Let me repeat that. By 1997, we will have 18 Trident submarines. Each one of those 18 submarines is equipped with what we call 24 tubes—that is, they will carry 24 missiles—and each missile would, except for START II, carry 8 warheads. That means that each Trident submarine has 24 missiles, with 8 warheads on each one; that is 192 warheads per submarine. That means that we wind up with 3,456 warheads on those 18 Trident submarines.

Let me digress just a moment to say that, obviously, 3,500 warheads, which we are permitted under the agreement, is enough to blow the planet out of orbit.

But to proceed with the story, the Trident force alone would have 3,456 warheads if we did not have START II.

Now, Mr. President, under the START II agreement, since we are only allowed 1,750 SLBM warheads, that means we have to cut 50 percent of the warheads that the Trident is capable of carrying because we are limited to 1,750.

And so the question then is, How do you do that? We have to start doing this in the year 2000, and we have to be in compliance by the year 2003. So the question for the U.S. Congress and the Senate today to answer is: How do we cut 50 percent of the warhead capacity the Tridents are capable of carrying?

You can do it either of two ways. You can go ahead and equip each submarine with 24 missiles, and download the warheads from 8 to 4. Again, if you have a Trident submarine that could carry 24 missiles, and you download from 8 warheads to 4 warheads, you cut in half the 192 warheads that submarine is capable of carrying to, namely, 96.

Now, Mr. President, what does that mean? That means that if you download every Trident submarine from 8 warheads to 4 warheads per missile, you arrive at 1,728. That is 24 fewer than we are allowed, but that is what we will do one way or the other. That is option 1—24 missiles per submarine, 4 warheads per missile; total warheads on all 18 Tridents, 1,728.

Option 2, which is what this amendment would do, instead of putting 24 missiles on each submarine, you put 12 missiles, and instead of downloading, you go ahead and leave 8 warheads on each missile.

Now, if you have 12 missiles with 8 warheads, you know what you come out with? The very same 96 warheads.

Why the amendment? Because those missiles cost $46 million a pop. Do you know what you save if you take option 2 and put 12 missiles rather than 24 on each submarine? Do you know how much money you save? $5 billion between now and 1999. Do you know what you lose strategically? Nothing. Zip. Zero.

Now, let me go on with the story. Of the 18 Trident submarines—which have been in service for some time; some of them are getting a little age on them—8 of them are in the Pacific Ocean. The remainder, the other 10, are and will be in the Atlantic Ocean.

But let me take the first eight submarines that we built which are now in the Pacific Ocean. They do not carry this D–5 missile, properly known as the Trident II missile.

Now, bear in mind, my amendment would stop production of the D–5—and I will come back to why.

Well, I will just tell you now. Because we have already bought and paid for—under my option, we have already bought and paid for—more missiles than we can possibly use, plus a very robust testing program of five tests of the D–5 each year for 20 years. In other words, we have in excess of 100 missiles

above what we need to outfit this last 10 submarines with the D–5 missile, plus 100 left over to test with, assuming we follow my option of having 8 warheads on each of 12 missiles per submarine.

Back to the Pacific Trident fleet. Eight submarines in the Pacific carry what is known as the C–4 missile; a good missile, nothing wrong with it. But do you know what the Navy wants to do, Mr. President? In about the year 2002, they want to start backfitting these eight submarines to accommodate the D–5 missile. They want to take the C–4 missile off and put the D–5 on.

Do you know what the cost of that is? It is $7 billion. Do you know what you get by taking the C–4 off the Trident submarine and putting the D–5 on, in addition to a $7 billion cost? I will tell you what you get. You get a new missile, a D–5, even though you are replacing a C–4, which has a good, long life in front of it.

Do you know what else you get? You get a missile that is more accurate than the C–4. Do you know how much more accurate? We are going to spend $7 billion to put the D–5 on these first eight submarines and take the C–4 off, and you get accuracy, what we call the circular error probable or CEP; that is, how many of these missiles are going to hit within a certain area. The D–5 has what they call a CEP of 150 yards. That means, if you fire a D–5, it will normally hit within something like that distance of what it is aimed at.

Do you know what the C–4 hits? It is to within 300 yards. For $7 billion you get missiles that are more accurate by a distance from here to the House of Representatives down the hall.

Mr. STEVENS. Mr. President, will the Senator yield? I suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

Mr. BUMPERS. To proceed, Mr. President, that is what you get. That is how much more accuracy you get for $7 billion.

If the C–4 missile's life was going to be terminated along that period of time, it might make a little sense. But even the Pentagon tells you the C–4 missile is good through 2016.

Do you want to know something else? After you spend $7 billion to put the D–5 on these eight Trident submarines, you are doing that, spending that $7 billion, for submarines which have a life expectancy of 5 to 8 years left.

The Senate is going to live a long time before it has an opportunity to save this kind of money and lose nothing. You are going to hear stories about how the submarines are going to have to get in closer, presumably to Russia, because the missiles will be carrying eight warheads.

Let me ask this question. If that is a problem, why on God's green Earth do we now have 24 missiles with 8 warheads on them? Why do we now patrol the Pacific and Atlantic Oceans with 24 missiles, each with 8 warheads, if suddenly this is such a critical thing on how close you get to your targets?

But, do you know what the real clinker is on that argument? The C–4 and the D–5 have exactly the same range. You lose nothing. And when you talk about 300 yards of accuracy in the nuclear business where you are talking about destroying square miles, totally devastating square miles, I submit buying new missiles for the C–4 is sheer idiocy, lunacy.

Then you will hear, well, all our ships are not at sea all the time. It is true, 65 percent of the force is at sea, one or two are usually in overhaul, and the rest of them are on standby. Of the 18 Trident submarines, 65 percent of them are at sea, on patrol, ready at all times and all but 2 of the 18 are ready to go. Those that are not at sea are ready to go.

I will save some of my arguments on this. But the one point I want to make is to refute the arguments the Navy is making about why this is not a good idea. I have a letter from President Clinton, saying, I assume, essentially what the Navy told him to say, and that is this is not a good idea. But the Secretary of Defense, the President of the United States, our strategic commander and the Deputy Assistant Secretary of Defense—do you know what they say? "This is a great idea except for one thing. You are tinkering with the START agreement. We would have to renegotiate the START II treaty."

Let me destroy that one for you. This agreement was executed in May 1991 when George Bush was President and Mikhail Gorbachev headed up the Soviet Union. When they brought that agreement back to Russia, they first jumped on Gorbachev, the Parliament did, and later jumped on Yeltsin. They said, "You dummies, you have been outfoxed by the United States again. Don't you know why they want to put 24 missiles on each one of those submarines and download to 4 warheads?" They said, "In the case of an emergency the United States can upload to eight warheads per missile in nothing flat. You have been snookered."

So when people say to me you have to reexecute the agreement, or you have to submit this to the other republics like Russia and the Ukraine and they may want something in return, I have two arguments on that. No. 1, I think the Russians would 10 times rather see us fill up 12 tubes on each submarine with concrete or whatever else, where we could not upload in a matter of days. If they are really upset about the fact that we could up load from 4 to 8 warheads, they would jump at the chance of an offer from us saying we are going to detube—that is what they call it, filling up the tubes—detube 12 tubes on the submarine.

When people say to me the Russians will not accept it, I say, for $17 billion it sure will not hurt to ask. If they say no, you are the winner, I say to the Senator, Mr. President, and we spend the money and we buy the missiles, even though I will go to my grave knowing we did not need to. We will go ahead, as we did in the 1980's with the B–1 bomber, 24 of which will soon be taken out of service, 100 B–1 bombers that cost $28 billion and will hardly get off the ground. But because we were convinced the Russians were coming up the Potomac River any day, we voted for it wholesale. I did not.

Then they come along with the B–2 and they say, "Oh, it's stealthy." They did not tell us it was going to cost $2 billion apiece. The first time I ever got a presentation on the B–2, it was going to be $300 million each. Then it goes to 2 billion.

Do you think the Senate cared? We did not care what it cost. Nobody was going to go home and run and tell his people that he was antidefense. Better still, he was not going to let his opponent accuse him of being antidefense, and that lunatic buildup of defense in the 1980's cost us—cost us—at least $1.5 trillion of the $3 trillion increase in the national debt.

What did we get for it? The question has the answer in it.

And so in this case—and the battleships. That is another one. Oh, that was a beauty. Some lobbyist in town did not know what else to do, so he decided we would take those old World War II rust-bucket battleships out of mothballs: The *New Jersey*, the *Iowa*, the *Wisconsin*, the *Missouri*—four of them. We were going to take them out of mothballs and retrofit them.

That wonderful *Missouri* on which the Japanese surrendered to MacArthur in 1945, take it out, spend a half billion dollars on it, take the *New Jersey* out, spend a half billion dollars on it. Senator CHAFEE, of Rhode Island, and I stood on the floor and we almost dropped saying: "This is crazy. What are you talking about?" We might as well been hollering in a rain barrel for all the good it did.

So we took those four battleships out of mothballs and spent close to $2 billion. Do you know where they are now? Back in mothballs.

Do you remember when the *New Jersey* pounded the shores of Lebanon? When you go to the Shouf Mountains in Lebanon today, do you know what the civilians talk about? How we slaughtered innocent men, women, and

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children in the Shouf Mountains because that battleship was so inaccurate.

Of course, the first thing they discovered when they took it out of mothballs and retrofitted it was that those 16-inch guns shook everything out of kilter, so they had to go back and encase it in rubber, and all that sort of thing, so they could use it.

But the point is, time after time after time the U.S. Senate has had a chance to do something rational and sensible and save money, and we have steadfastly refused to do it. Battleships, B–1, B–2, and on it goes. And now, today, an opportunity to save $13.7 to $17.7 billion between October 1, 1993, and October 1, 2010, and that does not count, Mr. President, the interest on the money we are going to borrow to do those things. Double that. Compound 4½ percent interest on that $17 billion for 30 years and you wind up at $35 billion.

I saw in the New York Times yesterday where the President is getting ready to send a rescission to the Congress. A rescission, of course, is the right to cancel spending that Congress has already appropriated. The story said the President is going to recommend $10 to $15 billion in spending cuts. I do not mind telling you, I recommended to the President 6 months ago during the debate on the stimulus package that he ought to send a king-size rescission over here, and it will give all the people who have been wanting to embarrass the President an opportunity to offer amendments and say, "Well, we ought to do this and we ought to do that."

We can cut more spending than that. We heard all those arguments back during the debate on the deficit reduction package: "Cut spending first. I would not mind voting for this deficit reduction package, but it does not have enough spending cuts in it." And so we come to the super collider and the space station and the National Endowment for Democracy, SDI, and now the D–5 missiles, and the same people who lamented and railed endlessly on the floor of this body about spending cuts could not find it in their hearts to vote to cut one single dime—not one.

The Senate is back to the old stand doing business, adding to the $4 trillion debt and going home and telling the folks something. I do not know what they tell the folks back home.

Do you know another argument you are going to hear on this? The British have built four Trident submarines and they are buying the D–5 missile. Well, I think that is just wonderful, but I do not think the United States ought to be footing the bill to keep the line open buying missiles we do not need in order to accommodate the British. I think it is fine for the British to buy this. I think they are going to buy about 20 over the next 4 years, which means they probably have enough to fill up the first three Trident submarines, and they have one more to go.

Look at the savings right there. Now these are not figures that I just grabbed out of the air. These are figures that come from the budget, from the Defense appropriations bill, from CBO, from the Navy's own in-house studies. I promise you they are accurate.

If you detube the last 10 Trident submarines and say we are only going to put 12 missiles on those 10 submarines, you will cancel 133 missiles that the Navy intends to buy and that the 1994 appropriations is a part of. So you cancel those. Bear in mind, we already have—this is a point that I cannot make too many times—we already have enough missiles bought and paid for, that will be delivered by 1995, to take care of all of our needs under this option and give them five missiles to test every year for 20 years. But here is the first item: Cancel the 133 missiles, $45.7 million each. That "ain't" beanbag.

Everybody on this floor sends wish lists to the chairmen of the 13 appropriations subcommittees. I am chairman of the Agriculture Appropriations Committee, and I do not know how many requests I got. My guess would be somewhere in the vicinity of 1,000 requests from the Members of the U.S. Senate: "Please give me a million for this; please give me $2 million for that; please give me $500,000 for this."

And this year Senator BYRD, chairman of the Appropriations Committee, had to warn all of us: You have to scale back. You do not have the money you have had in the past. You cannot dole out this pork the way you have been doing it.

You think about one missile, $46 million. I could build five small, rural hospitals in my State for that amount of money. Education is failing this country miserably, not the least of the reasons being a shortage of money—$46 million for one missile. And here under this amendment we give the Congress a chance to do something. Cancel those, and do you know what that is worth: $6.1 billion. Add back to that the cost of filling in those 12 tubes on each submarine for $1 billion and your net savings is $5.1 billion. That is real. That is real money. I have seen days I did not make $5.1 billion.

And then you go ahead and cancel the backfitting of those eight submarines in the Pacific and do not buy the D–5 to put on those submarines. You save $8.6 to $12.6 billion with that one, and you lose nothing.

This would be a good amendment if the Soviet Union were still intact. If we had executed this agreement, which we did with the Soviet Union, and the Soviet Union were still in business, this would be an excellent amendment. The fact that the Soviet empire has disintegrated makes it absolutely irresistible.

So, Mr. President, there is your savings. Cancel the program now; do not backfit the first eight submarines, your strategic forces in the Atlantic and the Pacific do not suffer one iota, and the taxpayers of America save from $13.7 to $17.7 billion.

Let me make one other observation. I have said it once but I wish to say it again. Nobody in the U.S. Senate has been more committed to arms agreements than I have been. John Heinz, our late departed brother from Pennsylvania, PAT LEAHY, JOHN CHAFEE, and DALE BUMPERS stood on the floor the first 5 years Ronald Reagan was President of the United States and said even though the SALT Treaty has not been ratified, let us live by it until the Russians start violating it, and for 5 years we succeeded in not breaking out of an unratified agreement.

So I always have championed arms agreements. I am married to the secretary of peace. I would not have much choice, I guess, even if I had not felt strongly about this. She thinks she brought about the dissolution of the Soviet Union. I think she did make a contribution, but my point is this. People say you are going to destroy the START agreement. You are destroying nothing.

Now, Mr. President, let me make one topical statement before I finish. It has nothing to do with this amendment. It has to do with the Senate.

It is tragic, is it not, when you are talking about the fate of the planet and there are roughly four or five Senators in this Chamber and most of them will not have read the colleague letter sent out.

Incidentally, I should say at this time I am very happy to have Senator DORGAN as a chief cosponsor, and he will be speaking on this amendment a little later. I am happy to have the Presiding Officer, from the great State of Wisconsin, as a chief cosponsor of this amendment.

But my point is this. How do you reach the other Senators with this argument? They are off doing other things. I am not really criticizing them. Some of them are in committee meetings. I ought to be in the conference committee on Interior appropriations right now.

But this is a fairly complicated amendment. I discussed it in the Democratic caucus yesterday, and I did the very best I could to simplify it. But I felt, when I left the caucus yesterday, there were a lot of Senators who did not really fully understand it.

I also want to say you are going to hear a lot of Senators come into this Chamber and talk about patrols, the START agreement. Nobody is going to argue—the President did not and the Secretary of Defense did not—that we are placed at a military or strategic disadvantage if my amendment passes.

The Navy is going to say, well, this is the agreement we cut with the Russians, that we download all of our missiles from eight warheads to four, so we need to stick with that agreement. It would just be a nightmare to go talk to the Ukrainians, the Byelorussians, and Russia, and so on. We do not want to do that.

What you are saying is we do not want to save maybe $17 billion.

Mr. President, I will have a few more things to say and I hope we can possibly enter into a time agreement on the amendment. At this point I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to support the amendment offered by the Senator from Arkansas, and to oppose any weakening amendments. I will speak only a few short minutes.

The Senator from Arkansas [Mr. BUMPERS] has raised the sport of swimming upstream in the Senate to Olympic standards. I remember, early this year, when people were proudly wearing, on their dark suit lapels, pins that said "cut spending first." "Cut spending first," that was the political battle cry early in this year. That was a battle cry that became a chant, a mantra used during the deliberations on the budget.

Well, we got through that period and then the Senator from Arkansas began to bring amendments to the floor of the Senate. He offered an amendment to cut over $30 million for the National Endowment for Democracy. How many people know that we give money to the national Republican Party, the national Democratic Party, the U.S. Chamber of Commerce, and the AFL–CIO and urge them to take this around the world and do good work with it to promote democracy? The NED is the most colossally wasteful program in the entire world. The Senator from Arkansas brought that NED amendment; he offered an amendment to eliminate the space station, a project that cannot do what it was advertised, is running far over budget, and is not needed. The Senator wrote an amendment to eliminate the super collider; and now he is proposing an amendment to save $6 billion by stopping production of the D–5 missile. We would save $1 billion this fiscal year and $5 billion in later years.

As I said, the Senator from Arkansas has made swimming upstream an art. Unfortunately, he and I and others who have helped him on these amendments have not always succeeded. That is because wearing the pin that says "Cut Spending First" is easy. That is showboating. Coming to the Senate floor, registering your judgment as an elected representative of the people, and giving one of two answers, yes or no, to the specific amendments—that is where we determine how we spend the taxpayers' money.

The amendment to eliminate funding for the National Endowment for Democracy failed. The amendment to cut the space station failed. The amendment to terminate the super collider failed. Here we are talking about tens of billions of dollars of future spending, which was voted for and supported by people who just months before had worn badges that said, "Cut Spending First."

Now the Senator from Arkansas brings to the floor of the Senate a very simple amendment. He is proposing an amendment that would save about $6 billion by stopping the production of a missile that we do not need. We will not sacrifice any of this country's security. We will not diminish this country's preparedness. We will simply save money.

There is an almost irresistible tide in the Congress of the United States to spend money. That is because all spending has a constituency: In this case it is the Navy. The Navy and contractors and others who are involved in the production of the D–5 will come up with a range of arguments suggesting that this would not be a wise course. They will list the reasons why we need to continue to fund production of this missile.

But let me remind my colleagues of one central fact. We will borrow slightly less than $1 billion today. But that is not peculiar to this day. That is true of every day this year. Every single day this year, the Federal Government will borrow $1 billion in order to support spending for which it has not collected revenue. That is not just workdays or weekdays. That is every day, 7 days a week, every week, every month. All year we are going to borrow money in order to spend it on a range of programs. Some of these programs are critically important to the American people. Some of them are terribly wasteful.

We face a fiscal crisis in this country. The Senator from Arkansas proposes one modification, one change, without sacrificing security, without sacrificing preparedness. We can save $6 billion. Now is the time for us to take a look at the merits of these arguments and say, is there an irresistible need to keep spending money we do not have on things we do not need? Or should we not from time to time take a look at the merits of these amendments and decide yes, this makes sense, now is the time to cut back? Cutting spending is real. It is more than just a chant.

I want to commend again the Senator from Arkansas for this amendment, and tell him I not only support it, but I also support it enthusiastically. This amendment makes good sense.

Let me say to the chairman of the subcommittee, the Senator from Hawaii, I understand the job he does. He has done a wonderful job for many years. It is not easy to allocate scarce resources among those who have unlimited wants and needs. However, in this instance I think the Senator from Arkansas has proposed an amendment that will warrant attention and support by the entire Senate, and I hope we will see this amendment pass today.

Mr. President, I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I find no pleasure in rising to speak in opposition to this amendment.

May I say at the outset that the statistics and numbers presented by the very distinguished Senator from Arkansas are correct. They are based upon numbers and statistics presented by the Department of Defense. The only area that may be questionable would be the dollar figures. But I believe that this is a fundamental issue involved there, not in this amendment alone but in the bill before us. And the issue is the question: Have we, the inhabitants of this planet, reached the stage of development in which we can assure ourselves that peace is finally upon us? That is the question before this House.

I will agree with everyone here that defense spending has been painful and expensive, but we must also admit that since the end of World War II, because we were willing to spend this money, our people have not had to suffer the agony and the misery of a world war.

Yes, we have had Grenada, Panama, Lebanon, and the desert war, but none of the magnitude of World War I and World War II.

Yes, the wall is no more. It is now a place for souvenir hunters to pick up bits of concrete. The Soviet Union that we knew 5 years ago is part of history. But yet, Mr. President, I think we should be aware at this moment that the Russian Government is still producing and procuring multiple warhead ICBM's, intercontinental ballistic missiles, at a time when they are telling us they are poor and destitute. Mr. President, they are still producing and procuring multiple warhead ICBM's.

The question is why? At this moment the nuclear arsenal of the Russians is greater than that of the United States. That is fact. Mr. President, when the wall came down, there was sudden euphoria in this Nation. Many believed that the long-sought peace was finally upon us.

And back to the point, 10 months before Desert Storm, all of us, Members of this Senate, our intelligence community, were convinced that the Middle East had finally reached that state of grace. Decisions were made by the Department of Defense to dismantle the central command, put it out of business. It was no longer needed. Decisions had been made to retire General Schwarzkopf, that his services were no

longer necessary. But there are some of us who felt otherwise. But I think we should remind ourselves that many of our colleagues had very pleasant visits with Saddam Hussein. And many of our colleagues returned to this floor to declare, in ringing terms, what a great person Saddam Hussein was, that he was the "Prince of Peace." But then we found ourselves in a shooting war.

Last evening, I watched a program on one of our networks, and it spoke of the strange mystery of a squad of men in the Naval Reserve. These men had served in the desert, and all of them came down with strange ailments. Now one of the agencies of this Government is suggesting that they are victims of chemical biological warfare.

Mr. President, I wish I could come before this body and assure my colleagues that there is peace; that we can further cut defense. In the last 5 years, we have cut out $100 billion. Three years ago, we had 2.1 million men and women in uniform; today, it is 1.4 million. Yes, we are cutting down defense. But the question is: Have we reached a stage where we can cut further?

I wish I could tell my colleagues that we need not lose any sleep over the Koreans. I have no idea what the leaders of North Korea have in mind. What about India and Pakistan? Are they embracing each other? Why are they producing nuclear devices? Is it for energy production, or is it for weapons production? Mr. President, I have no answers. I wish I had the good sense to be like some of my colleagues and say, "Do not worry; peace is upon us."

Mr. President, I was prepared to accept the amendment as it was originally drafted. The original draft of this amendment included a phrase that read as follows: "* * * or until the President has certified to Congress that such cause of action would not be in the national interest."

I think this would cover circumstances of uncertainty. I think all of us should keep in mind that though communism as a threat may not be a viable one this day, we do have another threat, and that is uncertainty.

So, Mr. President, I wish to amend the pending amendment.

AMENDMENT NO. 1028 TO AMENDMENT NO. 1027

(Purpose: To reduce the amount of funding provided for the Trident II Missile program)

Mr. INOUYE. 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 Hawaii [Mr. INOUYE] proposes an amendment numbered 1028 to amendment No. 1027.

Before the period add the following: "or until the President has certified to Congress that such course of action would not be in the national interest".

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am hopeful that the Senator from Arkansas will see fit to restore this language to his amendment. I join the Senator from Hawaii in expressing a reluctance; we have to really support funding for these continued funds for systems such as this. But we do so because it is the request of the administration, and it also is the request of those who tell us what we need to maintain our defenses.

At one time, the Senator from Arkansas was speaking and said that we "could have our money." I am sure our friend from Arkansas meant the Senator from Hawaii and this Senator. If we could possibly do so, we would shift this money to other problems that we work every day to solve. I want to assure the Senator from Arkansas that we do not present these systems to the Senate because this is something that will benefit us or benefit our States, or in any way because of a commitment to continued production of systems we do not need.

I am convinced that we must continue to maintain these systems, to have these weapons, until the peace, as the Senator from Hawaii has indicated, is actually here.

Furthermore, I believe that the systems that we have financed in the past, as the Senator from Hawaii has said, did in fact bring about the changes that we have seen in the world, because we had demonstrated our willingness to defend ourselves and to meet every challenge that was offered by the former Soviet Union.

But, in my judgment, this amendment of the Senator from Arkansas, without the clause that the distinguished chairman of the subcommittee asked to be reinserted, could not be accepted and ought not to be adopted by the Senate. To put us in the position where the President of the United States would have to make an offer to the former Soviet Union, and the Russians would have to accept it in order to change the policy of the United States, I think is wrong at this time.

So I say to our friend from Arkansas that the original amendment was an amendment that we could accept. It still would maintain the control of the President of the United States as Commander in Chief over the future of this system.

As such, I would not have any objection to it in that form.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, first of all, I want to say that I sit on the Defense Appropriations Subcommittee, which my very good friend, the Senator from Hawaii, chairs, and of which my good friend from Alaska is ranking member.

There are no two Senators for whom I have a higher respect and a greater personal friendship.

These things really transcend friendships, and they understand that and I understand that. It has nothing to do with the way we feel about each other. It has to do with basic disagreements about the way we spend money.

I want to especially thank the Senator from Hawaii, the distinguished chairman of the committee, for saying that my figures are generally correct.

I must say, when you consider the fact that the chairman of the committee does not challenge the fact that we have an opportunity to save between $13.7 and $17.7 billion between now and the year 2010—and when you compute the interest at 4½ percent for 35 years on that amount of money, compute it from the day we are going to spend it, the savings reach almost $35 billion—when you consider the fact that we have here this morning the opportunity to save $35 billion, for a Nation that is hopelessly and deeply in debt, whose problems are not being solved but continue to escalate, but more importantly, the saving of $35 to $40 billion, and losing nothing militarily or strategically, I submit to you, Mr. President, the U.S. Senate has never had such a perfect opportunity.

I listened very carefully to my good friends from Alaska and Hawaii for some rationale for spending this money. I listened very carefully, hoping that they would say we lose something militarily or strategically or our forces or our Nation is going to be placed at risk if this amendment is adopted. None of that.

I do not think they feel this way, but I can tell you there is a sort of mindset in this place that you have to keep these lines open, you just have to keep spending money for something.

The Senator from Hawaii said something that I do disagree with partially when he said, yes, defense spending is painful, but went ahead to say it is necessary for the security of the country. I disagree with that. I do not think defense spending is painful. I think the defense of the Nation ought to be utmost in every Senator's mind.

What I find painful is spending money senselessly. What I find painful are things like the B–1 bomber and the B–2 bomber and spending $35 billion on missiles that we do not need to spend and lose nothing by saving.

One of the reasons that is painful to me is because this great Nation of ours is in decline by any measurement you want to use, economically, politically, socially, culturally.

I tell high school and college kids in graduation speeches and other times I talk to them, we have even lost the art of saying, thank you, please, excuse me, pardon me, I am sorry. We do not even do that anymore. We get out of the car and blow someone away if they honk their horn at you. If that is not a cultural deterioration of the Nation, I do not know what is.

We have an educational system that is failing us miserably. Everybody knows it. If you do not believe it, do you know where our 10th graders stand in math and science against the other 16 developed nations of the planet? Last, dead last. Do you want to know where we stand in social studies, geography, history, philosophy? Thirteenth out of seventeen developed nations.

What is the principal topic of conversation in America today? Health care reform. Do you know what the principal topic of that is? The cost. People say, well, the White House is deluding us. They say it is going to cost more than we think it is going to cost.

I would like to say to Hillary Clinton, a dear woman, and I am proud to call her a good friend—I want to say, "Hillary, why don't you help me save $35 billion to help pay for your health care plan?" I am not going to try to involve her in this. This is really the President's bailiwick. What I am saying is we talk about how we are going to provide health care for everybody in the country and how we cannot afford it, and we walk in here and cavalierly vote against an amendment that would save $13 to $17 billion.

You know what is painful to me? It is our priorities. We have an uncertain economy. We consider ourselves a great Nation, and listen to this. The highest crime rate of any nation on Earth? Not Colombia, South Africa, Russia, or China. They are not in our league. That is a fact. Our crime rate exceeds any other nation. We overtook Colombia 2 years ago, the drug nation of the planet, and our crime rate is greater than theirs.

I read someplace where Hillary Clinton said after health care she would like to become involved in that. I would certainly like for her to. She is a brilliant woman. Maybe she can give us some ideas.

But I can tell you the crime rate is basic, aided and abetted by television and Hollywood. I do not care how long and hard they protest. That is a part of the reason—maybe the main reason—for the crime rate of this country.

And as to public broadcasting, the only sane television still available to us has lost viewership every year for 4 years now. Someone will call and say that is wrong. Maybe it is. I hope it is. If I were raising children, I would block off every channel except Discovery, A&E, and PBS.

But that is not what this amendment is about. This amendment is about spending money senselessly and wastefully.

You did not hear anybody say, Senator, the Russians are going to come and get us if this amendment is adopted. You did not hear anybody say we need more warheads, because we are talking about precisely the same number of warheads that are in the bill, that are in the START agreement. We are just talking about how you are going to equip our submarines so we come out with 1,728 warheads. You can do it the Navy's way or you can do it my way and save $17 billion, and the Senator from Hawaii does not deny the figure.

And 25 percent of the children in this country—you think about this—25 percent of the children in this country are living in households below the poverty rate. Do you think you are going to get crime in this country under control when that situation exists?

Shame of the Nation. Shame, shame of the Nation.

In the 1950's, we began improving the plight of the elderly. You know the elderly poverty rate in this Nation used to be 25 percent in the 1950's. Now it is down to about 11 percent because of Social Security, Medicare, and cost-of-living increases, and we beat our chests because we are proud of it. And while we did that, the most vulnerable among us, our children, who do not vote—they do not vote, so we do not hear their cries—and 25 percent of them, one out of every four children in the country are living below the poverty line.

Do you think you are going to deal with the crime rate? Have you heard people talking about how the President wants to put 100,000 more police on the street and the people are saying how are you going to pay for it? That is a very good question.

Mr. President, I have $17 billion for you. All you have to do, Mr. President, is say you think this is a good idea and you have picked up $17 billion, and counting interest over the next 35 years, $35 billion. That just does not seem like it ought to be too tough. If I were President of the United States I would jump on that like a chicken after a June bug. I would pick up the phone and I would call old Boris and I would say, "Boris, have I got a deal for you." You know what Boris would say? "That sounds good to me." But nobody wants to give Boris Yeltsin the chance to say that because we have to keep the line open.

Mr. President, I do not know of anything else I would say about this. Some people love to talk about the deficit, which you simply cannot get them to deal with. They are not really serious. It is all rhetorical. We go home and tell the chamber of commerce how terrible it is.

Incidentally, let me just say one other thing that is something of an indictment of the U.S. Senate. You know the House of Representatives keeps killing all these programs and cutting spending and the Senate keeps resurrecting them. They killed the National Endowment for Democracy by an overwhelming vote, and when I offered the same amendment here, I got 23 votes. Mr. President, that is the least number of votes I have ever gotten in 19 years since I have been in the Senate.

Someone said, well, Senator, the National Endowment for Democracy is giving somebody a grant and Mrs. Bumpers is going to go to Russia with this group. And I said Mrs. Bumpers can stay home. I got 23 votes.

And the House killed the super collider by 130 votes. What did we do? We resurrected it, 57 to 42. They almost killed the space station, lacked 1 vote killing the space station in the House while we voted overwhelmingly to resurrect that sucker, even though there is not one Member in the Senate who can tell you what the space station is going to do. They cannot tell you what it looks like. They cannot tell you when we are going to deploy it. Nothing. You know, I think if I had said during that debate, "We have been kidding you all this time; there is no such thing as a space station, no work has ever been done; that $8 billion went for parties, whiskey and cigarettes, there is no space station," I do not think the vote would have changed one iota.

People walk in here determined to vote for those things, regardless of what the debate is.

I started, and did not finish, a train of thought earlier about how many Senators are going to pour through that door and vote on this amendment without a clue as to what this debate has been about; about how much savings; nothing.

In all fairness, the House defeated this amendment by 230, I think, to 183.

Well, Mr. President, I was going to offer another amendment, but I think it would be good for the Senate to vote on this, just because I think it would be educational for the people to come in here and at least know what they are voting on.

The Senator from Hawaii has been trying to be cooperative. I want him to know I appreciate that. I think a rollcall vote will be healthy for all of us.

With that, Mr. President, I ask for the yeas and nays on the second-degree amendment.

The PRESIDING OFFICER (Mr. KERRY). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there any further debate?

If not, the question is on agreeing to the amendment of the Senator from Hawaii [Mr. INOUYE] to the amendment of the Senator from Arkansas [Mr. BUMPERS]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Connecticut [Mr. DODD] and the Senator from California [Mrs. FEINSTEIN] are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mrs. FEINSTEIN] would vote "yea."

Mr. SIMPSON. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote "nay."

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

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 309 Leg.]

YEAS—63

Akaka	Faircloth	McCain
Baucus	Ford	McConnell
Bennett	Glenn	Moseley-Braun
Biden	Gorton	Moynihan
Bingaman	Graham	Murkowski
Bond	Gramm	Murray
Breaux	Gregg	Nickles
Burns	Hatch	Nunn
Campbell	Heflin	Packwood
Chafee	Helms	Pressler
Coats	Hollings	Robb
Cochran	Hutchison	Rockefeller
Cohen	Inouye	Shelby
Coverdell	Kassebaum	Simon
Craig	Kempthorne	Simpson
D'Amato	Kennedy	Smith
Danforth	Levin	Specter
Dole	Lieberman	Stevens
Domenici	Lott	Thurmond
Durenberger	Lugar	Wallop
Exon	Mack	Warner

NAYS—34

Boren	Grassley	Mitchell
Boxer	Harkin	Pell
Bradley	Jeffords	Pryor
Brown	Johnston	Reid
Bryan	Kerrey	Riegle
Bumpers	Kerry	Roth
Byrd	Kohl	Sarbanes
Conrad	Lautenberg	Sasser
Daschle	Leahy	Wellstone
DeConcini	Mathews	Wofford
Dorgan	Metzenbaum	
Feingold	Mikulski	

NOT VOTING—3

Dodd	Feinstein	Hatfield

So the amendment (No. 1028) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 1027, as amended.

The amendment (No. 1027), as amended, was agreed to.

Mr. STEVENS. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1029

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 1029.

Mr. INOUYE. 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 91, beginning on line 11, delete the text of section 8051 and insert in lieu thereof the following: "Notwithstanding any other provision of law, a qualified Indian tribal or Alaska Native Corporation which enters into a joint venture with a qualified small business concern shall not be denied the opportunity to compete for and be awarded a procurement contract to supply a product under the program provided for by section 2323 of title 10, United States Code, solely because the Indian tribal or Alaska Native Corporation is not the actual manufacturer or processor of the product to be supplied."

The PRESIDING OFFICER. Without objection, the committee amendments are set aside temporarily.

Mr. INOUYE. Mr. President, this amendment has been cleared on both sides. We are prepared to accept it.

Mr. STEVENS. Mr. President, it is an acceptable amendment dealing with the problems of Indian tribes in contracting with the Department of Defense.

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

The amendment (No. 1029) was agreed to.

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

Mr. STEVENS. 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 Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I rise, first of all, to thank the senior Senator from Arkansas for his efforts on the last amendment. I regret, once again, we did not succeed in making an obvious cut, but we have to proceed through this bill and try to succeed on some of the other amendments.

As we consider the fiscal year 1994 defense appropriations bill, I think more and more people need to come out here and speak about another matter that is integral to our national security, and that is the Federal deficit.

At the end of the cold war, we can and should reduce and eliminate costly, irrelevant and anachronistic projects in the defense budget, as well as excessive costs within the Department itself. I think this is part and parcel of the peace dividend. The peace dividend was promised to the American people who had to pay, in the first place, for the military buildup against the Soviet Union. By 1991 and 1992, the Bush administration tried to basically create an impression that the United States military had been drastically cut back to adjust to the end of the cold war. But, of course, the reality is that this country still sustained a roughly $280 billion in defense outlays in the 1993 budget when President Bush left office and the military has not really undergone the structural changes called for in a new world security situation.

As President Clinton came into office, he made, I think, a genuine effort to address the crisis of deficit reduction and called for even more defense cuts. I congratulate the chairman of the Appropriations Committee for at least bringing down defense appropriations by more than $13 billion in this bill from last year's enacted level of $253 billion down to $239 billion for fiscal year 1994. These are the kinds of cuts we need. But I would suggest we consider even deeper reductions as demands on military spending decrease.

We should not only trim the military budget, we should also, Mr. President, restructure a meaner, leaner force which adjusts to national security threats, and we should also clean up the Department which, over the years, has developed some wasteful, if not strange, procurement policies and a number of slush funds, like the M accounts.

This year when Secretary of Defense Les Aspin proposed the defense budget, he acknowledged that given time constraints, this budget was what he called the treading water budget. Mr. President, I think given our deficit problem, we cannot have a treading water year for the U.S. Senate.

The Bottom-Up Review of Secretary Aspin recently completed was intended to provide a fresh look at the mission, structure, and cost of the U.S. Armed Forces. It concluded that American national security apparatus must be configured to fight two conventional wars at the same time. For example, Iraq and North Korea. Now, that is a dramatically different mission than combating a high-technology nuclear threat of another superpower.

However, this DOD budget we are considering today does not reflect that dramatic difference. It is still extraordinarily high at $239 billion. In combination with other components of the military budget, such as military programs within the Department of Energy, military spending in space programs, intelligence accounts, additional military retirement pay and veterans benefits, our spending, though reduced somewhat significantly, is still out of control. Our military strategy must assume that the United States can deter potential adversaries in areas vital to our interests. We do have to respond to threats which may endanger an entire region. We do have to reassure our friends and allies, particularly in the Pacific, Eurasia, the Middle East, and Latin America, that we still support regional security.

Mr. President, we have to reinforce deterrence by maintaining the sum level of strategic nuclear capability, and I accept and agree that we have to promote some sort of collective security to address international problems.

These goals are also articulated in the Bottom-Up Review which describes several different threats to U.S. national security interests, including economic interests and competition, nuclear proliferation and, of course, what we have seen a great deal of in this past year, ethnic conflicts.

While these are all very serious—they are dangerous threats; they are challenging problems—these issues do not, fortunately, always require military solutions or a major military-industrial-scientific complex of the current size to address them. The Bottom-Up Review also named several potentially hostile countries, and states:

Regional threats against which our forces have been sized in this study are the following kinds of countries: Iraq, Iran, North Korea, Syria, Libya, maybe Cuba.

Mr. President, I submit that although this is a concern, this is hardly the superpower threat of the Soviet Union which we once did face.

A look at the 1992 annual military spending of these six countries reveals that combined, they spent less than 8 cents to every dollar the United States expended on its military forces. Our Armed Forces have more than twice as many tanks, aircraft, and helicopters as all six of these potential enemies have combined. Beyond that, none of these countries possess seagoing navies which can even rival the U.S. forces.

Nonetheless, according to the Bottom-Up Review, these threats require, somehow, the United States to maintain its current production of cold-war weaponry and its present level of military forces. In other words, Mr. President, it promotes unacceptably high levels of defense and deficit spending and too much continued support of the military-scientific-industrial complex which is overburdening our Federal deficit and causing far too much spending.

When we have voted upon cuts for several massive spending projects in this body—and these cuts have been most often proposed by the very able senior Senator from Arkansas—when we have tried to eliminate such things as the space station, the superconducting super collider, the GWEN communications system, we have in all but four cases this year voted to maintain the programs and, in most cases, to maintain them at the current levels.

Furthermore, I know of several cases where Senators were not even willing to go to the floor with their proposals for cuts because they knew for sure the votes just would not be there. So despite the end of the Soviet threat, despite the repeated acknowledgements that we must overhaul our military, despite all the national attention that has been focused on the Federal deficit, the fact remains that the U.S. Department of Defense is still a huge bureau commanding the most powerful military in the world by a substantial margin.

Just as one example, according to the respected journal, Defense News, in 1992, the United States spent $282.6 billion on defense, although the United Kingdom, certainly not the size of the United States but an important military partner, spent only $42.1 billion, about one-seventh of the United States defense budget.

In 1993, the United States will spend $259 billion, compared to China, now defined as one of the leading security threats, which spent $30 to $45 billion, according to Pentagon estimates. By 1992, U.S. military spending claimed almost 60 percent of all Federal discretionary funding, and that is about 5 percent of the entire U.S. gross domestic product. Military products were, after agriculture, Mr. President, the second-largest U.S. export. Furthermore, the Defense Department is the largest Department of the Federal Government, employing over a third of all civilian employees.

Mr. President, now that the cold war is over, the Pentagon and the defense contractors are fighting very hard against reduction. Rather than preparing for a generalized European war, which perpetuated the military-industrial-scientific complex for 50 years, the search is now on for new justifications for military spending. Like so many other constituencies I have witnessed this year, this industry is really fighting for the status quo. They are fighting against change. They, of course, want us to make the reductions elsewhere.

Mr. President, we are in a different age, in a drastically different time than the cold war years, which precipitated all this spending. We cannot afford to continue programs simply because there is a good enough reason to continue them. Rather, we must continue programs because we absolutely need them. We must prioritize all Government-funded programs and fund only those which are absolutely vital. That is really all we can afford, and we have to start making those hard decisions.

Just as we are swallowing hard medicine for domestic programs, we have to start setting some much tougher, some very high standards for continuing many of these defense contracts.

We will hear many arguments today that we must protect one program because of the jobs it will save in one State or many States. As powerful an argument as this is, and it is often very compelling from a human point of view, I have to say this is not the purpose of the Defense appropriations bill. The defense bill is supposed to finance our national security. Digging deeper into the empty Federal pockets is not national defense. Asking taxpayers throughout the country to finance the jobs of only the defense industry is not fair, and it does not serve our national security.

Mr. President, it is time we climb out from under the heavy cloak of national security and take advantage of the end of the cold war; that we take this opportunity to address the other national security crises which threaten us, our children, and our grandchildren.

Toward that end, Mr. President, I will support a number of amendments to this bill which could greatly reduce our defense spending and, in my view, begin to right-size the military to fit all of our national security needs.

The first, of course, is the amendment that we just attempted on the Trident missile. I will not go into the details, but I just again express my disappointment that we were not able to make the very reasonable cut the Senator from Arkansas proposed. But let me move on to other items that will come before us.

Ballistic missile defense. Last month, the Senate did vote to reduce spending for ballistic missile defense, formerly known as SDI. That was one of few bright moments in terms of deficit reduction I have seen out here this year. We reduced it to $3 billion, and I applaud the committee's recommendation to bring it down even a little further, to $2.8 billion.

However, where this bill recommends $684 million for one part of the BMD, the so-called limited defense system, formerly known as national missile defense, the Bottom-Up Review itself only calls for $600 million of LDS funding. I think the amendment of the Senator from Arkansas to cut $84 million from the LDS budget makes good fiscal sense and is consistent with the administration's projections for BMD. So I urge my colleagues to support that.

I also urge my colleagues, later in the day, hopefully, to support the amendment on the intelligence budget. This has been another source of bloated spending, mostly because, as it was covered in a black budget, it lacked the transparency and the scrutiny of the public. Without a doubt, though, it benefited from the national security spending frenzy which characterized the entire cold-war era.

Despite the end of the cold war, the unclassified intelligence budget for DIA, NSA, the CIA, and other departments still sits at $28 billion a year. This was the same as last year. Our unclassified intelligence budget is almost as great as all of the military budget of France, and is greater than the entire military budgets of Italy, North Korea, and Israel, according to the CIA.

Senator BUMPERS' amendment in this area would reduce the intelligence budget by $400 million. It is really only less than 1 percent. But it would cut the intelligence budget, just as other budgets have been cut.

I do not see how this would prevent the United States from continuing to do the important things it must do in the intelligence area such as tracking

arms shipments, monitoring proliferation activities, and following various activities in other countries.

To meet these reductions, I would also support many of Senator MOYNIHAN's suggestions to adjust our classification systems to make them more reasonable. I was also intrigued by his proposal to abolish the CIA not only as a cold-war relic, but also as a redundant agency given the intelligence bureaus throughout the Government.

THEATER MISSILE DEFENSE

While there are solid strategic reasons to continue theater missile defense, we can help defray the costs with the support of our allies who also benefit from their deployment. Senator SASSER's amendment on TMD burdensharing addresses both of our national security problems: Tactical ballistic missile threats and the Federal deficit.

The Sasser amendment takes an original view toward U.S. military responsibility in the post-cold-war world. Since the inception of SDI in 1983, the United States has spent about $32.5 billion on ballistic missile research and development, according to the Congressional Research Service. In 1993 alone we spent $1.1 billion—a 500-percent increase in just 3 years.

Our allies, on the other hand, have expended only $500 million on the program since 1983. Yet theater range missiles pose a greater threat to our allies in Europe, Asia, and the Middle East than they do to U.S. interests.

We need their help in funding this program. The administration requested $1.8 billion for theater missile defense in fiscal year 1994, and has indicated its support for a $12 billion TMD Program over the next 6 years. I am not arguing about the importance of this program; I am just saying that we have an opportunity to lessen the Defense burden on our budget, and we should seize that opportunity today.

Under the Sasser amendment Congress would budget annual TMD spending levels to address the threat to our national security. The United States would fund 80 percent of that amount, and our allies would cover 20 percent in fiscal year 1995, with their portion increasing over time.

There is a provision included in this amendment which would permit the President to waive the payment requirement if it is in our national interest.

Mr. President, this amendment of the Senator from Tennessee is a creative amendment, designed to address the same multilateral security arrangements we are experimenting with in many parts of the world. It comes at almost no cost, and potentially saves us hundreds of millions of dollars. I hope very much that it will be adopted by the Senate.

"SEAWOLF" SUBMARINE

Mr. President, I was not here last year when the Congress decided to build 2½ *Seawolf* submarines, but I am aware of the debate about the program's overall relevance in the post-cold-war world and the cost effectiveness of the program. The solution the Congress crafted was certainly interesting, and seems to have put off the sensitive debate on the third boat. This year we will have an opportunity to vote on funding for the half a boat funded last year.

While the first two boats are under construction—and unfortunally well above cost at that—I do not see the benefit of terminating the program right out. However, construction on the third *Seawolf*—which is only partially funded as is that we have an opportunity. We should rescind those funds now and save the money, rather than be put in the awkward position later of having to finish something we probably should not be starting in the first place.

Finally, Mr. President, I am interested in and am supportive of the amendments that will hopefully be coming before this body today on the administrative procedures.

ADMINISTRATIVE PROCEDURES

In addition to program rightsizing, we should also take advantage of this opportunity to streamline administrative procedures at the Department of Defense. I complement my colleagues Senators GLENN, PRYOR, and GRASSLEY, particularly, for their work in trying to cleanup the Pentagon procurement system, which is by far one of the most obscure, complex, and Byzantine systems around.

The great advantage of the dissolution of the Soviet Union for America is that we should now be able to profit from the vast resources we have in this country. Unfortunately, though, for decades we will be paying the interest alone on the costs of the cold war and the military-industrial-scientific complex it spawned. It is a shame that we are throwing away those resources. It is a lost opportunity to only tread water this year. We have the chance to reverse that this year and next by cutting waste, by cutting programs which just have not fulfilled their mission, and by cutting programs whose missions have been fulfilled. If we can control our deficit spending, then maybe we can begin to truly benefit from what does matter.

I would like to conclude by expressing it through the words of President Eisenhower who said in April 1953:

> Every gun that is made, every warship launched, every rocket fired, signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone; it is spending the sweat of its laborers, the genius of its scientists, and the hopes of its children.

Mr. President, I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona [Mr. MCCAIN] is recognized.

Mr. MCCAIN Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The Chair advises the Senator that there is a committee amendment pending at the present time.

Mr. MCCAIN Mr. President, I ask unanimous consent that the pending committee amendment be temporarily set aside.

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

AMENDMENT NO. 1030

(Purpose: To limit the use of funds for the SSN–21 attack submarine program)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. D'AMATO, and Mr. SMITH, proposes an amendment numbered 1030.

On page 157, between lines 9 and 10, insert the following:

SEC. 8142. Notwithstanding any other provision of this or any other Act, the total amount obligated or expended for procurement under the SSN–21 attack submarine program may not exceed $4,673,371,000.

Mr. MCCAIN. Mr. President, the purpose of this amendment is simple. It is to cap the expenditure of funds for the purpose of constructing the SSN–21 and SSN–22. I have always stated that America requires a balance of the right kinds of weapons systems and platforms for our national defense. Submarines are part of that balance.

Submarines are valuable contributors to special operations, can contribute to overland strike warfare, and are critical to the maintenance of sealane control.

Submarines are now and probably always will be an important part of our force structure. Although I have strenuously objected to the program in the past, *Seawolf* has been made a part of that force structure, and so be it. I know our brave submariners will do their best to make the program work.

However, Mr. President, the time has come to put an end to any further cost growth of the *Seawolf* Program. This program is typical of what happens when pork barrel projects are authorized. They grow far beyond their original cost and live on indefinitely.

As I stated earlier, the *Seawolf* Program has grown more expensive since its inception, seemingly by the day. In a letter dated July 22, 1993 from Vice Admiral Owens, he stated that the *Seawolf* Program construction costs were $4.45 billion for the SSN–21 and SSN–22. That was in July. Then on September 13, in a letter to Senator NUNN and Congressman DELLUMS, the Secretary of the Navy stated that the costs were now up to $4.673 billion. That is a cost increase of $268 million in only 2 months.

These totals do not include the associated research and development test

and evaluation costs for these two submarines, which brings the average cost, Mr. President, per submarine to $5.2 billion.

I repeat. Each *Seawolf* submarine is going to cost the American taxpayers $5.2 billion, and now we want to move forward with a third one, which will be the subject of an amendment after this.

Mr. President, I ask unanimous consent that Vice Admiral Owens' letter and the letter of the Secretary of the Navy be printed in the RECORD.

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

DEPARTMENT OF THE NAVY,
Washington, DC, September 13, 1993.

Hon. RONALD V. DELLUMS,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to provide the information requested in H.R. 2401 Subtitle C, Section 122, regarding the best estimated costs of producing SSN-21 and SSN-22, and the proposed use for the $540 million made available by Public Law (P.L.) 102-298 for preservation of the submarine industrial base.

The SSN-21 and SSN-22 current estimated end costs are $2,395 million and $2,278 million respectively. These figures exceed the amount appropriated for SSN-21 and SSN-22 by $41 million and $292 million. The primary factors for these increases are costs associated with the truncation of the SEAWOLF program. These increases were reflected in the FY 1993 Ship Cost Adjustment (SCA) which was presented to congressional staffs of the Authorizations and Appropriations Committees on July 19, 1993. A list of currently available department assets was provided to address the overall SCA shortfall. These assets are sufficient for SSN-21/22 requirements.

The Department of Defense Bottom Up Review has concluded that construction of the SSN-23 will be the most effective alternative to bridge the submarine industrial base gap to the authorization of the New Attack Submarine. Therefore, the $540 million provided by P.L. 102-298 will be used to support critical long lead items for SSN-23.

I hope this response adequately addresses your concerns. Similar letters have been sent to Chairman Nunn, Inouye, and Murtha. As always, if I can be any further assistance, please do not hesitate to contact me.

Sincerely,

JOHN H. DALTON,
Secretary of the Navy.

DEPARTMENT OF THE NAVY, OFFICE OF THE CHIEF OF NAVAL OPERATIONS,
Washington, DC, July 22, 1993.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: Thank you for your recent letters on the status of naval aviation and submarine procurement. The Office of the Secretary of the Navy has asked me to respond to your inquiry in light of Mr. Dalton's official status and my active involvement in the Bottom-Up Review (BUR) process. I have reviewed your concerns and would like to provide you with the Navy's strategy on the issues you have articulated. As you know, this strategy and the associated programs are under review in Secretary Aspin's Bottom-Up Review, hence no final decisions have been made.

The Navy's number one tactical priority is to deploy power projection capability on its aircraft carriers, as stated in testimony. And we agree that power projection from our aircraft carriers is still the primary mission of Naval Aviation, as you have noted. The Naval Aviation plan, as proposed in the Bottom-Up Review, continues to provide that all-important capability into the 21st century. As we have proposed in the FYDP, our Naval Aviation plan calls for the procurement of the F/A-18E/F (a significant upgrade to the C/D which will cost only ¼ the R&D (about $5B) required for a new aircraft), a modest air-to-ground upgrade to the F-14, and the continuation of the joint development program associated with our high-end requirement. Additionally, we are pressing ahead with our next generation stand-off and precision guided munitions.

The introduction of the F/A-18E/F will correct the impending tactical and hardware limitations of the fleet's primary force structure asset, the C/D. The upgrade plan was given priority because of the near term F/A-18C/D lack of capability to project power, carrier deck management issues related to cycle time, the impending arrival of our next generation weapons including stand-off and precision guided munitions and the affordability issues associated with the reductions in defense spending confronting us. In response to your concerns for the E/Fs' "range, payload and sophistication," I have enclosed a paper which provides you with the F/A-18E/F's inherent capabilities.

To ensure that Naval Aviation's power projection capability is not adversely affected during these critical budgetary times, we have proposed a moderate and affordable precision weapons delivery capability for the F-14. This modification, known as the Block I strike upgrade, will provide our remaining F-14s with FLIR/Laser capability, improved HUD, new INS/GPS, night vision equipment, ALE-50, air-to-ground radar software modifications and air-to-ground weapons integration. We recognize that these proposed modifications to the F-14 will not wholly replace the A-6's capabilities, but Naval Aviation agrees that with the F/A-18E/F, all necessary power projection capabilities will be sustained through the arrival (~2011) of our next generation aircraft, an AF-X-like aircraft (procured jointly with the Air Force). This new generation aircraft will be an imperative at that time to allow Naval Aviation to remain strong through the first half of the next century.

Recapitalizing our decks with the F/A-18E/F and the power projection capabilities provided by the F-14 Block I strike upgrade, Naval Aviation will be prepared to move into the 21st century. With this plan, we believe we have proposed an affordable procurement strategy that maintains the power projection capability inherent in our forward deployed carriers.

Concerning cost over-run issues with the SSN-21 and SSN-22 programs, the following provides the SCN costs for these two ships:

[In millions of dollars]

	Ships	
	SSN-21	SSN-22
Fiscal year:		
1987	375.0	.....
1988	257.6	.....
1989	1,272.7	207.5
1990	.....	194.4
1991	.....	1,560.1
1992	164.4	48.0
1993	284.8	40.1
Total	2,354.5	2,050.1

Ship Cost Adjustments (SCA) for the SEAWOLF program have resulted from contractor Requests for Equitable Adjustments (REA) for HY-100 welding problems, government termination and subsequent reversal of the construction program, and litigation resulting from the SSN-22 contract award. Settlement of a majority of these REA's has been reached totaling $331M for the SSN-21 and $265M for the SSN-22. Outstanding REAs on the order of $150M still remain to be settled. None of the $540M specifically authorized for the preservation of the submarine industrial base has been or is planned to be used by the Navy to fund these SCAs. Additionally, there is no intent by the Navy to use the funds from SSN-23 or the New Attack Submarine (NAS) program to pay for SCAs associated with either SSN-21 or SSN-22.

The Navy shares your concern on the impact that severe defense budget cutbacks have on CVN-76 funding. Pending the outcome of the BUR, we stand firm on our proposed plan to fund CVN-76 in FY95.

The Navy's recommended plan for the preservation of the submarine industrial base has three components: (the Bottom-Up Review will make the final determination on these issues).

I. Construction of the CVN-76 in FY95;

II. Construction of a third SEAWOLF (SSN-23) submarine in FY96;

III. Authorization of the NAS in FY98.

We believe that procurement of SSN-23 in FY96 is the most cost effective construction alternative to bridging any gap in the submarine industrial base since major propulsion components have already been authorized. The use of the $540M of FY92 submarine industrial base funding for SSN-223 will lead to a remaining construction cost of $1.4B to $1.6B in FY96.

The New Attack Submarine will be the follow-on to the SEAWOLF class and will maintain the submarine industrial base into the 21st century. NAS is currently expected to reach a Milestone I DAB in September 1993. The projected SCN funding requirement (RAD V) for this submarine is:

Fiscal year:	*Millions*
1994	.....
1995	.....
1996	$576
1997	258
1998	1,952
1999	752
Total	3,535

The obligation of the $540M for the preservation of the submarine industrial base has been held pending the completion of the Bottom-Up Review. If the BUR approves the Navy's plan to build SSN-23, immediate access to these funds will be required to procure long lead components to support a FY96 construction start.

I hope this response satisfactorily addresses your concerns. If I can help in any way on these or other matters, please just ask me.

Sincerely,

BILL OWENS.

FA-18E/F FACT SHEET

BASIC UPGRADES

3600# additional internal fuel (33% increase).

Improved inlet design.

2 additional wing stations (22% increase).

Aerial refueling store compatibility.

F414-GE-400 engines (22,000 lb thrust class, 35% increase).

3,000/5,000 psi hydraulics.

500 sq. ft. increase in wing (25% larger).
Crew station upgrade.
Composite use increase in fuselage skin.
Survivability enhancements.

RANGE FIGURES

Fighter Escort: 420 NM (35% increase over C/D) (2 Aim-9s + 2 Aim-120s, no tanks).
Interdiction: (2 Aim-9s + Mk-83s, FLIR/TINS).

HLLH profile

(2) 480 tanks 475 NM (71% increase over C/D).
(3) 480 tanks 520 NM (53% increase over C/D).

HHH profile

(3) 480 tanks 660 NM (40% increase over C/D).

SURVIVABILITY IMPROVEMENTS

Radar Cross Section: Redesigned inlets & Special treatment.
VHF: X to X plus or minus 60 degrees off nose. Potential to X w/ESA radar, treated ordnance and 480 gal tanks. One order of magnitude below C/D Night Attack configuration.
Towed Decoy: ALE-50.
Vulnerability Reduction: Critical piping rerouted, ECS moved and more suppression in/around fuel tanks
Overall vulnerable area reduced.

ORDNANCE/PAYLOAD

Type: All existing weapons plus JSOW, JDAM, TSSAM & SLAM P31, 3 times more "bringback" allows for deployed carriage of new weapons with suitable fuel service.
Capacity: Increased number of stations (2) allows for more payload (16K total capacity).
By station: Sta 6—2700#; Sta 4 & 8—2875#; Sta 3 & 9—2500#; Sta 2 & 10—1150#; Sta 1 & 11—200#; Sta 5 & 7—FLIR & TINS mounted, but could substitute Aim-7/120.

COMMONALITY

Same infrastructure, maintenance processes, support equipment, and training equipment; 90% common FA-18C/D avionics and 90% software commonality.

AERIAL REFUELING CAPABILITY

Configuration: (2) 480 Gal Tanks; (1) Sargent Fletcher Refueling Store
Give:

Cycle	Give	KA-6	S-3
0+45	15,200#	16,000#	10,700#
1+45(0VHD/15K)	5,900#	10,000#	8,000#
1+45(300NM/30K)	6,400#	9,000#	7,200#

IMPROVED WARFIGHTING CAPABILITY

3 Times More Ordnance Bringback.
80% Reduced Threat Lethality.
25% More CAP Coverage.
80% More Time on Station.
52% More Target Coverage.
80% Greater Carrier Standoff or 65% More Penetration.
20 Year Growth Capability.

MISCELLANEOUS

Development is proceeding on cost and schedule.
All critical performance parameters being met, including range estimates.
Independent assessments by the Defense Science Board, Defense Acquisition Board, and an independent OSD team unanimously confirmed the E/F as a low risk evolution.
The Defense Science Board found no basis to support prototyping the E/F.
Improved cockpit displays greatly enhance pilot situation awareness.
E/F will use the same training hardware, including flight simulators.
Wind tunnel testing has surpassed 10,300 hours and is more than 52% complete.
Material qualifications are more than 99% complete.
Without E/F, Naval aviation will not have an advanced capability for 20+ years until AF-X arrives.
E/F provides new aircraft capability for greatly reduced development cost and significant lowered procurement costs.

Mr. McCAIN. These cost increases are absolutely mind boggling. The growth in cost does not reflect an increase in capability from the original design. The growth in cost does not represent an acceleration of the delivery time. The growth in cost does not represent an extension of the service life or an increase in the reliability, maintainability, or safety of the submarine. In my view, there is no good reason for the huge increase in costs.

The program has simply gone out of control. The way to stop the escalating costs to the *Seawolf* Program is to cap total outlays to procure the SSN-21 and SSN-22 at $4.63 billion. We must require fiscal responsibility in the Navy and of the contractors constructing the submarines. We cannot allow the expenditure of funds on this submarine program to bleed us to death. We cannot continue to cut a new check for *Seawolf* every 2 months. We must decide at some point that we have spent enough money to buy these submarines, and I think that time has arrived.

Mr. President, I ask my colleagues to say enough is enough, that we should make the final payment for these *Seawolf* submarines today, with fair warning that no further funds will be authorized or appropriated, and that we expect to go see two new ships from our investment in the near future. I ask my colleagues to support this amendment as a step toward fiscal responsibility.

Mr. President, we have a study from the GAO that indicates the original cost of this submarine. In January 1989, the Navy awarded Electric Boat a $630 million contract to build the first SSN-21; consequently, Electric Boat estimated the escalation would add $81 million to the construction costs. The delivery scheduled for May 1995—because of welding cracks discovered on the SSN-21's pressure hull, and subsequently on other components of the submarines delivery—was delayed 1 year.

Up until this time, delays caused construction to fall significantly behind schedule. Electric Boat estimated total cost to construct the SSN-21 at $1.03 billion, a $321 million increase, a 45-percent increase over the original target cost. These costs do not include the $1 billion estimated to complete development of the AN/B2Y combat system. The 1987 original estimated cost was $2.3 billion and as we know now, it is up to $5 billion. It is time we cap the program.

I understand that my colleagues are willing to accept this amendment. If not, I would be glad to ask for a rollcall vote.

I yield the floor.

Mr. STEVENS. 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. 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.

AMENDMENT NO. 1030, AS MODIFIED

Mr. McCAIN. Mr. President, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator from Arizona has the right to modify his amendment.

The amendment is so modified.

The amendment, as modified, is as follows:

On page 157, between lines 9 and 10, insert the following:

SEC. 8142. Notwithstanding any other provision of this or any other Act, the total amount obligated or expended for procurement of the SNN-21 and SSN-22 Seawolf attack submarines may not exceed $4,673,371,000.

Mr. McCAIN. Mr. President, the modification makes clear that this cost capping does not have any effect on the SSN-23, the third *Seawolf* submarine. That was the concern, I understand, of the managers and others, including my friend from Connecticut.

The modification simply states that it caps the cost of SSN-21 and SSN-22, which I believe was the desire of the managers. I ask for its acceptance.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. If the Senator will yield, with that modification, the managers of this bill are willing to accept the amendment.

Mr. STEVENS. That is correct, Mr. President. We do find that amendment acceptable.

The PRESIDING OFFICER. Is there further debate?

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, so we will be absolutely clear now, the amendment as finally drawn and as amended by the Senator from Arizona provides as follows: that there shall be a cap on the total cost for *Seawolf* 21 and 22 at—and the figure I believe is cited, is it not?

Mr. INOUYE. The authorized amount.

Mr. CHAFEE. The authorized amount, which is the amount that the Navy has said will be the amount it requires to complete the two submarines.

Mr. STEVENS. I cannot quite accept that. It is the amount that is authorized. I do not know what the Navy has said.

Mr. McCAIN. Mr. President, if my friend from Alaska will yield, the letter that I had submitted in the RECORD

from the Secretary of the Navy to Congressman DELLUMS and to Senator NUNN says:

The SSN-21 and SSN-22 current estimated end costs are $2,395 billion and $2,278 billion respectively. These figures exceed the amount appropriated for SSN-21 and SSN-22 by $41 million and $292 million. * * * These assets are sufficient for SSN-21/22 requirements.

That is indeed the cap as stated by the Navy as their estimated cost.

Mr. STEVENS. If they are the same, I apologize.

Mr. CHAFEE. I am not sure they are the same.

Is that the amount that is authorized now that has been authorized?

Mr. MCCAIN. Yes.

Mr. CHAFEE. Yes.

Mr. MCCAIN. It is my understanding that amount has been authorized and has been included in the pending appropriations bill.

Mr. STEVENS. We only funded the amount that was authorized.

Mr. CHAFEE. That is clear, is it?

Mr. INOUYE. The dollar in the amendment represents the current estimate of the cost of constructing both SSN-21 and SSN-22.

Mr. CHAFEE. Thank you.

The PRESIDING OFFICER. Is there further debate?

Hearing none, the question occurs on the amendment offered by the Senator from Arizona.

The amendment (No. 1030), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

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

AMENDMENT NO. 1031

(Purpose: To limit the use of funds for the SSN-21 attack submarine program)

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of myself and Senator ROTH and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] for himself and Mr. ROTH proposes an amendment numbered 1031.

Mr. MCCAIN. 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 157, between lines 9 and 10, insert the following:

SEC. 8142. (a) None of the funds appropriated by this or any other Act may be obligated for procurement of a third submarine under the SSN-21 attack submarine program or for advance procurement for such submarine.

(b) None of the $540,200,000 available to the Department of Defense for preservation of the industrial base for submarine construction in accordance with Public Law 102-298 may be obligated or expended for any purpose until—

(1) the Secretary of Defense submits to Congress a report containing—

(A) the funding requirements for each of fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 for the proposed third submarine under the SSN-21 attack submarine program and the proposed New Attack Submarine and a statement regarding whether the necessary funding is provided for in the future-years defense program required by section 221(a) of title 10, United States Code, to be submitted to Congress in 1994;

(B) the acquisition objective, mission requirements, projected total program cost, projected total development cost, projected total procurement cost, and estimated total per-unit cost for the New Attack Submarine (all such costs to be computed and expressed on the basis of the actual dollar amount to be expended at the time expended);

(C) a comparison (with each other) of—

(i) the costs associated with procuring an additional SSN-688 submarine as the production bridge at Electric Boat Division of General Dynamics Corporation;

(ii) the costs associated with procuring an additional SSN-688 submarine as the production bridge at Newport News Shipbuilding and Drydock, Incorporated;

(iii) the costs associated with procuring a third submarine under the SSN-21 attack submarine program as the production bridge at Electric Boat Division of General Dynamics Corporation; and

(iv) the costs associated with procuring a third submarine under the SSN-21 attack submarine program as the production bridge at Newport News Shipbuilding and Drydock, Incorporated;

(D) an assessment of the costs associated with delaying procurement of an additional submarine until 1998 without providing a production bridge at either Electric Boat Division of General Dynamics Corporation or Newport News Shipbuilding and Drydock, Incorporated; and

(E) an assessment of the costs and feasibility of meeting operational requirements and sustaining the industrial base for submarine construction by carrying out either a program that combines overhaul and upgrade of existing SSN-688 submarines or a program for development and production of the New Attack Submarine instead of procuring a third submarine under the SSN-21 attack submarine program; and

(2) the Congress, in an Act, other than an appropriations Act, enacted after the date of receipt of the report referred to in paragraph (1), has specifically authorized the expenditure of the $540,200,000 made available to the Department of Defense for preservation of the industrial base for submarine construction in accordance with Public Law 102-298.

The PRESIDING OFFICER. If there is no objection, the committee amendment will be laid aside.

Mr. MCCAIN. I thank the President.

Mr. President, the amendment I propose would do two things.

First, it would prohibit any Department of Defense funds from being applied toward the SSN-23 which is the third *Seawolf* submarine until we can clearly examine the submarine industrial base.

Second, it would prohibit the expenditure of funds previously targeted for the submarine industrial base until the industrial base issue is resolved.

The time has come to put an end to any further growth of the *Seawolf* submarine. This program is typical of what happens when projects are authorized which are unnecessary. They grow far beyond their original cost and live on indefinitely.

Seawolf is a program that will not go away despite the fact that the administration did not request any funds for it in the fiscal year 1994 Navy budget. The services and strategic think tanks acknowledge that no threat exists to warrant construction of these submarines. Yet the funds for *Seawolf* continue to be picked from the pockets of the American taxpayers.

Mr. President, the *Seawolf* procurement cost ceilings were set by the Secretary of the Navy in December of 1983. At that time the first *Seawolf* SSN-21 had a cost ceiling of $1.6 billion. That figure included nonrecurring startup costs. Today the construction costs alone of the first *Seawolf* submarine have risen from $1.6 billion to $2.4 billion. The cost of these submarines keep going up. Every cost cap has been ignored by the Navy, by the contractors, and by the Congress. I think it is time we said stop.

The GAO, after extensive research, provided accurate figures on the real costs of *Seawolf* submarines. The real cost of each submarine, taking into account construction costs, research, development, and test and evaluation, is now up to $5.2 billion. That is $5.2 billion according to the General Accounting Office for each of the first two *Seawolf* submarines.

The third *Seawolf* submarine is currently projected to cost just as much to construct as the first submarine. This means, given the track record of the *Seawolf* submarine, that the final cost of construction will be at least $3 billion. The normal cost savings we would expect from being farther into the production run will not materialize in the case of the *Seawolf*.

The type of money we are talking about for these submarines is simply incredible. For this amount of money we can construct all the sealift ships required to fulfill our country's rapid deployment needs, on an accelerated basis. For this amount of money, we could field a precision-guided conventional weapons capability for our strategic bomber force in the next 3 years plus build an additional two B-2 bombers. For the cost of a single *Seawolf* we could develop a next-generation tank.

Is a single *Seawolf* submarine as valuable as all these other options? I think not.

Proponents of this weapons system have stated that "*Seawolf* contract termination costs are estimated at $1.8 billion." Those costs will probably not be that high, but even if they are the country will be able to save between

$600 million and $1.2 billion over what would be expended to field a third *Seawolf* submarine.

Other options exist which will save money as well. The construction costs of additional 688 submarines is $1.4 billion per submarine, substantially less than the new *Seawolf* which costs at least $2.4 billion to construct. And that is genuine savings.

Let us consider the cost on decommissioning the *Los Angeles* class submarine. The estimated cost of decommissioning the submarine and disposing of the reactor are $61 to $70 billion. To decommission the 40 submarines required to reach the proper force level as determined by the Secretary of Defense in the Bottom-Up Review, it will cost up to $2.8 billion. It does not make sense to spend $2.4 billion on a new submarine when we have to spend billions of dollars to decommission perfectly good *Los Angeles* class submarines, submarines which will be decommissioned with up to 15 years of service life remaining.

We may not even be able to decommission submarines in the near future. Environmental concerns nearly derailed the entire spent nuclear material program earlier this year. The issue is not a dead one, because there are shortcomings in the disposal programs and valid environmental concerns.

Mr. President, the Joint Chiefs of Staff agreed in 1992 that there was no longer the type of threat which warranted the construction of *Seawolf* submarines. Most of these same gentlemen are still in place as service chiefs. Judging by the recent events in Russia, Ukraine, and elsewhere in the former Soviet Union, the threat has diminished even more from last year.

I recently made a trip to Estonia. I went and visited which at one time was the largest submarine base that the Soviet Union had at that time on the Baltic Sea.

Mr. President, the state of total disrepair, the total absence of any viable weapon system in that port was startling. I even saw warehouses where hundreds of submarine electric batteries sat rotting. I saw cranes on their sides. I saw equipment and buildings gutted.

Mr. President, there is no Soviet submarine threat today, nor is there in the future. There is a need for a submarine capability, but certainly not one that is as prohibitively expensive as the *Seawolf* submarine is.

There is no other nation which has the ability to design and produce submarines equal to the *Los Angeles* class submarines in firepower, speed, diving ability, and reduced noise signature within the next 8 to 10 years. Which means we have technical superiority in attack submarines into the 21st century.

Another factor which rarely gets mentioned in the debate over submarine procurement, is the progress we have made in antisubmarine warfare. Congress has appropriated funds, billions of dollars, over the last decade, for research and development in the area of underwater acoustics and antisubmarine warfare. We have numerous platforms and devices to detect, target, and attack enemy submarines. We have intelligence gathering systems that can provide detailed information, in minutes, to operational users.

We have spent the money and fielded the systems which make submarine hunting easier. These systems make the 688 submarines even more formidable.

Now we get down to the submarine industrial base.

We know that the threat which drove the huge military buildup during the cold war no longer exists. We also know that the threat is changing. And we know that the fiscal realities facing America dictate a smaller military budget.

With a smaller military budget, we must procure the right mix of the most effective personnel and equipment to counter a changing threat to our national security. We must procure weapons in such a manner that we can counter any current threat, but we must also retain the ability to surge production or rapidly improve systems to counter any future threat. That is the whole industrial base issue.

Limited resources guarantee that painful choices must be made concerning force levels and weapons systems. These choices are also painful to the manufacturers of weapons systems and their associated suppliers. There will be some manufacturers and suppliers who will be denied defense contracts, and for those we have created the whole defense conversion program. Limited resources dictate that every procurement decision must be balanced against all others. Limited resources dictate that money for the purchase of one system will come from the cancellation of another.

If the *Seawolf* Program is continued, many other weapons systems will be canceled to pay for *Seawolf*, jeopardizing the industrial base for those weapons systems. If the industrial base is harmed, the ability to defend our national interests is diminished.

If the *Seawolf* Program is continued, especially if *Seawolf* is used as a Government subsidy to maintain an unnecessary shipyard, jobs in other sectors of the industrial base will be lost. The loss of these jobs might damage more than the defense industrial base, it could have grave implications to the whole economy of this country, especially if the jobs displaced by *Seawolf* are in industries which have good potential in the defense conversion area.

We do not know what elements of the submarine industrial base need to be retained in order to maintain the ability to build submarines. We do not know how many shipyards must remain functional to maintain the ability to build submarines. There has not been a comprehensive, detailed study of the defense industrial base as a whole, and the submarine industrial base as a subset, which provides both the administration and the Congress with the information necessary to make decisions concerning the procurement of weapons systems and platforms.

Seawolf is not the panacea for the submarine industrial base. Building additional 688 submarines maintains all the key elements of the submarine industrial base, at a lower cost. Building nuclear powered aircraft carriers maintains the propulsion element of the industrial base. If a realistic study is made of the submarine industrial base issue, a study without assumptions or caveats which plagued the past attempts, I think it would show that there are better ways to maintain the submarine industrial base than the construction of *Seawolf* submarines.

Opponents of my amendment have stated that the cost of shutting down, and then rebuilding, the nuclear submarine industrial base is estimated at $4 to $6 billion. I have no idea where they got their figures and what it is based upon.

To me, the idea of shutting down the entire submarine industrial base is ludicrous. Submarines are a valuable part of our national defense. I have previously stated the continuing need for submarines.

I have proposed, as an option, shutting down production of submarines until such time as new submarines, or submarines with greatly enhanced capabilities, are required. While this production stoppage is occurring, there can be technology demonstrating programs or programs of another type which would maintain the skills and equipment necessary to build submarines in the future. A thorough, independent study of the industrial base would determine if this option were feasible and affordable. What I have proposed is a production shutdown, not an industrial base shutdown.

Stopping production on the *Seawolf* is not the same as shutting down the submarine industrial base.

Mr. President, the Secretary of Defense wrote a letter concerning his rationale for the decision that he made in supporting the third *Seawolf* submarine.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

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

THE SECRETARY OF DEFENSE,
Washington, DC, October 6, 1993.

Hon. DANIEL K. INOUYE,
Chairman, Senate Appropriations Committee, Defense Subcommittee, U.S. Senate, Washington, DC.

DEAR SENATOR INOUYE: This letter provides the views of the Department of Defense on a proposed amendment to eliminate all funding for the Seawolf attack submarine program.

The Department thoroughly examined future plans for the attack submarine force as part of the recently completed Bottom Up Review. DoD concluded that it should seek funds for production of a third Seawolf attack submarine in FY 1995 or FY 1996. That conclusion was based primarily on considerations of industrial base impacts and projected modernization programs needed to sustain the submarine force in the future. The need to support the industrial base during the period of transition to a new class was also supported by other DoD studies during the past year.

Currently, the Navy operates a submarine force larger than our new long-term goal of 45–55. As a result, the Navy is achieving near-term budget savings by retiring older submarines before incurring the high costs of mid-life nuclear refuelings and by stopping production of new submarines for several years. However, submarine construction will have to resume around the turn of the the century to sustain this smaller force as Los Angeles class submarines reach the end of their service lives. For that reason, the Bottom Up Review concluded that the Navy should develop and build a new attack submarine as a more cost-effective follow-on to the Seawolf class, with construction beginning in FY 1998 or FY 1999 at the Groton, Connecticut, shipyard. The third Seawolf-class submarine, SSN–23, is intended to "bridge" the projected gap in submarine production until the new submarine has completed development and is ready for initial construction later in the decade. Why a Seawolf? Beside considerable material that can be used for SSN–23 is already in the pipeline, making this our most cost-effective "bridge" option, while also providing the benefit of continuing with the most current production technology. The last Los Angeles class submarine was ordered in 1990, so restarting Los Angeles class construction did not compare favorably to continuing with one additional SSN–21, a submarine much capable of dealing with existing and projected threats.

Industrial base considerations played a primary role in the decision to seek a "bridge" submarine in FY 1995 or FY 1996. The Bottom Up Review examined in depth the alternative of taking steps to effect a "smart" shutdown of nuclear submarine construction, with an eye to preserving the capability to resume production in the future. This option would have ended all production at the Groton, Connecticut, shipyard and left the country with only a single active nuclear-capable shipyard. The decision to build the "bridge" Seawolf submarine will maintain two nuclear-capable shipyards, thereby mitigating the risk of the industrial base and preserving an important national capability.

There is obviously considerable uncertainty, and therefore risk, in any estimate of the likely cost of restarting nuclear submarine construction from a "cold" base when it is likely to be needed to maintain force levels. The Bottom Up Review was not intended to develop detailed budget estimates; that activity will occur this fall. However, for the purposes of comparing alternative courses of action, cost estimates were developed for both the smart shutdown option and the construction of a third Seawolf submarine. The construction of the third Seawolf submarine was estimated to cost about $1.5 billion, in addition to $900 million previously appropriated. Although construction of a third Seawolf was the more expensive option by some estimates, it was judged to be a much less risky industrial approach and had the added benefit of providing the nation with a third state-of-the-art Seawolf attack submarine that will have considerable capability for emerging submarine tasks, including land-attack missile employment and transporting special operations forces. More importantly, allowing our submarine industrial base to go completely cold, as proposed by Senator McCain, could result in future start-up costs that transcend the transient savings envisioned by the Senator's amendment.

The average Seawolf cost of $5.2 billion per submarine cited in Senator McCain's letter apparently was derived from an August 1993 GAO report. The $5.2 billion figure includes all "sunk" costs of development (almost half of the total) and initial construction incurred prior to the end of the Cold War. The incremental cost to construct a third submarine in FY 1995 or FY 1996 is about $1.5 billion.

The Department did not request funds for the third Seawolf submarine in the FY 1994 budget, which was prepared prior to the Bottom Up Review.

I hope these comments clarify DoD's position on this program. Please let me know if you need any additional information.

Sincerely,

LES ASPIN.

Mr. MCCAIN. The Secretary of Defense, Secretary Aspin, says:

DOD concluded that it should seek funds for production of a third *Seawolf* attack submarine in FY 1995 or FY 1996. That conclusion was based primarily on considerations of industrial base impacts and projected modernization programs needed to sustain the submarine force in the future.

He goes on to say:

Industrial base considerations played a primary role in the decision to seek a "bridge" submarine in FY 1995 or FY 1996.

"Industrial based considerations played a primary role." He goes on to say:

There is obviously considerable uncertainty, and therefore risk, in any estimate of the likely cost of restarting nuclear submarine construction from a "cold" base when it is likely to be needed to maintain force levels.

But then he says:

The construction of the third *Seawolf* submarine was estimated to cost about $1.5 billion, in addition to $900 million previously appropriated. Although construction of a third *Seawolf* was the more expensive option by some estimates, it was judged to be a much less risky industrial approach and had the added benefit of providing the nation with a third state-of-the-art *Seawolf* attack submarine.

Mr. President, I am not sure what the benefit of a state-of-the-art *Seawolf* attack submarine is today. I am sure it will look very impressive, as it goes down the way.

Clearly, in his own words, the Secretary of Defense chose the most expensive option. In these days of draconian cuts in the defense budget, Mr. President, I do not buy that argument.

Now in all fairness to the record, I think I should point out that the Secretary goes on to say:

More importantly, allowing our submarine industrial base to go completely cold, as proposed by Senator McCain—

I was flattered that he mentioned my name—

could result in future startup costs that transcend the transient savings envisioned by the Senator's amendment.

As you might note, Mr. President, the Secretary of Defense is a very intelligent individual, and I respect and admire him in many ways. He says "could result." He does not say "will." He said "could result in future startup costs that transcend the transient savings envisioned by the Senator's amendment."

The average *Seawolf* cost of $5.2 billion per submarine cited in Senator MCCAIN's letter apparently was derived from a August 1993 GAO report.

Not "apparently," "was," I would make the record clear.

The $5.2 billion figure includes all "sunk" costs of development (almost half the total) and initial construction incurred prior to the end of the Cold War.

Mr. President, I do not know if the American people are really concerned whether these costs were incurred during the cold war or after or at any time. I think what they do say is that they are appalled that we would be spending this kind of money for one single weapons system.

Mr. President, I have been urged by several of my colleagues not to bring this amendment up. I think that their concerns and their arguments, which we will hear shortly, have merit and justification.

I appreciate, as a matter of fact, especially the indepth knowledge of my two colleagues from Connecticut on this issue and their strong advocacy for the continued production of the third *Seawolf* submarine, and I respect their views.

I respectfully disagree with them. I do not anticipate winning this vote because we went through it last year. But it will not be the first vote I have lost on this and other issues that I believe in, and it will certainly not be the last.

I think the facts speak for themselves. The facts speak for themselves—when we are cutting the defense budget by some 40 percent since the cold war was over; since there is no discernible mission for this submarine except for the preservation of the submarine industrial base, which I believe clearly can be maintained in other ways, in much less expensive ways—that this weapons system is not required.

We have sunk many billions of dollars into this system; many, many billions of dollars. Two of them, if they

can stay under their escalating cost caps, which was the subject of the previous amendment, will be constructed. Two of them will be. I suggest the time has come now to call a halt.

When we look at the entire defense requirements of this country, we have some significant priorities: Sealift, airlift, rapid deployment, special forces capabilities—so many that are underfunded now. In fact, in the case of airlift, in my view, that is critically underfunded. To spend this kind of money on this weapons system which is not critical to our Nation's defense is indeed a mistake.

Let me point out again, we should preserve industrial base wherever we can. But our first priority must be national security. This weapons system does not meet the argument that this weapons system, at huge numbers of dollars, indeed is vital to our national security. That is why we have defense conversion. That is why we are going to spend billions of dollars in defense conversion.

I would be the first to support a defense conversion program at Electric Boat Co. in Connecticut, in Groton, CT, because I am aware of the terrible dislocation that would take place in the economy of the entire State of Connecticut, and probably Rhode Island, as well. If my colleagues could make a proposal for defense conversion which would alleviate the suffering of these good people in the State of Connecticut and the surrounding States, I would be the first to support it. But this weapons system is not a defense conversion program. What it is is a continuing drain of defense dollars, which are becoming more and more scarce as years go by.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I ask unanimous consent this vote be held at 2:30 this afternoon.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

Mr. INOUYE. 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. INOUYE. 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. INOUYE. Mr. President, I ask unanimous consent that any vote on this amendment or relating thereto occur at 2:35 this afternoon.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. Mr. President, I notice the Senator from Arizona is off the floor.

Mr. INOUYE. He said OK.

Mr. CHAFEE. All right.

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

Mr. INOUYE. Mr. President, it is deja vu time. We had this debate about a year ago. This amendment, with all its provisions, does one simple act: It kills the SSN–23. I realize the author suggested this amendment is just to have a study and reauthorization, but the intent is very simple: It is to kill the SSN–23.

First of all, the SSN–23 has been authorized. Its procurement was authorized in 1992. Furthermore, funds have already been appropriated. At this moment, $540 million are being fenced and are awaiting our decision for expenditure. Add to that $346 million already obligated and spent. So it is not something we are authorizing from scratch and appropriating moneys for.

As I have indicated, this is a revisit. The McCain amendment has asked for studies before any of the $540 million in the industrial base funds can be used, but it also stipulates that even after the study, it cannot be used for a third *Seawolf*. As all of us know, the Department of Defense has reviewed the industrial base and determined that purchasing the SSN–23 is the most cost-effective use of resources. The amendment seeks additional studies without any real benefit.

We have just concluded the so-called Bottom-Up Review, a massive review by the Department of Defense. Simply put, it is a thinly veiled termination of the SSN–23. The Bottom-Up Review reached the following conclusions.

First, maintaining the attack submarine base is vital to the future of the U.S. national security. As I indicated in an earlier debate, the fundamental question before us is whether we, who inhabit this planet, can say to ourselves that peace is upon us. If peace is upon us, then we can do away with all of these systems and do the business of this land. But as I pointed out, at this moment the Russians are building multiple warhead intercontinental ballistic missiles. To suggest to me that that is an act of peace is mind-boggling.

The Bottom-Up Review also indicated that the capability to produce attack submarines is unique and, at this moment, there are only two locations that can produce the submarine: One is in Virginia, the other in Connecticut. The Electric Boat Co. in Connecticut has been building submarines since World War I, and that is all they do. They are the foremost submarine producers on this planet.

The Bottom-Up Review also notes that the reduction in submarine production has already jeopardized the industrial base. I believe we should remind ourselves, Mr. President, that when the *Seawolf* Program was originally authorized—and this is just a few years ago—we agreed to purchase 20 *Seawolf* submarines. We have cut it down to three. To go beyond that would utterly destroy the industrial base and may put our national security in jeopardy.

So the Bottom-Up Review concluded that the most cost-effective way to transition to a new attack submarine, possibly the *Centurion*, which will be required to replace retiring submarines in the early 21st century, is to build this third *Seawolf*, the SSN–23.

Mr. President, there are several of my colleagues who are waiting to be recognized, but I just wanted to point out, one, this program has been authorized. It need not be reauthorized. Funds have already been appropriated and spent. The Department of Defense Bottom-Up Review clearly states that the procurement of this third submarine is essential to our national security, and it would be the most cost-effective way to move into the new attack submarine.

So with all those arguments, I hope that this body will go along with the committee and reject this McCain amendment.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, first of all, I want to congratulate the chairman of the Defense subcommittee for the presentation he has made and for the position he has taken. It seems to me that the question before the Senate is the following: Are we to maintain some kind of industrial base to build submarines in this Nation for the future?

Nobody is suggesting that the U.S. Navy is not to have submarines in the first part of the next century and into the next century, and, indeed, the proponent of this amendment, the Senator from Arizona, himself has said that we are going to have submarines, an additional class of submarines in the latter part of this century or the first part of the 21st century.

What is the situation as far as submarine building capacity in the Nation currently? There is no new work going to one of the yards. There are currently two yards that build submarines: One—it has been determined that no new work would go to it—Newport News. So that leaves one surviving yard, Electric Boat Yard, partly in Rhode Island, partly, the major part of it, in Groton, CT. It is clear that absent the construction of the third *Seawolf* that the industrial base will be gone.

Is that just me talking or is that somebody who has spent a lot more time studying it than I have? We have a letter addressed to the distinguished

chairman of the subcommittee from the Secretary of Defense dated October 6 of this year. This is what the Secretary of Defense says:

Currently, the Navy operates a submarine force larger than our long-term goal of between 45 and 55 submarines. As a result, the Navy is achieving near-term budget savings by retiring older submarines before incurring the costs of midlife nuclear refuelings and by stopping the production of new submarines for several years. However, submarine construction will have to resume around the turn of the century to sustain this smaller force as the *Los Angeles* class submarines reach the end of their service life.

I do not think anybody is going to argue with that.

For that reason, the Bottom-Up Review concluded that the Navy should develop and build a new attack submarine as a more cost-effective follow-on to the *Seawolf* class, with construction beginning in fiscal year 1998 or fiscal year 1999 at the Groton, CT, shipyard. The third—

Now here is a very important point, Mr. President—

The third *Seawolf* class submarine—

The one we are discussing here today, SSN–23—

is intended to bridge the projected gap in submarine production until the new submarine has completed development and is ready for initial construction later in the decade.

Why a *Seawolf*? Because considerable materiel that can be used for SSN–23 is already in the pipeline making this our most cost-effective bridge option while also providing the benefit of continuing with the most current production technology.

The Senator from Arizona has talked about, "Well, use the old *Los Angeles* class, the 688." This is what the Secretary said:

The last *Los Angeles* class submarine was ordered in 1990, so restarting *Los Angeles* class construction did not compare favorably to continuing with one additional SSN–21, a submarine much more capable of dealing with existing and projected threats.

So, Mr. President, the Secretary of Defense concludes with the following sentence:

More importantly, allowing our submarine industrial base to go completely cold, as proposed by Senator MCCAIN, could result in future startup costs that transcend the transient savings envisioned by the Senator's amendment.

Mr. President, there it is. We are going to have submarines in the U.S. Navy, certainly in the beginning of the next century. We are going to need the capability to build them. The question is whether we end that capability now and then start up all over again with a tremendous cost, not just for the yards, but for all the suppliers likewise, the suppliers of steel and other necessities for submarines, or are we going to keep going at a very low production base?

There is no question that the first two submarines cannot be stretched out. We just adopted an amendment proposed by the Senator from Arizona 20 minutes ago that provided that those submarines must meet their production schedule because we put a cap on the money that can be spent by the Navy on those two first submarines, *Seawolfs* 1 and 2. So, therefore, Mr. President, this is a necessity and it makes financial sense as the Navy itself has testified after going through an arduous Bottom-Up Review.

So I urge my colleagues to support the Senator from Hawaii should he move to table or to vote against the amendment, should there be an up-or-down vote. I want to thank the Chair.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

PRIVILEGE OF THE FLOOR

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Paul Montgomery, who is a congressional fellow on my staff, have access to the Senate floor during consideration of this DOD appropriations bill.

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

Mr. LIEBERMAN. Mr. President, I rise to oppose the amendment offered by my colleague from Arizona. The Senator from Hawaii, the chairman of the committee and manager of the bill, was right. This is deja vu all over again. This was an issue that was argued and defeated last year. Since that time, the evidence has grown that building a third *Seawolf* is the right decision to make for our national security and for the level of expenditure that we will make through the Federal budget to preserve our submarine industrial base.

We had a study from the Joint Chiefs of Staff under General Powell reaching that conclusion. The Navy has reached that conclusion and, most recently, the Secretary of Defense, Mr. Aspin, has reached that conclusion in the Bottom-Up Review, and yet the same amendment returns again. I think in this climate when there is an understandable desire to cut spending, we have to be very careful about jeopardizing our national security. And we also have to be careful, Mr. President, that we do not take actions which may have some appeal politically but which ultimately will end up costing more than the course that is recommended in building a third *Seawolf*.

Mr. President, the Senator from Arizona has described the construction of the third *Seawolf* as somehow a relic, an indication of a cold war mentality, as part of a cold-war budget without recognizing that the cold war has ended.

Nothing could be further from the truth. Let me just cite some specific numbers that bear this out. The original plan for *Seawolf* construction, the finest attack submarine ever to be built, was to build 29 submarines. Everyone involved here recognizes that the cold war has ended and that is why we are talking now about building 3, not 29.

The second part of the numbers suggests that we have recognized the end of the cold war. Some people want to describe this three *Seawolf* construction program as primarily a jobs program, as an attempt to keep people working in spite of the fact there is no sense to the program anymore.

Mr. President, obviously, each of us in our own way wants to preserve jobs in our own State—Senator DODD, Senator CHAFEE, Senator PELL, and I no less than any of our other colleagues. But the fact is that even if this third *Seawolf* is built, the level of employment at Electric Boat in Connecticut and Rhode Island will go from a high of 23,000, just about 3 years ago, to 7,500. That means that more than 15,000 people are going to lose their jobs.

So this is not some kind of, "Let's just keep going as if the cold war existed and keep everybody employed" scenario. The tragic fact is that 15,000-plus people are going to lose their positions at Electric Boat as part of this attempt to maintain our ability to build submarines into the next century.

Mr. President, I note the presence in the Chamber of the Senator from Georgia, the chairman of the Senate Armed Services Committee. I know he has a very busy schedule and was good enough to come over to the floor to participate in this debate. I would be happy to yield to him at this time if he would so choose.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I thank my friend from Connecticut. I will make my remarks rather brief on this subject. I appreciate very much his courtesy.

Mr. President, I rise in opposition to the amendment proposed by the Senator from Arizona. I do so reluctantly because I share his concerns about the affordability of our defense forces and that is a significant and a growing problem. However, I believe that the problem of what to do about the submarine industrial base is too important to be solved by imposing an arbitrary fence around the total program or around the $540 million left in fiscal year 1992 after the rescission of the third *Seawolf*. I wish to recount just briefly a little history as to how we find ourselves in this position today.

The Bush administration proposed to cancel further production of *Seawolf* submarines in the fiscal year 1993 budget. This proposal included canceling two *Seawolf* submarines that Congress had already authorized and appropriated.

On April 1, 1992, our Armed Services Committee in the Senate held a hearing on this issue. It became very clear

at that hearing the administration had taken this action without analyzing the effect that their proposal would have on the defense industrial base. Studies addressing these issues were only begun after the Defense Department decision to rescind the prior year ships. One of the things they told us on April 1 when we asked about the industrial base, the effect on the industrial base, the decision was we are going to study that. Well, the study in any kind of normal logic would precede the decision rather than follow the decision.

Mr. President, at that time the Department could not say with any certainty whether the submarine industrial base should be protected and, if so, how it should be protected. I believe the initial vote in the Senate on the rescission package, a vote which rejected canceling these two ships, reflected the fact that the Senate had grave reservations about the administration's plan.

Mr. President, the Department of Defense has now concluded its Bottom-Up Review under the leadership of Secretary Aspin. The Bottom-Up Review included the analysis of the submarine industrial base which all of us had hoped would have been available last year when the *Seawolf* cancellation was proposed by the Bush administration, but it was not available.

The results of that analysis confirmed what many of us suspected last year when we voted. Protecting the submarine industrial base is very important to our Nation's security. I would point out that the Senate last year voted to continue building the third *Seawolf* when the rescission bill was before this body. Later, however, the conferees on the rescission bill agreed to terminate this ship.

Mr. President, having the world's best submarines was important during the cold war. In fact, it was crucial. It was critical during the cold war. Certainly the numbers of attack submarines will decline as we adjust our forces to reflect the new world reality. Secretary Aspin intends to cut that force level roughly in half to a level of 45 to 55 submarines. Because we are cutting force levels, I believe the Nation still requires the world's best submarines and, just as important, the Nation requires the ability to build the world's best submarines.

The Bottom-Up Review has concluded that building the next *Seawolf* submarine, the SSN–23, is the best way to protect the submarine industrial base while we develop the next generation of attack submarines.

Congress should certainly review the Defense Department's analysis. We should consider this analysis and any analysis that the Senator from Arizona wants to present during the normal course of the budget review next year.

In the meantime, however, I do not believe that the Congress should take unilateral action that could bring further harm to the submarine industrial base by tying up needed funds now while we await further analysis. Taking such a position now precludes the Navy from taking short-term actions to protect vital components of the industrial base. That is a risk that I do not believe is prudent.

To summarize, Mr. President, the Defense Department has done the analysis that should have been conducted before the program was canceled in the Bush administration. That analysis has demonstrated three things.

No. 1, the Navy needs to begin building the next generation of attack submarine before the end of this decade.

No. 2, the Navy needs to protect the submarine industrial base while this new submarine is being designed.

No. 3, building the SSN–23, the third *Seawolf*, is the best way of protecting the submarine industrial base while the Navy designs this next generation submarine.

Mr. President, I agree with the Senator from Hawaii and his comments.

I believe that the amendment of the Senator from Arizona would preempt the Navy from taking prudent steps to protect the submarine industrial base while the Congress reviews the *Seawolf* program and the new attack submarine program.

So I urge my colleagues to oppose this amendment. I commend both Senators from Connecticut for their remarks and their leadership on this matter.

Mr. INOUYE. Mr. President, I modify my request relative to the consent granted regarding the McCain amendment No. 1031 by asking unanimous consent that no amendment to the amendment be in order prior to a motion to table at 2:35 p.m. today; that if the amendment is not tabled, it be further debatable and amendable.

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

Mr. MITCHELL. Mr. President, I wonder if the Senator will yield to me for just a moment to modify a pending order governing the disposition of this bill.

Mr. LIEBERMAN. Of course I will.

Mr. MITCHELL. Mr. President, last evening there was entered order 221 printed at page 2 of today's calendar dealing with the consideration of the pending bill. It is only two sentences long, and the second sentence reads as follows:

> That no amendments or motions on the subject of Somalia, or the basing or command of U.S. troops overseas, be in order unless they have been cleared by the majority leader, after consultation with the Republican leader.

I wish to make clear to all of the Members of the Senate that my intention and that of Senator DOLE when we reached this agreement was that no such amendment be in order until we reach the subject of Somalia. That was to permit us to have a period of time within which to continue the discussions that had been under way and still go forward on other business, as we have been doing all day.

Although read literally, it might be construed to suggest that at no time during consideration of this bill could such amendments be offered; I wish to make it clear that is not the intention of myself as the majority leader or the Republican leader, and that once we get into the subject of Somalia, so far as I am concerned, this provision will no longer be operative and I will seek to have it vitiated so that any Senator can offer any amendment he or she wants as is the ordinary case.

As I said last night, I tried throughout the day yesterday to get an agreement which would permit us to consider other matters. I was unable to get that agreement. As a result, the Senate did not act on any business for several hours yesterday. So this was a response to that immediate situation. I wish to assure all Senators, so there can be no misunderstanding in that regard, once we get into the subject of Somalia—I hope that will be sometime this afternoon—nobody has to clear anything with me. I am going to vitiate this order and Senators will be able to have the full freedom to offer amendments which the rules permit.

Mr. President, I thank my colleagues for permitting me to make this clarification. I yield the floor.

Mr. LIEBERMAN. Mr. President, again I thank the Chair. I thank my friend and colleague, the Senator from Georgia, for taking the time to come over, for his typically thoughtful and reasoned statement. I think he makes a number of excellent points.

The one I want to emphasize is that this amendment by the Senator from Arizona would terminate a very thoughtful process to determine the best and most cost-effective way to sustain our submarine industrial base, which means our ability to build submarines at the end of this century and into the next century, which everybody acknowledges we are going to have to do.

The point is this: There is no funding in this bill for the third *Seawolf*. There have been a series of judgments made, including $540 million appropriated last year by the Senate Appropriations Committee, which are aimed at sustaining the submarine industrial base and continuing work on the *Seawolf* program. Next year the remaining funds presumably will be requested, or perhaps in the following year. That would certainly be a more appropriate time for more consideration, after continued oversight by the Department of Defense and the relevant committees of the Congress.

Mr. President, while my colleagues are on the floor, I want to restate that

the *Seawolf* program, as it exists now, is not cold war business as usual. We have reduced the program from 29 submarines to 3. It is not some kind of political pork-barrel, full-employment program for the folks back home. The tragic fact is that even if we continue to fund—as I certainly hope and believe we will and should—this third *Seawolf*, more than 15,000 people at Electric Boat in Connecticut and Rhode Island will lose employment, as will many others throughout the country working for subcontractors who supply this program.

Mr. President, why build the third *Seawolf*? I think there are two fundamental reasons.

The first is to sustain our ability to build submarines at the end of the decade. When we say the industrial base, that is what we are talking about. We are not just talking about some theoretical possibility. The fact is that the Navy has made very clear to us, and I do not find anybody who disagrees with this, that even reducing the number of submarines in our fleet down to 45 to 55 as Secretary Aspin has concluded in the Bottom-Up Review, we will still need to build between 10 and 20 new attack submarines in the first decade of the next century.

We need to build new submarines because the existing submarines are simply going to reach the end of their operational lives. They are going to have to be taken out of service. We are going from a fleet of about 85 down to probably 45 to 55. Even under that scenario, we need to build 10 to 20 new submarines.

So the question is—and this is what the Bottom-Up Review considered quite carefully— do we close down the production lines now and restart them at the end of the decade? Or do we continue at a low rate of production, sustaining the infrastructure, the people, the factories, and be able to gear up at the end of this decade? The conclusion from all the studies that have been done is that it makes absolutely no sense to cut these factories off, to lay off all of these people. And the point I want to make again is that it makes no sense, not from a political point of view, but from an economic point of view. In one of its studies of this issue, the Navy made it clear that shutting down the production line now and starting it up at the end of the decade would cost at least $4 to $6 billion.

This is sophisticated work, with sophisticated equipment, and sophisticated factories, with sophisticated workers. You do not just do it overnight with no cost. It is $4 to $6 billion to start it up again, as compared to $1.5 billion to build this third *Seawolf*. A low rate of production sustains the capacity to build more submarines at the end of this century. It makes a lot more economic sense.

I must say that the numbers that our colleague from Arizona has thrown around in his discussion of the earlier amendment were misleading at best: $5.2 billion per submarine is just not real. Again, in the earlier amendment that he offered, it talked about $4.7 billion for the first two *Seawolfs*. And on this third one, we are talking about an estimated cost of $2.4 billion. Incidentally, cost begins to drop a little bit as we gain some experience in building them. The $5.2 billion can only have the remotest relationship to reality if we consider the so-called sunk costs, the startup costs, the earlier investments when we were going to have a 29-boat *Seawolf* program, which now has been reduced to three.

The only way that anyone can understand the $5.2 billion number by taking the so-called overhead for the 29 boats and applying it only to the two boats that are being built.

Incidentally, this money has already been appropriated, with some spent, and some waiting to be spent on the third *Seawolf*. We are talking about an additional $1.5 billion for a total of $2.4 billion for this third *Seawolf*. We are talking about sustaining the industrial base, the ability to build submarines. But more than that, Mr. President, what we are talking about is not just makework, but about creating a kind of silver bullet fleet of the finest attack submarines in the world; quieter, faster, with the capability not only to perform the traditional functions of attack submarines, but to carry out intelligence operations, surveillance operations, covert delivery of special operations forces, and firing Tomahawk cruise missiles, which were so important in the gulf war, and will be in future military operations.

These are extraordinary vessels. I guess there are some who would say that as sophisticated and extraordinary as these vessels are, we are not going to need them. Well, in the first place, there are almost 40 nations in the world that now have submarine capacity, and that capacity is increasing in some of those nations that are least friendly to the United States.

But let us talk about the former Soviet Union. A little more than a week ago, the question of who was in charge of the military might of the former Soviet Union—in this case Russia—was in doubt. It is quite possible that nationalists, people hostile to Western interests, people who might have more aggressive designs, would be back in charge of the former Soviet Union, including its submarine fleet. I think in these cases, as somebody said to me during the week, what we have to judge is not intention but capacity.

The Russians have enormous military capacity, including enormous submarine capacity. An expert in this field said to me this week that the comparable Soviet submarine to our 688 class, which is the best attack sub we have now, is equal to the 688 and can challenge the 688. So the question is capacity, not intention. The intentions of President Yeltsin seem, thank God, to be good and not hostile. But who knows who will be in control in the future.

Mr. President, these submarines are built to last 30 to 40 years. Can anyone in this Chamber say that in the 30 to 40 years after these submarines will be built that the United States of America will not want to have within our capacity, within our control, within our national security structure the three finest attack submarines ever built? I hate to say it, but I have a feeling that somewhere along the line in that next 30 or 40 years, human nature being what it is, human history telling us what it does, we are going to look back, or our successors will look back and be very grateful that we built the three Seawolf submarines.

So we sustain the industrial base at the most cost-effective price. We provide not just a make-work product but the three finest attack subs that have ever been built and that will be available to our military for the next 30 to 40 years.

It is a wise and thoughtful decision, not easy in these times politically, but the right decision to make. It has been sustained over and over again by those who have looked at this question. Again, there is nothing in this bill before us on the third *Seawolf*.

So I urge my colleagues to oppose the amendment offered by the Senator from Arizona.

I thank the Chair.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I rise in opposition to the amendment offered by our colleague from Arizona, Senator MCCAIN.

The fiscal year 1992–93 Defense Authorization Act authorized a third *Seawolf* submarine, commonly referred to as SSN–23. In 1992, Public Law 102–298 appropriated $540.2 million that could be used for advance procurement of critical long-lead items for SSN–23.

The amendment before us, pure and simple, deauthorizes funding for SSN–23 and is more inconsistent with congressional action. Furthermore, it would run counter to the recently released Bottom-Up Review, the elaborate defense posture plan prepared by Secretary Aspin. In it, Secretary Aspin and the administration conclude that construction of the third *Seawolf* is the best, most cost-effective way to preserve our submarine industrial base. The production of this third submarine would bridge the gap until we are ready to begin construction on the new attack submarine to be known as the *Centurion*.

Sustained low-rate production is the most effective way to preserve the technology, design, and unique skills necessary to maintain our submarine

industrial base. In an October 6 letter, Secretary Aspin reiterates his belief that the SSN–23 is needed to bridge a projected production gap until a new attack submarine nears construction later this decade. If a production gap occurs, the Navy has determined that the highly specialized submarine vendor base, consisting of over 1,000 firms in 37 States, will be jeopardized.

Submarine technology and construction is unique and complex. It cannot be turned on and off like a faucet without considerable additional costs and disruption. Reconstituting the submarine industrial base to produce a new attack submarine, if at all possible, would also prove to be prohibitively expensive. In 1992, the Navy statement estimated that reconstitution would cost at least $4 to $6 billion.

The McCain amendment would reverse the previous authorization and appropriation of the *Seawolf* Program. In doing so, it would constitute killing a program which has not had a fair hearing in the Armed Services Committee. It would also block our Nation's ability to build submarines in the future.

Mr. President, the administration and Department of Defense also opposes this amendment, and I hope my colleagues will join in voting against it. In doing so, it is important to note that the bill before us today, the underlying bill, does not contain any specific funds for the *Seawolf* Program.

Mr. STEVENS. Mr. President, I have made my views on the *Seawolf* known to the Senate before, and they have not changed. However, I cannot support Senator MCCAIN's amendment, and I want to point out why.

The *Seawolf* is a stealth submarine. People keep talking about attack submarine. It was designed and brought to us as a stealth submarine. I fail to see why we need a stealth submarine right now. I do think we need additional stealth aircraft. We started off with the idea of building 70 B–2 bombers, and because of attacks on this floor and general limitations, that has been reduced down and down and down again.

Additional *Seawolfs*, we are told—and this was the Secretary's testimony before our subcommittee—are necessary only to preserve the industrial base to build *Seawolfs*. That is illogical to me because I do not think we need *Seawolfs* to start with.

The real problem about this is that Senator MCCAIN's amendment requires us to have an additional authorization to spend money that was already authorized, that we appropriated, and it is in a reserve account; and it would take, I believe, authority to start the third submarine. But I do not think we have to have authority to use the money we have already appropriated for the preservation of the industrial base.

However, if the Senate will look at the request that is contained in Senator MCCAIN's amendment—a report from Congress, for the funding required from 1995 through the year 2004, a third submarine of the *Seawolf* class, for a mission requirements statement on such a third submarine, for a comparison of the costs of that submarine to the 688 class construction, for a whole series of comparisons as to the procurement of similar submarines, and for the assessment of the costs associated with the delaying production of a third submarine, I think all of those subjects are worthy of a report to Congress.

It is my understanding that it takes 8 years to build a *Seawolf*. I do not see any reason for us to even get around to thinking about a third *Seawolf* for a couple more years. So, in effect, Senator MCCAIN's amendment is premature in that regard, but his provisions calling for a report I would support.

That is my problem. I do not support the amendment that contains a requirement for an additional authorization to expend moneys in the industrial base account, but I do support the concept of having a report to Congress, as he has indicated, as to why we should consider a third *Seawolf*.

Every one of these *Seawolfs* is equivalent to five B–2's. Yet, I look around the floor and I see many Senators who voted against the B–2's. Why? Because they told us they were too expensive. They told us they were unnecessary.

A B–2 is much more necessary for the future of this country's defense, in my opinion, than a *Seawolf*. I ask Senators to come forward and explain why they are opposed to B–2's if they support this *Seawolf*.

The main thing about Senator MCCAIN's amendment right now is it really is making an advance decision that I think we will have to make maybe next year or the following year.

I wish he would just offer the amendment to ask for the report so we would have the report. As he has indicated, it is very important information, and I certainly believe the Senate should support getting such a report. But I do not think we should support making the decision that the report pertains to. I would like to have that report, because I think many more people would join me in seriously questioning the need for another *Seawolf*. But that issue is not before us. We are not deciding whether to have a third *Seawolf* today, as I understand it.

If we are making that decision, I think the Senate will be around for a much longer time, because I am very much opposed to a third *Seawolf* unless there is a lot more information and justification presented to the Senate. But I oppose Senator MCCAIN's amendment because I do not think we should have to have another authorization to use the $542.2 million that is available to the preservation of the industrial base. That could be used in other areas.

It could be used, actually, in the 638 area. It could be used in other portions of the submarine program, again, though it would take an action by Congress to approve that, in effect, because I do not think that any of these programs can be sustained very long for the amount that we reserved in the industrial base.

I just oppose putting on the appropriations process another level of authorization requirement for moneys that are already authorized, already appropriated, and were already specifically reserved in the bill that we passed last year.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Connecticut [Mr. DODD], is recognized.

Mr. DODD. Mr. President, first of all, let me commend the Senator from Hawaii and the Senator from Alaska for their leadership on this bill overall, and also commend my colleague from Connecticut, who I think made a very comprehensive argument against the amendment of the distinguished Senator from Arizona.

Let me also say to my colleague from Alaska, before he leaves the floor——

Mr. STEVENS. I am not leaving the floor.

Mr. DODD. As one who supports the B–2, I think Senator STEVENS' arguments on the B–2 make sense.

I also happen to believe that the stealth technology we are talking about here has an appropriate value, just as the arguments for a B–2 have value, and this Senator supported those even though we do not have any business in my State with a B–2. But I think stealth technology for the 21st century is critical. We ought not to abandon that technology.

I subscribe to his arguments and ask him to consider the arguments being made on this particular matter when it comes to this form of technology.

Mr. President, as once said in this argument, you have heard now from a number of us here that everything probably has been said in defense of this particular program, but not everyone has said it.

So I am going to take a minute or two here to reiterate some of the arguments—I think the important arguments.

First of all, I would like to include in the RECORD an article written by Admiral Trost. It appears in today's Defense News. I ask unanimous consent that this be printed at this juncture in the RECORD.

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

BUY TODAY, INVEST IN FUTURE

CONGRESS MUST FUND SEAWOLF BRIDGE TO FUTURE SUB

(By Adm. Carlisle Trost)

In its consideration of the 1994 defense budget, Congress at last has the chance to

begin a historic redefinition of America's national security priorities.

Since the fall of the Berlin Wall set off a chain of political events that shook the world, there has been endless debate over how we should adjust to these changes. It is time for the debate to end and decisions to be made. It is time to adopt a forward-looking strategy for defense in the post-Cold war era.

The comprehensive bottom-up review of future defense requirements just completed by the Pentagon affords us that opportunity. It provides a sound basis for moving ahead with not only a rational reduction and restructuring of our forces, but a major redirection of our defense strategy.

There is more at stake than peace dividends and downsizing. It goes to the very core of how we view America's role in the world and its ability to carry out its future responsibilities. The concerns that drove our defense planning for more than 40 years have changed dramatically. In their place, we need a new strategy that takes into account not only today's demands, but tomorrow's uncertainties.

For the foreseeable future, that means we can be more selective in the weapons we buy and the number of troops we station around the world. But as the Pentagon review makes crystal clear, it does not mean we can lose sight of basic defense needs. One of those is the technology base that has underpinned our military strength for decades.

It is clear that significant downsizing of the defense industry will and must occur. But as we reduce military spending in accordance with the changed nature of the global threat to U.S. interests, we must take care not to jeopardize defense capabilities that may not be needed now but will be needed in the future. As the Pentagon assessment aptly points out, the only effective way to bridge the gap between the demands of today's world and tomorrow's is through continued low-rate production of critical, defense-unique technologies—especially those with no commercial application.

Last year, Congress recognized the long-range importance of certain defense assets by appropriating $540 million to help preserve our ability to build nuclear submarines. Nuclear submarines are in a class by themselves. Critical to strategic deterrence in the past, they will continue and expand a wide range of conventional roles in the future, enhancing our ability to project force and respond to crises wherever they may erupt.

Their stealth, reach and firepower will make them versatile instruments of U.S. policy, capable of carrying out missile strikes, like those launched against Iraq; intelligence gathering; coastal operations; or the covert deployment of special forces. From Defense Secretary Les Aspin down, U.S. civilian and military leaders agree that submarines—and the ability to design and build submarines—will remain vital to our national defense.

For some time, Congress and the administration have agreed that America's hard-won technological lead in undersea warfare must be upheld. The nagging question has been: How? We now must begin to build a consensus around the answer contained in the bottom-up review.

That document confirms the wisdom of what Congress did last year on an interim basis to sustain the highly specialized technologies, skills and workers who constitute the U.S. submarine industrial base. More importantly, it argues for Congress to commit to the low level of production needed to guarantee that the necessary resources still will be available when the next-generation attack submarine, the first specifically designed for the post-Cold War environment of the 21st century, is scheduled to enter the production pipeline five years from now.

The strategy is clear: buy what we need today, but invest in what we need tomorrow. As we exact deserved savings from the end of the Cold War, we must take care to protect resources fundamental to our national security. With its recommendation to build a third and final Seawolf submarine as a bridge to the next planned modernization of our undersea fleet, the Pentagon has given us an effective way to strike that balance. It is now up to Congress to show that where irreplaceable defense capabilities are at stake, it is prepared to invest in America's future.

Mr. DODD. Mr. President, the title of this particular piece written for today is entitled "Buy Today, Invest in Future." The subtitle is "Congress Must Fund Seawolf Bridge to Future Sub."

I think the last paragraph or so here, which I will just quote, says very eloquently what we are trying to say by raising the various arguments that are valid here.

Admiral Trost is highly regarded, and for the record, I point out he was a former Chief of Naval Operations and one of the most highly regarded naval officers in the past three or four decades, and certainly a knowledgeable individual when it comes to these matters.

He says:

The strategy is clear: buy what we need today, but invest in what we need tomorrow. As we exact deserved savings from the end of the Cold War, we must take care to protect resources fundamental to our national security. With its recommendation to build a third and final *Seawolf* submarine as a bridge to the next planned modernization of our undersea fleet, the Pentagon has given us an effective way to strike that balance. It is now up to Congress to show that where irreplaceable defense capabilities are at stake, it is prepared to invest in America's future.

I suppose if we had all been clairvoyant 5 or 6 years ago, and had been able to predict the end of the cold war and the collapse of the Soviet Union, we would have come up with some different technology than the *Seawolf*, I suspect a less costly scaled down version of a modern 688 submarine. But no one was clairvoyant 10 years ago, so we planned and invested heavily for a modern, next generation attack submarine, and that was the *Seawolf*.

As colleagues here who follow the debates over the years will recall, we originally planned 29 *Seawolf* submarines to be part of that arsenal to protect and provide that attack submarine capability at the close of this century and into the next century. And then, of course, the collapse of the Soviet Union occurred and the end of the cold war.

So what has happened here, we have now reduced that number of 29 down to 3. And, in a sense, subscribing to the arguments raised by my colleague from Arizona and the Senator from Alaska, who argue whether or not this particular technology is needed in the 21st century, I happen to agree with my colleague from Connecticut. I think the point he made about events that occurred in Russia just a few days ago ought to cause everyone to pause here. I think a significant argument could be made, had two battalions decided to support the insurgents inside the White House in Moscow, we may be looking at a different situation today in Russia.

Fortunately, that did not occur. Fortunately, we had a President who spoke loud and clear in support of Boris Yeltsin, at a moment when it was critically important for the rest of the world to support him and encourage the paramilitary forces in Russia to back Yeltsin at that particular moment.

The point here is not necessarily the outcome, but to point out, as has the Senator from Connecticut, my colleague, the fragility of the former Soviet Union and the major arsenal there.

As the Senator from Hawaii pointed out, and accurately so, there is still an industrial capacity for submarines in the former Soviet Union. For the first time, we now have submarine technology that has been injected into the Persian Gulf. Iran has bought two submarines from the former Soviet Union. Libya is trying to buy them.

The notion somehow that this is no longer an issue out there is just not the case. There are some 400 submarines plowing the ocean floors right now, excluding the arsenals of the United States and the former Soviet Union. The People's Republic of China has an arsenal of 100 submarines. North Korea has the fourth largest submarine force in the world. The list I read, those are not exactly allies of ours.

We also know, as I say, there is an export market going on. Our allies in Germany are producing a diesel model for export, a very sophisticated submarine, by the way. It is not as sophisticated as the *Seawolf* at all, but there obviously are those out there who believe that this technology has some value in terms of a national security structure.

So what we are saying here is that we believe that maintaining our lead, our technical advantage, in this area makes sense.

Does anyone suggest for a minute here—and this may sound ludicrous—but let us assume for a second that we only had one industrial base left in the United States capable of building jet engines; only one left. Let us assume that is the case. It is not the case, but let us assume it is. Were someone to offer an amendment on the floor deciding to terminate the production of jet

engines, even one that was more modern than we possibly need, would anyone really want to support such a proposal that would destroy that industrial base to produce jet engines or to produce surface ships or tanks or some of the vital elements to our national security structure?

And yet, with all due respect to my colleague from Arizona, that is exactly what is being proposed here.

This is not a debatable point. A decade ago, there were some six or seven different yards, I think, around the country that had the capacity to build submarines. Today, we are down to one. I might wish it were otherwise, but the fact of the matter is it is down to one.

It happens to be in the State of my colleague from Connecticut and my State, and a major part of the production facility is located in Rhode Island, the State of our colleagues Senator CHAFEE and Senator PELL. So we have a compelling interest in this. We are knowledgeable about it. We spend a lot of time on it, as I expect our colleagues would expect us to.

That is the only place left in America for that capacity; the only place left.

The Senator from Arizona raised the question, but, Mr. President, right here, I mean, people say what has been done about this. Here it is. I mean, that is the study. These are not lightweights doing this. Every knowledgeable, intelligent person who has evaluated this program says the industrial base is critical. You could lose it. You could lose it if you terminate this program.

So, with all due respect to my colleagues who are suggesting that somehow this is unimportant, here you have Admiral Trost, you have the Pentagon, you have the Bottom-Up Review, every single person who has looked at this has said, "Don't jeopardize this."

The Senator from Arizona is correct. He points out that in the letter of the Secretary of Defense this could, not would, but could. Les Aspin was accurate. I cannot say it is absolutely guaranteed, if the amendment of the Senator from Arizona is adopted, absolutely guaranteed that we would lose everything. I do not know. I just know what other people have said who have looked at it. They said you put it at risk, it is in jeopardy.

Does any one of us here really want to place this technology in jeopardy? I do not think so. Our hope is we get to the next generation quickly.

As the Senator from Hawaii has pointed out, for the Centurion-type class of submarine, it is going to be, hopefully, less costly, less sophisticated than the Seawolf submarine, and, as the Senator from Arizona pointed out—and I compliment him for saying so—he supports the submarine technology for the 21st century and believes we ought to have that as part of our national security mix.

The point is, you cannot get there from here, or at least there are significant questions about whether or not you can get there from here if, in fact, the amendment of the Senator from Arizona is adopted.

So, Mr. President, I just want to emphasize those particular points here. It is not engaging in hyperbole or exaggeration. The numbers I give you—again, my colleague from Connecticut pointed out some 405 different nations have a submarine capacity. Most of them have only one or two. Some of them are not very good. But some of the people we worry about most in the world have very good technology in this area and continue to proceed to develop it. We ought not to be unmindful of that as we consider the value and importance of this kind of technology for our future needs.

So I hope that we will reject this amendment.

Now, regarding the points of the Senator from Alaska about a report and examination, I am confident that is going to happen, I presume, here; that we are going to get a continuation of an examination as to whether or not this particular third boat is absolutely necessary to maintain that industrial base, to move forward, or we get the Centurion moved up maybe more quickly.

Maybe I am speaking to myself at this particular juncture, but I am certainly more than willing to examine alternatives, as long as we are going to be able to maintain that industrial base. But that is a question that has to be left for next year or the year thereafter. To terminate the program now, before you have even done the study, seems to me to be putting the cart before the horse, in a sense.

So I am quite confident a study will be done to examine whether or not that is the question. When that happens, obviously, we will have to take a look at it. I am confident that the Senator from Hawaii, in his capacity as chairman of the subcommittee, along with his colleagues, will want to do that as a part of their normal workload in scrutinizing these various systems, including other ones that will have to come before us.

So, Mr. President, I again want to thank our colleague from Hawaii and our colleague from Georgia, the chairman of the Armed Services Committee, and others who have addressed this question.

We have debated this issue many times now in the last several years. I think my colleague from Connecticut and I, Senator CHAFEE and Senator PELL and others have spent an inordinate amount of time on this issue, as would be expected, I suppose, as it is a matter that is important to our States and regions, just as my colleagues from other States that have other issues that are important to them spend time on those issues.

But I think we have debated this pretty thoroughly. We did last year. We had an extensive debate here on a rescission package. I think our colleagues expressed their view that while they may not want, necessarily, this particular program, we are sort of caught between a rock and a hard place on this one, and the issue is: Do you abandon it altogether or maintain that industrial base? Do you lose the only production facility left in the United States that has this capacity?

I think, if the people examine this issue in that context, they will arrive at the same conclusion that a majority of our colleagues have in the past, and that is that the acceptance of this amendment is far too great a risk for us to be taking. It is not just a jobs issue for our employees in Connecticut. It is to us. But I cannot ask a single Senator here to vote for this because it is a job at stake in Connecticut. That would be inappropriate and improper for me to do so. Every one of us have constituents whose jobs are at risk every day, and I cannot come to the floor of this Chamber and ask people to support programs merely to save jobs in our State. That is a matter we have to worry about in our delegation or our joint delegation. But I would not ask a single colleague here to support this program because one single job or 10,000 jobs were at stake in my State.

I think this program is worth supporting because of the arguments that we have made regarding the industrial base and the critical technology. We have to maintain that yard for it to stay open. That is the reason to be against this amendment and support the Senator from Hawaii, the Senator from Alaska, and others who have argued for this this afternoon.

So, Mr. President, again I respect my colleague from Arizona. He and I have spent a lot of time on other matters and other issues in the past, and I presume we will continue on that basis. I admire his persistence on this issue. I just hope he can continue to be persistent and not successful in this regard. I welcome that persistence. But, hopefully, his amendment, with all due respect to him, will be rejected.

Mr. President, I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona [Mr. MCCAIN], is recognized.

Mr. MCCAIN. Mr. President, I understand that my colleague from Alaska said that he opposes the third *Seawolf* submarine, but he does not like the fact that it was already authorized. I would say, if there is any language changes that he envisions which would change this amendment, I would be more than happy to send a modification to the desk to get his support. In fact, I had urged his staff to do that.

So I am sorry that he finds that aspect of this amendment unacceptable,

and I would like to work with him if it were possible to amend the amendment so that would be acceptable, since he, in his statement, is with me in principle in opposition to the third *Seawolf*.

My friend, the junior Senator from Connecticut, said the numbers that I have used were many times misleading.

Mr. President, I ask unanimous consent that at least page 8 of the introduction to the GAO report on the *Seawolf*, entitled "Problems Continue To Plague the "Seawolf" Submarine Program" be printed in the RECORD.

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

[General Accounting Office, August 1993]

NAVY SHIPS—PROBLEMS CONTINUE TO PLAGUE THE SEAWOLF SUBMARINE PROGRAM

(Report to Congressional Requesters)

EXECUTIVE SUMMARY

Purpose

Justification for the Seawolf nuclear-powered attack submarine (SSN-21) and its concurrent design/construction was based on countering the former Soviet Union's submarine force. Almost from the beginning, however, concerns have been voiced about the program's level of concurrency and the submarine's affordability. Over the past 6 years, the program has experienced cost increases, schedule delays, reductions in planned procurements, and proposed termination after construction of the second SSN-21 class submarine.

The Chairman, Subcommittee on Regional Defense and Contingency Forces, Senate Committee on Armed Services, and the Legislation and National Security Subcommittee, House Committee on Government Operations, asked GAO to (1) monitor the status of SSN-21 class design and lead ship construction, (2) assess the effectiveness of technical and management actions to resolve SSN-21 welding problems and guard against a recurrence of a similar problem in the future, and (3) evaluate Navy actions to keep the program on schedule.

Background

In April 1987, the Navy awarded Newport News Shipbuilding and Dry Dock Company (Newport News Shipbuilding), Newport News, Virginia, a $303-million (fiscal year 1987 dollars) contract for the overall SSN-21 class design and detailed design of its forward half. As part of its design contract, Newport News Shipbuilding awarded General Dynamic's Electric Boat Division (Electric Boat), Groton, Connecticut, a $48.8-million subcontract for the detailed design of the submarine's rear half. As of December 1991, Newport News Shipbuilding estimated the total cost of the SSN-21 class design at completion would be $655 million (current-year dollars)—a $352-million increase (116 percent) over the original contract cost estimate.

In January 1989, the Navy awarded Electric Boat a $636.8-million (fiscal year 1987 dollars) contract to build the first SSN-21. Subsequently, Electric Boat estimated escalation would add $81.2 million to the construction cost, bringing the total estimate to $718 million. Delivery was originally scheduled for May 1995. Because of welding cracks discovered on the SSN-21's pressure hull in June 1991 and subsequently on other components, the submarine's delivery was delayed 1 year until May 1996. Up until that time, design delays had caused SSN-21 construction to fall significantly behind schedule. In addition, late delivery of its combat system had the potential to further delay the submarine's construction schedule. The 1-year delay tended to abate these problems. However, in December 1991, Electric Boat estimated the total cost to construct the SSN-21 at $1,039 million (then-year dollars)—a $321-million increase (45 percent) over the original contract target cost. These costs do not include the $1 billion estimated to complete development of the AN/BSY-2 combat system.

Results in Brief

The SSN-21 program continued to experience cost increases and schedule delays during 1992. Since December 1991, the estimated total cost for design and lead ship construction at completion increased about $28 million and $64 million, respectively. Design availability and construction work force problems contributed to SSN-21 construction delays. Because of incompatibility between the design and construction schedules, the potential exists for further schedule delays. According to the Navy, however, actions it and Electric Boat have taken are expected to overcome the delays and minimize any effect of the incompatible schedules. Although it is too early to determine whether these actions will be successful, the Navy believes these actions will maintain the SSN-21's May 1996 delivery. SSN-21 welding problems appear to have been resolved and a recurrence is unlikely.

Principal Findings

Corrective Actions Are Expected To Maintain May 1996 Delivery

In the last year (as of December 1992), construction has fallen behind schedule at least 5 months. The Navy and Electric Boat expect that actions they have taken will make up the 5-month delay and minimize the effects of the incompatibility between the design and construction schedules. It is still early in implementation to be sure these actions will be effective.

Electric Boat and the Navy agree that the factors contributing to construction delays include (1) late drawings and other design data, (2) insufficient staff and problems preparing and releasing the instructions and materials needed for construction (work packages), and (3) a smaller-than-expected SSN-21 construction work force. Electric Boat believes that late design data was the primary factor; however, the Navy believes all three factors together caused the delays.

As of December 1992, more than 4,100 (5 percent) of the work packages scheduled for completion and 6,100 (9 percent) of the completed work packages scheduled for release to construction workers were delinquent. Therefore, to minimize unnecessary construction rework and labor inefficiencies, Electric Boat has not assigned as many construction workers as originally planned. Consequently, the number of construction workers from November 1991 through December 1992 averaged about 38 percent below planned levels. Electric Boat has implemented several measures to address construction delays.

An incompatibility between the design and construction schedules has the potential to further delay the SSN-21's delivery. In March 1991, the design and construction schedules were revised to support a May 1995 delivery, referred to as Revision D. In November 1991, primarily because of the welding problems, a new construction schedule (Revision E) was approved to support a May 1996 delivery. At that time, however, the Navy directed Newport News Shipbuilding to continue its design work to meet the Revision D construction schedule. According to the Navy, the reasons for this directive were to avoid cost increases and staffing changes that a schedule realignment would cause and ensure a schedule margin for design deliveries.

Since November 1991, the design effort has continued to fall further behind the construction schedule. Although the Navy was aware of the problem throughout this time, early corrective actions did not resolve the problem. It was not until the summer of 1992 that the extent of the problem was realized and a detailed analysis was conducted. In December 1992, the Navy directed Newport News Shipbuilding to realign its design effort to support Revision E. According to the SSN-21 program manager, the design and construction schedules are now in line and all design drawing delinquencies will be eliminated by February 1994. In addition, the program manager stated that the corrective actions taken by Electric Boat are expected to maintain the May 1996 delivery. The Department of Defense (DOD) stated that (1) a process to identify the shipbuilder's drawing needs was implemented following adoption of Revision E, (2) the schedule variance did not preclude following the Revision E construction schedule, and (3) overall design progress outweighed the variance problems.

Design and Construction Cost Increases Continue

As of December 1992, Newport News Shipbuilding estimated it would cost $683 million (current-year dollars) to design the SSN-21 class, a $28-million (4 percent) increase since December 1991, and $380 million (125 percent) over the original contract cost estimate. According to Newport News Shipbuilding officials, cost increases are primarily due to contract modifications; expanded work scope; and increased labor, material, and overhead rates.

In December 1992, Electric Boat estimated SSN-21 total construction costs would increase to $1,103 million (then-year dollars), a $64-million (6 percent) increase since December 1991, and $385 million (54 percent) over the initial cost estimate to complete construction. The $385 million includes an estimated $173 million in escalation, which is a $91.8-million increase over Electric Boat's initial $81.2-million estimate. According to Electric Boat officials, cost increases are primarily due to changes in specifications, reductions in the number of submarines to be constructed, which results in higher overhead costs per submarine, and re-estimation of construction elements unknown during the bid proposal and at contract award.

The SSN-21 program also will incur additional cost increases because of design and construction schedule incompatibility. Although the full impact is being studied, the SSN-21 program manager believes the cost increases will be minimal.

Welding Problem Resolved

By September 1992, Electric Boat had corrected the welding problem and instituted new procedures that included raising preheat and post-weld temperatures, increasing the heating time for completed welds to "burn off" impurities, and using welding wire containing less carbon. Electric Boat and Navy officials and three welding consultants GAO contacted believe that the new welding procedures have resolved the welding problem and should prevent any recurrence.

Recommendations

This report contains no recommendations.

Agency Comments

DOD generally agreed with GAO's findings on the status of the SSN–21 design and lead ship construction program and provided additional comments, which GAO has incorporated where appropriate. (See app. IV.)

CHAPTER 1—INTRODUCTION

The Navy justified the Seawolf (SSN–21) class nuclear-powered submarine program and concurrent design/construction of the lead submarine as necessary to counter the former Soviet Union's new generation of quieter, more capable submarines. The SSN–21 class, designed to be quieter, deeper diving, and tactically faster, will provide better operational and weapons capability than the Navy's Los Angeles (SSN–688) class nuclear-powered attack submarines currently under construction.

Due to the collapse of the Soviet Union, as well as U.S. defense budget constraints, planned procurement of SSN–21 class submarines has been reduced from 29 to 2. Unless the Clinton administration seeks funding to build additional SSN–21 class submarines, the program will terminate after the SSN–22 is built.[1]

Total Program Costs Decrease While Average Submarine Costs Increase

Although construction of only two SSN–21 class submarines reduced total estimated program costs by more than $33 billion,[2] the average submarine cost has increased by 247 percent. Table 1.1 details the effect procurement reductions have had on total and average costs for the SSN–21 program.

TABLE 1.1—CHANGES IN SSN–21 DEVELOPMENT AND PROCUREMENT COST ESTIMATES

[Dollars in billions]

Year	Number of ship	Research, development, test, and evaluation	Procurement	Total	Average cost
1985	29	$2.7	$41.0	$43.7	$1.5
1991	12	5.0	28.5	33.5	2.8
1992	2	4.6	5.8	10.4	5.2

[1] According to the Navy, this includes actions it is taking to avoid future program costs of about $208 million over the life of the SSN–21 program. These actions include reducing the number of construction spares and canceling the HY–130 steel program.

SSN–22 Construction

On May 3, 1991, the Navy awarded General Dynamics' Electric Boat Division (Electric Boat), Groton, Connecticut, a fixed-price incentive-fee contract to construct the SSN–22 at a cost of $689 million. The Newport News Shipbuilding and Drydock Company (Newport News Shipbuilding), Newport News, Virginia, challenged the contract award in court, but the U.S. Circuit Court of Appeals, Richmond, Virginia, upheld the Navy's contract award to Electric Boat on March 16, 1992. However, the Navy had placed a stop work order on this cotract due to the Bush administration's decision to terminate the SSN–21 program after constructing the lead ship. The stop work order was lifted in June 1992. Electric Boat began SSN–22 construction in September 1992, with contract delivery scheduled for June 1997. Primary because of construction start delays, but also because of the court challenge and a Navy stop work order, Electric Boat requested a $124-million (1987 dollars) increase in the SSN–22 contract's target cost and an 18-month delivery date extension (to December 1998). The Navy expects to decide on Electric Boat's request in late July 1993.

Footnotes at end of article.

Cancellation of SSN–23 Through SSN–26 Contracts

In fiscal year 1991, Congress appropriated $2.4 billion to construct the SSN–23 and cover advanced procurement items for follow-on SSN–21 class submarines. Until President Bush proposed terminating the program in 1992, the Navy had planned to issue a solicitation for SSN–23 construction during the second quarter of fiscal year 1992. Since then, however, Congress has rescinded certain funds appropriated for SSN–23 through SSN–26,[3] and the Navy has either completed, issued stop work orders on, or terminated related contracts.

Our Prior Reviews of SSN–21 Related Issues

Since 1985, we have reported 19 times on a wide range of SSN–21 program-related issues. (See app. I.) Topics have included affordability and concurrency, combat system development risks, cost increases and schedule delays, propulsor development and testing, and the effect of reduced SSN–21 class submarine procurement on the U.S. submarine shipbuilding industry. In our last report,[4] we discussed the SSN–21 program's status as of December 1991 and pointed out that design and construction problems have caused continued cost increases and schedule delays. This report presents the results of our continuing SSN–21 program work and provides a 1-year snapshot of the program's status as of December 1992.

Objectives, Scope, and Methodology

The Chairmen, Subcommittee on Regional Defense and Contingency Forces, Senate Committee on Armed Services, and the Legislation and National Security Subcommittee, House Committee on Government Operations, asked us to (1) monitor the status of SSN–21 class design and lead ship construction, (2) assess the effectiveness of technical and management actions to resolve lead ship welding problems and guard against a recurrence of a similar problem in the future, and (3) evaluate Navy efforts to control schedule delays.

To accomplish our overall objectives, we reviewed and analyzed Navy studies; Navy assessments; and contractor cost, schedule, performance, and staffing reports. We also held discussions with Navy officials responsible for the class design, SSN–21 construction, and subsystems' development in Washington, D.C., and at other locations identified below.

To determine the status of the class design, we reviewed and analyzed contractor-developed documents and reports and held discussions with officials at Newport News Shipbuilding; officials of the SSN–21 program within the Naval Sea Systems Command, Arlington, Virginia; and the Navy's Office of the Supervisor of Shipbuilding, Conversion, and Repair, Newport News, Virginia.

To determine the status of SSN–21 construction, we held discussions with officials from Electric Boat and the Office of the Supervisor of Shipbuilding, Conversion, and Repair, Groton, Connecticut, and the SSN–21 program office. In addition, we determined the status of major SSN–21 subsystems to determine whether they will negatively affect the SSN–21 construction schedule. Based on our prior SSN–21 program work, we selected 10 major SSN–21 systems to review. We also discussed the development of these subsystems with responsible Navy officials. Of the 10 subsystems we examined, 2 are experiencing design, production, or installation schedule problems but are not expected to affect SSN–21 construction. These two subsystems and the AN/BSY–2 combat system are discussed in appendix II.

To assess the effectiveness of technical and management actions to correct SSN–21 welding deficiencies, we held discussions with officials from Electric Boat, the Navy's Office of Supervisor of Shipbuilding Conversion, and Repair, Groton, Connecticut; the SSN–21 program office; the Naval Sea Systems Command Office of Ship Design and Engineering; the Office of the Naval Nuclear Propulsion Program; and three welding consultants hired by the Navy. We also reviewed contractor and Navy welding test sampling and quality assurance reports. (See app. III for a full discussion.)

We discussed the Navy's effort to control schedule delays with representatives of the SSN–21 program office, but primarily with the Navy's on-site Supervisor of Shipbuilding, Conversion, and Repair, Groton, Connecticut, for SSN–21 construction and the Supervisor of Shipbuilding, Conversion, and Repair, Newport News, Virginia, for SSN–21 class design.

We conducted our review between May 1992 and May 1993 in accordance with generally accepted government auditing standards.

FOOTNOTES

[1] In January 1992, President Bush announced plans to terminate the program and proposed rescinding appropriated funds and canceling planned spending for all SSN–21 class submarines, except the lead submarine. Subsequently, in March 1992, Congress debated the merits of building one, two, or three SSN–21 class submarines. This debate culminated in Public Law 102–298, "An Act Rescinding Certain Budget Authority," Fiscal Year 1992, June 4, 1992, which implicitly rejected the administration's rescission proposal and, among other actions, restored funding to construct the SSN–21.

[2] Unless otherwise designated, all cost data is expressed in then-year dollars.

[3] For a full discussion on the Bush administration's rescission proposal and the resulting Public Law 102–298, see GAO's report, "Navy's Ships: Plans and Anticipated Liabilities to Terminate SSN–21 Program Contracts" (GAO/NSIAD–93–32BR, Nov. 27, 1992).

[4] "Navy's Ships: Status of SSN–21 Design and Lead Ship Construction Program" (GAO/NSIAD–93–34, Nov. 1992).

Mr. McCAIN. Mr. President, I was not attempting to mislead my friend from Connecticut. I was only quoting from the GAO report. If he believes that the GAO report's numbers are misleading, then I would be more than happy to hear his arguments. But if he characterized my numbers and figures as misleading, then I have to tell him that the GAO is misleading.

I must hasten to add that there have been times when I thought the GAO numbers were not totally accurate, so he may be correct in his assumption that they are misleading, and I would be glad to respond to a question.

Mr. LIEBERMAN. If my friend from Arizona will yield, I would appreciate it. I understood he was quoting from the GAO report.

My point really was that I believe those numbers are misleading. By suggesting each boat will cost, I believe, $5.2 billion, what they are doing is figuring in the overhead, the investment costs that were originally going to be spread out over 29 boats now being spread, in that example, over two boats. As the Senator, my friend from Arizona, indicated himself in his first amendment, which we accepted, the

first two can be built for a total of $4.7 billion, in fact. So I appreciate the opportunity to correct the implication. I think we can all agree that occasionally GAO is misleading and the Senator himself has not been so.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I appreciate the comments of the Senator from Connecticut. One of the most difficult aspects of the entire defense debate is always exactly how much a program, or a particular piece of military hardware costs.

All the time we talk about sunk costs, we talk about R&D costs, we talk about cost overruns. I think one of the reasons why the American people are so cynical about the acquisition of almost any weapons system is because they can never get a true handle on the exact cost of that system. I would point out to my friend from Connecticut that one of the major reasons, in my view, why the B–2 bomber has been under such severe attack is because of the cost escalations. A large amount of that cost escalation has the very same cause as the cost escalation associated with the *Seawolf* submarine, and that is we are procuring far fewer B–2 bombers than we originally anticipated so we do not spread out the original research and development costs.

What I would like to see, and I will try to provide it for the record, is the total cost of this program. Then if you want to divide by two, or if you want to divide by three—because we are arguing here about the difference between two and three weapons systems—I think perhaps we could then get a more accurate depiction of the total costs.

I have disagreed with GAO's numbers from time to time. But I have never heard GAO admit that perhaps their numbers were not correct.

It is a fact there have been significant cost overruns associated with this project and whether there were 1 or 2 or 3 or 29 submarines, the prototypes, No. 1 and No. 2, have had significant, and in my view nearly unacceptable—unacceptable—cost overruns. That is why I proposed the amendment capping the costs of the No. 1 and No. 2. I was grateful my friend from Hawaii and my friend from Alaska accepted the amendment which caps the costs of the first two *Seawolf* submarines.

I want to talk about the defense industrial base issue. The arguments made by the Senators from Connecticut, Mr. DODD and Mr. LIEBERMAN, and all the proponents of the *Seawolf* submarine have validity. We do need an industrial base. We need a missile industrial base, a tank industrial base, an airplane industrial base, a missile industrial base. For virtually every different type of weapons system that would be employed in modern warfare, we need an industrial base.

But the reality is, and the President and I know, we are not going to be able to maintain an industrial base for every single type of weapons system that this country has used. In fact, we are already seeing the disappearance of some of the industrial base for certain defense weapons systems. We are going to have to make more and more hard choices as to which we maintain as an industrial base and for which we then use the defense conversion moneys, several billions of dollars, I might add, in order to help the men and women who are involved in those industries, and the companies and corporations that maintain those defense industrial bases, make the transition into a civilian economy.

No one, least of all this Senator, underestimates the difficulties of going from doing business with one buyer to doing business in the open and free and competitive market. It is not easy. Not every company will survive. In fact, it is my guess the majority of them will not. But at least we are making a commitment to try to assist them to make that very difficult and agonizing transition which, by the way, almost invariably involves downsizing the company, the corporation.

So, if we took the proponents of this weapons system's argument to an extreme, frankly we would not be able to cut the Defense budget, certainly not on the procurement side. And as we know, the procurement side of the Defense budget is an extremely large portion, about 40 percent, I believe, of the budget. I will check that number for the record.

So then we have to ask ourselves the question, What are the challenges of the post-cold-war era? What are those challenges? We are seeing them today in Somalia. We saw them yesterday in Haiti. We see potential flash points throughout the world that may require U.S. military—may or may not—but entail the likelihood of U.S. military involvement.

Perhaps the Senators from Connecticut can give me a scenario where we need a $2 or $3 or $5 billion, depending on your cost estimate, *Seawolf* submarine to protect the United States vital national interests; to accommodate our ability to maintain freedom and democracy, but most important the preservation of our vital national interests in the post-cold-war era.

On a list of priorities of the weapons systems that we need, I do not know of a weapons system that ranks below that of the *Seawolf* submarine, especially given the fact of the incredible cost involved.

What weapons systems could we buy in place of the *Seawolf* submarine? Every time we have a hearing before the Senate Armed Services Committee and the Joint Chiefs and the CINC's, when the area commanders testify before the committee they testify we need sealift capability, we need airlift capability; the C–17 is in serious trouble and it is one of our major priorities; we need rapid deployment forces; we need equipment that gives operating capability to our special operations forces to go into an area quickly and in a stealthy fashion; we need to be able to move men and equipment very rapidly, across broad expanses of sea and air.

By the way, Mr. President, procurement is approximately 20 percent of our overall Defense budget.

So these military leaders tell us that there are significant shortfalls. They also tell us they see difficulties arising and a potential for a serious crisis in readiness. They tell us if we continue to cut the Defense budget significantly we are going to go back to the hollow Army of the 1970's. We are continuously cutting readiness, R&D, research and development, depot maintenance.

I have well documented for this body and members of the Armed Services Committee the pitfalls that lie ahead with continued cuts in defense spending. In fact, in an incredible fashion, this administration proposed freezing the pay for the men and women in the military and at the same time says we need a *Seawolf* submarine. Yet we cannot afford to increase the pay of the men and women serving in the military, many of them at incomes hovering at less than $20,000 a year.

Some people have their priorities screwed up, in that case obviously. But more important, we have to ask ourselves what are our priorities? Both Senators from Connecticut make compelling arguments for the *Seawolf* submarine. If it were the *Seawolf* submarine alone, I would be the first to vote for it. But it is in the context of the post-cold-war era and our reducing our Defense budget by 40 percent, telling thousands of young men and women who voluntarily joined the military for a career that they have to get out because we cannot afford to keep them because of the cuts in defense spending, and then at the same time fund a multibillion-dollar weapons system that has no mission.

If someone could describe to me the mission of the *Seawolf* submarine that cannot be accomplished by the *Los Angeles* class submarine in the post-cold-war threat scenario, I am very interested in hearing it.

Just to be a little crass, it is well known the President of the United States in the primaries was in the State of Connecticut and promised the *Seawolf* submarine would be funded; that he would support the *Seawolf* submarine.

The President of the United States is not renowned for his military knowledge, but he was free to make that commitment. I cannot help but believe that perhaps that might have had some slight influence on the decision by the

Defense Department, and if the Defense Department can justify to me procurement of a multibillion-dollar weapons system for which there is no post-cold-war mission, and at the same time tell young men and women to get out of the military because we cannot afford to keep them and those we keep we are freezing their pay and benefits, then it is highly illogical to do so.

In fact, in my view, it is almost criminal because if we lose the quality of men and women in the military that we have today, we are going to have very serious problems.

I will say—I am happy to say—that the Congress corrected the budget request of the administration to freeze the pay of men and women in the military, both officer and enlisted, but it was the action of Congress, not the action of the administration, that rectified what to me was an unacceptable policy.

So, again, with great respect and admiration for the in-depth knowledge that my colleagues have concerning the *Seawolf* weapons system, and I think it is better to call it a weapons system because it is a magnificent weapons system, and their strong support for it, I fully understand and appreciate. But I hope the rest of my colleagues will agree that in the context of what is happening to our overall defense expenditures we have to make tough decisions, and that decision, in my view, of the priority list leaves out these enormous expenditures.

So I understand and appreciate their views, but at the same time, I think that if we, as said the other day in a column by Col. David Hackworth, retired U.S. Army Colonel, in Newsweek magazine, if the Secretary of Defense can afford a $5 billion *Seawolf* submarine but he cannot afford to send some armor to Somalia, then I think we ought to, frankly, reassess what our priorities are.

Mr. President, I yield the floor.

Mr. ROTH. Mr. President, the history of the *Seawolf* submarine program epitomizes the predicament of the vast majority of weapons. It is over budget, way behind schedule, and, even after several billion dollars has been spent, we do not know if it will work. Yet, we do know that powerful interests work because they are keeping the program alive.

Mr. President, the SSN–21 program was part of the cold war struggle over the deep seas. The SSN–21 class submarines were to be quieter than the seas themselves. The submarines were to operate more than a thousand feet underwater. The submarines were to have special sensors and computer systems to detect Soviet nuclear submarines that were made very quiet by the theft of classified American documents and technologies.

Two years ago, I joined with Senator MCCAIN to try to kill the SSN–21 program because the end of the cold war made the submarine irrelevant. While we got very few votes on the amendment that year, it was clear that it was time to stop wasting the taxpayer's money on cold war-era weapons that were no longer relevant. We were vindicated in our views when President Bush announced the termination of the SSN–21 program 2 days after the Senate voted on our amendment. However, the powerful interests were still at work and Congress overroad the President to keep the program alive supposedly for industrial base purposes. Mr. President, again I state: It is time to stop spending the taxpayer's money on cold war weapons that are no longer relevant.

Mr. President, two SSN–21 class submarines have been funded on the basis of the need to maintain the industrial base. The argument in favor of spending $2.6 billion on the SSN–23 is not the dire need for such a system. Indeed, many analysts have noted that the submarine will not be able to operate effectively in post-cold war battle areas. But, perhaps the greater issue is that we cannot afford to keep the spigot of funding open for such a program It is already about a billion dollars over budget and several years behind schedule. Unless we are willing to make this program accountable for a current military need and make it measure up against firm cost and schedule goals, the nearly $1 billion cost overruns will continue to grow.

Mr. President, there are many unfunded needs in the Defense budget. Indeed, the Secretary of Defense announced that nearly $20 billion in additional funds would be needed over the next 6 years. I understand that the argument boils down to spending about $1.5 billion in additional funding in order to keep open a part of the defense industrial base. That might save perhaps $500 billion if that industrial base needs to be reconstituted. I cannot support spending $1.5 billion to save $500 million.

Mr. President, the amendment that Senator MCCAIN and I are proposing will send a strong message to the Defense Department. It says that the Congress will not continue spending without accountability on a weapon program in order to protect the industrial base. And, it tells the powerful interests that the Congress will not continue throwing money at weapons that do not have a real world need.

Mr. MITCHELL. Mr. President, I oppose the McCain amendment. It contradicts the conclusions of the Defense Department's Bottom-Up Review, is detrimental to the Navy's public shipyards, and imposes excessive restrictions on funds that already have been appropriated.

As part of its Bottom-Up Review, the Defense Department concluded that the Navy will have to begin construction of a new class of submarines near the end of this century in order to sustain our submarine force at a lower but stable level. In order to accomplish this goal, the Defense Department acknowledged that the submarine industrial base must be preserved. The Defense Department reviewed the options for sustaining the capability to build new submarines and concluded that the most cost-effective way to proceed will be to begin construction of a third *Seawolf* submarine at the Electric Boat shipyard in fiscal year 1995 or 1996.

The McCain amendment would prohibit the Defense Department from pursuing its preferred option for sustaining the submarine industrial base. If this amendment were adopted, the Defense Department would certainly pursue other methods of sustaining this industrial base. Currently, the only other major submarine-related work being conducted is the refueling overhauls of *Los Angeles* class submarines at the Navy's premier facility for such work, Portsmouth Naval Shipyard. With the decline in submarine construction since the end of the cold war, private shipyards are already aggressively pursuing smaller submarine repair projects offered by the Navy in public-private competitions. If the option of building the third *Seawolf* is denied by Congress, private shipyards will clearly seek submarine refueling overhaul work. Without the option of providing new construction work to the private sector, the Defense Department is likely to consider such private sector requests favorably.

I believe this outcome would threaten the workload scheduled for Portsmouth Naval Shipyard, which already has experienced excessive reductions. Portsmouth Naval Shipyard has developed infrastructure and work force skills that are ideally suited for submarine overhaul work, and the Navy should not invest limited funds to duplicate these overhaul capabilities.

The McCain amendment also requires that funds appropriated last year by the Congress be withheld until the Defense Department conducts additional studies of the submarine industrial base. This requirement imposes excessive restrictions on funds that Congress already has appropriated to sustain the industrial base. I believe that such a requirement will delay the Defense Department's efforts to sustain the submarine industrial base and place additional pressure on the private sector to seek additional submarine repair work.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, pursuant to the consent granted on the McCain amendment, No. 1031, I move to table the amendment.

I wish to inquire, that vote will occur at 2:35 this afternoon?

The PRESIDING OFFICER. Under the previous order, that is correct.

Who yields time?

AMENDMENT NO. 1032

(Purpose: To set aside $4,500,000 for replacement of the TER–9A ejection rack for F–16 aircraft)

Mr. INOUYE. Mr. President, in behalf of Senator LEAHY, I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the committee amendments are set aside.

Mr. DODD. Reserving the right to object, have the yeas and nays been ordered on the tabling motion on the previous amendment?

The PRESIDING OFFICER. They were not ordered.

Mr. DODD. I ask for the yeas and nays on the tabling motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Without objection, the committee amendments are set aside, and the clerk will report the amendment.

The bill clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. LEAHY, proposes an amendment numbered 1032.

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

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

The amendment is as follows:

On page 32, line 21, before the period at the end insert the following: ": *Provided*, That of the funds appropriated under this paragraph, $4,500,000 shall be available for replacement of the TER–9A ejection rack for F–16 fighter aircraft".

Mr. INOUYE. Mr. President, this amendment has been cleared by both sides. I urge its adoption.

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

The amendment (No. 1032) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 1033

(Purpose: To provide for a limitation on the obligation or expenditure of funds with respect to certain activities at the Antler Military Operations Area, Pennsylvania)

Mr. INOUYE. Mr. President, I ask unanimous consent that the pending amendments be set aside. I send to the desk an amendment in behalf of Senators WOFFORD and SPECTER, and I ask for its immediate consideration.

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

The bill clerk read as follows:

The Senator from Hawaii [Mr. INOUYE], for Mr. WOFFORD, for himself and Mr. SPECTER, proposes an amendment numbered 1033.

Mr. INOUYE. 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 157, below line 9, insert the following:

SEC. 8142. (a) No funds appropriated under this Act may be obligated or expended for the purpose of establishing the Antler Military Operations Area, Pennsylvania, for the purpose of conducting aerial combat training operations until the date of the submittal to congressional defense committees of the report referred to in subsection (b).

(b)(1)(A) The Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency and the Administrator of the Federal Aviation Administration, shall submit to the congressional defense committees a report on the effect of low-level aircraft training operations of the Department of Defense on the proposed Antler Military Operations Area, Pennsylvania.

(B) The Secretary shall submit the report not later than 6 months after the date of the enactment of the Act.

(2) The report under this subsection shall include the following:

(A) An assessment of the effect of the training operations referred to in paragraph (1) on—

(i) the environment of the areas of, and in the vicinity of, the proposed Antler Military Operations Area, including a detailed assessment of the effects of the noise generated by such operations on the environment of such areas;

(ii) the economy of such areas; and

(iii) the health and safety of persons living in and around such areas.

(B) A description of the number of aircraft flights per month that the Secretary anticipates will occur in the proposed Antler Military Operations Area.

(C) A description of the number and duration of such flights per month that the Secretary anticipates will occur at or below a level that is 500 feet above the highest ground level of the proposed Antler Military Operations Area.

(c) In the section, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

Mr. WOFFORD. Mr. President, I rise to offer an amendment to the Defense appropriations bill to ensure that the Department of Defense fully considers the environmental and economic impact of new flight-training routes—as well as the potential effect on public safety.

The rapid conversion of Air Reserve components from older aircraft systems to the F–15's and F–16's is generating plans to significantly expand training airspace around the United States. Yet, I am concerned that in some cases we are rushing to establish military operations areas without fully considering the potential effects on the surrounding communities. We must fully and accurately consider the environmental, economic, and public safety effects of high-performance aircraft flown at extremely low levels or at supersonic speeds at higher levels.

In Pennsylvania, the Air National Guard has proposed the establishment of the Antler military operations area, or MOA. This proposal would enable the Air National Guard to conduct flight training over five State parks in north-central Pennsylvania. The Antler MOA would result in frequent, low-level flights over approximately 1,2000 miles of State forest and park land. Hundreds of thousands of Pennsylvanians use these parks for recreation and many communities depend on the tourism that these parks generate.

The Antler MOA should not be implemented until we have full information on the potential impact of flights over Pennsylvania's State parks. The amendment I am introducing would require that the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency and the Administrator of the Federal Aviation Administration, to report to Congress on the environmental and economic effects, including the noise effects, of low-level aircraft training in the proposed Antler military operations area. The report will also include a description of the number and duration of flights per month—information that the Air Force has, as of yet, not provided.

A preliminary environmental impact study has already been conducted. But, serious questions remain. The proposed Antler military operations area threatens the peace, tranquility, and economic well-being of some of Pennsylvania's most pristine areas. Pennsylvanians deserve full information before such a policy is implemented.

I thank the distinguished chairman and the ranking minority member of the Subcommittee on Defense for their kind assistance in accepting this amendment, and I yield the floor.

Mr. INOUYE. Mr. President, this matter has been cleared by both managers, and we recommend its adoption.

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

The amendment (No. 1033) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. INOUYE. Mr. President, I believe that Senator SASSER is prepared to present his amendment at this time.

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. 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.

SOMALIA

Mr. McCAIN. Mr. President, I want to talk for a minute about the upcoming situation in regard to an amendment involving our continued presence in Somalia.

As we all know, and gratefully so, the American fighting man who was being held prisoner, Warrant Officer Durant, was released this morning. It is my understanding that most, if not all, of our missing-in-action have been accounted for.

Mr. President, to me, and I believe to a majority of the American people, that removes the last impediment for the total, rapid, prompt, and safe withdrawal of American troops from Somalia.

There is no reason for the United States of America to remain in Somalia. The American people want them home, I believe the majority of Congress wants them home, and to set an artificial date of March 31 or even February 1, in my view, is not acceptable. The criteria should be to bring them home as rapidly and safely as possible, an evolution which I think could be completed in a matter of weeks.

Our continued military presence in Somalia allows another situation to arise which could then lead to the wounding, killing or capture of American fighting men and women. We should do all in our power to avoid that.

I listened carefully to the President's remarks at a news conference that he held earlier today. I heard nothing in his discussion of the issue that would persuade me that further U.S. military involvement in the area is necessary. In fact, his remarks have persuaded me more profoundly that we should leave and leave soon.

I am aware of the parliamentary procedure that will take place. I am aware of the unanimous-consent request that was agreed to last night that there will be a vote on the so-called Byrd amendment. I do not know the details of the Byrd amendment, but I have an idea that there will probably be a date of March 31, as opposed to February 1. That is what is at least being circulated as being the case.

Dates certain, Mr. President, are not the criteria here. What is the criteria and what should be the criteria is our immediate, orderly withdrawal from Somalia. And if we do not do that and other Americans die, other Americans are wounded, other Americans are captured because we stay too long—longer than necessary—then I would say that the responsibilities for that lie with the Congress of the United States who did not exercise their authority under the Constitution of the United States and mandate that they be brought home quickly and safely as possible.

I have heard the arguments about what other nations may do. I have heard the arguments about political solutions and us going to the President of Eritrea and the President of Ethiopia for an African solution. All those are fine with me, Mr. President. I am all for it. I am in favor of any other nation that is a part of the United Nations doing whatever they can.

But the mission which the American people supported and this Congress supported in an overwhelming resolution has been accomplished, and that was to feed and keep from starving a million Somali. The American people did not support the goals of nation-building, peacemaking, law and order, and certainly not warlord hunting. They did support a policy of feeding starving people, and those people have been fed.

We did not say we would feed those people forever. We said we would feed them and keep them from starving in a very short timeframe because, tragically, there are people who are starving all over Africa and all over the world. Unfortunately, we cannot feed all of them. We can feed whomever we can, and I would support any effort to feed whomever we can who is starving. But for us to get into nation-building, law and order, et cetera, I think, is a tragic and terrible mistake.

I know that this debate is going to go on this afternoon and I have a lot more to say, but the argument that somehow the United States would suffer a loss to our prestige and our viability, as far as the No. 1 superpower in the world, I think is baloney. The fact is, we won the cold war. The fact is, we won the Persian Gulf conflict. And the fact is that the United States is still the only major world superpower.

I can tell you what will erode our prestige. I can tell you what will hurt our viability as the world's superpower, and that is if we enmesh ourselves in a drawn-out situation which entails the loss of American lives, more debacles like the one we saw with the failed mission to capture Aideed's lieutenants, using American forces, and that then will be what hurts our prestige. We suffered a terrible tragedy in Beirut, Mr. President; 240 young marines lost their lives, but we got out. Now is the time for us to get out of Somalia as rapidly and as promptly and as safely as possible.

I, along with many others, will have an amendment that says exactly that. It does not give any date certain. It does not say anything about any other missions that the United States may need or feels it needs to carry out. It will say that we should get out as rapidly and orderly as possible.

Mr. President, I yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

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

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

The bill clerk proceeded to call the roll.

Mr. LEAHY. 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. LEAHY. Mr. President, I understand that amendments are not in order at the moment on Somalia, and I do not intend to offer one. But I know there will be votes on it later on, and I would like to outline my views on Somalia.

I mention this because as of yesterday we were faced with two possible resolutions, one by the distinguished Senator from West Virginia [Mr. BYRD] and one amendment being developed by the distinguished majority and minority leaders.

I support the amendment by the distinguished Senator from West Virginia [Mr. BYRD].

When President Bush decided to send in American forces to provide humanitarian relief to end the terrible famine we saw in Somalia, those humanitarian purposes got widespread support in the United States. Congress authorized that mission and provided the President with broad discretion to carry it out. In fact, as long as United States forces in Somalia were fulfilling the original humanitarian mission of the United States intervention, the American people, and Congress, solidly backed the President.

Ironically enough, we had a situation where we had a very large military force to carry out a humanitarian mission. Subsequently, when it changed to a military mission, we cut that force back to one barely large enough for the humanitarian mission.

By spring, we knew the humanitarian goal had been achieved. The famine was over. Crops were planted. In fact, Somalia today is enjoying a bumper harvest. Food is plentiful. In some parts, they are even able to export food. U.S. forces drew down from 25,000 to under 5,000.

The United Nations assumed responsibility for diplomatic and other efforts to promote some sort of political settlement. But that was not the chore of the United States, to force a political settlement or to nation build.

But by summer, incrementally, the mission of the United States forces changed, changed from one limited to providing humanitarian relief to that of supporting U.N. efforts to rebuild a government and find a political solution in Somalia.

General Aideed, the Somali warlord in south Mogadishu, became identified as a key roadblock in U.N. efforts to mediate a political settlement. Hostility between the United Nations and General Aideed deepened, and U.S. forces, increasingly committed to supporting U.N. diplomatic objectives, became drawn into the U.N.-Aideed confrontation. The small U.S. combat contingent, which was only part of our overall force, numbering about 1,500 men, was beefed up by a Ranger unit. We were treated to scenes of Rangers dropping from helicopters in raids to capture Aideed.

The humanitarian mission, so widely supported by the American people and authorized by Congress, was transformed into a political and military mission never contemplated by Congress and certainly never authorized by Congress—for that matter, never contemplated by United States planners, who had nothing like the necessary combat forces in Somalia to support such a mission. And our troops became increasingly vulnerable to attack. Inevitably, the simmering pot boiled over, with the tragic killing and wounding of 100 American Rangers in a single incident.

I am a strong supporter of flexibility and broad authority for whoever is President, whether Democrat or Republican, in foreign policy matters. In fact, few Senators in this Chamber have ever voted so consistently to give broad discretion to Presidents in foreign policy issues. But I also insist that the mandates of the Constitution be respected. And if it is a question of the Constitution and the President, no matter who the President might be, the Constitution has to come first.

The Constitution makes clear that Congress must authorize the participation of U.S. Armed Forces in hostilities abroad. The President is the Commander in Chief and properly has full authority to direct American forces in combat operations. But it is to Congress that the Constitution entrusted this power to commit our Nation to war.

That is why I have been so adamant that if American troops are to remain in Somalia, their mission has to be clearly defined by the President, and the Congress by a specific vote must authorize the commitment of American Armed Forces to carry out that mission.

Mr. President, the original humanitarian effort is essentially completed. Therefore, American forces should begin an orderly withdrawal, to be completed by a date certain, unless we have a new mission defined for them and the Congress by a new vote authorizes the continued presence of those forces in Somalia.

The exact date of withdrawal has never really been critical to me—March 1, March 31, February 1. That is not the issue as long as we make it very clear that forces are coming out by a date certain. What has been important to me, far more than a date, is that any new mission for United States forces in Somalia beyond the original humanitarian mission has to be spelled out by the President. It then has to be voted on and approved by the Congress. That is my understanding of the Constitution. That is essentially my position.

But there is another dimension to the Somalia situation and also in Haiti, on which I would like to touch. The mishandling of the United States involvement in Somalia and Haiti and serious mistakes by U.N. leaders, especially in Somalia, have done grave damage to the idea of coping with regional conflicts and crises through multilateral action. To my mind, this is the greatest cost of these botched operations. It is going to take considerable time to rebuild confidence that the United Nations and other international organizations represent adequate instrumentalities for peacekeeping and peacemaking in hot spots around the world.

There has been a lot of talk about a new world order and the great opportunities for conflict resolution and peace in the post-cold-war international arena.

But the way the Somali and Haiti situations have unfolded has done much to discredit that idea that, properly led, the United Nations can be the main means of resolving local conflicts or promoting international stability and order. That is extremely unfortunate. In fact, it may prove very costly to troubled regions around this world.

Because, on the one hand, neither the American people nor our Government, have the disposition to act as the world police officer. But, on the other, we are now seeing fierce criticism of the Uations Nations as peacemaker and peacekeeper. We even hear Senators declare U.S. forces should never, under any circumstances, serve under U.N. or any other international command.

Frankly, this is a prescription for international anarchy. If the United States cannot or will not intervene in crises unilaterally, and if we will not participate in U.N., OAS, or other international efforts to restore or maintain peace, then who is going to fulfill that role? If the most powerful Nation on the Earth does not fulfill it, who does? Do we intend to stand by as spectators when Somalia and Haiti are repeated in other countries?

(Mrs. BOXER assumed the chair.)

Mr. LEAHY. Madam President, this tragedy is going to be repeated in other countries. There is no need to list all of them. But everybody in this body knows there are several other cases of failed governments, where nations are teetering on the edge of anarchy as complete as that which now afflicts Somalia.

Do we really think we can ask other countries to bear the burdens, to send their young men and women to try to keep the peace, while we stay at home? When this issue arose, I asked the Congressional Research Service to provide information on the number of times American troops have served under multinational or other foreign commands in this century. It has been at least 18 times, including as recently as Desert Storm.

I ask unanimous consent that the CRS paper on that issue be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1).

Mr. LEAHY. It should be clear, Madam President, that it is not the placing of the American forces under the U.N. or other international command that is the problem. It is the definition of the lines of command authority. It is the military mission of the forces and their capabilities in a given situation that is critical. This is where Somalia went wrong. It was badly planned, badly coordinated, and without the necessary military capabilities.

Let us not condemn the whole concept of multilateral action with United States participation because mistakes were made in Somalia or Haiti. Let us instead resolve on more direct U.S. leadership, both political and military, in designing and carrying out effective international conflict resolution, peacemaking and peacekeeping operations.

Right now, the United States owes $400 million in arrears to the United Nations, which includes $130 million for peacekeeping operations around the world, in places like Cambodia, Angola, El Salvador, and so on. In fact, we could be over $1 billion in arrears for peacekeeping by the end of this year.

We cannot ask or expect the United Nations, and all the dozens of nations that participate in peacekeeping operations, to do their part if we declare that no American soldier can ever serve under foreign command; and, incidentally, if we are also not going to pay our fair share of the peacekeeping.

Madam President, it is unfortunate that there has been neglect and mishandling of our policy in Somalia and Haiti—not just because of the loss of life; that is always a distressing thing to all Americans. But now we have to regroup, reconsider, and recommit ourselves to effective American policies which blend unilateral actions, where necessary and justified, with strong leadership in the U.N. and other international organizations. Let us not lose sight of the role they can play, especially when we try to replace the bipolarism that we saw during the cold war.

I wish we, as a Nation, had not lost sight of our main reason for being in

Somalia. Unfortunately, we did. And now we see the worst of all possible worlds.

I commend the President, though, in realizing that mistakes were made, and for listening to a broad cross-section of this body and of the other body, Republicans and Democrats. There was a very painful meeting of Senators and Representatives with the President in the White House on Somalia. It went on for about 2 hours, the most intense meeting of that nature I have seen in my 19 years here in the Senate.

To the President's credit, he listened to where we thought the policy was wrong. He has worked very hard to bring about a new policy that is realistic, and one that could have support in this body; one that terminated the military mission that was doomed to eventual failure, at least with the resources we were applying to it, and put it back to the humanitarian roots that brought us to Somalia in the first place. I commend him for that.

I hope the mistake will not be made now to continue this fight over whether it is going to be this date or another date, a few weeks one way or the other, and once again lose sight of why we are there. We are going to leave. We can leave relatively soon. Let us leave with our strongest stance, not that of chasing warlords, but that of feeding millions and millions of people who face starvation without that help.

Let us, at the same time, look at Haiti, and say that we do not accept the naive idea that if we offer some foreign aid to a few military leaders down there, they will give up their banditry, their thievery, their drug dealing, their huge incomes, and have it replaced by reform and tiny salaries; that they will return to the barracks, away from the mansions and the luxury buildings. That kind of thinking is unrealistic. It is as unrealistic as saying we are going to send to Haiti a number of troops with sidearms, and somehow they will influence thugs who carry automatic weapons and heavy-caliber weapons, and who totally control this poor, strangled nation. That is a mission that was heading, by incrementalism or by neglect, toward sheer disaster.

The President was wise to pull back, to ask the United Nations to resume sanctions against these thugs that rule Haiti.

I strongly urge him and his advisers to totally reevaluate what we are going to do in Haiti before we make the mistake of stumbling into something that we cannot control, cannot change, and will not handle, and have Americans die there.

Once again, we pull back to just where we can and will exercise influence in our interest, either security interests, humanitarian interests, or the interests of creating democracy.

I am afraid the Haiti situation was not as well thought out by any means as it should or could be. I would hope that this breather over the weekend, as we look at the reaction to the latest restrictions and sanctions, might allow not only some clearer thinking to happen in Haiti, but it would not hurt to have a little clearer thinking here in Washington.

I have taken this much time on the floor because I understand there was somebody coming over to bring up an amendment. He is not here yet, and perhaps the distinguished chairman of the committee has items he could handle now. I realize there will be discussion of this later on. I yield the floor to the distinguished Senator from Hawaii.

EXHIBIT I

CRS ISSUE BRIEF—UNITED NATIONS PEACEKEEPING: ISSUES FOR CONGRESS

(By Marjorie Ann Browne)

U.S. Military Personnel in UN Ops.

Operation:	*Total number*
UNTSO [Middle East]	17
UNIKOM [Iraq-Kuwait]	15
MINURSO [Western Sahara]	30
UNTAC [Cambodia]	[1]16
UNPROFOR [former Yugoslavia]	541
UN Headquarters	14
UNMIH [Haiti]	30
Subtotal	663
UNOSOM II	[2]2,686

[1] Withdrawal deadline is November 15.
[2] Staff and logistics support.

The UNPROFOR number includes a MASH (Mobile Army Surgical Hospital) unit of 219 that was originally deployed from Germany to Zagreb to provide medical support to UNPROFOR. This was the first time an entire U.S. unit was provided to serve under U.N. command (the MASH unit became operational in November 1992). On July 12, 1993, a reinforced company team of 305 personnel arrived in Macedonia to serve with a preventive deployment component of UNPROFOR in Macedonia. They are there to observe and report on activities in the country and on its borders with Albania and with the Federal Republic of Yugoslavia (Serbia and Montenegro) with the goal of deterring the spillover of conflict. The U.S. unit conducts missions as directed by the U.N. commander, who is a Dane. A Nordic battalion of 700 from Finland, Sweden, and Norway is already there. On October 11, a contingent of 599 U.S. troops, including engineers, was scheduled to arrive in Haiti to help modernize and train the Haitian armed forces under the Governors Island Agreement.

On May 4, 1993, the U.S.-led Unified Task Force in Somalia ceased operations and was replaced by an expanded U.N. Operation in Somalia (UNOSOM II), authorized by the Security Council under Chapter VII of the Charter. UNOSOM II's anticipated strength of approximately 28,000 personnel from 23 nations included 2,686 U.S. military in logistics and administration divisions in UNOSOM II. UNOSOM II has access to a U.S. ground quick reaction force of 1,144. In this instance, the U.N. commander is a general from Turkey, a NATO ally, and the deputy commander is a U.S. Army general, who has the authority to approve requests to use the quick reaction force. An additional 2200 U.S. marines are on call from offshore. The naming of a commander from a NATO member and a U.S. general officer as deputy commander seemed to make the situation of U.S. military forces serving under U.N. command less of an issue to the United States. (See CRS Issue Brief 92131, *Somalia: Operation Restore Hope and UNOSOM II.)*

OTHER PEACEKEEPING ISSUES

A Peacekeeping Response to International Humanitarian Distress. Since 1991, internal instabilities and disasters in the Persian Gulf region in Africa, and set up. (for further information, see Appendix and CRS Report 90-96 F, United Nations Peacekeeping: Historical Overview and Current Issues.)

U.N. peacekeeping operations take the form of both peacekeeping forces, such as the U.N. Force in Cyprus (UNFICYP), and observer missions, such as the U.N. Iran-Iraq Military Observer Mission (UNIIMOG) and the U.N. Observer Group in Central America (ONUCA). The differences between observer missions and peacekeeping forces are found in the mandate or function of the operation, the numbers and types of personnel used, and whether the personnel are armed. Usually, peacekeeping forces are larger in personnel, equipment, and cost than observer missions and are lightly armed rather than unarmed, as are observers.

On Mar. 1, 1990, General Colin Powell, then chairman of the Joint Chiefs of Staff, observed that U.N. peacekeeping operations "are important contributions to our overall security posture." On Apr. 20, 1993, Secretary of State Warren Christopher told the Senate Foreign Relations Committee of placing a "new emphasis on promoting multinational peacekeeping and peacemaking. The end of the Cold War has unleashed long-suppressed conflicts. * * * But it has also opened up new possibilities for international cooperation." Christopher continued, "our task is to harness that cooperation, to contain and also to prevent the eruption of conflicts. * * * International peacekeeping, especially by the United Nations, can and must play a critical role. Capabilities must be enhanced to permit prompt, effective, preventive action." Christopher declared, "We in the United States are ready to do our part. In this connection, the President and I believe that millions spent now on preventive diplomacy and peacekeeping can save hundreds of million dollars later in defense and international relief."

Section 7 of the U.N. Participation Act of 1945, as amended (P.L. 79-264), authorized the President to detail up to 1,000 members of the U.S. armed forces to the United Nations in a noncombatant capacity. Over the history of the United Nations, the United States has provided various goods and services, including logistics, and has detailed its military to U.N. peacekeeping tasks, but in small numbers. Before 1990, the major U.S. provision of forces were the individual U.S. military officers participating as observers in the UNTSO. As of Oct. 5, 1993, at least 1,232 U.S. military personnel participated in six U.N. operations and at U.N. headquarters:

APPENDIX 1.—U.N. PEACEKEEPING OPERATIONS: A CHRONOLOGICAL LIST[1]

Name of operation	Acronym and service dates	Location
U.N. Truce Supervision Organization in Palestine[1]	UNTSO 1948	Middle East.
U.N. Military Observer Group in India and Pakistan[1]	UNMOGIP 1948	Jammu, Kashmir and Pakistan.
U.N. Emergency Force I	UNEF I 1956–1967	Gaza; Egyptian side in Sinai.
U.N. Observer Group in Lebanon	UNOGIL June–Dec. 1958	
U.N. Operation in the Congo	ONUC 1960–1964	
U.N. Security Force in West New Guinea	UNSF Oct. 1962–Apr. 1963	West Irian.
U.N. Yemen Observer Mission	UNYOM July 1963–Sept. 1964	
U.N. Force in Cyprus[1]	UNFICYP 1964	
Mission of Representative of the Secretary-General in the Dominican Republic	DOMREP May 1965–Oct. 1966	
U.N. India/Pakistan Observer Mission	UNIPOM Sept. 1965–Mar. 1966	India-Pakistan border between Kashmir and Arabian Sea.
U.N. Emergency Force II	UNEF II 1973–1979	Suez Canal sector; Sinai Peninsula.
U.N. Disengagement Observer Force[1]	UNDOF 1974-present	Israel-Syria: Golan Heights.
U.N. Interim Force in Lebanon[1]	UNIFIL 1978–	Southern Lebanon.
U.N. Good Offices Mission in Afghanistan and Pakistan	UNGOMAP Apr. 1988–Mar. 1990	
U.N. Iran-Iraq Military Observer Mission	UNIIMOG Aug. 1988–Feb. 1991	
U.N. Angola Verification Mission	UNAVEM Jan. 1989–May 1991	
U.N. Transition Assistance Group	UNTAG Apr. 1989–Mar. 1990	Namibia and Angola.
U.N. Observer Group in Central America	ONUCA Nov. 1989–Jan. 1992	Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua.
U.N. Iraq-Kuwait Observer Mission[1]	UNIKOM Apr. 1991	
U.N. Observer Mission in El Salvador[1]	ONUSAL May 20, 1991	
U.N. Angola Verification Mission II[1]	UNAVEM II May 31, 1991	
U.N. Mission for the Referendum in Western Sahara[1]	MINURSO Apr. 29, 1991	
U.N. Advance Mission in Cambodia	UNAMIC Oct. 16, 1991–Mar. 15, 1992	
U.N. Protection Force[1]	UNPROFOR Feb. 21, 1992	Former Yugoslavia: Croatia, Bosnia and Herzegovina, Macedonia.
U.N. Transitional Authority in Cambodia[1]	UNTAF Feb. 28, 1992	
U.N. Operation in Somalia I	UNOSOM Apr. 1992–Apr. 1993	
U.N. Operation in Mozambique[1]	ONUMOZ Dec. 16, 1992	Mozambique.
U.N. Operation in Somalia II[1]	UNOSOM II May 1, 1993	
U.N. Observer Mission Uganda-Rwanda[1]	UNOMUR June 22, 1993	Uganda.
U.N. Observer Mission in Georgia[1]	UNOMIG Aug. 24, 1993	
U.N. Observer Mission in Liberia[1]	UNOMIL Sept. 22, 1993	
U.N. Mission in Haiti[1]	UNMIH Sept. 23, 1993	
U.N. Assistance Mission for Rwanda[1]	UNAMIR Oct. 5, 1993	

[1] Operation is still in existence.

Mr. INOUYE. Madam President, we began our consideration and debate on the defense appropriations bill at 9:30 a.m. yesterday. However, because of ongoing negotiations related to the Somalia peacekeeping, we were not permitted to bring up amendments. However, today, that obstacle was taken away, and we have started to consider amendments. We have concluded our debates and votes on seven amendments. However, Madam President, there are 32 other amendments that apparently will be presented before final passage.

As you can see, none of the authors are here. So, for the record, I want to read the following so that these offices may remind themselves that they should be here.

Senator BINGAMAN has a relevant amendment. Senator BRADLEY has an amendment relating to the Army National Guard. Senator BRADLEY also has an amendment on aircraft procurement. Senator BREAUX has an amendment related to mission recorder. Senator BUMPERS has two amendments; the first is to reduce the ballistic missile defense by $84 million, and the second is related to the intelligence budget. Senator BYRD has the Somalia amendment. Senator COCHRAN has an amendment related to submarine exports. Senator COHEN has an amendment related to the transfer of Defense Department land to the city of Bangor, ME. Senator DECONCINI has an amendment related to military golf courses. Senator DOLE has two amendments, one on Bosnia and the other on Haiti. Senator EXON has a sense-of-the-Senate related to commercial disputes with Saudi Arabia. Senator FEINSTEIN has an amendment on the retraining of troops to become police officers. Senator GRAHAM of Florida has one on Haiti. Senator GRASSLEY has an amendment on C–17 progress payments. Senator HELMS has an amendment related to Peru. Senator KENNEDY has two relevant amendments. Senator LAUTENBERG has an amendment on the National Board for Promotion of Rifles practice. Senator METZENBAUM has two relevant amendments. Senator MURRAY has an amendment on GP–160. Senator NICKLES has an amendment on foreign command of U.S. troops. Senator REID has an amendment on low-level flight training. Senator SPECTER has a sense-of-the-Senate on closed shipyard work loads. Senator SPECTER has another sense-of-the-Senate related to the overhaul and depo maintenance bidding at closed facilities. Senator SPECTER has three other amendments, one on funding reduction on the *Seawolf*, or on the carrier, and another on the cost effective study of nuclear versus conventionally powered ships. He has another on the nuclear carrier CVN–76 funding restrictions. Senator STEVENS has one related to the blocking of Russian aid of SS–25 missiles that are still being produced. And there is one by Senator WARNER on methanol plant ship.

If we hope to conclude our debate and have a final vote today, all these amendments will have to be considered. I would think that would be an impossibility. I think all of us should be prepared to meet tomorrow, if the leader so declares, and we may have to spend many hours tonight and tomorrow night.

We have looming before us a continuing resolution. The present continuing resolution takes us to the 21st of October. At this rate, we will have to adopt another. I think it is in our national interest that we resume our debates and consider these amendments and with expedition. That is my hope.

Madam President, I ask unanimous consent that the pending committee amendment be temporarily set aside.

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

AMENDMENT NO. 1034

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUYE] proposes an amendment numbered 1034.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert:

SEC. . Notwithstanding any other provision of law, within 30 days from the enactment of this Act, the Department of the Navy shall select and take possession of either LCU–1540 or LCU–1549 from the General Services Administration: *Provided*, That the Navy shall modify or have modified the selected vessel utilizing commercial standards that meet U.S. Coast Guard certification requirements as safe to operate in open ocean as a cargo vessel: *Provided further*, That upon completion of all modifications and certification by the U.S. Coast Guard, the Navy shall immediately transfer title of the vessel, at no cost, to the government of American Samoa: *Provided further*, That of the funds appropriated in this Act in Title II, Operation and Maintenance, Navy, $1,500,000 shall be available for this purpose: *Provided further*, That notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa.

Mr. INOUYE. Madam President, I urge adoption of the amendment. It has been cleared on both sides.

Mr. STEVENS. The Senator is correct.

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

The amendment (No. 1034) was agreed to.

Mr. STEVENS. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, I could call up my amendment, but I will wait until the Somalia amendment has been considered. Mine could take a considerable period of time.

I join in asking Members to come over and work out their amendments. We have just been told, I might say, of five additional amendments which were not listed. We have disposed of four amendments.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam 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. 1031, AS MODIFIED

Mr. MCCAIN. Madam President, I ask unanimous consent to modify my amendment.

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

The amendment (No. 1031), as modified, is as follows:

On page 157, between lines 9 and 10, insert the following:

SEC. 8142. (a) None of the funds appropriated by this or any other Act or otherwise available to the Department of Defense, may be obligated for procurement of a third submarine under the SSN-21 attack submarine program or for advance procurement for such submarine.

(b) None of the $540,200,000 available to the Department of Defense for preservation of the industrial base for submarine construction in accordance with Public Law 102-298 may be obligated or expended for any purpose until—

(1) the Secretary of Defense submits to Congress a report containing—

(A) the funding requirements for each of fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 for the proposed third submarine under the SSN-21 attack submarine program and the proposed New Attack Submarine and a statement regarding whether the necessary funding is provided for in the future-years defense program required by section 221(a) of title 10, United States Code, to be submitted to Congress in 1994;

(B) the acquisition objective, mission requirements, projected total program cost, projected total development cost, projected total procurement cost, and estimated total per-unit cost for the New Attack Submarine (all such costs to be computed and expressed on the basis of the actual dollar amount to be expended at the time expended);

(C) a comparison (with each other) of—

(i) the costs associated with procuring an additional SSN-688 submarine as the production bridge at Electric Boat Division of General Dynamics Corporation;

(ii) the costs associated with procuring an additional SSN-688 submarine as the production bridge at Newport News Shipbuilding and Drydock, Incorporated.

(iii) the costs associated with procuring a third submarine under the SSN-21 attack submarine program as the production bridge at Electric Boat Division of General Dynamics Corporation; and

(iv) the costs associated with procuring a third submarine under the SSN-21 attack submarine program as the production bridge at Newport News Shipbuilding and Drydock, Incorporated.

(D) an assessment of the costs associated with delaying procurement of an additional submarine until 1998 without providing a production bridge at either Electric Boat Division of General Dynamics Corporation or Newport News Shipbuilding and Drydock, Incorporated; and

(E) an assessment of the costs and feasibility of meeting operational requirements and sustaining the industrial base for submarine construction by carrying out either a program that combines overhaul and upgrade of existing SSN-688 submarines or a program for development and production of the New Attack Submarine instead of procuring a third submarine under the SSN-21 attack submarine program; and

(2) 90 days have elapsed after the receipt of such report.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. INOUYE. Madam President, what is the pending business?

The PRESIDING OFFICER. The question is on the motion to table the amendment of the Senator from Arizona, as modified.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mrs. FEINSTEIN] is necessarily absent.

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

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 310 Leg.]

YEAS—52

Akaka	Danforth	Inouye
Bennett	Daschle	Jeffords
Biden	Dodd	Johnston
Boren	Exon	Kempthorne
Boxer	Ford	Kennedy
Breaux	Glenn	Kerrey
Bryan	Graham	Kerry
Byrd	Harkin	Levin
Campbell	Hatch	Lieberman
Chafee	Heflin	Lott
Cochran	Hollings	Mathews
Craig	Hutchison	Mikulski
Mitchell	Pryor	Shelby
Moseley-Braun	Reid	Simon
Moynihan	Riegle	Thurmond
Nunn	Robb	Warner
Packwood	Rockefeller	
Pell	Sarbanes	

NAYS—47

Baucus	Durenberger	McConnell
Bingaman	Faircloth	Metzenbaum
Bond	Feingold	Murkowski
Bradley	Gorton	Murray
Brown	Gramm	Nickles
Bumpers	Grassley	Pressler
Burns	Gregg	Roth
Coats	Hatfield	Sasser
Cohen	Helms	Simpson
Conrad	Kassebaum	Smith
Coverdell	Kohl	Specter
D'Amato	Lautenberg	Stevens
DeConcini	Leahy	Wallop
Dole	Lugar	Wellstone
Domenici	Mack	Wofford
Dorgan	McCain	

NOT VOTING—1

Feinstein

So the motion to lay on the table the amendment (No. 1031), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. There will be order in the Chamber.

AMENDMENT NO. 1035

Mr. INOUYE. Mr. President, I send to the desk an amendment by Senator DOMENICI and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the committee amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Hawaii [Mr. INOUYE], for Mr. DOMENICI, proposes an amendment numbered 1035.

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

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

The amendment is as follows:

On page 48, line 22, after Kentucky, add the following: ": and that one multistate region shall include the State of New Mexico:".

Mr. INOUYE. Mr. President, this matter has been discussed by the managers and we have no objection to its immediate adoption.

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

The amendment (No. 1035) was agreed to.

Mr. INOUYE. 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.

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

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. INOUYE. I believe Senator GRASSLEY is seeking recognition.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, just so nobody worries that I am going to offer an amendment, I am not going to offer an amendment, but I am going to speak about a defense issue that I have spoken about for a long period of time, and I also, during this period of time, want to praise the leadership of the subcommittee for some work that they have helped me with on some issues I have raised on the floor of this body.

Back in late June, specifically June 22, I came to the floor to offer an amendment to the fiscal year 1993 supplemental appropriations bill. At that time, Senator ROTH helped me with that amendment.

This amendment, had we offered it in June, would have rescinded $649,111,986 in Air Force M accounts. The Air Force took that money from the M accounts to plug a gaping hole in its accounting records. The $649 million Air Force transaction violated the M account formula passed by Congress and signed by the President on November 5, 1990. That happens to be Public Law 101–510.

Our amendment was designed to address continuing abuse of the M accounts. Mr. President, there has been a total breakdown of integrity and discipline in Air Force bookkeeping. There are no records; there are no documents; there is no audit trail. As a result, billions of our tax dollars are unaccounted for. That is exactly where the Air Force finances are today.

As a taxpayer, that bothers me. As a U.S. Senator, it bothers me even more because we, as the trustees of the people's money, ought to be able to tell the people of our individual States how did the Air Force spend that $649,111,986. I should be able to tell them exactly, but I cannot. I do not know. The inspector general at the Department of Defense and the General Accounting Office, all of these people who ought to be able to say so, do not know either.

The General Accounting Office and the DOD inspector general could not audit Air Force M accounts because the records are so poor. Without the required documentary evidence, we do not know what happened to the money. We do not know whether the money was spent for purposes authorized by law. Some or all of the money could have been stolen. Air Force books were out of whack by this $649 million, and it seems no one cared.

No one cared enough to reconcile the faulty accounts, to match invoices and vouchers with account balances, to pinpoint the source of the problem.

No one had to care.

The doors to the magic vault were wide open. That magic vault was the M account.

If Air Force accounts were overdrawn by $649.1 million—not to worry.

Just go to the magic vault and rip into the big M account money sack and get all you need and more just in case.

Hopefully, Mr. President, the M account reform legislation will bring this kind of abuse to a screeching halt.

Well Mr. President, as you might well guess, the department was adamantly opposed to the amendment offered by myself and Senator ROTH last June.

The department's position was outlined in a letter to me signed by the principal deputy comptroller, Ms. Alice Maroni, dated June 15, 1993.

I never received that letter. The House Armed Services Committee was kind enough to provide me a copy.

Everything in Ms. Maroni's letter is exactly right.

The money taken from the M accounts was needed to make the books balance. That is what she said. That is exactly right.

The Air Force had bills to pay at the base level of the DOD operations. She is also exactly right about that point as well.

But, Mr. President, Ms. Maroni has completely side stepped the main issue.

Why did bills posted at the base level exceed the amounts of money available on the books at the departmental level?

I will tell you why. Air Force accounts were overdrawn at the base level. Those bases made expenditures they were not authorized to make.

Mr. President, as I have indicated on so many other occasions, this smells like another violation of the Anti-Deficiency Act.

The House Armed Services Committee was not impressed with Ms. Maroni's excuses for sloppy bookkeeping and a blatant disregard for the M account legislation.

The committee retaliated by slashing the Air Force's fiscal year 1994 budget request for O&M.

Mr. President, I ask unanimous consent to place Ms. Maroni's letter in the RECORD along with pages 227–228 of the House Armed Services Committee Report No. 103–200 on the fiscal year 1994 Defense authorization bill.

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

COMPTROLLER OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, June 15, 1993.

Hon. CHARLES E. GRASSLEY,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR GRASSLEY: This responds to your letter of May 20, 1993, in which you asked for the Department's support for proposed legislation to reverse an Air Force restoral of merged surplus authority in the amount of $649 million.

The Department cannot support your proposed legislation because it would place an artificial constraint on the Department's ability to pay existing liabilities and could require the Air Force to find up to $649 million from currently approved programs to pay valid bills.

The restoral created no new obligations. The restoral was an accounting adjustment to bring the Treasury and Air Force departmental obligations into balance with obligations recorded in the accounting records at the field-level. Therefore, deobligating these funds, as required in the proposed amendment, would fail to recognize liabilities that already exist.

Generally, there are differences when one set of accounting records is compared to another at a given time because of the vast numbers of transactions and contractual actions involved in these accounting systems. Over time, these differences are largely reconciled through the normal accounting process. However, in this instance, the Air Force asked the Treasury to make a single large adjustment in order to portray more accurately Air Force liabilities on the books of the U.S. Treasury.

We recommend this proposed amendment language not be accepted by the Senate.

Sincerely,

ALICE C. MARONI,
Principal Deputy Comptroller.

CONTROL OVER "M" ACCOUNTS LACKING

Because of years of neglect, inadequate systems, and poor management, the Department of Defense was not capable of properly implementing provisions of the "M" account legislation included in the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510). The legislation required the department to conduct a one-time audit of its "M" account balances by December 31, 1991 to: (1) establish the amounts supported by valid obligations; and (2) identify and cancel amounts found to be invalid. However, because of the large amount of funds and the department's poor controls over these funds, the Department of Defense Inspector General (DOD IG), who was tasked to complete the audit, only reviewed a sample of $5.2 billion (or 27 percent) of the department's $18.8 billion recorded "M" account balances. The DOD IG found that, of the obligated balances reviewed, $2.3 billion were not adequately supported by documentary evidence. In projecting the results of the sample, the DOD IG estimated that invalid obligations could total as much as $10.2 billion (or over 54 percent) of the total $18.8 billion of "M" account balances. The DOD IG concluded that the department's "M" account balances were materially misstated, inadequately managed, and vulnerable to abuse.

Further, a GAO report on the department's "M" accounts concluded that the department created more budget authority that the Congress intended when it enacted Public Law 101–510. Most flagrant of the department's actions was its assertion that it needed an additional $649.1 million to correct over 30 years of accounting errors, errors neither the Air Force nor GAO could identify and document. Despite this, the DOD Deputy Comptroller authorized the additional budget authority. The committee is not only disappointed with more than 30 years of sloppy bookkeeping, but is also disappointed at the department's blatant disregard for the legislation enacted primarily as a result of such abuses of funds. Therefore, the committee recommends reducing the Air Force's fiscal year 1994 budget for the unsupported adjustment as follows:

[In millions of dollars]

Appropriation	*Reductions*
Operation and Maintenance	$190,709,000

Mr. GRASSLEY. Mr. President, the chairman of the Defense Appropriations Subcommittee, Senator INOUYE, was opposed to our amendment. He favored a more cautious and prudent approach.

While the Senator from Hawaii said that our criticism of Air Force accounting practices was fully justified, he also believed that the amendment proposed by myself and Mr. ROTH, went too far. He said it was off the mark.

Mr. President, Senator ROTH and I agreed that the Senator from Hawaii's assessment was correct, so we withdrew the amendment.

Rescinding the $649.1 million focused attention on the underlying problem but probably as I look back was not the right solution.

The chairman of the subcommittee developed a more positive approach to fixing the DOD accounting system.

He agreed to help Senator ROTH and me by sending a letter to the DOD inspector general, requesting an audit of the Air Force M accounts.

The chairman asked the DOD inspector general to answer four important questions as follows:

Is there documentation to support the $649.1 million transaction, and if not, does it constitute a violation of statute?

Was the $649.1 million taken from the merged surplus account after that account was closed by law?

Was the $649.1 million needed to cover a violation of the Antideficiency Act?

The distinguished chairman asked the DOD to identify the bookkeeping problems that gave rise to the need to take the $649.1 million from the M accounts in the first place.

The chairman asked that the report be submitted to the committee within 90 days.

Mr. President, I ask unanimous consent to place Senator INOUYE's letter in the RECORD.

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

U.S. SENATE,
Washington, DC, June 21, 1993.

Mr. DEREK VANDER SCHAAF,
Deputy Inspector General,
Arlington, VA.

DEAR MR. VANDER SCHAAF: Through recent DoD I.G. and GAO reports, it has come to my attention that a question has been raised over the validity of $649 million in Air Force obligations restored from the "M" accounts under authority provided in the 1991 Defense Authorization Act. Moreover, Senator CHARLES GRASSLEY of Iowa has raised serious concerns about the Air Force's failure to accurately account for these obligations.

Given Senator GRASSLEY's concerns, and the questions raised by your organization and the GAO, I request that you undertake a formal audit of this restoration from the "M" accounts. The audit should determine the validity of these obligations by, at a minimum, answering the following questions: Is there documentation to support the obligation and expenditure of the $649 million and, if not, does this constitute a violation of current law? And, was the $649 million restored from the merged surplus account after it was closed under statute? Your audit also should determine that—if any—"Anti-deficiency Act" violations have occurred or would occur should funds not be available to meet such obligations, and the nature of Air Force bookkeeping methods which led to the "requirement" to restore these obligations.

Since your office already has looked into this problem, I urge you to provide a complete audit report to the Congress within 90 days after the receipt of this letter. Should you have any questions regarding this request, please feel free to contact David Morrison (202–224–7296), a member of my staff. I appreciate your prompt attention to this matter.

Sincerely,

DANIEL K. INOUYE,
Chairman, Senate Appropriations Subcommittee on Defense.

Mr. GRASSLEY. Well. Mr. President, the DOD inspector general has submitted an interim report to the committee. It is dated September 7. A formal audit report will be issued later this year.

The interim report confirms my worst suspicions.

Mr. President, I do not think it is a very pretty picture as you read this interim report. It is the same old story.

Air Force accounting records are in such poor condition that we will never know what happened to the money, $649,111,986. The inspector general says it's impossible to render an accurate accounting.

Laws were violated.

Money was taken from the merged surplus account long after that account was closed by statute.

The inspector general charges that the Comptroller and Principal Deputy DOD Comptroller authorized the illegal procedure.

Others may have been involved as well.

The Antideficiency Act has been violated by at least three missile programs: Titan IV, AMRAAM, and ACM.

Other unreported violations are expected to surface in the future.

The GAO reports that recorded M account expenditures exceed available obligational authority by $500 million and that negative M accounts balances are growing each day.

There is no documentary evidence at the departmental level to support $649.1 million in Air Force obligations. That would be a violation of Federal statutory law.

The DOD inspector general needs to make a final determination on all these issues.

The DOD inspector general must then fix responsibility for what happened. Those involved must be held accountable. And I expect that they will be held accountable or maybe I had better say it this way. I hope that they will be held accountable.

I intend to hold them accountable.

The DOD inspector general must recommend corrective action, including disciplinary action if appropriate.

Mr. President, I ask unanimous consent to place the DOD inspector general's interim report in the RECORD.

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

INSPECTOR GENERAL,
DEPARTMENT OF DEFENSE,
Arlington, VA, September 7, 1993.

Hon. DANIEL K. INOUYE,
Chairman, Subcommittee on Defense, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in reply to your letter of June 21, 1993 concerning Department of the Air Force merged accounts. Our responses to the questions raised in your letter are at the enclosure.

We have initiated an audit to validate the unliquidated obligations in selected appropriations in the Air Force merged accounts. The field work for the audit should be completed by September 30, 1993, at which time we will brief your staff on the findings. A copy of our audit report will be provided when it is issued.

We appreciate your continued interest in Department of Defense accounting issues. If you should have any questions, please contact me or Mr. John R. Crane, Office of Congressional Liaison, at (703) 614–0491.

Sincerely,

DEREK J. VANDER SCHAAF,
Deputy Inspector General.

INSPECTOR GENERAL RESPONSE TO QUESTIONS BY SENATOR DANIEL K. INOUYE CONCERNING "M" ACCOUNTS

Question: Is there documentation to support the obligation and expenditure of the $649 million and, if not, does that constitute a violation of the law?

Answer: There was no documentation at the departmental level for individual line items that required increases in Air Force obligations. The Air Force maintains there is documentation to support individual balances at field-level accounting activities for total expenditures and obligations that include the $649 million, but there is no separate documentation to account for $649 million as a subset of the total Air Force obligations. Increases in obligations were also recorded at the field level; however, the difference between field and departmental records appears to result from adjustments made to compensate for unreconciled balances between the different sets of accounting records. The adjustments were made at the departmental (appropriation) level; therefore, they could not be tied to specific obligation documents. Air Force officials maintain that their actions did not violate the law since no obligations were created. The Air Force restoration was made to correct errors at the departmental level from previous fiscal years and fund increases to existing obligations. We agree that the obligations already existed at the field level. It is likely that some of the obligations were invalid, but it is impossible to ascertain how many.

Question: Was the $649 million restored from the merged surplus account after the account was closed under the statute?

Answer: Yes, some Air Force funds were restored after the period allowed by the statute. The Principal Deputy Comptroller, DoD, improperly certified to the Department of the Treasury on September 17, 1991, that adjustments (including part of the $649 million)

were made to support obligations recorded between October 1, 1990 and December 5, 1990, in accordance with Treasury Bulletin No. 91-03. In addition, adjustments were allowed to continue in FY 1992. After the Department of the Treasury issued the restoration warrants, the Comptroller, DoD, with the knowledge of Treasury officials, approved about $249 million in additional Air Force restorations.

Question: What, if any, Antideficiency Act violations have occurred, or will occur, if funds are not available to meet such obligations?

Answer: During our review of the Air Force expired year missile appropriations, we identified apparent Antideficiency Act violations in the Titan Missile, Advanced Medium Range Air-to-Air Missile, and Advanced Cruise Missile programs. Investigations are now under way to determine whether violations exist and to fix responsibility where appropriate. It is likely that other violations have occurred or will occur in several Air Force programs. Not all valid obligations are recorded in the DoD accounting system. Conversely, many of the obligations that are recorded in the accounting records are invalid. It is not possible to forecast what future violations will occur.

Question: What were the nature of the Air Force bookkeeping methods that led to the requirement to restore those obligations?

Answer: Our review showed that the Air Force was improperly calculating and reporting disbursements during its year-end closing process. Those procedures had existed for the past 30 years, and the reconciliations between departmental and field records were ineffective. Because insufficient records are available, neither this office nor the Defense Finance and Accounting Service can state the degree of the error that occurred during previous years or whether other contributing factors were present.

Mr. GRASSLEY. Mr. President, the Air Force took $649,111,986 from the M accounts, but we do not have a clue about what happened to the money. We do not know how the money was used. There is no audit trail.

The Air Force has been using a huge slush fund to cover for an imaginary bookkeeping operation.

With unrestricted access to the magic vault, overdrafts and unexplained imbalances could be ignored and even hidden from view.

The collapse of financial control of the Department of Defense did not happen overnight. It has been coming for a long time. It has progressively worsened. I might say that this is a Republican speaking, and I am not talking just about President Clinton's administration; I am talking about lots of administrations, both Republican and Democrat, for more than a decade.

But what is truly amazing is that it has continued unconstrained for all these years. So far, it has had few, if any, adverse consequences or casualties. It has been painless. How could that happen? Well, with a $50 billion slush fund—and that is how big these M accounts were before they were closed out, and now I am indicating to you there are negative balances there. There was no need, with $50 billion in a slush fund, for financial control and for accounting. Money shortages were easily resolved by a trip to this "magic" vault, the "M" account. DOD's chief financial officer has made no effort to regain control of the money, nor has this person succeeded in providing an accurate and complete accounting of how the Department's money is being spent. The chief financial officer is a traffic cop at the entrance to the magic vault, and his signal light seems to be stuck on green. He is waving the crooks through.

We are talking about Mr. Al Tucker. He occupies that key spot today. It is time to hold the chief financial officer accountable for the continuing financial mismanagement at the Pentagon.

Well, Mr. President, the doors to the magic vault have slammed shut forever. On September 30, the last of the M accounts were closed. From now on, older appropriations—money not spent, because you cannot spend all this money in 1 year—these older appropriations will dump into expired accounts where the fiscal year and appropriations account identity will be maintained. So you can track it. Balances will remain in those accounts for 5 years and then, if not spent in 5 years, will be canceled. Under the new rules, it will be much more difficult to misuse and abuse expired moneys.

The balances in the M accounts have been drained, dropping from $50 billion in 1990 to $3.9 billion as of June 30, 1993, and to zero October 1. As the M accounts dry up and disappear, the Department of Defense could well be staring at massive violations of the Antideficiency Act. Bankrupt accounts are popping up everywhere. The Department of Defense has to pay bills, but no money to pay them.

We will need to be vigilant. We need to be on the alert. We need to be sure the M accounts are closed, as the law requires.

The new leadership at the Pentagon is faced with three painful choices:

Option No. 1: The new leadership could restore integrity and discipline to financial management and remain within the money limits set by Congress. To me, option No. 1 is the right way to go.

But there is also option No. 2: The leadership could try to circumvent the law and use contracts and current appropriations to bail out bankrupt accounts. This would be pretty much business as usual, even with the M accounts closed, still something similar.

Option No. 3: Worse still, the bureaucrats in the Pentagon might establish what I just alluded to—a new slush fund to hide the overdrafts. That is why the Defense Business Operations Fund, or DBOF, causes me so much heartburn. DBOF is a potential slush fund and money laundering operation. It has been used that way, I feel.

I want to digress for a moment to commend the distinguished chairman of the Subcommittee on Defense of the Senate Appropriations Committee for cutting off the water supply to the DBOF plumbing works. I want to commend the chairman for rejecting the proposal to transfer $3 billion in excess DBOF cash to the operation and maintenance accounts and for rejecting DBOF's advance billing procedure that is designed to make up for cash shortages.

The chairman's bold move will help to improve DBOF's image. It will help to restore credibility to financing and accounting in the Defense Department. It will help to dispel the notion that DBOF is nothing more than a cash generator and a money laundering operation to circumvent the will of Congress and spend money in an illegal way.

The new financial czar at the Department of Defense, Mr. John Hamre, says he is going to pursue option No. 1. He is going to stop the financial abuse and clean up the books. I want him to succeed, and I hope that all of my colleagues in this body will give him encouragement to succeed. I want to see him turn the tide, and I want to see him bring reform to the system. I will help in any way I can. If he does what he says he is going to do, Mr. President, Mr. Hamre will need more help. He will need the backing and support from the entire Congress. I hope it is there when he really needs it, and I hope that the distinguished chairman, Senator INOUYE, will continue his good work in straightening things out as well.

I yield the floor.

Mr. INOUYE. Mr. President, the Senator from Iowa is very generous in his remarks, but I believe the credit should be in his shop. I wish to commend and congratulate my friend from Iowa for his persistence and his diligence in pursuing this matter and bringing this matter to the attention of the Senate. Were it not for this persistence and diligence, the M account would still be in existence. I believe we can thank the Senator from Iowa for his contribution to an efficient Department of Defense.

His warning signal on DBOF also gave us the signal to act the way we did. So I thank the Senator for his assistance. I congratulate him for his persistence and diligence. I hope we can continue to work together.

Mr. GRASSLEY. Mr. President, I thank the distinguished chairman for his kind remarks and only, once again, say that it would not have been possible without his help.

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

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

Mr. COHEN. Mr. President, I ask unanimous consent that I be allowed to proceed as if in morning business for a period not to exceed 10 minutes.

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

SOMALIA

Mr. COHEN. Mr. President, I take the floor this afternoon with a good deal of mixed emotions. I think all of us are overwhelmed with a sense of relief and joy that Michael Durant, the so-called detainee, has been released. I think all of us feel a great deal of joy for his family and for his friends that he has been returned safely into our hands.

I say it is mixed because on this very day, tonight, a young man from Maine, M. Sgt. Gary Gordon, will be buried. There will be a service in Lincoln, ME, this evening to commemorate his life.

This follows a funeral held this morning for another young man from Lisbon, ME, Tom Field, who also was killed in Mogadishu last week. In attendance at Sergeant Field's funeral was Sergeant Aaron Williamson, whose family is from Carthage, ME, and who was wounded in last week's clash.

I ask unanimous consent that several articles which appeared in the Maine newspapers be printed at the conclusion of my remarks.

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

(See Exhibit 1).

Mr. COHEN. I would like to repeat one thing from the article about Sergeant Gordon. His wife said:

> Everybody knows he was a hero because he was military. It is not very hard for someone to look at his record and see he was an excellent soldier. But I want the world to know he was not only an excellent soldier, he was a loving, gentle, kind, husband and he was the most wonderful father anybody could have. What tears my heart out is he will never be able to see his children grow up, which was all he wanted in life. It breaks my heart that my little girl might eventually not say his name anymore because she might forget him. I will try to never let that happen.

The article is quite extensive, and I will not quote it at length. But I must say, it is a story like this that tears at our hearts, as well.

I was at a conference this weekend with a group of foreign policy experts and attended a dinner that followed. At the conclusion of the dinner, an individual got up and said—and I am paraphrasing as best I can—"I can't believe the United States would allow itself to be driven out of Somalia because 100 soldiers came under attack."

It was not the appropriate place for me to respond that evening, but I must say that I sat there and I wondered if he ever had to make a call to a father or a mother who had just lost a son or a daughter to share the depths of their grief, even if only momentarily.

Because the photograph of that soldier is going to be placed on the wall of the living room, the den, the family room, and every moment of their lives, those survivors, those friends, the husband, the father, the children, will go by that photograph and they will fall through the hole in their heart that probably runs the distance to the nearest star. It is an infinite wound that neither time nor any words can ever hope to heal.

They are going to carry that wound for the rest of their lives. And we are going to move on, making our speeches and probably calling our quorum calls, as we are right now, and never look back again.

I have listened to the argument that it is unacceptable for us to cut and run. I must say that implicit in this argument is the notion or charge that our soldiers and their commanders or their supporters are cowards. Because there is implicit in this phrase "cut and run" that you are raising the white flag in retreat, that you do not have courage or are lacking in bravery. I think it does a great disservice to our soldiers, to our commanders, and to some of the advocates who take the position that we should remove our troops from Somalia as quickly and as safely as possible.

I am thinking primarily of my friend from Arizona, Senator MCCAIN, who has criticized our continued presence in Somalia. I find it somewhat ironic that the people who talk about cutting and running are probably those who never witnessed battle from anyplace but their living room couches or chairs, while watching CNN.

Senator MCCAIN, for example, is one of the bravest people I know. He is a hero of mine. He spent a long time in prison in Vietnam. And at a time when he was being tortured and beaten, and there were others who were seeking to terminate the war, who spoke out against it, who condemned it even as he was suffering, and at a time when he was given an opportunity for early release, his captors saying, "You go home early," he refused. He refused. He said, "I'm not leaving this hellhole until all of us walk out of here."

So he is a man of courage and bravery. And when the phrase is used, I think those of us who know him and others like him should take offense that there is some implicit suggestion that such a position hints of cowardice.

There are others who take a different view. Senator DOLE, Senator INOUYE, Senator JOHN KERRY, Senator ROBERT KERREY, and others—I do not know what their positions are, but they are equally brave and courageous individuals who are also combat veterans, and their views demand respect.

I think there is some merit to the fact that we need to support the President. We do have to demonstrate that the United States is a steadfast partner.

I think we all know why we went to Somalia. We went there to save thousands, tens of thousands of starving people. But when we moved from peacekeeping to peacemaking, it involved more than a change of words; it was a change of mission. The mission was larger and the bullets bigger.

I think when parents send their sons and daughters to camp, to school, to college, or—witness their entry into the military—they expect that their children will receive training and discipline, and that those in charge of the training and discipline will also provide support for their safety.

What took place in Somalia, I think, is quite clear. The soldiers had the training and the discipline. What they did not have was the support necessary to ensure their safety. And that is why there is such great turmoil in this country today, not that we are afraid to fight.

This country does not have to demonstrate anything about its bravery or courage or willingness to shed blood on behalf of others. That has been demonstrated over and over and over again.

The question we have to resolve tonight or tomorrow is whether or not we do irreparable damage to our Nation's long-term interests and credibility.

Do we tell 100 waiting Haitians that they merely have to threaten the lives of American soldiers and then the American people will "turn tail" and rush back to the comfortable shores of America?

These are issues that we will be debating this evening. And I must say that I hope that the rhetoric on both sides will be as level as possible and not question the motives of the individuals who are taking their respective positions.

I do not think that we have to remind the people, as I indicated before, that we are willing—indeed, brave and courageous and committed enough—to try to deliver humanitarian assistance to foreign lands; that we are willing to engage in some peacekeeping operations.

But I must say, Mr. President, I think before we send our soldiers off to engage in peacekeeping or peacemaking or nation building, there must be a full-fledged debate in the U.S. Congress. We have to be sure that we know exactly what the mission is and what the goals are, and exactly what risks we are asking our sons and daughters to undertake and what kind of support we are willing to give them.

I do not believe that debate took place with respect to Somalia. We were assured that the goal or mission was limited, the duration would be brief, that the risks were minimal, and that we would have our soldiers back on American soil within a relatively short time.

All of that changed in June, if not earlier, and we suddenly became interested in tracking down a so-called warlord. We moved from peacekeeping,

which implies that there is a cessation of hostilities—that we are simply delivering humanitarian supplies and medicines and foods—to peacemaking, which implies that we are taking sides, that we are choosing, that we are picking winners and losers and we are coming down on one side or the other. And that ups the ante considerably. That elevates the risk to our soldiers substantially, the risks to their lives, as we have seen in recent days.

We do run the risk that we may only be reinforcing the kinds of brutes and thugs that we have seen in Haiti scare off or chase off a relief ship through the brandishing of their weapons and killing of innocent civilians on the streets. We run the risk that this cancer of ethnic hatred and warring political factions may erupt and metastasize and consume our dreams of a new world order.

But we also run the risk that unless we are prepared to debate these issues fully, that we understand exactly the kinds of commitment we are asking our men and women in uniform to serve, what goals, what ends, how long, under what circumstances, unless we fully debate those issues prior to their going in—and in my judgment we did not do that—then we, I think, run the risk of this country shrinking back from its international obligations, from joining in peacekeeping operations in the future, running the risk that we become isolationists. Someone suggested that such a posture would be the equivalent of the Kitty Genovese case in which neighbors pulled down the shade and refused to respond to the cries or screams of somebody being murdered outside of their apartment building.

That is all in balance as we work our way through this debate on what to do. I have not seen the so-called compromise language that will be offered later today or tonight or tomorrow. But I will examine it closely, with at least the commitment to try to be as open as possible, to listen to the respective arguments. But I must say the notion that somehow, if we vote to bring our troops back from Somalia as soon as possible without setting deadlines, and as safely as we possibly can that somehow we are engaged in an act of cowardice. That is a great disservice to all who serve there now, who have served, and will be serving in the future.

I yield the remainder of my time.

EXHIBIT 1

[From the Bangor Daily News, Oct. 14, 1993]

LINCOLN TO HONOR HERO KILLED IN SOMALIA

(By Mary Anne Lagasse)

LINCOLN.—Master Sgt. Gary I. Gordon hadn't lived in Lincoln for 15 years, but it might as well have been yesterday for many residents, who plan a hero's tribute when his body is returned Thursday night.

American flags flying at half-staff line Main Street. Wreaths stand at the three veterans monuments circled by small flags. Black ribbons are tied to the front doors of nearly every business.

Gordon, 33, was one of two soldiers from Maine killed in recent fighting in Mogadishu, Somalia. He had been in the U.S. Army for 15 years, had earned a Green Beret uniform and the Special Forces hat as well as a long list of awards including a Purple Heart and the Bronze Star. He was assigned to Headquarters, U.S. Army Special Forces Command, where he served as Special Forces team sergeant. He was part of the Ranger task force that went to Somalia in late August.

Area residents remember Gordon, the son of Duane and Betty Gordon of Lincoln, as a quiet, easy-going person who gave 110 percent to whatever he did.

To his wife of seven years, Carmen, 29, and their two children, Ian, 6, and Brittany, 3, Gordon was a loving and caring husband and father.

"What breaks my heart is that he (Ian) just admires his father. He would often dress up like Gary and copy everything down to—my husband chewed (tobacco) and he (Ian) would even spit like him. Gary always made sure there was time set aside for his kids. We did everything with the children. It was very important to him since his job required a lot of trips.

"Brittany, 3, loves her daddy. When he would come home, just the sound of the car or the front gate opening, our kids would just run out screaming, 'Daddy's home!' Sunday morning was a ritual. He got the paper and his coffee and he had to split the newspaper with Brittany and she would make believe she was reading the paper with him.

"Everybody knows he was a hero because he was military. It is not very hard for someone to look at his record and see he was an excellent soldier. But I want the world to know he was not only an excellent soldier, he was a loving, gentle, kind husband and he was the most wonderful father anybody could have. What tears my heart out is he will never be able to see his children grow up, which was all he wanted in life. It breaks my heart that my little girl might eventually not say his name anymore because she might forget him. I will try to never let that happen," Carmen Gordon said in a telephone interview late Wednesday afternoon.

Gordon said her husband had many talents. He was an artist, a writer who planned to write a book when he retired, and he was a woodworker and had just started a small business.

She said a friend once asked him what was the one thing he wanted. "At that time we were not together and he said tenderness. His tenderness was his family and he finally got it and now, it's taken away. He was just a beautiful person. He did heroic things. He was going to save a downed helicopter. * * * He was a very brave, strong, loving and tender person. I just loved him so much. He was my world," Gordon said as she sobbed.

At least 50 veterans from several area American Legion and Veterans of Foreign Wars posts are expected to line Main Street Thursday night to salute Gordon as his body is transported to the Clay Funeral Home.

"We are encouraging veterans of all wars to turn out and pay tribute to Gary Gordon and to support his family," said Darrell Savage, commander of the Carl Burrill American Legion Post 77 of Lincoln who was instrumental in organizing the tribute.

State police will escort the hearse from Bangor International Airport to Lincoln where they will be joined by Lincoln police, according to local officials. Gov. John R. McKernan and Rep. Olympia J. Snowe plan to attend the funeral graveside service at 2 p.m. Saturday.

Earlier in the week, students at Mattanawcook Academy in Lincoln paid tribute to Gordon and his family with a moment of silence to coincide with the funeral service held in North Carolina.

"Two often, whether it's the people in the armed services or our law enforcement people, we take for granted what they put on the line every day so the rest of us can enjoy life," the governor said in a telephone interview Wednesday. "The least we can do is make sure those loved ones know we all not only respect immensely what they do, but that what they did was not in vain," said MeKernan.

He described Gordon and the other Maine soldier killed in Somalia, Sgt. Thomas J. Field, 25, of Lisbon, as professionals who were doing something they believed was important for the country. "We darn well ought to make sure we remember then for having done that * * * they did the ultimate in giving their lives for the rest of us," McKernan said. He ordered flags at the Capitol to be flown at half-staff through Saturday.

"We always knew he was a hero, but now the world knows," said Tanya Whitney of Lincoln, Gordon's cousin. Whitney described the Gordon family as a small-town, quiet, hard-working family.

"It's sad. They gave him medals of honor and the Purple Heart. He died a hero. They (the family) are holding onto those things. They are just so very proud of him. It was his life. It was his career. To be a master sergeant at 33 years old!" Whitney said.

Gordon had gone on many dangerous missions during his military career and his family had worried about him each time. This time, however, there was not supposed to be anything to worry about.

"It doesn't seem fair * * * there are two babies and his wife, who need him, left behind. We go over there (Somalia) to help them. * * * Their whole country isn't worth one of us," said Whitney.

Alan Gates of Lincoln, who played football and other sports with Gordon, remembers seeing the soldier jogging or running in frigid weather in order to stay in shape during a visit to Lincoln to see family.

Gary McFalls, 34, of Lincoln, a member of the Class of 1978 at Mattanawcook Academy, where Gordon graduated, described him as a quiet, all-around guy. "It was an awful shock. You hear of this happening someplace else. It hit home this time. It's hard to believe," McFalls said.

McFalls, and others in Lincoln, said he didn't understand what American forces were doing in Somalia.

There have been reports that the bodies of the two Maine soldiers were dragged through the streets of Magadishu, but Walter Sokalskis, deputy public affairs office for the U.S. Army Special Operations Command at Fort Bragg, said Wednesday, "To the best of my knowledge who the actual soldiers were has not been officially determined yet."

In an effort to help the family, Lincoln Town Manager Clifton Barker said the Gary Gordon Memorial Fund was set up at Key Bank. Barker said a Falmouth lawyer had contracted the town about an anonymous person wanting to make a generous donation to benefit Gordon's family. He said some local stores also had put out donation boxes.

"I never knew him, but from what everyone has said, he (Gordon) was a very quiet feller, heck of a good kid, and the military was his life.

[From the Bangor Daily News, Oct. 14, 1993]

MSG. GARY IVAN GORDON

LINCOLN AND SOUTHERN PINES, N.C.—Master Sgt. Gary Ivan Gordon, 33, husband of Carmen Romano (Drake) Gordon, was killed in the line of duty Oct. 3, 1993, while serving with the U.S. Army in Mogadishu, Somalia. He was born in Lincoln, Aug. 30, 1960, the son of Duane and Betty (Bonney) Gordon. Gary was a devoted family man. His son admires him, his daughter is filled with his love, and his wife respects and honors him with all her heart. His talents ranged from father, husband, artist, carpenter, writer and dedicated soldier. We will continue his strength and never stop letting the world forget what a wonderful human being was taken from this earth. In addition to his wife of Southern Pines and his parents of Lincoln, he is survived by his son, Ian Brigadoon Gordon; and his daughter, Brittany Lynn Gordon, both of Southern Pines; his sister, Robin Gordon of Bangor; his grandfather, Earl Dicker of Lincoln; two nephews, several aunts and uncles. Friends may call 7–9 p.m. Friday at the Clay, Stevens & Clay Funeral Home, Lincoln. Funeral services will be held at 2 p.m. Saturday at the funeral home, with the Rev. Jack Stewart officiating. Burial with full military honors will follow at Lincoln Cemetery. Requesting no flowers, donations in his memory may be left at the funeral home for the children's trust fund.

[From the Brunswick Times-Record, Oct. 10, 1993]

LISBON FEELS LOSS OF ONE OF ITS OWN

(By Kenneth Z. Chutchian)

LISBON.—Nobody here is trying to be objective about U.S. military involvement in Somalia anymore.

With one of their own shot down and killed, Lisbon residents say they can't look at headlines about that corner of the world without feeling pain.

Sgt. Thomas H. Field, 25, of 4 Winter St., a 1986 graduate of Lisbon High School, was killed in action Sunday while flying with an Army helicopter unit in Somalia, where a U.S. military-led humanitarian effort has deteriorated into war.

The former football player and captain of the Lisbon High School hockey team had planned on making the Army his career. He often visited his old stomping grounds in Lisbon during military leaves, and had scores of friends in his small-town hometown.

Earlier this week, when Field was considered missing in action, people here were shocked, and the real meaning of war began to hit home in Lisbon. with reports of his death confirmed today, grief and anger dominated their emotions.

Field's former hockey coach, Charles Hutchinson, said the war in Somalia now has a whole new meaning in Lisbon.

"Reality sets in," he said. "You always think it's someone else's problem. Knowing someone there who died for what he thinks is right changes everything. I'm a firm believer that if American people are going to be in that area, we should give them enough firepower to protect themselves."

Field attended a Lisbon High School hockey game last December and stopped by to chat with his former coach.

"He was very mature for his age," Hutchinson said of Field's senior year. "Most kids just want to get through their senior year and forget about their studies. It was just the opposite with him."

Last summer Field was on leave when he visited Tony's Sunoco gas station in Lisbon Falls, where he once worked.

Diane Hachey, an old high school friend of Field's who works at Tony's, said, "He had just reenlisted and was very happy."

Field talked about a recent camping trip and his brother's stock car racing at Oxford Plains Speedway, Hachey recalled.

Hachey gave an emphatic "no" when asked if she could separate her judgments about U.S. forces fighting in Somalia from her feelings about losing a friend.

"We should get our men out of there," Hachey said. "We were doing something good and it got turned around."

At Lisbon High School, students and teachers responded quickly earlier this week when they heard Field's helicopter was shot down and he was missing in action. They bought yellow ribbons and tied them to trees in front of the school on Route 196.

Early this morning, the school's faculty was still reluctant to assume Field was dead because they had only a television news report for confirmation.

"You hear about statistics, but it's quite another thing to put a face and a person along with them," said Lisbon High School principal William Schenck.

He described Field as "a very talented young man" who had won a senior class assembly award from a Lewiston vocational school for his work in automotive mechanics. Schenck said the award was a special recognition because it was not issued annually.

While Lisbon High mourns the loss of an alumnus—who has a niece and a cousin currently attending the school—students and teachers will make a small gesture to show their awareness of death and loss beyond the intimate confines of their town.

The yellow ribbons, Schenck said, are not coming down until all of the American soldiers missing in action are released from captivity.

[From the Lewiston Sun-Journal, Oct. 7, 1993]

WOUNDED SERGEANT SAYS HE'S A VERY LUCKY MAN

(By Tim Hanson)

CARTHAGE.—U.S. Army Sgt. Aaron Williamson of Carthage considers himself a lucky man despite being wounded twice Sunday in fighting in Somalia.

"You don't get much luckier than I did," he said Wednesday in a telephone interview from the hospital at Andrews Air Force Base outside Washington, D.C. "The Big Ranger in the sky was watching over me on that one."

Williamson was shot in the left leg while rappelling from a helicopter that later crashed. The Blackhawk helicopter was piloted by Michael Durant of Berlin, N.H., who was captured by Somalis and seen on videotape being interrogated by his captors.

Also aboard the copter, according to Army sources, was Thomas Field of Lisbon, who is now listed as missing in action.

Williamson said he'd like to talk more about the fate of the chopper crew, but is not allowed to do so by the military.

"I really can't talk about that much," when asked about Field and Durant. "I'd really like to tell you, but I can't."

He said he had seen the videotape of Durant on television but was limited in his comments to "it's a big mess."

After being shot in the leg, Williamson crawled to a nearby building to be with other Americans. After about eight hours in the building, he was shot with a rocket-propelled grenade fired from about 30 feet away by a Somali trooper.

Fortunately for Williamson, he was wearing a flak jacket that limited the damage from the grenade. When it exploded, the impact broke his nose and tore off the ring finger of his left hand, he said.

He was airlifted from Somalia to the U.S. military hospital in Landstuhl, Germany. He left that hospital early Wednesday and was flown to Andrews, where he arrived about 7 p.m. Wednesday.

"I'm hurting more now than I was at first. Someone told me that the rocket-propelled grenade that hit me may have been fired at such a close range that it probably didn't develop its full charge," he said. "The hairs on my arms are burned and I have black spots on my face."

As for his first wound, "They're not sure if they have to remove the bullet from my leg." He said, "It's starting to give me more trouble."

Williamson said he will be flown to Maxwell AFB in Alabama on Thursday for work on his finger.

"They said I might have to fly to Scott Air Force Base in Ohio first before going to Alabama, one of those Air Force shuttle things, I guess," he said.

Williamson said he'd go back to Somalia "in a second" after he recovers from his wounds.

"I think they should arc-light the place with B–52s and flatten the whole city" of Mogadishu, he said.

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

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

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT OF 1994

The Senate continued with the consideration of the bill.

Mr. SASSER. Mr. President, I ask unanimous consent that the pending committee amendments be set aside.

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

AMENDMENT NO. 1036

(Purpose: To achieve greater cooperation from allies of the United States and international organizations for the support of the costs involved in development and production of Theater Missile Defense systems)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. SASSER], for himself, Mr. LEAHY, Mr. SIMON, Mr. WOFFORD, Mr. CONRAD, Mr. FEINGOLD, and Mrs. BOXER, proposes an amendment numbered 1036.

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

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

The amendment is as follows:

At the end of the title of general provisions, insert the following:

SEC. . Not later than January 1, 1994, the Secretary of Defense shall submit to Congress a report on steps that can be taken by the United States to achieve greater cooperation from allies of the United States and international organizations for the support of the costs involved in development and production of Theater Missile Defense systems.

(b) The Congress shall establish by law for each fiscal year (beginning with fiscal year 1995) the level of new obligational authority (stated as a single dollar amount) for research, development, test, and evaluation and for procurement for Theater Missile Defense programs of the Department of Defense for that fiscal year.

(c)(1) Not more than 80 percent of the amount established pursuant to subsection (b) for any fiscal year may be provided from amounts appropriated to the Department of Defense from the general fund of the Treasury, and no appropriation may be made to the Department of Defense for any fiscal year which would cause the total amount appropriated for that fiscal year for research, development, test, and evaluation and for procurement for Theater Missile Defense programs of the Department of Defense to exceed 80 percent of such amount.

(2) Any additional funds for research, development, test, and evaluation and for procurement for Theater Missile Defense programs for any fiscal year for which an amount has been established pursuant to subsection (b) shall be derived from the Theater Missile Defense Cooperation Account under section 2609 of title 10, United States Code, as added by subsection (e).

(3) The President may waive the limitation in paragraph (1) and the requirement in paragraph (2) to the extent that the President determines appropriate in the national security interest of the United States.

(d) It is the intent of Congress that, except as provided in subsection (e), the percentage of the cost of development and production of Theater Missile Defense systems that is borne by the United States, and the percentage that is borne by allied nations and international organizations, should incrementally shift over the fiscal years after fiscal year 1995 so that the percentage actually borne by the United States in later fiscal years is significantly less than the maximum of 80 percent provided for under subsection (c).

(e) The financial contribution requirements established for allied nations in the administration of this section shall not apply to any foreign nation that, as of the date of the enactment of this Act, is paying at least 20 percent of the total cost of the contracts in existence under a theater missile defense interceptor system program being carried out on such date in cooperation between that foreign nation and the United States.

(f)(1) Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2609. Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account

"(a) ACCEPTANCE AUTHORITY.—The Secretary of Defense may accept from any allied foreign government or any international organization any contribution of money made by such foreign government or international organization for use by the Department of Defense for Theater Missile Defense programs.

"(b) ESTABLISHMENT OF THEATER MISSILE DEFENSE COOPERATION ACCOUNT.—(1) There is established in the Treasury a special account to be known as the Theater Missile Defense Cooperation Account'.

"(2) Contributions accepted by the Secretary of Defense under subsection (a) shall be credited to the Account.

"(c) USE OF THE ACCOUNT.—(1) Funds in the Account are hereby made available for obligation for research, development, test, and evaluation, and for procurement, for Theater Missile Defense programs of the Department of Defense, subject to annual limitations provided by law in total obligations for such purpose.

"(d) INVESTMENT OF MONEY.—(1) Upon request by the Secretary of Defense, the Secretary of the Treasury may invest money in the Account in securities of the United States or in securities guaranteed as to principal and interest by the United States.

"(2) Any interest or other income that accrues from investment insecurities referred to in paragraph (1) shall be deposited to the credit of the Account.

"(e) NOTIFICATION OF CONDITIONS.—The Secretary of Defense shall notify Congress of any condition imposed by the donor on the use of any contribution accepted by the Secretary under the authority of this section.

"(f) REPORTING REQUIREMENT.—Not later than 30 days after the end of each quarter of each fiscal year, the Secretary of Defense shall submit to Congress a report on the contributions accepted by the Secretary under this section during the preceding quarter.

"(g) ANNUAL AUDIT BY GAO.—The Comptroller General of the United States shall conduct an annual audit of money accepted by the Secretary of Defense under this section and shall submit a copy of the results of each such audit to Congress.

"(h) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2609. Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account.".

(g) Section 2609 of title 10, United States Code, as added by subsection (f), shall take effect as of October 1, 1993.

Mr. SASSER. Mr. President, I might say that this amendment is cosponsored by Senators LEAHY, SIMON, WOFFORD, CONRAD, FEINGOLD, and BOXER.

Mr. President, as illustrated by the Senate's debate a few weeks ago on the fiscal year 1994 national defense authorization bill, the United States is now in the process of rethinking its whole missile strategy. Since the 1950's, I think there is general consensus that the greatest military threat to the United States has been the long-range Russian ballistic missile force, and the very existence of this long-range intercontinental ballistic missile force was really the driving thrust behind what gave birth to something we called the strategic defense initiative, star wars, or SDI.

The United States of America has already spent $32 billion on SDI. Let me repeat that figure—$32 billion has already been spent on SDI.

At the rate we are going, over the next 5 years we will spend an additional $18 to $20 billion on these missile defense systems. Of that $18 to $20 billion, $12 billion will be spent on so-called theater missile defense systems.

Since the breakup of the Soviet Union and the end of the cold war, the threat of an intercontinental ballistic missile attack on the United States has shrunk to almost nothing. That is not to say we as a nation ought to let down our guard. We are continuing robust spending for national defense in general, and we are continuing very robust funding for ballistic missile defense in particular. That underscores I think this Nation's commitment to vigilance. We always must cast a wary eye toward development of long-range ballistic missiles and also of new warheads by countries such as China or North Korea.

We are essentially worried about intercontinental ballistic missiles. Because the United States has two great oceans protecting it, we are literally thousands upon thousands upon thousands of miles away from any nation which could threaten us with missiles. Our allies in Europe and in other areas do not have the same luxury. They do not have great oceans protecting their borders for thousands of miles as we have in the United States.

They are not frightened there so much of intercontinental ballistic missiles, but many of our allies do live under the constant threat of attack by short-range or theater ballistic missiles.

Now, those are the kinds of missiles which we saw operating in a very primitive way in Operation Desert Storm, those very primitive missiles the Iraqis had. But many of these nations operate within range of those types of primitive theater ballistic missiles. And many more of our allies are likely to come within range of these missiles at some time in the near future.

When you compare these so-called theater ballistic missiles to an intercontinental ballistic missile, they are relatively cheap to manufacture and relatively easy to deploy, and perhaps the most alarming thing about theater ballistic missiles is that the trigger is not held by Boris Yeltsin. It is more likely to be held by a Mu'ammar Qadhafi or a Saddam Hussein.

Now, Mr. President, I have brought with me today a chart which has been prepared by the Department of Defense, and this chart shows the threat posed by existing theater ballistic missiles held by so-called third countries that are not our allies.

This map shows the west coast of the United States. This is the east coast of the United States, and South America. And you note that the United States is not threatened at all by these so-called theater ballistic missiles. They are concentrated mostly in the Middle East and around, and you see they have

an operational range that takes them up into parts of China, parts of Russia, parts of Southern and Eastern Europe. Western Europe at this juncture is not seriously threatened. But clearly the United States itself is not threatened at all. The real threat from theater ballistic missiles today is to some of our allies in the Middle East and in Southern or Eastern Europe, and in the not too distant future some of our allies probably in Western Europe.

We found in the war in the Persian Gulf that probably any despot who has enough financial wherewithal can field an arsenal of theater ballistic missiles even though some might be of crude arrangement. But for now and the foreseeable future, the sole direct threat to U.S. interests from theater missiles and tactical missiles comes only when United States military forces are deployed in overseas theaters. The continental United States is not affected, nor is Hawaii, nor is the State of Alaska.

Clearly, our attempt to defend against theater missiles ought to be driven by what is in our vital interests.

It ought to be driven by our geographic position in the world. It ought to be driven by strategic reality. A recent Department of Defense SDI briefing states that the mission of the U.S. Theater Missile Defense Program is to "protect U.S. forces, U.S. allies, and other important countries."

Let me read that so my colleagues will understand.

> Even though the Continental United States is not threatened, and the only threat from theater ballistic missiles would be U.S. forces deployed in these areas here in the Middle East, some of Europe, or in some portions of Southeast Asia, those are the only places that U.S. forces could be threatened. The aim of our theater missile defense program is not only to protect U.S. forces but also to protect U.S. allies and other important countries.

Well, a very generous objective indeed, very generous. But like it or not, let me say to my colleagues, this country of ours has been the policeman of the world for at least the last half century. We have paid an enormous price for that, and the American people are telling us they have had enough of it. They want other nations to pick up part of the price tag, at least for their own defense. We have expended and continue to expend vast amounts of our resources to protect our allies.

Whether it is troops of the United States stationed in Europe—and bear in mind we still have over 150,000 U.S. troops stationed in Western Europe, almost a half century after World War II—or whether it is the mighty nuclear carrier battle groups steaming through the Red Sea, we are there to keep the peace. And our U.S. taxpayers are paying for it. And honoring these many commitments to our allies and keeping the peace comes at an enormous price.

Nobody argues with what occurred after World War II. The largess of the United States made sense. We are the only superpower dedicated to democracy and freedom, and our allies were devastated by the war and had little money to spend to defend themselves. Europe lay in rubble and struggled to feed its citizens, and the armies of the Soviet Union were on the move gobbling up vast amounts of territory. The doomsday clock was ticking toward midnight. But things have changed dramatically since 1946 or 1947 and 1949, indeed, since even 1960.

Fifty years after the Second World War ended, the situation has changed very, very dramatically. The allies that were devastated in 1945 now have robust economies, and they built those robust economies to some extent freed by the high cost of national defense because the United States has been footing the bill. Uncle Sugar has plowed vast amounts of money into rebuilding and developing their industrial base. And many of these countries in Europe have created a standard of living which rivals and even exceeds that of the United States.

And half a century after World War II, the United States is no longer the unchallenged industrial giant of the world. We are struggling right here at home to overcome a very anemic economy, indeed. We are struggling to find the funding to educate our children, to provide health care for our citizens, to battle and defeat the criminality that stalks our streets day after day. We are running an enormous trade deficit. We are trillions of dollars in debt and have a $300 billion budget deficit staring us in the face for the coming fiscal year.

So is it not a testament to the wisdom of the American people that they are now looking to Europe, to Japan, and to Korea, our three biggest economic competitors and saying, enough is enough. We have done our share.

My constituents in the State of Tennessee are telling me that they think it is time our allies should start assuming more of the burden of their own defense. And I believe, Mr. President, they are right. I might say that from Europe to Asia our allies now are slowly starting to pick up more of the bill. So there is some light there, I would suggest, at the end of the tunnel.

We talk a lot about burdensharing, sharing the burden of defending the democracies of the world and those who are striving to become democracies and those who believe in freedom, believe in civil liberties, believe in human rights. I would submit that nowhere is burdensharing more appropriate than in the theater missile defense area.

As I spelled out earlier, theater missile defense is primarily a problem of our allies. Yet, a recent Defense Week article entitled "European Ballistic Missile Defense—Big Plans, Lots of Talk, But Not Much Cash" stated "No European state has an antimissile program."

None of these nations that are threatened in Southern and Eastern Europe and soon to be threatened in Western Europe, according to Defense Week, have an antimissile program.

If they are so threatened, why do they not have programs going? And if we in the United States are not threatened, why are we calculating to spend $12 billion over the next 5 years for theater missile defense, and we are not even threatened by theater ballistic missiles?

Well, the only time we are threatened by theater ballistic missiles is when we are there with our troops protecting our lives. Who shouldered the cost of the R&D for theater ballistic missile defense? You guessed it: Uncle Sugar, the United States.

Let me just share with my colleagues another chart, which I think those in the Chamber and those watching on television will find interesting: Missile defense research. Expenditures between 1985 and 1993. Total expenditures for missile defense research in the 8-year period from 1985 to 1993 was $33 billion. The United States spent $32.5 billion of that $33 billion. How much did our allies spend? Look at the little blue line for our allies—$500 million over the same 8-year period.

So let me just calculate this out for you. For missile defense research, trying to find a way to knock down incoming missiles, the United States footed a 98.5-percent share, total. Where is the fairness to that? Where is the equity? Why are we doing it?

Well, let me tell you what is fair about the amendment that I offer today. As you can see from a third chart here, which I use to graphically illustrate to my colleagues what I am trying to do, the Sasser amendment that we offer today on behalf of myself and others, No. 1, recognizes the importance of theater missile defenses. We are not going to argue about that. They are important. Even though the continental United States or Alaska or Hawaii are not threatened by theater ballistic missiles, we can see that theater missile defenses are important because we do have forces deployed around the world.

We recognize that theater-range missiles pose a threat to our allies that equals or exceeds the threat posed to U.S. interests. We say "equals or exceeds." The truth is that the threat to our allies from theater-range missiles greatly exceeds the threat to the United States. But in the interest of being fair, we say "equals or exceeds" the threat posed to U.S. interests.

Our amendment recognizes that U.S. taxpayers have borne a disproportionate share of the burden for developing theater missile defense systems. As we indicated earlier, $33 billion has been spent on missile defense, and 98.5 percent of it has been paid for by the United States.

Our amendment supports the recent administration and congressional statements expressing the desire and need to receive greater allied support in protecting Western security interests.

Last, in the event there is no cooperation, or if we cannot implement it, then our amendment provides a Presidential waiver if deemed essential to U.S. national interests.

So what we are saying is that if we pass this amendment and we say that our allies have to contribute to developing a theater missile defense system, but the President and Secretary of Defense, try as they might, cannot get any help on it and they still believe it is essential to the U.S. national interests to go forward, then the President can simply waive this amendment by a letter to the Congress stating that he cannot put it into effect.

What we are saying here in a nutshell is that the Sasser amendment says that the United States is no longer going to pick up the entire tab for theater missile defense. Under this amendment before us today, Congress would establish overall theater missile defense funding levels. In doing so, we would prevent the type of carte blanche research and development and procurement spending that has become all too familiar.

Here is how it would work. This gives the President and the Secretary of Defense over a year to implement this program. Beginning in fiscal year 1995, the United States would pay 80 percent of the overall amount for theater missile defense R&D, and the allies would pay the remaining 20 percent. This figure would perhaps rise in subsequent years. That is, the allied contribution would be more, and the U.S. contribution would be less.

How would the amendment effectuate itself? The allied contribution would be deposited into a theater missile defense cooperation account established by the Department of the Treasury. You remember the account that was set up in Operation Desert Storm for the various nations involved, to put money into that account to defray a portion of the cost of that military operation. This would be very similar to that. A precedent has already been set for this type of account being established in the Department of the Treasury here in the United States.

As I previously mentioned, the President of the United States could waive an ally's obligation any time it shall be deemed in the national interest of the United States.

Finally, as I said earlier, the amendment will not take effect until fiscal year 1995. This gives the administration and our allies ample time to adjust and develop a program for contribution and programs for beginning to share the cost.

Some of my colleagues may say this amendment is too harsh. I hope they do not. Or they might say it is too critical of our allies. I do not think so. We are saying, look, allies, even though the United States is not threatened by theater ballistic missiles, even though we are not threatened, we are going to pay 80 percent of the cost. We are just asking you to come along and pay 20 percent of the cost. Now that, I think, ought to be a deal they could not pass up. But this amendment does resort to a stick when a carrot would be more successful.

Let me say that I recommend an excellent study recently conducted under the auspices of the National Institute for Public Policy. The National Institute for Public Policy is a conservative-leaning think tank. This conservative-leaning think tank, in a study entitled "Proliferation and Missile Defense, European Allied and Israeli Perspectives," indicates that there is already a movement on the part of some of our allies to get into the business of theater missile defense R&D.

This 1993 study printed in June says this, and this is a direct quote:

> Europe appears at this point prepared both to make the necessary investment in missile defense systems and to buy into U.S. technologies or entire systems based on the cost advantages to be derived.

Still quoting:

> These developments should help alleviate U.S. concern regarding equitable burdensharing with its European allies in the area of ballistic missile defense.

So what they are saying is with just a little push, with just a gentle nudge, the Europeans are ready to come forward, act in their own self-interest, and start contributing to this whole concept of theater ballistic missile research and development and the development of the systems themselves.

I must say, Mr. President, that this study should be required reading for all of my colleagues who are concerned that we are being too harsh on our allies with this amendment.

What we are saying and what this article is saying is that our allies, on their own, realizing that their own self-interest is at stake, have indicated a growing willingness to participate in U.S. theater missile defense efforts, and this amendment would provide them the opportunity and the nudge forward to do it.

This is a fair amendment. I think it deserves the Senate's support. As a matter of fact, I was hopeful and still hope that maybe the distinguished chairman will accept this amendment. We are not placing an onerous financial burden on our allies. We are not leaving them to the prey of wolves like Saddam Hussein and his kind. The amendment simply and basically reflects the change in world politics; it reflects the change in world economics; and it reflects the changing burdens in the defense of the so-called developing world.

Our defense budgets must reflect these changes. The United States can no longer afford to shoulder the entire burden, or virtually the entire burden, alone. Our people see this. Our constituents see it. They tell us that now every day. And we have to start expressing their wishes and their will in some of this legislation that is moving through here funding the Department of Defense operations.

The truth is that our allies, or most of them, can afford to pay more to defend themselves and some of them are willing to do so.

I say, Mr. President, it is time that Uncle Sam made a prudent and fair cut in the allowances of some of those allies of ours that see themselves as the ward of the U.S. taxpayer.

Mr. President, I urge adoption of this amendment and yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Hawaii [Mr. INOUYE].

Mr. INOUYE. Mr. President, it pains me to speak in opposition to this amendment because, as many of my colleagues are aware, I am one of the early advocates of burdensharing. I have long insisted upon burdensharing throughout this globe. But yet, as we all know, there is no uniformity among our allies. For example, at this moment, our NATO allies provide 24 percent of the cost of our presence there, the cost of real estate, the cost of housing, the cost of hiring of nationals, the cost of utilities—24 percent.

In Korea, the Koreans provide 70 percent, and it is rising. In Japan at this time, it is in excess of 76 percent, and in 2 years it will be just about 100 percent. For example, at this moment, when we build a barracks, the cost of construction is borne completely by the Japanese Government. This is burdensharing. I wish I could say that we have been successful, that all nations have been contributing heavily. But such is not the case.

However, my opposition to this amendment goes a bit further. Mr. President, we should keep in mind that the theater missile defense system is established to protect our troops overseas—our troops.

I hope that all of us can recall the Scuds. I remember watching CNN one evening and witnessing the conflagration in Saudi Arabia when one of the Scuds landed on a barracks. I believe about 50 men and women perished as a result of that. This is the system to counter these Scuds. Yes, the Scud was a very primitive system. But I am certain all of us are aware that since that time the Chinese have been working at it and the Iranians have been working at it.

If this amendment becomes the law of the land, our allies, whoever they are, will be determining the pace of our production, the amount spent for the production of these protective devices

and the placement of these protective devices.

We have been critical of our leadership because some have suggested that we were slow in providing equipment to our men in Somalia. What would we say to those men and women who are serving overseas if we explain to them, well, we cannot put up the full system because our allies here have failed to put in their share? This is not real estate, Mr. President. This is not housing. These are devices, weapon systems, to protect our personnel.

Then the question comes up, what do we mean by allies? I think that is a very fundamental question. Who are the allies that we are speaking of?

Let us take a small place called the Middle East. In Desert Storm, we considered Syria our ally. Is Syria part of this program? Is Egypt part of this program? Is Bahrain part of this program? Are the Arab Emirates part of this program? Is Turkey? Is Korea an ally? Is Pakistan an ally? I have no idea what we mean by allies.

Although the measure says the Department of Defense may accept contributions from allies, there is another provision that says we will negotiate with these allies to give us money. Mr. President, it is true that some of our allies, who were devastated in World War II, have, as a result of our assistance, made miraculous recoveries. They have done very well, and they should be participating in burdensharing.

But, Mr. President, I do not believe that a theater missile defense system should be an item for burdensharing. We should be responsible for what we provide for our personnel. What do we do if our allies say, yes, we agree that we should have theater missile defense in this country, but we insist that you use our system because it is cheaper? And yet we know it is inferior to ours. Do we, as a result of negotiations, tell our men and women we are going to provide you with a system which is less efficient because it is cheaper and this is what our allies can afford?

No, Mr. President. I can speak at greater length, but I do hope that we will reject this. But in so saying, because I believe that this program does have merit in the sense that it should be taken into serious consideration by our administration, I would like to have the administration, the Department of Defense, respond to this measure and tell us how they can carry out the intent of the Sasser amendment in a way that would not jeopardize the security of our military personnel overseas.

I would hate to just reject this outright. I hope we can somehow come up with some amendment or some modification that would bring this about, because the concept itself may have some merit. But to do what my good friend is trying to provide in this measure I think would be placing our manpower, our personnel, our young men and women who have decided to place themselves in harm's way, in great jeopardy.

So, with some pain, I must oppose this amendment.

Mr. SASSER addressed the Chair.

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

Mr. SASSER. Let me just briefly respond to the distinguished chairman, because I do not wish to prolong this debate this afternoon.

But I think it should be pointed out that the amendment before us today specifically exempts any nation from contribution which is paying at least 20 percent of the total cost of the contracts in existence under a theater missile defense interceptor program.

Now, this would exempt one country and that one country alone, and that is the State of Israel, because they are the only country that is presently involved in developing a theater missile defense program. And that is the Arrow system which is being developed now by the State of Israel. Israel is exempt under this amendment because the Israelis are making an effort to come up with their own system. But they are the only nation, other than the United States and the Russians, who have any kind of theater missile defense system.

I heard the distinguished chairman state during the course of his argument here that we would run the risk of perhaps depriving U.S. forces of an adequate theater missile defense if this amendment were adopted. I do not think that is the case at all. In other words, the United States would still be sovereign over its own theater missile defense program, if it wished to be. The United States would certainly deploy the missile defense systems and could deploy them as an umbrella over United States troops.

My question is this: Why should the taxpayers of the United States, who are not threatened by theater missile defense or theater ballistic missiles, have to pay for the development of a defense system that not only defends United States troops in Germany, but also defends German troops in Germany, if they are subject to a theater ballistic missile attack, or defend French troops or British troops or Belgium troops, for that matter? Why cannot the taxpayers of those nations come forward and help defray a portion of the defense system for their troops?

Now, bear in mind, under this amendment the United States still pays 80 percent of the cost. We are simply saying, for those who are able, working in conjunction with us, working with the Secretary of Defense and the Government of the United States, let us work out a system where you share in some of the research and development and procurement costs of theater missile defenses.

Interestingly enough, Mr. President, in a publication of the Congressional Research Service entitled "Theater Missile Defense," it says:

> According to the Ballistic Missile Defense Office, foreign participation has helped the U.S. missile defense effort. Basically, Ballistic Missile Defense Office has received widespread access to foreign technical expertise and innovative technology contributions.

So to say that collaboration with our allies in the production or in the development of this theater missile defense system would be counterproductive flies in the face of the CRS report that says it would be productive.

Now, when you blow all the foam off of this amendment here and you get down to the basics, here is what you have: We presently are going to spend, over the next 5 years, about $12 billion for theater missile defense. If the Sasser amendment becomes law, we are going to save about $3 billion of that $12 billion spent. That is $3 billion that is going to be paid by the taxpayers of France, Germany, Belgium, Italy, Japan, Korea, and others who are directly threatened by theater ballistic missiles, to work in conjunction with us to develop a system that they can have access to, that they can participate in financially to protect their own troops and their own people.

That is all we are saying, "Let us do it together. Sure we will continue to pay 80 percent of the cost, but you kick in $3 billion, save us that $3 billion, and we will move forward together and develop a theater missile defense system with you, even though we are not directly threatened here in the United States by theater ballistic missiles."

So, that is what we are all about here, Mr. President, simply trying to get our allies to contribute a modest amount towards the collective effort to put up a theater missile defense.

And if, at the end of fiscal year 1995, the President says, "I just can't do it. We simply can't cooperate with them. We can't get them to contribute. They will not bring in the financial resources that we think they ought to have, but we still need to go forward and develop a theater missile defense because we think it is in the national interest of the United States," the President can do that.

We are not tying his hands here. We are just simply giving the President and the Secretary of Defense the wherewithal to nudge our allies into doing what some of them are inclined to do anyway.

So, there we have it, Mr. President. The vote is not: Do we want an adequate theater missile defense? The vote here is: Do we want to spread the costs among our allies, spread its costs among all of those who are defended, and do we want to save the American taxpayer $3 billion over the next 5 years?

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska [Mr. STEVENS].

Mr. STEVENS. Mr. President, as I understand Senator SASSER's amendment, he would restrict funding for this program to 80 percent of the required amount. In my judgment, that would mean the future of this program would depend upon foreign contributions for U.S. defensive systems. This could really jeopardize the U.S. technologies that we lead the world in developing, technologies we share with our allies in a common defense. But I do not know why we should share the money we use to develop those defensive systems with them. To me, it would make the development of this program dependent upon the rate of allied financial support. That poses a great risk to U.S. command and control of the systems and it is a force sharing prior to their development.

I just have to say to the Senator, while I have supported other efforts in the past to share defense spending for the development of new systems with our allies, that was done in the days when we had a lot more money available. We have already cut this down. It is down literally to its lowest possible level, as far as I am concerned, as far as the total development of the system. For theater missile defense to proceed I think the Sasser amendment has to be defeated.

Mr. GRASSLEY. Mr. President, I rise to support the amendment offered by my friend and colleague from Tennessee, Senator SASSER, requiring that our allies contribute their fair share toward the cost of the Tactical Missile Defense Program [TMD].

This amendment would allow us to continue the TMD Program as planned. It would simply realize, and address, the reality of this program: That our allies face a greater risk from tactical missiles, and that therefore they should bear a greater cost burden than they now bear.

The contributions that would result from this amendment would free up about $3 billion over the next 5 years. In this day and age of trillion-dollar budgets, that is not a lot of savings, Mr. President. But then it is also not an unfair burden for our allies.

As my colleague from Tennessee points out—who incidently is the chairman of the Senate Budget Committee and should know such things—without the Sasser amendment, the TMD Program will be one of the fastest growing programs in the entire Federal budget. With the Sasser amendment, the planned program growth would continue, but the American taxpayers would not have to foot the entire bill. Yet the United States would still be picking up 80 percent of the tab.

The Sasser amendment contains the requisite flexibility by allowing the President to waive the requirement for burden sharing by our allies if he deems it in the interest of the United States. Under this amendment, he has that discretion.

Mr. President, the American taxpayer has become weary from his and her long bout resisting communism. He and she were willing to play the lead role in preserving freedom on behalf of the world. Now, the Communist dragon has been slain. Yet we are still footing the bill. When is enough enough?

It seems to me, Mr. President, that the Sasser amendment successfully answers that question. That is why I join him on his amendment, and I congratulate him for raising it here before this body.

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

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MOSELEY-BRAUN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SASSER. Madam President, I am prepared to yield back all time if the distinguished chairman is.

Mr. INOUYE. Madam President, there is no time agreement, but as of this moment we have had no requests for time to speak, so I assume all the debate has been concluded. We are prepared to resolve this matter now by voice vote or—

Mr. SASSER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. INOUYE. Madam President, I move to table 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. The question is on agreeing to the motion of the Senator from Hawaii. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mrs. FEINSTEIN] is necessarily absent.

I further announce that, if present and voting, the Senator from California [Mrs. FEINSTEIN] would vote "nay."

Mr. SIMPSON. I announce that the Senator from Washington [Mr. GORTON], the Senator from New Hampshire [Mr. SMITH], and the Senator from Wyoming [Mr. WALLOP] are necessarily absent.

I further announce that, if present and voting, the Senator from Washington [Mr. GORTON] and the Senator from New Hampshire [Mr. SMITH] would each vote "yea."

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

The result was announced, yeas 54, nays 42, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—54

Akaka	Dole	Kerry
Baucus	Domenici	Lieberman
Bennett	Durenberger	Lott
Biden	Exon	Lugar
Bond	Faircloth	Mack
Boren	Glenn	McCain
Breaux	Graham	McConnell
Brown	Gramm	Murkowski
Burns	Gregg	Nickles
Chafee	Hatch	Nunn
Coats	Heflin	Packwood
Cochran	Helms	Pressler
Cohen	Hollings	Roth
Coverdell	Hutchison	Shelby
Craig	Inouye	Simpson
D'Amato	Kassebaum	Stevens
Danforth	Kempthorne	Thurmond
Dodd	Kennedy	Warner

NAYS—42

Bingaman	Harkin	Moynihan
Boxer	Hatfield	Murray
Bradley	Jeffords	Pell
Bryan	Johnston	Pryor
Bumpers	Kerrey	Reid
Byrd	Kohl	Riegle
Campbell	Lautenberg	Robb
Conrad	Leahy	Rockefeller
Daschle	Levin	Sarbanes
DeConcini	Mathews	Sasser
Dorgan	Metzenbaum	Simon
Feingold	Mikulski	Specter
Ford	Mitchell	Wellstone
Grassley	Moseley-Braun	Wofford

NOT VOTING—4

Feinstein	Smith
Gorton	Wallop

So the motion to lay on the table the amendment (No. 1036) was agreed to.

Mr. INOUYE. Madam 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.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, if I might have the attention of the distinguished chairman of the subcommittee, I had asked the distinguished Senator from Arkansas, Mr. BUMPERS, to yield for approximately 10 minutes so that I might proceed with the amendments which we have worked out, I think; and the distinguished Senator from Arkansas has agreed to that.

So if it is acceptable to the managers, I would like to proceed at this time on the amendments which I discussed yesterday morning before amendments were in order and to facilitate disposition of the amendments at this time.

Mr. INOUYE. Does the Senator wish to have me respond?

Mr. SPECTER. Yes. If it is agreeable to proceed at this time, I will do so.

If I may, I think it would be better if I submit the amendments formally.

AMENDMENT NO. 1037

(Purpose: To provide for a study of the cost-effectiveness of the procurement of nuclear-powered aircraft carriers and nuclear-powered submarines)

Mr. SPECTER. At this time, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the excepted committee amendments are laid aside temporarily. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1037.

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

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

The amendment is as follows:

On page 157, between lines 9 and 10, insert the following:

SEC. 8142. (a)(1) The Comptroller General shall carry out a study of the cost-effectiveness to the Navy of the utilization of nuclear-powered aircraft carriers and nuclear-powered submarines.

(2) The study shall include—

(A) a comparison of the life-cycle cost of nuclear-powered aircraft carriers and nuclear-powered submarines with the life-cycle cost of conventionally powered aircraft carriers and conventionally powered submarines, as the case may be;

(B) a comparison of the cost of procuring nuclear-powered aircraft carriers with the cost of carrying out the service-life extension or complex overhaul of existing conventionally powered aircraft carriers;

(C) a comparison of the projected cost to the Navy of operating a fleet of aircraft carriers utilizing no homeports located at foreign overseas installations with the projected cost of operating such a fleet utilizing both foreign overseas homeports and homeports located in the United States;

(D) an assessment of the effect on the projected costs referred to in subparagraph (C) of—

(i) the plan, if any, of the Navy for the location of a homeport for a nuclear-powered aircraft carrier in the Western Pacific region in the event of the retirement of all conventionally powered aircraft carriers in the fleet; and

(ii) restrictions imposed by foreign nations on utilizing installations located in such nations as homeports for nuclear-powered aircraft carriers, and on the operation of such carriers in the waters of such nations;

(E) an assessment of the number of aircraft carriers required by the Navy in order to meet operational requirements for a continuous presence of aircraft carriers in three overseas regions simultaneously in the event that foreign nations prohibit the utilization of locations in such nations as homeports for nuclear-powered aircraft carriers;

(F) an assessment of the refueling including any complex overhaul of the fueling system and nuclear propulsion system required for the nuclear-powered aircraft carriers of the fleet through 2010, including—

(i) a schedule for such refueling;

(ii) the cost of such refueling; and

(iii) the cost of disposing of the waste generated by such refueling;

(G) a detailed description of all programs of the Department of Defense and of the Department of Energy relating to nuclear propulsion systems for naval ships (including surface ships and submarines) that utilize such systems; and

(H) a detailed estimate of costs associated with processing or otherwise disposing of nuclear fuel and other nuclear material (including nuclear waste) from the existing nuclear-powered fleet of ships (including surface ships and submarines) of the Navy.

(3) In determining the life-cycle costs associated with nuclear-powered aircraft carriers and nuclear-powered submarines for the purposes of the study under this subsection, the Comptroller general shall take into account the cost of processing or otherwise disposing of nuclear fuel and other nuclear material (including nuclear waste) removed from such aircraft carriers and submarines.

(b) The Comptroller General shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a report on a study carried out under subsection (a) not later than 6 months after the date of the enactment of this Act.

Mr. SPECTER. Madam President, this amendment provides for a study by the General Accounting Office of the cost and operational effectiveness for utilization of nuclear powered aircraft carriers contrasted with conventional carriers, and the cost and operational effectiveness of nuclear powered submarines contrasted with conventional submarines.

Madam President, the essence of this amendment relates to the cost of nuclear carriers, which are in the range of $4.5 to $6 billion with a life expectancy of some 25 to 50 years; contrasted with the cost for a service life extension program of a conventional carrier, which is in the range of $800 million to $1 billion with an additional life expectancy of 15 to 20 years. Those are the figures which generally have been discussed.

But this amendment calls for a study by the General Accounting Office to make a determination as to what the precise figures are for the cost and operational effectiveness of a nuclear carrier contrasted with a conventional carrier; similarly, what the cost and operational effectiveness would be for construction of a nuclear submarine contrasted with a conventional submarine.

It also calls for an assessment of the costs associated with the storage and disposal of the nuclear waste from the refueling overhauls for these ships and the final disposal of these ships at retirement. And there is one other issue, and this is a slight modification from the amendment which was discussed yesterday, with copies having been given to both managers. It also calls for a GAO study on the issue of home porting, or forward home porting. The issue there is that Japan, illustratively, will not allow homeporting of a nuclear aircraft carrier; and with retirement of our last conventional carrier around 2010, will it still be necessary to have a forward home port in the Western Pacific and possibly other regions. And with the retirement of all of the conventional carriers, it may not be plausible to have a carrier home ported in Japan or some other region, like the Mediterranean where some of the countries, if not all of the countries, would not agree to have a nuclear carrier home ported there. That one factor is different, but it is in line with the balance of the GAO study. As I say, that change has been made available to the managers.

I ask at this time that the amendment be accepted.

Mr. INOUYE. Madam President, if the Senator will yield——

Mr. SPECTER. I do.

Mr. INOUYE. I am pleased to advise the Senate that the managers of this bill have no objection to the adoption of the Specter amendment.

Mr. CHAFEE. Madam President, I wonder if the floor manager will yield for a question.

Mr. INOUYE. I am happy to.

Mr. CHAFEE. Do I understand that the Senator's amendment is to give the cost estimates for the production of a conventionally powered submarine? Is that correct?

Mr. SPECTER. That is correct.

Mr. CHAFEE. Vis-a-vis the cost of a nuclear powered submarine?

Mr. SPECTER. That is correct.

Mr. CHAFEE. Is there any comparison in other features besides cost? Is there any comment on the capabilities of the two submarines versus one another?

Mr. SPECTER. Yes. That is included; the longevity, the cost and operational effectiveness, and total capability generally.

Mr. CHAFEE. I think clearly a very noisy, slow-powered, conventionally powered submarine would come in at a very low cost. But the trouble is it is no good to any military force.

I think that we have to be careful here making comparisons solely on the basis of price. So when the Senator explained the amendment, I did not hear that part. But I would encourage that be included. In other words, the capability of the two different types of submarines are to be set forth—speed, silence——

Mr. SPECTER. That is the intention of the amendment.

Mr. CHAFEE. Depth, capabilities, all of those.

Mr. SPECTER. All facets of the GAO study would involve cost and effectiveness. The effectiveness would include all features of the submarine.

Mr. CHAFEE. That would apply for the carriers likewise?

Mr. SPECTER. That is correct.

Mr. CHAFEE. In other words, speed, capability of competing without refueling, and so forth?

Mr. SPECTER. Again, the carrier's cost; the operational effectiveness, including all the features which the distinguished Senator from Rhode Island

enumerated, plus any others which are relevant in such comparison.

Mr. CHAFEE. Thank you very much.

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

The Senator from Hawaii.

Mr. INOUYE. Madam President, as I indicated, the managers of the measure have no objection.

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

The amendment (No. 1037) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. SPECTER. Madam President, I send an amendment to the desk.

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

AMENDMENT NO. 1038

(Purpose: To express the sense of the Congress on permitting closing military installations to compete for and perform Department of Defense overhaul and depot-level maintenance services)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1038.

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

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

The amendment is as follows:

At the end of the title of general provisions, insert the following:

SEC. . (a) It is the sense of Congress that—

(1) the Secretary of Defense should not prohibit any military installation described in subsection (b) from bidding on or performing Department of Defense contracts for overhaul services or for depot-level maintenance of material for the Armed Forces that are awarded using competitive procedures;

(2) performance of such a contract by such a military installation should not affect the schedule for closure of the installation;

(3) such a contract should not be entered into for the performance of work at such an installation if the time necessary for performance of the contract extends beyond the date established for closure of the installation or if the performance of the contract at the installation would otherwise affect the schedule for closure of the installation; and

(4) such a contract awarded to a military installation should be terminated for default if the contract is not completed on or before the completion date provided in the contract.

(b) A military installation referred to in subsection (a) is a military installation that (1) has been approved for closure subject to the provisions of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510), (2) is in the process of implementing a conversion or reuse strategy for the installation to take effect upon closure, and (3) has received some funds from the Department of Defense for the purpose of implementing the conversion or reuse strategy.

Mr. SPECTER. Madam President, this amendment was also discussed at greater length yesterday morning, and it is a sense of the Congress on permitting closing military installations to compete for and perform Department of Defense overhaul and depot-level maintenance services. The intent of this amendment is to permit bases which have been ordered closed under the Base Closure Act to bid on work which will be completed prior to the date that they are set for closing.

This is completely consistent with the Base Closure Act. It is my understanding, again, that this amendment is acceptable to both managers.

The PRESIDING OFFICER. Is there further debate?

Mr. INOUYE. Madam President, the managers are pleased to accept this amendment.

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

The amendment (No. 1038) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. SPECTER. Madam President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 1039

(Purpose: To express the sense of the Congress on permitting operators of industrial facilities at closed military installations to compete for Department of Defense contracts for overhaul services and Department of Defense contracts for depot-level maintenance services)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1039.

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

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

The amendment is as follows:

At the end of the title of general provisions, insert the following:

SEC. . It is the sense of the Congress that operators of industrial facilities at military installations closed after the date of the enactment of this Act should be permitted to qualify as offerors for (1) proposed Department of Defense contracts for overhaul services for the Armed Forces, and (2) proposed Department of Defense contracts for depot-level maintenance of material for the Armed Forces.

Mr. SPECTER. Madam President, the purpose of this amendment—and, again, this was discussed at some length yesterday morning—is to express the sense of the Congress on permitting operators of industrial facilities at closed military installations to compete for and perform Department of Defense contracts for overhaul services and Department of Defense contracts for depot-level maintenance services.

This is in line, illustratively, with the Philadelphia Navy Yard, although it would apply more broadly on the efforts for conversion where there are plans, which we are trying to work out now with the Department of the Navy, to have a facility like the Philadelphia Navy Yard restructured to do private business and public business and then to have the opportunity to bid on public contracts, again on a cost basis, to have a chance to compete and perform these contracts.

It is my understanding again that this has been cleared with both managers.

Mr. INOUYE. Madam President, this amendment has been cleared. We have no objection.

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

The amendment (No. 1039) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. SPECTER. Madam President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 1040

(Purpose: To provide for a limitation on the obligation or expenditure of funds with respect to the Antler Military Operations Area, Pennsylvania)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1040.

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

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

The amendment is as follows:

On page 157, below line 9, insert the following:

SEC. 8142. (a) No funds appropriated under this Act may be obligated or expended for the purpose of carrying out low-level aircraft training operations with respect to the Antler Military Operations Area, Pennsylvania,

until the date of the submittal to congressional defense committees of the report referred to in subsection (b).

(b)(1)(A) The Secretary of Defense, acting through the Deputy Under Secretary of Defense for Environmental Security and in consultation with the Administrator of the Environmental Protection Agency and the Administrator of the Federal Aviation Administration, shall submit to the congressional defense committees a report on the effect of low-level aircraft training operations of the Department of Defense on the proposed Antler Military Operations Area, Pennsylvania.

(B) The Secretary shall submit the report not later than 6 months after the date of the enactment of this Act.

(2) The report under this subsection shall include the following:

(A) An assessment of the effect of the training operations referred to in paragraph (1) on—

(i) the environment of the areas of, and in the vicinity of, the proposed Antler Military Operations Area, including a detailed assessment of the effects of the noise generated by such operations on the environment of such areas;

(ii) the economy of such areas; and

(iii) the health and safety of persons living in and around such areas.

(B) A description of the number of aircraft flights per month that the Secretary anticipates will occur in the proposed Antler Military Operations Area.

(C) A description of the number and duration of such flights per month that the Secretary anticipates will occur at or below a level that is 500 feet above the highest ground level of the proposed Antler Military Operations Area.

(c) In this section, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

Mr. SPECTER. Madam President, this is another amendment which I had submitted yesterday morning and had discussed at some length, so it will not be necessary to talk very long about it.

This amendment relates to a proposal by the Antler military operations areas in central Pennsylvania which the Air National Guard will likely use to perform low-level combat——

Mr. INOUYE. Madam President, will the Senator yield?

Mr. SPECTER. I do.

Mr. INOUYE. That matter has been resolved.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SPECTER. Madam President, the substance of this amendment, I am advised, has already been cleared by both sides. But it may be worthwhile to make a very brief comment about it.

This is a matter of some importance to Pennsylvania, because the Antler Military Operations Area would convert some 50,000 acres of Pennsylvania State parks and forests into a jet fighter training area 300 to 5,000 feet above ground level.

The Pennsylvania Department of Environmental Resources brought this matter to my attention and requested that we work through a study to determine the health and safety of persons living in and around such areas, and the impact on the environment.

Being on the Subcommittee for the Department of Defense Appropriations, I brought the matter up in subcommittee, and there was an issue which needed further consideration. Then I brought the matter up again in full committee. I believe Senator REID had a similar concern, and we decided to reserve final disposition of the matter until it reached the floor.

Subsequently, my staff was contacted by the staff of Senator WOFFORD, and we were pleased to have him join in the Specter-Wofford amendment which has just been recited. I understand that the matter was taken up, although I had not been aware at the time it was submitted for the RECORD, that that was done. I think on this state of the record the matter has been sufficiently described.

The PRESIDING OFFICER. Is there further debate?

Mr. SPECTER. There is no amendment pending, Madam President. May the record show it is technically withdrawn since the substance of the amendment has already been acted on.

The PRESIDING OFFICER. The Senator has that right.

The amendment is withdrawn.

The amendment (No. 1040) was withdrawn.

Mr. INOUYE. I commend my distinguished colleague from Pennsylvania for bringing this matter to the attention of the subcommittee, and I believe later to the full committee. I thank him very much.

Mr. SPECTER. I thank the chairman and the ranking member, and I thank my colleague from Arkansas for yielding to me.

I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I ask unanimous consent that the pending committee amendment be temporarily laid aside so that I may offer an amendment.

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

AMENDMENT NO. 1041

(Purpose: To reduce the amount to be appropriated for the Foreign Intelligence Program and the Tactical Intelligence and Related Activities Program)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS], for himself, Mr. SASSER, Mr. METZENBAUM, Mr. WOFFORD, and Mr. FEINGOLD, proposes an amendment numbered 1041.

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

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

The amendment is as follows:

At the end of line 9 on page 157, insert the following new section:

"Notwithstanding any other provision of this bill, the amounts appropriated for the program in support of the intelligence community of the federal government for the National Foreign Intelligence Program shall be reduced by $300,000,000; and the amounts appropriated for the programs in support of the intelligence community of the federal government for the Tactical Intelligence and Related Activities Program shall be reduced by $100,000,000."

Mr. BUMPERS. Madam President, I must say that it took a lot of courage on my part to offer this amendment because, frankly, I am so tired of losing. I am tired of offering the Senate opportunity after opportunity after opportunity to cut spending, with absolutely no success.

I sometimes wonder about the press; they never report this. I do not know why. They never report who is voting for spending cuts and who is not. The reason I say that is because it is really interesting to me to watch the people who make the longest winded speeches around here about spending cuts and who can never find it in their hearts to vote for one.

I offered the Senate an opportunity this morning to cut $17 billion in spending, with absolutely no loss of strategic or military advantage. I got 34 votes. One Senator was very kind and called and told me he voted against me and he apologized. He said, "I realize now you were absolutely right about it." I think another Senator told me that he misunderstood that it was a motion to table. So maybe I would have gotten 36 votes. That is a lot of votes around here when you are trying to cut spending.

Senator SASSER just offered an amendment to do burdensharing, to let some of the other countries pick up some of the tab. He got 42 votes.

I hear people say, "Well, I cannot support you, but I am for spending cuts, cutting entitlements. You are never going to get the deficit under control unless you cut entitlements."

What does that mean? I will tell you what it means. It means they are not prepared to tell you what they are willing to cut, because the same person who says "I am for cutting entitlements" may say if we ask: Well, are you willing to cut Medicare? We have already cut $56 billion on the deficit reduction package. The elderly people in this country are terrified about those cuts. They may say: Well, I do not know, we cut about all we can in Medicare. How about Medicaid, health care

for the poorest of the poor. They may say: I would not mind cutting that one. How about kicking Aunt Lucy out of the nursing home? No, I would not be for that. How about food stamps that allow some people to eat because of the large debt of the Federal Government and the decision made 25 years ago that no child should go hungry? That is an entitlement. Do you want to cut that one? Usually, you do not get a response to that. No, it is all entitlements, because you never have to say what you are for cutting.

But I will tell you some of the biggest entitlements in this country—the space station, the super collider, National Endowment for Democracy, SDI, intelligence budget, which my amendment addresses, those are entitlements which just go on year after year after year getting healthy increases as we cut Medicare $56 billion over the next 5 years.

So when you vote for this kind of entitlement, you are voting to cut those kinds of entitlements. Go home and tell the elderly, the AARP and elderly that you speak to when you are making your political speeches, go home and tell them that when you voted against about $300 billion worth of spending cuts over the next 30 years—which I offered just in the last 3 weeks—that when you voted against those, you almost guaranteed that we are going to have to cut further on those entitlements that help people, poor people, all people.

Go home and tell the people in education the reason we cannot do more for them is because we cannot find it in our heart to cut a bloated intelligence budget. We cannot find it in our heart to cut $38 billion on the D–5 missile, counting interest, over the next 35 years. We cannot find it in our heart to cut $100 billion on the space station. You think about that.

I hate to be so caustic and acerbic about this, and it sounds self-serving, and I hate to do this and I do not mean it that way. But I sometimes think, having fought against the space station and the collider now for 4 years running, I sometimes think if Senators walked on that floor and the head of NASA walked up to them and said, "Boy, have you guys been snookered; there is not anything like a space station; there is no plan; nothing," I do not think it would change a vote. I think we would still vote $2.1 billion for the space station.

So, after getting a whopping 34 votes this morning in an attempt to do something about the deficit of this Nation, here I am at the same old stand giving everybody an opportunity to vote for a very modest cut.

Madam President, I originally intended to try to cut the intelligence budget by a billion dollars. Discretion being the better part of valor, I knew I had no chance of that, so I am offering an amendment that would cut $300 million from the national foreign intelligence budget and $100 million from the pentagon's tactical intelligence and related activities, TIARA, a total of $400 million.

I do not know and I will not know for a little while, probably after the vote, if it would have made any difference if I had offered to cut $100 million from the NFIP and $50 million from TIARA. I doubt if there would be any difference in the votes. People are not going to cut spending. They do not want to cut spending, and they are not going to.

Every Member of this body got a letter from James Woolsey, who I personally like and respect, saying, "If you vote for the Bumpers amendment you are going to jeopardize our intelligence ability for years to come."

Madam President, here is a little unclassified chart. In 1965 through 1994 —I want you to look at this for just a moment—the national foreign intelligence budget is up 100 percent in the 1980's. There is 1980. There is 1990. There is a 100-percent increase in the 1980's in this budget, which the New York Times says is $17 billion.

Incidentally, you know another burr under my saddle is the fact that all these numbers are kept so secretive and when I say what these numbers are I have to say the Los Angeles Times reported it, or the New York Times reported it.

Senator MOYNIHAN is going to offer an amendment on this floor on this bill to make the total intelligence budgets public, and I intend to support him. I would not vote for an amendment that said you have to tell how much you are spending on human intelligence, how much you are spending on satellites. But the Los Angeles Times says that we are spending $28 billion a year on intelligence.

I am not here to tell you whether that is right or wrong. I am telling you what the Los Angeles Times reported. But I can tell you this because this is in the report from the House Appropriations Committee, this budget has gone up 100 percent in the 1980's, and I am saying cut it by $300 million.

The Senator from Arizona, who is chairman of the Senate Select Committee on Intelligence, is going to say we have already cut it.

Madam President, I hate to anticipate what he is going to say, but that is what he is going to say, and let me answer it before he says it.

They did not cut anything. They just did not give them an increase.

The President of the United States said when he was a candidate that he was going to cut $7 billion out of the intelligence budget in 5 years after he became President, $7 billion.

Do you know what the budget request was this year? It was for an increase of $800 million in this budget, an $800 million increase, according to the House Appropriations Committee.

And our Senate Committee on Intelligence said we are not going to cut you. We are going to leave you level funding the same amount of money you got in 1993. Big deal.

Let me show you another chart, Madam President. This does not impress anybody around here but people who watch C–SPAN are pretty impressed with it. They said, "I did not know that. I cannot believe that."

You know, I am an old trial lawyer, and I know what the people understand. I know what their native intelligence tells them, and if the American people had been voting on that amendment this morning, it would have been 85 to 15. The American people have got enough sense to know that we are not serious around here about the deficit.

And when the American people see a chart like this that says we spend more on intelligence, according to the August 4 edition of the Los Angeles Times, we spend more money on intelligence than these 10 nations, including Italy, spend on their entire defense budget, and James Woolsey sends a letter to everybody and says, "If you vote for the Bumpers amendment you are going to jeopardize intelligence for years to come." You want to know how good our intelligence is. You have a great example of it. You saw a bunch of thugs sitting on the Port-au-Prince dock saying you cannot land these American troops in Haiti. Obviously, if our intelligence community had been doing its job, they would have told the President you are going to get a very heated reception in Haiti, and the President would not have embarrassed himself to some extent and the Nation by sending them in the first place.

And George Shultz, former Secretary of State, in his book called "Turmoil and Triumph"—incidentally, he was one of the people I liked in the Reagan administration. Here is what George Shultz says in his book—you know everybody is willing to tell you after they leave office what they really think. You cannot get anybody in politics to tell you what they really think until they leave office.

(Mr. REID assumed the Chair.)

Mr. BUMPERS. I remember when Dwight Eisenhower made his great military-industrial complex speech. Do you know when he made it? As he left office. What a dynamite speech that would have been in his first inauguration.

I never will forget, even our colleague, Senator Goldwater, turned to one of the Senators over there and said: "Who drafted this prayer-in-school amendment?" The Senator said, "I did." He said, "You ought to be ashamed of yourself."

And I remember General Jones, who was Chairman of the Joint Chiefs of Staff when I came to the Senate. We were still in Vietnam. The Senator from Kentucky came to the Senate the

same time I did and he remembers this all well.

This country was upside down over Vietnam. And shortly after that, David Jones retired from the Air Force—I believe he was an Air Force man—and he held a press conference. Do you know what he said? "It is impossible to design a sensible defense system in this country, because all I do is referee interservice rivalry. You give the Air Force $2 billion, you got to give the Navy $2 billion. You give the Navy $2 billion, you got to give the Army $2 billion." He said, "All I do is referee fights."

And if Colin Powell holds an exit interview and tells the unmitigated truth, as he is supposed to do in this $6 million book, he is going to tell you essentially the same thing.

Former Secretary of State George Shultz provides a particularly harsh appraisal of the CIA in his memoirs "Turmoil and Triumph." He repeatedly disparages the political analysis on the Soviet Union by CIA Director William Casey and his Deputy Robert Gates noting, "We had no accurate help from the intelligence community about what to expect."

Can you believe that a short 4 years ago, two-thirds of the entire intelligence budget went to spy on the Soviet Union and its allies? And today, there is no Soviet Union. But do you know the interesting thing about that spending two-thirds of our intelligence budget on the Soviet Union? Not one person in the CIA ever told the President that the Soviet Union was about to collapse.

But this is really not about the competence of the intelligence community. It is about how much money we are willing to spend on intelligence.

Mr. President, we have another big problem in the intelligence community. We have so many intelligence organizations in this country funded with this $28 billion. We have got spies spying on spies; overlap. The left hand does not know what the right hand is doing. My guess is James Woolsey, in one of his more candid moments, would tell you that.

Who are they? Well, the National Foreign Intelligence Program, that is the CIA, the National Security Agency, the Defense Intelligence Agency, the National Reconnaissance Office, even the State Department and the FBI, get in on the act. And we have Navy intelligence, Army intelligence, Marine intelligence. We have intelligence agencies that the public does not even know about. And the national foreign intelligence budget, which I am trying to cut a paltry $300 million, is higher right now than it was at the height of the cold war.

Mr. President, the House froze spending, but freezing is not enough in these times. If we cannot cut $300 million from the National Foreign Intelligence budget and $100 million from TIARA, we might as well hang it up.

Incidentally, do you know something else? Do you know ALBERT GORE, in the Vice President's reinventing government report, weighs in on this intelligence budget? My amendment goes right to the heart of what ALBERT GORE talks about.

Mr. President, what are the opponents of this amendment going to say? Well, I tell you, terrorism is so much greater now. We have to spend more money trying to find terrorists. We have to spend more money on this and that and the other. But 3 years from now, we are going to start cutting.

And the Senate will buy it, just like Lucy holding the ball for Charlie Brown every fall. Charlie says, "No, I'm not going to kick that ball now. You'll pull it out from under me and I'll kick and I'll fall." And Lucy says, "No, I won't." So Charlie goes out charging and Lucy pulls the ball out from under him and he takes a big spill year after year after year, just like the U.S. Senate.

They will say, "We have this whole intelligence thing under in-house reform and by this time next year, we are going to give you a definitive plan on how we are going to deal with this." And, like Charlie Brown, we are going to fall for it one more time.

Do you think this is just Dale Bumpers talking? "The intelligence community has, in my view, been greatly overfunded for the past decade. We may well have 10 times too many analysts in the intelligence community today."

Ten times more than we need. Who said that? Lt. Gen. William Odom, former Director of the National Security Agency.

The House Appropriations Committee said,

> The committee notes that during the course of the last decade, budgetary resources devoted to the intelligence community have grown in real terms by over 100 percent. In a time that saw a significant expansion of the defense budget, the budgets of the intelligence community grew at a rate that was 20 times faster in real terms.

That is right. Defense in the 1980's grew 5 percent in real terms, and the national foreign intelligence budget grew 100 percent—20 times faster and higher than the defense budget.

Here is another quote by William Colby, former Director of CIA. "There is substantial money to be saved. I would say a substantial reduction in intelligence funding is possible and that means several billion dollars." That, from a former Director of the CIA—several billion dollars can be saved.

Do you know what my amendment does? If we believe press reports, it cuts the budget of the National Foreign Intelligence Program by less than 2 percent. You think about that. You think about a nation that is piling debt on top of debt, where the interest on the national debt alone will soon equal the total amount of income tax, personal income tax, paid by the people of this Nation.

And some people will walk in here and say, "Well, I'm not going to worry about it. That is only $400 million."

Only $400 million. That is the mentality that brought us a $4 trillion debt.

And, to all of you who have not yet found it in your heart to vote to cut one single dime, at least of the amendments I have offered, I invite you after you vote "no" on this to stand up and tell us when you are going to start voting to cut spending.

Do not tell me about entitlements. Which entitlements and how much? This morning you had a chance to cut $30 billion over 35 years; $400 million is not much, but you are going to have to borrow that money if you do not vote for this amendment. That will run to well over $1 billion over the next 30 years.

Let me reemphasize what I just said a moment ago. This is not literally true. But every time you vote no on one of these spending cuts, you know that spending cuts are going to have to happen somewhere. So when you vote against a spending cut on the D–5 missile and the intelligence budget and the collider, and all the rest of them, you are voting to cut Medicaid and Medicare and Social Security.

I yield the floor.

The PRESIDING OFFICER. The manager of the bill, the Senator from Hawaii.

Mr. INOUYE. Mr. President, I listened very carefully to the remarks of my friend from Arkansas. And once again, I find it very difficult to participate in this debate.

First of all, we are dealing with classified information. I realize some of my colleagues may pooh-pooh that and suggest that is a copout. But there are laws that we must follow, laws that determine classification, laws that determine secrecy.

But I can mention the following without violating the law. Last year, we reduced the request by the intelligence community by 10 percent. That cut was greater than that made on any other agency of our Government. In this fiscal year account, we have reduced the President's request by $1.498 billion. That is quite a bit.

Much has been said in this debate about the effectiveness of intelligence. What my distinguished colleague from Arkansas is alluding to is what we call HUMINT, or human intelligence. The amount we spend on human intelligence in this budget is less than 4 percent.

I cannot give the dollar figures because that would be classified. But when one considers that during the height of the cold war, we were spending more than 4 times that amount, we

have cut that down to 4 percent. That is why we were not able to get the necessary intelligence in Port-au-Prince, because the decision was made by the Executive Office and by the Congress of the United States to spend the bulk of the money for high technology.

I wish I could describe some of the systems that we have at this moment, but I am certain all of us are aware that at this moment, above us in the atmosphere are all sorts of devices. If it were not for those devices, the battle in the desert, Operation Desert Storm, may have turned out a little differently. Those satellites told us where the tanks were. Those satellites told us where the artillery pieces were. Those satellites told us about the Iraqi troop movements. And those satellites saved thousands of lives.

I wish we had more spies in Port-au-Prince who could have reported back to us as to what to expect if our forces landed there. But a decision was made to reduce human intelligence. If I could give you the dollar figures, you would know we are spending very, very little for spies.

I would like to suggest, if this is agreeable with the author of the amendment, that we temporarily set aside this amendment to permit Members of the Senate who may wish to do so to go to room S–207 to look over the budget and see how we are spending our money.

It is difficult for Members of this body to discuss this and debate this issue. I am certain those who are listening to our debate might find this is all mumbo-jumbo. I do not intend to do that, but the laws of secrecy prevent me from describing how we spend these billions of dollars. But I am certain even the uninitiated realize that satellites cost money; rockets that send them up cost money. They cost much, much more than the hiring of spies.

Last year, as I indicated, we cut the budget by 10 percent. This year, we further cut that by $1.498 billion. If we adopt this amendment, it will not put the intelligence community out of business. But I agree with the Director of Central Intelligence that it will have an effect on the quality of intelligence that can be provided to our President, to the Department of Defense, and to agencies of the Government.

So I would like to advise the Senate that we are prepared to vote at this moment. I have just received a message from the leader that he would like to have a vote as soon as possible because the Senate needs to proceed with the Somalia debate, and I believe the debate will take about 4 hours.

So if at all possible, I hope we can vote on this in the next few minutes.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. DECONCINI. Mr. President, while I understand the motivation of the distinguished Senator from Arkansas and others who might support his amendment to seek deeper cuts in the Intelligence budget beyond those recommended by the Intelligence Committee, in my view, such cuts would be unwise and could produce results none of us want.

I want to remind my colleagues of several points which are pertinent here.

First, the Budget for Intelligence activities has, in fact, been steadily declining for the last 4 years. Last year, Congress took the first really substantial cut in 20 years and I supported every penny of it. Indeed, I voted for the amendment offered by Senator BUMPERS last year to take a larger cut than that being recommended by the Intelligence Committee. In fact, the level of funding ultimately approved by the Congress last year was below the level being sought by the Senator from Arkansas.

This year, the Intelligence Committee is recommending another substantial reduction in the administration's request. While the level of funding recommended by the committee for fiscal year 1994 remains classified pursuant to executive branch policy, suffice it to say that the amount of funding recommended is less than last year's appropriated level. It will force the intelligence community to restructure its plans at a lower level of expenditure.

We have already imposed a 17.5 percent across-the-board personnel cut in all agencies of the intelligence community by 1997. They are struggling to meet this requirement.

This cut comes on top of substantial reductions already taken within the Department of Defense and other agencies over the last several years which have meant additional consolidation and downsizing of intelligence components.

In short, Mr. President, things are headed in the direction that Senator BUMPERS wants. We are cutting intelligence; we are downsizing the personnel force; and we are streamlining and consolidating functions.

At the same time, we cannot ignore that despite the end of the cold war, there are legitimate and continuing demands being placed upon intelligence.

To begin with, it is important to recognize that the focus of United States intelligence during the cold war, namely the military threat posed by the Soviet Union and its Warsaw Pact allies, though changed, has not entirely disappeared. There remain in the Russian Republic and the former Soviet Republics of Ukraine and Kazahkstan roughly 30,000 strategic and tactical nuclear weapons. While the governments of these republics are no longer hostile to the United States and presently seem unlikely to become so, control of these weapons, to prevent their loss to extremist states or terrorists, remains a significant concern of the United States.

Indeed, the United States has a serious stake in preventing the proliferation of weapons of mass destruction, whether they be nuclear, chemical or biological weapons, as well as the proliferation of missile systems able to deliver these weapons over long distances. It is clear that several states—some of whom are hostile to the United States or have unstable relationships with neighboring countries—countries like North Korea, Libya, Iran, and Iraq—are attempting to become nuclear states or are developing chemical or biological weapons. Should they succeed in developing these capabilities, other States in the same region may decide they have no alternative but to follow a similar path.

The intelligence community monitors the control and movement of existing weapons of mass destruction and tracks the development and production of these weapons and the systems designed to deliver them. The results of these efforts have been the basis for diplomatic actions by the United States and increasingly are being provided to international bodies charged with monitoring compliance with treaties designed to prevent the spread of such weapons and related delivery systems.

The intelligence community also provides virtually the sole means of verifying many bilateral and multilateral agreements signed by the United States. In addition, the intelligence community plays a key role in terms of advising U.S. diplomats involved in negotiating such agreements.

In a similar vein, the intelligence community is asked to monitor the effectiveness of international economic or military sanctions which might be imposed on other countries by the United Nations or by the United States on a unilateral or multilateral basis. Frequently the results of these efforts have led to diplomatic or military actions to enforce or effectuate the sanctions or embargoes concerned.

A large part of the intelligence community's efforts are devoted to support of U.S. military forces, which, with the end of the superpower conflict, must prepare for a variety of new contingencies. While clearly the threat of nuclear devastation has lessened, longstanding ethnic, cultural, and political rivalries previously held in check by the superpower conflict have been unleashed. Regional conflicts have been spawned around the globe, and it has become increasingly difficult to predict where U.S. military forces might be deployed, what their objectives will be once deployed, or what type of military threat they might face. The job of the intelligence community is to anticipate where such deployments might occur and maintain an information base capable of supporting such contingencies.

This function entails not only identifying the capabilities and

vulnerabilities of opposing military or paramilitary forces, but also gathering information to be used in planning U.S. operations, targeting data to guide U.S. "Smart" weapons, data to counter enemy radars and sensors which otherwise might threaten U.S. aircraft, and other military support functions.

Once U.S. forces are deployed, the intelligence community typically brings to bear its entire capability in their support, both to achieve the rapid success of the mission and to protect U.S. lives and resources.

Increasingly, the intelligence community is also supporting the operational deployments of United Nations peacekeeping forces as well, providing intelligence on threats to the safety and mission of such forces. This has recently occurred in support of U.N. operations in Cambodia and Bosnia and Herzegovina. Clearly, where U.S. Forces are participating in U.N. operations, as they currently are in Somalia, the level of intelligence support is substantially enhanced. As our forces there face growing and more serious threats to their safety, having reliable intelligence becomes absolutely critical.

In addition to supporting military operations, the intelligence community also provides support to the planning of U.S. military force structures and tactics, as well as to the research, development and acquisition of military weapons and equipment by the Department of Defense. Even in an era of military downsizing, the intelligence community continues to provide literally thousands of defense planners and contractors with information concerning foreign military capabilities which must be taken into account as they assess U.S. military needs of the future and build the capabilities to match them.

The end of the cold war has also seen increasing recognition of the importance of a strong domestic economy as an element of U.S. national security. This recognition has caused a reexamination of the intelligence community's capabilities and proper role in terms of supporting the competitive position of U.S. industry abroad. While there are clear pitfalls to be avoided in this area, intelligence agencies are increasingly being called upon by Federal agencies which are charged with promoting U.S. competitiveness abroad—principally, the Departments of State, Commerce, and Treasury—to alert them to cases in which there is a need to keep the playing field level for U.S. business interests abroad. Similarly, the Federal Bureau of Investigation [FBI] and other elements of the intelligence community provide information to firms within the United States which indicates such firms may be the subject of an intelligence attack by foreign governments or by persons or companies acting under the sponsorship of a foreign government.

The intelligence community also plays important, though largely unseen, roles in the areas of counterterrorism and counternarcotics.

The FBI Intelligence Division has responsibility for tracking and monitoring possible international terrorist activity within the United States. The CIA and other intelligence agencies are involved in monitoring terrorist activities abroad. Such monitoring includes tracking the movements of known or suspected terrorists, developing information on their training, tactics, operations and equipment, and developing information regarding the relationships between terrorist groups and foreign governments. The information developed as a result of such monitoring is shared by the United States with the authorities of other governments whose nationals or resources might be threatened by terrorist activities. The objectives of such monitoring are to prevent terrorist incidents from taking place, such as the recent action by the FBI to prevent a series of bombings and assassinations in New York City, or to apprehend and prosecute the perpetrators of terrorist acts, such as the recent bombing of the World Trade Center or the downing of Pan AM 103 several years before. In each of the cases cited, the intelligence community played a significant role in preventing or redressing terrorist incidents involving U.S. citizens or property.

The role of the intelligence community in countering international narcotics activities is also significant but not well appreciated. U.S. Intelligence capabilities are frequently used to determine where narcotic substances are being grown or produced in foreign countries, to determine where narcotics are being shipped or transported, to understand the network used to produce and distribute these narcotics, or to learn where proceeds from their sale are being used or deposited. This information is turned over not only to U.S. drug enforcement authorities, but to appropriate authorities in other governments to identify and locate the individuals involved in such activities and to preclude them from successfully carrying out their plans. Often, there is only an indirect benefit to the United States, and more often than not the role of U.S. Intelligence agencies is not publicly acknowledged by other governments. Suffice it to say, the involvement of U.S. Intelligence often provides the key to a successful raid on a drug installation in a foreign country or a successful interception of narcotics in international transit.

Finally, the President and other key policymakers have a continuing need for secret, non-publicly available information regarding the intentions and capabilities of other governments. To be sure, the world political environment has become far more open and foreign leaders more accessible since the end of the cold war. Communications between the United States and other governments, aided by the explosion of technology in recent years, have become more voluminous, direct, and timely. News media instantly flash images and commentary concerning world events to all points of the globe.

Still, the President needs a capability to assess what other governments are saying. Are events as they seem? Can the President rely upon what other governments are saying privately or what they state publicly? How firm is their position? What is their reaction likely to be if the United States takes a particular action and not another? Are U.S. interests threatened and, if so, how?

The U.S. Intelligence community, by attempting to gather and analyze information concerning the actions or attitudes of other governments which is not publicly available, is often able to provide unique insights to the President and other policymakers. On occasion, this information has provided a reliable basis for a significant U.S. diplomatic or military initiative which would not have otherwise been attempted. This is not to say that the contribution made by U.S. intelligence has always been unique or reliable or actionable. I myself have criticized the intelligence community's analysis regarding the former Soviet Union and Iraq's military strength during the Persian Gulf war. I simply note that at times the contribution of intelligence has been invaluable.

It should also be noted, that intelligence capabilities often require long lead times to establish and cannot easily be reconstituted once lost. This is true for sophisticated technical collection programs as well as for human intelligence activities which rely upon developing and maintaining human collectors with the desired access to information. Neither can be accomplished overnight.

The Intelligence Committee must factor this into its thinking. Decisions taken in 1 year to terminate or drastically reduce programs might mean that certain capabilities would not be available in the years ahead should they be needed. We have to hedge our bets. In some instances, money must be obligated for new initiatives that will enable the administration to cancel older and, ultimately, more costly programs in the future. In other cases, we must reject proposals made in 1 year that might foreclose the consideration of more promising options later on. In short, in arriving at our recommendation for the Senate, the Intelligence Committee attempted to assess the intelligence budget not simply in terms of this year's needs, but with an eye to preserving reasonable, albeit smaller, capability to satisfy the demands of the future where American lives and resources might potentially be at risk.

This is an arcane and complex field. People tend to think of it in terms of spies in trenchcoats. The reality is, it's computers and sensors and rocket launches. It is not for amateurs, and we are indeed fortunate in the Senate to have a group of professionals on the staff of the intelligence committee who scrub the details of all these activities and give those of us who serve on the committee an objective, unvarnished assessment of their worth. These assessments are available for every Member of the Senate to read, Mr. President, at the committee offices, and I encourage them to do so.

My inclination, like Senator BUMPERS, is to find a way to cut the intelligence budget. With the defense budget going down, with the end of the cold war, we cannot afford—Nor do we need—as elaborate or as comprehensive an intelligence capability as we once had.

Downsizing must occur and is occurring. But we must be mindful of the continuing security needs of the country: to protect our people and resources, to support our military forces, to provide the President with information. Without a doubt, the United States has the most capable intelligence apparatus in the world, and I want to keep it that way. I think we can do so even in a period of downsizing, but we must be prudent and attack the problem at a measured pace, if the United States is to maintain a capability adequate to support its national security needs, both now and for the future.

I simply do not think it would be prudent to go further and deeper this year. I urge my colleagues to vote against the Bumpers amendment.

Mr. President, I thank the Senator from Hawaii, the manager of the bill, for his enlightening statement of what we have already done in the area of intelligence reduction. I have to oppose the amendment of the Senator from Arkansas.

Let me say in doing so, I stood shoulder to shoulder with the Senator, and he knows so. So it is not that I am here trying to defend something that is important to this committee chairman, that we cannot go ahead and take further reductions.

What we have done is we have reduced the intelligence budget year after year, over the last 3 years. I was part of that. I tried to cut it additionally, and we could not put the votes together. We had to build a coalition. But we have real reductions here.

This amendment is being offered to this defense appropriations bill, and I want to make it clear it seeks to cut the funding level recommended by the committee. We spent months going over this. We spent weeks putting together a coalition to get a further reduction, and that is what we have done.

The amount appropriated for intelligence activity remains classified, as the Senator from Hawaii said. There is a movement to declassify that. I am one who has been converted that maybe we should just get the figure out so we can talk about it so it is not kind of cloaked here like, well, are we really telling the truth? Are we really cutting? I can say we are really cutting.

Suffice it to say, the Defense appropriations bill provides for a level of cuts that is already below those recommended by the Intelligence Committee. The Intelligence Committee made a cut, not just to the cost of living, as the Senator from Arkansas said. I will say that is true. We made an additional cut of 2 percent below last year's level. So we made a real cut in addition to no cost of living.

Sure, anybody can come out here and say we spend billions of dollars on intelligence, and what do we get? We do not have the information, we cannot find Aideed in Mogadishu, so, my gosh, we must have a failure. Or they can say, "Look at Haiti, we do not know what is going on in Haiti." We knew what was going on in Haiti, and our intelligence gave us some good information on Haiti. They said those generals are not going to give up. They are not going to let the President come back. And what happened? Our President sent our troops over there and they would not let them come back. That is pretty good intelligence.

That is the information we had. We were hopeful that maybe it was wrong or maybe they would back down, and they did not. The cuts being sought by the Senator from Arkansas would mean still further reductions in the amounts being recommended by the Intelligence Committee. In the case of the National Intelligence Program, he wants to cut another $300 million, and in the case of tactical programs, another $100 million. I voted with Senator BUMPERS in the past—a year ago—when he offered an amendment to the Defense appropriations bill which called for an additional $1 billion in cuts. I did it because I felt he was right. We did not succeed. But in fact, we have done that now. We are cutting, make no mistake about it. The intelligence part of this DOD bill is a substantial cut. It is not an increase.

Last year, it was cut very substantially. In fact, the intelligence budget ultimately approved last year by Congress was reduced to a level below what Senator BUMPERS proposed in his amendment last year. That did not just happen. Then the chairman, Senator BOREN, took it upon himself to build a coalition within the Intelligence Committee and, believe me, that is no easy task because there are those who feel we should spend more and more and more on intelligence. I am not one of them. He was able to build that coalition to enact a budget, an authorization bill that reduced it below what the Senator from Arkansas offered last year, and I joined that.

It also projected what it would be over the next 5 years. That was a reduction this year, a real cut of 2 percent. We had some quarrels with the administration on it. The President said $7 billion over 5 years from the year he came in. That is where we are headed and that is our target, so we are going to make them if I have anything to do with it.

We had some quarrels with the Director. We worked them out, not with the Director, but with the committee, which insisted on an additional cut.

We are recommending yet another cut this year, which is another significant cut from the administration's original request and, in essence, holds the line at last year's appropriated level.

The proposed bill would continue for a fifth consecutive year the downward spiral that was already instituted before President Clinton was elected and before his budget came up, which had a growth factor in it for this year, the year we are debating, for next fiscal year, which we are already in.

The Intelligence Committee recommended level is sustained this year. Overall intelligence resources would have been reduced in real terms more than 13 percent compared with what the 1989 appropriations were. That is a significant reduction, not just pie in the sky.

Look at other defense items, particularly some of the ones the Senator from Arkansas has—correctly, in my judgment—gone after, and they have gone up, or nondefense items, such as the superconducting super collider and space station, and they have gone up.

In addition to those funding cuts, Congress has already levied an across-the-board personnel cut of 17.5 percent in all intelligence agencies, including the CIA, by 1997. We did that last year, and we are implementing that right now, and we are going to get there.

So it is hard to say we have a bloated organization here that is mushrooming out of sight. The Senator from Arkansas will say we have intelligence agencies and do not even know where they are. If he wants to know where they are, come down to the Intelligence Committee. We will give him everything we have, and we have a lot. I think we do know where they are. We know what they spend. I spend a lot of time, as do members of that committee, reviewing what they spend their money on, and sometimes we disagree.

The cuts being recommended this year by the committee are deeper than those which were passed by the House. The House wisely defeated two floor amendments to make further cuts, and they were defeated by big margins. So we are talking about the amount of cuts here, not whether or not we have cuts. The Senator from Arkansas

wants another $400 million. Believe me, if I could stand up here in good conscience and say, "Yes, let's do another $400 million," I would do it. But we have looked at this as carefully as we can. It has taken a lot of time, and we have a real reduction here. We should go no further.

The President sent a letter to the chairman of the House committee saying he vigorously opposed the further cuts, as did Jim Woolsey. Actually, the Director of the CIA wanted an increase of 3 percent, and he was able to finally convince the administration and OMB to suggest that in the budget. We did not give that to him. The administration continues to tell us overall cuts of $7 billion over the next 4 years, and I believe that we will meet that, and that is exactly where the bill before us sits today to do just that. The cuts to intelligence incorporated in the DOD appropriations bill, in fact, represents the approach that the President said he wanted in his campaign.

I must say he got a little diverted in his budget request for this year. We, in the committee, have forced it, as this bill in the Subcommittee of Defense has forced it, to maintain that $7 billion cut.

The problem with this amendment is that it would impose a level of cuts beyond those recommended by either the Intelligence or the Appropriations Committee that cannot readily be absorbed by the National Foreign Intelligence Program. When you are dealing with classified numbers, it is easy to say, "Oh, just cut it, there are just billions of dollars and hundreds of people out there that we do not need, analysts," and read a letter from a former CIA Director that said there are substantial or billions that can be cut. That is right, and that is exactly what we have done. We have cut billions of dollars, and we are going to continue to do that.

I regret that the Senator from Arkansas feels he needs to put his tremendous prestige as a leader of further reductions, that this Senator has joined on, because I take some pride in what we have offered to this body. In fact, the distinguished chairman of the subcommittee and the ranking member said we are going to make further cuts. So this is not a legitimate target for the criticism that has been leveled against it.

I invite Senators, any of them—and I have talked to the Senator from Arkansas—to come down to the Intelligence Committee. We have analysts there, we have auditors there that work for the Senate, work for him, and they are prepared to show you the books. We have the books. They are not cooked. Someone may say, "Oh, the books from these agencies are cooked." They are not cooked down at the committee. We pride ourselves in that independence. We have done audits on some of these different programs, and we have found mistakes, and we have made corrections.

I do not say for a moment that more cannot be done, but they are doing it right at this moment. That is what the Senator should do; come down and satisfy himself so at least he is satisfied, if he loses tonight, that we are making cuts. Do not step out and say we are just building up, we are just adding more money to intelligence, it is out of control, because it is not.

This amendment, in my view, cuts too deeply at a time that we have already made substantial cuts. I urge my colleagues to defeat the amendment offered by the Senator from Arkansas.

Mr. METZENBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. METZENBAUM. Mr. President, I rise in support of the amendment by my esteemed colleague from Arkansas, Senator BUMPERS. But in doing so, I wish to pay my respects to the distinguished chairman of the Intelligence Committee.

Senator DECONCINI has been assiduous in his efforts to bring reason and logic to spending in connection with the intelligence budget. His chore has not always been an easy one because, realistically speaking, there are only so many votes on that committee that would be willing to go further than the cuts which have already been made under his leadership.

But the fact is additional cuts can and should be made, in this Senator's opinion. So I rise in support of the amendment of the Senator from Arkansas. But in doing so, I pay my respects to the Senator from Arizona, who truly has provided some very strong and able leadership in attempting to bring some logic and reason to the intelligence budget.

In all candor, I must say that the previous chairperson of the same committee, Senator BOREN, also was receptive to making cuts. But it is tough to make cuts when you have a solid block of Senators, none of whom is willing to consider any cut whatsoever, and a divided block of Senators on our side of the aisle, some of whom are willing to make cuts and others who are not. So when you are the chair of a committee under those circumstances, you try to find some middle ground so that you can achieve a majority vote. The Senator from Arizona has done that and done that very well.

Notwithstanding that, this Senator believes further cuts in the intelligence budget should and could be made and that we owe it to the American people to make those cuts.

The Senate Intelligence Committee may have held the line against increased spending on intelligence, but the fact is there is ample room for further reductions.

I must say that the amounts proposed by the Senator from Arkansas are rather modest in amount, and I believe that if they eliminated just some of the waste that has been testified to in hearings I have sat through—and I must say I have sat through some hearings and said this is unbelievable, this is incredible, that you are spending these kinds of dollars; you do not know what you are spending them on and are not providing the kind of intelligence you should be providing.

My colleagues in this body are well aware that the American people cannot be told the total amount of money appropriated for U.S. intelligence because it is classified.

So while Senator BUMPERS may call for a $300 million cut in national intelligence and a $100 million cut in technical intelligence, we cannot stand in the Chamber and explain publicly how large or small a dent that will make in those budgets. Whether it is a 5-percent or 50-percent or an 80-percent or 100-percent cut, we are not allowed to talk about that. We can discuss, however, some of the reasons why a floor amendment is needed.

That is why the Intelligence and Appropriations Committees of the Congress cannot make the sort of reductions many of us know are warranted and should be made. The U.S. intelligence community is a gigantic institution. It employs literally tens of thousands of persons in the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, the National Reconnaissance Office, the Central Imagery Office, and both large and small units in our military forces and in several executive branch departments.

Over the past few years the intelligence community's military personnel in particular have begun a gradual but significant drawdown. The impact of this drawdown and of the withdrawal of U.S. military forces from many overseas locations has been to prompt some very useful reorganization and streamlining of the military intelligence system.

Civilian personnel levels are also under pressure, but only to a lesser extent. Perhaps because the end of the cold war made some of our military preparations so clearly and obviously unnecessary, we have been much more willing to end people's military careers than we have been to give pink slips to civilian personnel.

But personnel cutbacks, sensible as they are, only scratch the surface of the intelligence budget. If you want to effect real savings in intelligence, you have to cut not just personnel levels but also systems and institutions.

Are there places to make such cuts in the intelligence budget? Of course there are. There can be no argument about that. But there is nothing we can cut that will not cause some pain

somewhere. Reducing the intelligence budget is like pulling teeth these days, and there is no painless dentistry in this process.

One example: Our intelligence system still devotes millions of dollars to maintaining systems which were originally designed to learn all there was to know about the former Soviet Union and to rush that information back to U.S. analysts and military leaders. We could do without much of that information.

But for every program of that sort, there is a general or an admiral somewhere who worries he might need that information in the event of a war.

The generals remind us that war is hell and war costs lives, as we have seen recently in Somalia, and no military commander wants to sacrifice lives, especially if some more spending on intelligence could reduce such risk. So every commander wants more in intelligence and every commander complains about the shortfalls in the intelligence he gets, just as General Schwarzkopf did after the gulf war.

The Intelligence Committees listened to those complaints, as we must. The problem is we do not and really we cannot balance those claims off against the other claims on our National Treasury. Another $1 billion here or $2 billion there might save tens or hundreds of lives in the next war, it is argued. But how many lives could we save before the next war if those same billions were spent on better health care or more affordable housing or improved education or more law enforcement or safer cars on the highways, or even that audacious idea of cutting the deficit, cutting the deficit and moving closer toward a balanced budget.

The Intelligence Committees cannot make these tradeoffs and the Budget Committee cannot do that either since the intelligence budget is secret and is largely hidden in the defense budget. So it is here on the floor of the Senate that we must make such hard choices.

Let me give you a second example. We spend billions of dollars on intelligence—be it from Russia or Bosnia or Somalia or Haiti—that gives us little more than what we learn from CNN. And that often does not get to us as fast as CNN does.

I will never forget the day I walked out of a closed hearing of the Intelligence Committee, and it was a very critical issue that was before us. We all knew we were sworn to secrecy. It was an issue the American people wanted to know about, but we knew none of us could speak publicly about it. My wife, whom I called after the hearing, said, "What happened?" I said, "I am in no position to tell you." And she said, "Well, didn't this, this, and this happen?" I said, "How do you know?" She said, "I just heard it on national TV."

That has happened time and time again; I have come out of intelligence briefings and learned more about what was happening in the particular area than I learned from the intelligence briefing, and I learned it from the national TV. It is not necessarily because of waste or inefficiency in the CIA or other intelligence agencies, but I must say that there is an unbelievable amount of that.

I cannot forget the day I sat in an Intelligence Committee hearing and learned about a particular project that was involved in a particular community in this country, and nobody in the community knew anything about it. But it was a fact that there was $1 million a year being spent on it, and there was not anybody—it was not a matter of being covert. It was a matter of a public facility involved, and yet the fact is the public facility was not even noticed, notwithstanding the fact that it was a very, very public facility.

It is simply a fact of life that all of the intelligence officers in the world cannot always tell you what is going to happen everywhere at once. But our Government keeps trying to find out everything, often acting in the short run as though money were no object. And whenever our foreign policy fails to anticipate some development, the first whipping boy is the so-called "faulty intelligence." So the intelligence agencies throw more and more money at problems even though they know full well that often it does very little good.

Again, we could look to the Intelligence Committee to pull the plug on this approach, but that is awfully hard to do. Nobody on the Intelligence Committee wants to come down to the floor and tell their colleagues, here is a budget that will give us less foreign intelligence next year than we get today. Just as nobody wanted to put a cap on the military during the cold war, so nobody wants to put a cap on our ability to anticipate events in a world of great instability.

But how much can we afford? What is the limit as to what we should spend on intelligence?

Can we really afford every satellite that our intelligence services would like to launch? Can we really afford to let each military service run its own science and technology analysis center? Can we really afford all the high-volume communication lines that we might like to have so that every type of intelligence information can be shot instantly around the world to every U.S. military commander and civilian policymaker?

Our committees do a serious job of trying to make sure we get what we pay for in U.S. intelligence, although I am frank to say that I think further budget cuts would result in still greater efficiency. But the committee simply cannot make the cosmic decisions. They cannot be expected to decide how much is enough when the perceived costs of any mistake in judgment are so high.

That is up to all of us together, Mr. President, and Senator BUMPERS has done us all a favor by proposing this amendment. He is affording us all the opportunity to consider the Nation's priorities.

The amount in question, $400 million, may seem small. But it is our one chance to say that there was no blank check for intelligence, that every sector must share in the pain of restructuring the American economy.

This is our one chance to decide that the needs of our people at home are, in the long run, more vital to the national security than is the insatiable demand for information on foreign capabilities and intentions—matters that may still be of deep concern to us, but that are now much less likely to threaten our survival than they did in past decades.

I share the view of my colleague from Arkansas that we can no longer afford the high intelligence budgets of the past. And I urge my colleagues to think hard about what else the last $400 million of that budget can be used for, be it for good works or simply for reducing the budget deficit. If each of us thinks hard about that, we can pass this amendment and make Government spending a little more sensible.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DOLE. Mr. President, I understand the distinguished majority leader will be in very briefly to get a unanimous-consent agreement which is very important. We would like to get that so we can continue to debate the pending amendment. It deals with the Somalia issue; two amendments.

I wonder if my colleagues might object if I put in a brief quorum call so the majority leader might come in and make the request. It is going to be a 4-hour debate. If we do not get started on that. We could be here a long time.

I hope we can lay this amendment aside.

Here is the majority leader now. I can say to the majority leader that the agreement has been cleared on this side.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEEMENT

Mr. MITCHELL. Mr. President, I will now propound a unanimous-consent request. If approved, I will then have a statement to make on the subject matter of it.

I now ask unanimous consent that Senator BUMPERS' amendment and the committee amendments be laid aside, if necessary, and that Senator BYRD be recognized to offer an amendment on Somalia in his behalf and in behalf of myself, Senator DOLE, and others; that

upon the reporting of the amendment, Senator MCCAIN be recognized to offer his amendment relative to the immediate withdrawal of United States troops from Somalia; that there be 4 hours for debate on the two amendments, with the time to be equally divided and under the control of Senators BYRD and MCCAIN; that no other amendments or motions be in order until these two amendments are disposed of; and immediately upon the reporting of Senator MCCAIN's amendment, Senator BYRD be recognized to speak for up to 30 minutes from the time under his control; that upon the completion of Senator BYRD's opening remarks, Senator MCCAIN be recognized to speak for up to 30 minutes from the time under his control; that at the conclusion or yielding back of all time Senator THURMOND be recognized to move to table Senator MCCAIN's amendment; that upon the disposition of Senator MCCAIN's amendment the Senate vote on, or in relation to, Senator BYRD's amendment; and, that the preceding occur without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS. Reserving the right to object, Mr. President, I did not hear the first part of request. Did it include setting my amendment aside?

Mr. MITCHELL. Yes. It did.

Mr. BUMPERS. Until when?

Mr. MITCHELL. Until these two amendments are disposed of which would be 4 hours.

Mr. BUMPERS. Could I prevail upon the majority leader? I think we only have about 15 minutes left on this amendment, to go ahead and dispose of it?

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

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

Mr. MITCHELL. Mr. President, I modify my prior request as follows:

That Senator WARNER be recognized to address the Senate for 2 minutes in opposition to the Bumpers amendment; that thereafter, Senator SASSER be recognized for 2 minutes to address the Senate in support of the Bumpers amendment; that immediately following the conclusion of Senator SASSER's remarks, Senator INOUYE be recognized to move to table the Bumpers amendment; and that upon the disposition of the Bumpers amendment, the agreement which I previously stated then immediately take effect.

The PRESIDING OFFICER. Is there objection?

Mr. METZENBAUM. Mr. President, reserving the right to object, and I do not intend to object. I just want to express my own keen sense of disappointment that, as I understand it, under this proposal the issue before us is whether or not we withdraw immediately under the McCain amendment or withdraw by March 31 under——

Mr. DOLE. No later than.

Mr. METZENBAUM. No later than March 31. I do not intend to stand in the way of going forward with that vote. I know the leader indicated that subsequently there could be another amendment bringing the date forward. I think that would be a sort of vain act if the Senate has acted that we do it on the March 31 date.

I just want to say that I wish we would have had a chance to vote on the original Byrd amendment. I think we should be bringing our troops home at an earlier date. I am aware that a number of respected Members of this body have been in negotiations on this subject with the White House. I respect that fact and do not intend to challenge that. I respect each of the Members who have been negotiating on this subject. But I do say that I wish we had a chance to vote on an earlier date. I will not object.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, I want to reiterate what I said to the Senator from Ohio and what he has just said. This agreement does not preclude any Senator from offering an amendment on Somalia. If the Senator from Ohio wants to offer an amendment after these amendments are disposed of setting any dates he wants or setting any other condition, he is free to do so. No Senator should be under any misimpression that anyone is precluded from offering an amendment as a consequence of this agreement.

The second point I want to make is that there have been negotiations over a 2-day period. I have described them generally in prior statements here on the floor with Senator DOLE, and an agreement has been reached, as a result of which Senator BYRD will offer an amendment on his behalf, my behalf, Senator DOLE's, a number of other Senators, including Senator WARNER, Senator NUNN, Senator PELL, who is here, Senator THURMOND, and others who participated in these discussions. I believe that the debate will be a good and vigorous and informative one, and that all Senators will benefit from participation, as will the American people.

I will speak to the substance of the amendment which I have been involved in, of course, with the other Senators in preparing it, and why I think the Byrd-Mitchell-Dole, et al. amendment should pass.

Mr. President, I now want to make clear that the prior agreement to which I earlier referred in a statement today, which stated that no amendments or motions on the subject of Somalia, or the basing or command of United States troops overseas, be in order unless they have been cleared by the majority leader, after consultation with the Republican leader, was intended only so we could complete the discussions and get the Somalia matter before us. After we complete the discussion and dispose of these two amendments, pursuant to this order, it is my intention to seek unanimous consent to vitiate this aspect of the prior order so that there would be no restraint on Senators in that regard.

I thank all of my colleagues for their patience and courtesy in this matter, and I yield the floor.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. METZENBAUM. Will the majority leader yield for a question?

Mr. MITCHELL. Yes.

Mr. METZENBAUM. Do I understand the procedure will be that we will debate this issue for 4 hours with no intervening amendments? That should take us to about 11 or 12 o'clock. If any Senator wishes to offer an amendment thereafter, is it the majority leader's thought that that would have to be offered 11 or 11:30 tonight or whenever the time has expired?

Mr. MITCHELL. No. We are going to continue on the bill.

Mr. METZENBAUM. Tomorrow?

Mr. MITCHELL. Tomorrow. I hoped we could pass it tonight, but it obviously takes a lot of time to get things done here. It will be tomorrow and maybe Monday and maybe thereafter.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Under the order, the Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I rise in opposition to the amendment of the Senator from Arkansas. It is my privilege to serve on the Intelligence Committee, and I have so served for some 5 years. Now I share the responsibility of the leadership of the committee, as the committee's vice chairman, with my distinguished colleague and friend from Arizona, Mr. DECONCINI, the committee's chairman. The Senator from Arizona has very ably stated many points which I feel are sufficient grounds for the Members of the Senate to accept the position that this is a very unwise amendment.

Mr. President, I would like to add two additional facts. As we proceed to cut back in our national security on many fronts, primarily in the Department of Defense budget, intelligence becomes a force multiplier. It enables the men and women of the armed services to have information essential to the performance of their duties—addressing subjects of vital importance, such as regional instabilities, arms buildups, and tactical military information—and particularly as it relates

to missions in high-risk areas, such as Somalia or Bosnia.

So this intelligence force multiplier is extremely valuable and essential in a dangerous world, especially when the United States is reducing the size of its Armed Forces. This amendment would tend to undercut the ability of the various agencies engaged in intelligence to provide that service to the men and women in the Armed Forces.

I ask unanimous consent that a letter dated October 5, 1993, from the Director of Central Intelligence addressed to the Senator from Virginia be printed in the RECORD.

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

THE DIRECTOR OF
CENTRAL INTELLIGENCE,
Washington, DC, October 5, 1993.

Hon. JOHN WARNER,
U.S. Senate,
Washington, DC.

DEAR SENATOR WARNER: The Senate will shortly take up H.R. 3116, the DoD Appropriations Act for FY 1994. I am very much concerned about an amendment that may be offered to reduce intelligence spending below the level already approved by the Senate Appropriations Committee. I believe that approval of such an amendment would have a harmful effect on our ability to provide accurate and timely intelligence to the President, our military and other policymakers. Furthermore, the Administration is on record as opposing further budget cuts to intelligence.

I certainly recognize and support the urgent need to reduce the budget deficit by cutting back on expenditures. Intelligence cannot be immune to such reductions. That is why the President has pledged to reduce the combined national and tactical intelligence budget request by $7 billion over fiscal years 1993–1997 when compared with that of the previous Administration. The Senate Appropriations Committee has further recommended reducing our budget request for FY 1994 by several hundreds of millions of dollars below this Administration plan.

Some will argue that even these further reductions do not go far enough, and that the end of the cold war justifies a much reduced intelligence capability. I strongly disagree. The threats to this country, its friends, and allies from terrorists and from third-world countries seeking weapons of mass destruction and the means to deliver them are very real and growing. This reality has recently been brought home by the bombing of the World Trade Center, the plot to bomb other buildings and assassinate prominent U.S. officials, and weapons proliferation in the Mid-East and elsewhere. Intelligence has been instrumental in preventing terrorist attacks and in slowing the efforts by countries hostile to the U.S. to acquire weapons of mass destruction. Now is not the time to weaken that intelligence capability through further budget reductions.

It is true that the cold war is over. But to take one example, the demise of the Soviet Union has had no effect on international narcotics cartels, which continue to pour poison into this country. Furthermore, the dissolution of the Soviet empire has left in its wake wars of nationalism and ethnic strife. With a smaller military force, our ability to use, or credibly be able to use, military power to deal with these regional issues is very heavily dependent on accurate intelligence. Stated another way, intelligence is a tried and true force multiplier. Additional cuts could result in delay and disruption of a sensible plan for the consolidation and modernization of our important satellite systems and leave our deployed military forces at risk.

Collecting intelligence on terrorism, proliferation of weapons of mass destruction, foreign economic policy, and narcotics cartels, as well as on explosive regions and hostile military forces, is neither easy nor inexpensive. Indeed, it is much more difficult and costly to collect and piece together intelligence on a number of these subjects than it was to follow many of the activities of the old Soviet Union. I believe our new emphasis in intelligence is critical to the national security of our country.

I hope you share my desire to make prudent, but only prudent, reductions to the previous intelligence funding plan while still maintaining an intelligence community and resources capable of supporting our policymakers and military forces as they meet the national security challenges of the 1990s. I would appreciate your support in the upcoming debate on the intelligence budget.

Sincerely,

R. JAMES WOOLSEY.

Mr. WARNER. I want to read a portion, one paragraph:

The threats to this country, its friends, and allies from terrorists and from third-world countries seeking weapons of mass destruction and the means to deliver them are very real and growing. This reality has recently been brought home by the bombing of the World Trade Center, the plot to bomb other buildings and assassinate prominent U.S. officials, and weapons proliferation in the Mideast and elsewhere. Intelligence has been instrumental in preventing terrorist attacks and in slowing the efforts by countries hostile to the United States to acquire weapons of mass destruction. Now is not the time to weaken that intelligence capability through further budget reductions.

My time has expired. To accommodate the leadership, I yield the floor.

AMENDMENT NO. 1041

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. SASSER. Mr. President, once again it is time for the Senate to address the question of spending for this Nation's intelligence community. It is also time to ask whether or not it is necessary in this post-cold war era for our intelligence agencies to continue to operate under a cloak of budgetary secrecy.

We spend a great deal of money on intelligence programs. Of course, the exact amount remains classified. However, it is widely known that intelligence programs represent a sizable element of the Federal budget. The popular media places the aggregate cost of intelligence; that is, funding for the CIA, NSA, and tactical defense intelligence programs—at around $28 billion, roughly 10 percent of the Defense budget.

I will not confirm nor deny this figure. The true amount remains secret. Nevertheless, it is fair to say that in these days of shrinking budgets and hard choices, the intelligence budget remains sizable. It is certainly larger than funding for infants, women, and children. It is certainly larger than Head Start. We spend more on intelligence than we do on diplomacy and foreign aid combined. The Federal Government spends more on intelligence than it does on education.

Mr. President, now is the time to review these priorities.

This amendment will cut $400 million from the intelligence budget. This is a real savings—a real reduction in the deficit.

Will this cut endanger our national security? No, it will not. Intelligence budgets grew by healthy margins in the 1980's. If these agencies are crippled, it is by their own design, not a lack of budgetary resources.

In fact, this amendment may lead to a more open and healthy debate on intelligence spending. Until now, these programs have remained almost totally outside the budgetary process. As a secret budget, the intelligence programs have remained largely free from public scrutiny.

Ostensibly, this secrecy protects our intelligence sources and methods. The argument goes that if we publish information about the intelligence budget, a foreign intelligence service might be able to glean trends in U.S. intelligence from this data.

But which foreign intelligence services are we worried about. The Director of our CIA now meets directly with his counterparts in Russia. Are we worried that the French or the British or the Japanese might be able to glean some useful information from the public disclosure of our intelligence budget?

No, I believe the real purpose of this secrecy is to shield the intelligence community from the rigors of open debate on the merits of spending for these programs. You see, Mr. President, secrecy serves to exclude almost all critics from reviewing these programs.

In the depths of the cold war, maybe this was necessary. But in this new world order, with both domestic and defense budgets shrinking—and spending decisions becoming more and more difficult—it is time to debate the merits of intelligence spending, and to see if these resources can be put to a more productive use.

This amendment would start this process by simply curbing spending on intelligence programs ever so slightly. This amendment cuts less than 1½ percent of intelligence spending. Less than 1½ percent. Funding for intelligence programs, even if this amendment is passed, will remain robust.

This amendment will give us some breathing room and some savings. It will encourage a reevaluation of the role of the intelligence community in the new world order. Mr. Woolsey, the new head of the CIA, has advocated a new look. But any such action must be

taken in light of a realistic budgetary environment. This amendment makes that budgetary environment clear. Future spending levels for these programs are going to have to be constrained.

In conclusion, Mr. President, I would like to state that many men and women have served our intelligence agencies with distinction over the years. This amendment is not aimed against them. Even the former chief of the National Security Agency, Lt. Gen. Bill Odom, has stated that even a pretty healthy cut in the U.S. intelligence budget would not hurt the ranks of intelligence. I share this view.

There savings are possible, necessary, and desirable. This amendment does not threaten our national security. It will not gut our intelligence agencies. It is a good amendment and I am pleased to join with my friend from Arkansas in sponsoring it to reduce the expenditures for the intelligence community by $400 million.

Let us be clear exactly what this amendment does. This amendment is going to reduce expenditures for intelligence activities by about 1½ percent—a 1½ percent cut; that is all it does.

Prior to the collapse of the Soviet Union, we were advised that 80 percent of the funds spent in the intelligence community went to develop intelligence about the Soviet Union. Now the Soviet Union is gone. It is no more. Yet, we are still told there can be no substantial cuts in the intelligence budget.

Now, we are simply here this evening trying to make the most modest reduction in this largely cold war relic. Make no mistake, Mr. President, it is not a mystery as to why the intelligence budget remains a secret. If we can lay this budget out here and debate it and discuss it in full view of the American people, then I think they would clearly see that many of these expenditures are grossly exaggerated.

A very distinguished American, Lt. Gen. Bill Odom, retired, former Chief of the National Security Agency, who, by the way, was the only member of the old intelligence community who advised against going into Somalia, that I am aware of—he was opposed to it. He is the only one I am aware of. Lieutenant General Odom said that even a pretty healthy cut, as he put it, in the U.S. intelligence budget, would not hurt the ranks of intelligence. I share this view, Mr. President.

Mr. MURKOWSKI. Mr. President, I rise in opposition to the amendment offered by the Senator from Arkansas [Mr. BUMPERS].

I had the opportunity to serve on the Senate Select Committee on Intelligence for 8 years—serving as its vice chairman for the 2 years prior to this past January.

And I had the rare privilege of serving in that capacity at a rather momentous time in history.

During my tenure as vice chairman, we witnessed the fall of the Soviet Union.

And we began the transformation of our Nation's intelligence community from one focused against a single, monolithic threat. To one focused against a wider variety of smaller threats characteristic of a more complex but still dangerous world.

While I was vice chairman we also experienced Desert Shield and Desert Storm.

We saw our intelligence capabilities tested, and saw most of our intelligence systems and procedures validated.

But Desert Storm also revealed some weaknesses.

For example, we were not adept at disseminating some of our best signals intelligence [SIGINT] and imagery to the battlefield where it could be employed.

In the wake of these events, Senator BOREN, the distinguished chairman of the committee for much of the time I served, worked closely with members on a bipartisan basis.

We instituted needed reforms, pursued some reorganization initiatives, and made some real spending reductions in line with the different threats and requirements of the post-cold war world.

We worked to make intelligence leaner, more accountable, and more effective—and we were even able to save a few billion dollars in the process.

I know that Senators DECONCINI and WARNER, who succeeded Senator BOREN and I as chairman and vice chairman of the Intelligence Committee, have continued in that effort.

I also know that Senators INOUYE and STEVENS, the floor managers and distinguished leaders of the Defense Appropriations Subcommittee, have also given great thought and attention to our intelligence requirements.

But I respectfully suggest to my colleagues that the budget cutting in this area can easily go too far.

The budget that President Clinton sent to Congress already contained over $8 billion in cuts to the National Foreign Intelligence Program [NFIP] over the years 1993-97 compared with the post-cold war budget projections of President Bush.

The Senate Intelligence and Appropriations Committees have made additional cuts beyond these—and now we have Senator BUMPERS offering even deeper cuts.

I would remind my colleagues that Senator BUMPERS offered a similar amendment last year. The Senate rejected it by a vote of 35-57.

If we rejected the idea then—when the world seemed a somewhat less dangerous place than it does to many of us today—then we should certainly reject it now.

Mr. President, I believe we've cut intelligence spending enough. Indeed, after witnessing the events of the past several weeks, I am concerned that we may have cut too much already.

It's true that the Soviet threat has transformed. But we still live in a world where intelligence targets are uncertain and diverse:

We must remain alert to terrorist threats such as the one we witnessed with the bombing of the World Trade Center.

We must monitor and bring increased international scrutiny on the efforts of nations attempting to acquire new weapons of mass destruction and the means to deliver them.

We need to develop some new approaches in dealing with vast amounts of open source data emerging from formerly closed societies.

We must correct the intelligence shortcomings revealed in Desert Storm, and do a better job getting intelligence into the hands of the war fighter.

We must continue to restructure and upgrade our human intelligence efforts. We have some superb technical collection methods—but there is no substitute for human intelligence, particularly when we are dealing with low-tech adversaries such as Somali warlords.

Achieving these goals requires commitment, perseverance, and resources. Our Nation's intelligence community has the commitment and the perseverance—but it's up to us to provide the resources.

Mr. President, it is true that we no longer face a superpower threat in the form of the old Soviet Union.

But it is also true that we will still have to deploy and fight our military forces in the future to face threats or protect vital interests we can't even envision today.

Our smaller military forces are more, not less dependent upon intelligence. Deeper cuts in intelligence will further diminish our capabilities and might place deployed U.S. forces at risk.

Intelligence is sometimes an easy target for spending cuts, Mr. President, because its failures are widely discussed—but its successes are kept quiet to protect key sources and confidential methods.

So I urge my colleagues, Mr. President, to resist this easy target and oppose the Bumpers amendment.

If we adopt the Bumpers amendment—

We curtail collection on some high priority targets;

We defer the improvements that Desert Storm showed we needed; and

We go well beyond the cuts that make sense.

I urge my colleagues to oppose this amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, pursuant to the agreement, I move to table the

Bumpers 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. The question occurs on the motion of the Senator from Hawaii to table amendment 1041, offered by the Senator from Arkansas.

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

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from California (Mrs. FEINSTEIN] is necessarily absent.

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

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 312 Leg.]

YEAS—64

Akaka	Gorton	McCain
Baucus	Graham	McConnell
Bennett	Gramm	Mikulski
Biden	Gregg	Murkowski
Bond	Hatch	Nickles
Boren	Heflin	Nunn
Burns	Helms	Packwood
Byrd	Hutchison	Pressler
Chafee	Inouye	Reid
Coats	Jeffords	Robb
Cochran	Johnston	Rockefeller
Cohen	Kassebaum	Roth
Coverdell	Kempthorne	Shelby
Craig	Kennedy	Simpson
D'Amato	Kerrey	Smith
Danforth	Kerry	Specter
DeConcini	Lautenberg	Stevens
Dole	Leahy	Thurmond
Exon	Lieberman	Wallop
Faircloth	Lott	Warner
Ford	Lugar	
Glenn	Mack	

NAYS—35

Bingaman	Dorgan	Moseley-Braun
Boxer	Durenberger	Moynihan
Bradley	Feingold	Murray
Breaux	Grassley	Pell
Brown	Harkin	Pryor
Bryan	Hatfield	Riegle
Bumpers	Hollings	Sarbanes
Campbell	Kohl	Sasser
Conrad	Levin	Simon
Daschle	Mathews	Wellstone
Dodd	Metzenbaum	Wofford
Domenici	Mitchell	

NOT VOTING—1

Feinstein

So the motion to lay on the table the amendment (No. 1041) was agreed to.

Mr. MITCHELL. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. MITCHELL. Madam President, pursuant to the—may we have order, Madam President?

The PRESIDING OFFICER. The Senate will be in order in order for the majority leader to be heard.

FUNDING FOR DEFENSE PRODUCTION ACT

Mr. RIEGLE. Mr. President, I would like to ask the chairman of the Defense Appropriations Subcommittee a question about funding for the Defense Production Act [DPA]. It is my understanding that while the House included $200 million for DPA, the bill before us today does not include those funds.

As the distinguished chairman knows, last year the Congress reauthorized title III of the DPA for $200 million. During that reauthorization, the Banking Committee, which I chair, made a number of important changes to DPA in order to strengthen our Nation's defense industrial and technological base. As I understand it, the Defense Department has a number of worthy industrial base projects awaiting funding.

I would like to ask the chairman whether he shares my belief in the importance of our industrial base and the usefulness of DPA as a tool in strengthening that base? I would also like to ask whether he intends to revisit the issue of DPA funding in the conference with the intention of restoring an adequate level of funding for this important program?

Mr. INOUYE. I would like to assure the distinguished chairman of the Banking Committee that I share his concerns over the health of our industrial base and support efforts to strengthen that base using DPA. It is my intention to work in conference with the House to provide an appropriate level of funding for this important program.

Mr. RIEGLE. I thank the chairman for his assurances.

THE COMING SHORTFALL IN AIR FORCE INTERDICTION AIRCRAFT

Mr. BOND. Mr. President, the report accompanying this bill contains important language regarding the future outlook for the Air Force's interdiction aircraft force.

If we follow the plan set forth in the Bottom-Up Review, procurement of all Air Force tactical aircraft will end until the F–22 goes into production. That means we will have a gap of several years in which there will be no production—a gap which is almost certain to grow larger as F–22 production is delayed for cost and schedule reasons.

The gap in tactical aircraft production—though not an ideal situation—is probably manageable from an air superiority fighter point of view. The F–15 remains the most capable air-to-air fighter in the world and it has much room for growth; and the Air Force is literally swimming in F–16 including many of the newest models.

One area that is of great concern, however, is the Air Force's interdiction force. The simple fact is that the Air Force faces a looming shortfall in interdiction aircraft.

The F–15E, along with the aging F–111 and the F–117, make up the Air Force's interdiction force. Both the F–111 and F–117 production lines have been shut down. The F–111, though a capable aircraft, continues to age, and many older aircraft will continue to have to be retired. The F–117, though clearly one of our silver bullets, has limited uses—it can only be flown at night, for example—and we have only 55 of them in the force today.

When the last USAF F–15E is delivered early next year, the Air Force will have bought 209 of the low-altitude, all-weather attack aircraft. That is a cut from the original planned purchase of 392 aircraft.

Current Air Force plans call for deploying two wings of F–15E aircraft well into the next century. Because the planned follow-on for the F–15E—the A/F–X—has been canceled, it is likely those two wings will have to remain in operation for much longer than is currently planned. Given the fact that there is now no clear plan to deploy a replacement for the F–15E, it is safe to assume we will be flying that aircraft for decades to come.

The problem goes beyond just the two F–15E wings, however. The Bottom-Up Review put forth last month, limits the Air Force to 20 fighter wings—a number which I believe is dangerously small—but if we are only going to have 20, then they should be the best ones we can afford. A recent Rand study said the Air Force needs more than five wings devoted to do the task that Secretary Aspin has said the bottom-up review force is intended to do—fight and win two nearly simultaneous regional conflicts. Today, the Air Force has only 3.3 wings of interdiction aircraft, if the F–111 is retired, that number will drop to only 2.5 wings. We need to take action now to reverse that disturbing trend.

Calculations made by Air Force planners show that, assuming normal attrition, they will not be able to maintain two F–15E wings for as long as now planned, much less for as long as it will likely take to deploy a replacement.

Senior Air Force leaders including the Chief of Staff and the head of the Air Combat Command have expressed concern about the future of the interdiction force and have expressed a desire for additional F–15E procurement. In addition, an independent study recently commissioned by the Air Force called for additional F–15E procurement.

The purchase of 72 F–15 aircraft by Saudi Arabia is now expected to extend production of the plane until 1998—with initial phases of the production line beginning to close down in 1996. Current news reports indicate that Israel is also considering purchases of F–15's which could further extend production. As a result, we have the unique opportunity to purchase additional F–15E's at extremely affordable costs. Given the likelihood that any follow-on interdiction aircraft will be further delayed, it only makes sense to take advantage of that opportunity.

The committee report recognizes this problem and indicates to the Air Force that it should monitor the age and condition of the interdiction force, and that it should consider the need for additional interdiction aircraft procurement as it evaluates industrial base and force mix issues.

This is an extremely important concern—one upon which I intend to follow up with the Air Force following final passage of this bill. Operation Desert Storm showed clearly the importance of our interdiction force. As the committee notes in its report language, the F–15E demonstrated great effectiveness in that campaign.

One area in which I believe this issue should be considered is in the certification required by the committee with regard to the B–1B bomber. Specifically, the bill prohibits further funding for the B–1B conventional upgrades until the Secretary certifies that such a program is militarily required, affordable and fully funded. I would add to those requirements that he should also consider whether the conventional mission could be handled in a more effective and cost-saving way by spending the money on additional tactical interdiction aircraft such as the F–15E.

It is clear to me that prudence dictates that the Air Force procure a small number of additional F–15E aircraft to ensure our ability to deploy a solid force into the next century. The F–15E is our most advanced and most flexible interdiction aircraft. It is a new fighter with the R&D bill already paid. It has the most advanced weapons delivery systems of any aircraft in production in the world. It can deliver precision weapons at long ranges, day or night and in nearly all weather conditions. The Saudi purchase gives us a unique opportunity to purchase more of them at an extremely affordable cost, and it would be a mistake to pass up that opportunity. No appropriation is required this year, but I urge the Air Force to request—and Congress to fund—a reasonable amount of long-lead procurement in the fiscal year 1995 budget to preserve our option to purchase F–15E's and maintain a capable interdiction force.

PHYSICAL SECURITY EQUIPMENT

Mr. FORD. Mr. President, I would like to engage in a colloquy with the distinguished chairman of the Defense Subcommittee. Mr. Chairman, during consideration of the Defense appropriations bill for fiscal year 1993, language was included that prohibited the use of physical security equipment that did not meet the Government-wide, Federal specification. Furthermore, $15 million was set aside to begin a retrofit program to replace old, mechanical physical security equipment with new, high-technology electromechanical equipment.

A year later, after much discussion and obstructionism on the part of the Defense Department and the GSA's Information Security Oversight Office, the money has not been obligated and the retrofit program has not yet begun. During that time, the one piece of equipment that met the GSA standard, FF–L–2740, was forced to undergo additional testing because it was alleged that the equipment could be violated. After months of haggling—and at a cost of $100,000 to the manufacturer of the equipment—it was determined that the alleged threat was, in fact, no threat at all.

Mr. Chairman, no funds were included in the fiscal year 1994 Defense appropriations bill for the retrofit program and I am somewhat concerned at the pace at which this program is proceeding. Would you clarify for me your understanding of where we are.

Mr. INOUYE. I am pleased to respond to my good friend and colleague. Your recitation of the facts of this matter is correct. The committee added language to last year's bill, and again this year, for a basic, fundamental reason. We believe strongly that our most important documents—top secret and secret—should receive the utmost protection. Old security locks were found to be vulnerable 8 years ago, forcing those agencies responsible for setting standards to set a new standard.

We believe a retrofit program is warranted and, in fact, essential, for the protection of our most sensitive documents. It is my understanding that the Defense Department is finally moving forward with the retrofit program. We chose not to place additional moneys in the fiscal year 1994 bill until we had a better picture of how the Department intends to spend the $15 million from fiscal year 1993. Let me assure my colleague that this matter will be reviewed before we conference with the House.

Mr. FORD. Mr. Chairman, I appreciate your response and I look forward to the opportunity to continue working with you on this important national security matter.

NAVAL ELECTRONIC SYSTEMS ENGINEERING

Mr. SARBANES. Mr. President, I would like to engage the distinguished chairman of the subcommittee in a colloquy to clarify the intent of section 8088 of the bill with respect to the naval electronics systems engineering facilities.

Mr. Chairman, the 1993 report to the President of the Defense Base Closure and Realignment Commission recommended that:

* * * [t]he ATC/ACLS [Air Traffic Control/Aircraft Carrier Landing System] facility, the Aegis Radio Room Laboratory, Identify Friend or Foe, Light Airborne Multipurpose System [LAMPS], and special warfare joint program support at St. Inigoes will remain in place and will be transferred to Naval Air Systems Command.

I want to ensure that the language contained in section 8088 will do nothing to relocate, alter or modify the functions specified in the Commission's report to be retained at St. Inigoes, including all the civilian management, support personnel, and management operations associated with these functions.

Mr. INOUYE. The Senator from Maryland is correct. The intent of this language is simply to ensure the implementation of the recommendations contained in the 1993 report of the Defense Base Closure and Realignment Commission. The language will not change in any way the Commission's recommendations with respect to the functions specified to be retained at St. Inigoes, including all the civilian management, support personnel, and management operations associated with these functions that were in existence as of final approval of the Commission's report.

Mr. SARBANES. I greatly appreciate the chairman' clarification of this language and assurances.

AUTOMATED MANUFACTURING RESEARCH FACILITY

Mr. HOLLINGS. Mr. President, I want to take a moment to thank the distinguished chairman of our Defense Appropriations Subcommittee for one action taken in the Navy manufacturing technology provision of the bill. For some 10 years now, the Navy and the Commerce Department's National Institute of Standards and Technology [NIST] have cooperated in operating an Automated Manufacturing Research Facility [AMRF] at NIST's laboratories. That AMRF testbed, in turn, has provided very valuable advanced technology to a range of DOD and other manufacturing projects, including the rapid acquisition of manufactured parts project. I understand that the pending bill provides an increase to the budget request for manufacturing technology programs. NIST has indicated that $6 million is required for continued AMRF work, and I want to thank our subcommittee chairman for his efforts to provide funds for important collaborative efforts such as AMRF.

Mr. INOUYE. The Senator from South Carolina is correct. The Navy has indicated that, within the recommended funding level, $6 million will be used to continue Navy and NIST work at the Automated Manufacturing Research Facility. I am pleased that we were able to provide funds which will sustain DOD manufacturing technology programs such as AMRF.

F/A–18C/D ADVANCE PROCUREMENT

Mr. BOND. Mr. President, there is one item that I feel was addressed inadequately in this year's bill. The issue is advance procurement funding for the Navy and Marine Corps F/A–18 strikefighter. The F/A–18 is the backbone of the Navy's carrier air wings

and a key component in Marine aviation, as well. This aircraft has maintained a strong reputation for its ability to perform a broad range of missions—effectively, reliably, safely, and affordably. It is the only Navy fighter or attack aircraft in production, and it is the key to implementing and successfully executing the aviation element of the Navy's "From the Sea" warfighting doctrine.

This year, the committee was presented a multiyear procurement request for the F/A–18C/D that extended from fiscal year 1994 through fiscal year 1997. At that time, F/A–18C/D production is scheduled to end, and the F/A–18E/F, now in development, will begin entering the fleet. According to the Defense Department, this plan would have saved roughly $200 million over the next 4 years of Hornet procurement, while requiring a modest increase in upfront funding to buy into the plan. Unfortunately, in the current budget environment, neither the Senate Armed Services Committee nor the Appropriations Committee felt it could commit to the multiyear funding request. The committees removed all advance procurement funding for the F/A–18, leaving the service without funds to secure long-lead items for aircraft it intends to purchase in fiscal year 1995.

Recognizing the importance of continuing F/A–18C/D production, the two House committees, while also disapproving the multiyear request, included sufficient advance procurement funds to support the Navy's planned buy of F/A–18C/D's in fiscal 1995.

Continued F/A–18 procurement is crucial for maintaining U.S. power projection capabilities. Naval aviation is facing a significant shortfall in tactical aircraft that begins later this decade when a waterfall of aging F–14's, A–6's, and F/A–18's reach the end of their service lives. F/A–18C/D's purchased between fiscal year 1995 and 1997 are needed to help prevent these shortfalls from becoming unmanageable, a situation that would weaken our ability to respond effectively to world crises. Secretary Aspin's recent decision to maintain 11 active and 1 reserve aircraft carrier means we need more Hornets, not fewer, to meet the threats we expect to face as we move into the next century.

Without the continued purchase of new Hornets, the Navy and Marine Corps also will fail to reach their objective to modernize all frontline F/A–18 squadrons with night strike capability. Combat-ready F/A–18's must maintain their advantage over adversary systems if we're to ensure rapid conflict victories with a minimal loss of American life. The night strike F/A–18C/D Hornet, with its AIM–120 AMRAAM, autonomous precision air-to-surface weapons capability, survivability improvements, and enhanced sensors, is significantly more lethal and survivable than early versions of the aircraft. Getting as many of these aircraft into the hands of American pilots as quickly as possible is simply the right thing to go.

Maintaining a healthy F/A–18C/D production program also makes sense for our Nation's economy and for thousands of American working men and women. The F/A–18 program supports communities and families in 43 States. More than 2,300 companies, including many small and disadvantaged businesses, have a stake in continued F/A–18C/D production. Domestic procurement of the F/A–18 annually supports more than 21,000 direct jobs and more than 51,000 indirect jobs across the country. A large percentage of these jobs can be found in States like California and Missouri, areas already hard hit by defense cutbacks.

But the story is larger than that. The F/A–18 is an international success story, having generated more than $7.9 billion in exports and more than 95,000 export-related jobs since the early 1980's. With a solid domestic production base, the F/A–18 is expected to generate some $6 billion in additional exports between now and fiscal year 1997. These exports will produce some 72,000 man-years of direct work for the U.S. aerospace industry. These exports create a side benefit of lowering the cost the United States pays for its F/A–18's. To date, international sales of the F/A–18 have saved the United States more than $1.9 billion in procurement costs.

Continued domestic procurement of the F/A–18 is a win-win proposition for the United States. There is a valid military requirement for these airplanes and the benefit for the U.S. economy is overwhelming. In the upcoming conferences, I strongly urge the Senate to adopt the House position and provide sufficient advance procurement funds to support the Navy's plans for F/A–18C/D production in fiscal 1995.

MILITARY MEDICAL FORCE

Mr. INOUYE. Mr. President, I rise to speak on a military medical issue of importance. As you know, our military health professionals play an essential role in supporting readiness through their service and care for the active duty forces, the military dependents, and those men and women who have retired after honorable service.

Our military physicians play an important part in fulfilling our promise to those we send into harm's way. We have said to our fighting forces that we will care for them on the battlefield; we have said to the soldier, when you are at war, we will care for your loved ones; we have said to the sailor on the high seas, your spouse and children will receive the best of medical care while you are away.

Consequently, as we reduce the size of the military and the supporting infrastructure in proportion to the threats we now face, we must not forget the human side of the equation.

Twenty-one years ago, the Congress, by overwhelming vote, passed the Uniformed Services Health Professional Revitalization Act. This legislation authorized the establishment of the Uniformed Services University of the Health Sciences [USUHS] "to provide our Nation with medical officers and scientists of character who serve the common good." The act also created the Armed Forces Health Professions Scholarship Program [HPSP]. Over the years, these two distinct and complementary programs have helped produce today's impressive military medical force. The scholarship program provides a flexible source of well-educated physicians in numbers necessary to balance the fluctuating needs of the services. USUHS provides the Nation with a cadre of career-oriented medical officers trained and educated to both practice military medicine and to serve as uniformed medical leaders. The university was founded on the belief that this Nation should have the medical equivalent of the military service academies where young, aspiring physicians could study the art and science required to become military physicians. I have chosen my words carefully—I have said "military physicians" not just "physicians in the military" for there is a definite, qualitative difference.

Some 1,836 USUHS medical graduates have been trained to be competent, committed, uniformed medical officers prepared for operational deployment and concurrently able to provide comprehensive medical care. In return for their medical education, the USUHS graduates incur, at a minimum, a 7-year obligation of service to the Nation.

Has USUHS satisfied the visions of Congress in establishing the university? The answer is a resounding "yes."

Since the first class graduated in 1980, the preliminary figures are showing an overall retention rate of 97 percent. The commitment to public service is absolutely established. USUHS graduates show a predilection for choosing initial assignment with troops. At the onset of Desert Storm, USUHS doctors filled 9 of 14 medical officer positions in the Army Special Operations Forces. USUHS graduates are ready to deploy directly from peacetime assignments to combat medical support operations. A few days ago, a USUHS graduate at the Walter Reed Army Medical Center volunteered for service in Somalia because he felt his training compelled him to do so.

USUHS is the only Federal medical school in the Nation. USUHS has recently received full re-accreditation from the nationally recognized accrediting bodies. In addition to the usual medical school curriculum, USUHS has an integrated curriculum in military

medicine which extends across the 4 years of medical school. USUHS-trained medical officers receive unequalled training in the management of medical situations most likely to occur in combat or other disaster environments.

USUHS represents a blending of traditional medicine, military training, and character development and it has met the objective to produce a doctor who has acquired a high level of readiness for rapid overseas deployment. Over these 20-some years, USUHS medical graduates, by virtue of specialized training and longer commitments, have formed a cadre of career medical officers who are making a significant contribution toward medical readiness.

The administration's health care reform program is emphasizing the need for primary care physicians who will provide health care for the undeserved. The administration is addressing the current shortage of primary care physicians with civilian medical schools whose current graduating classes fall far short of the President's goal of 50 percent of graduates to enter careers in primary care disciplines. USUHS, however, is already graduating doctors close to the President's established goal. USUHS students and graduates demonstrate dedication to public service through voluntarism, participation in community activities, and proven commitment to deliver primary care to undeserved populations. Unlike civilian medical schools, USUHS graduates from the Army, Navy, Air Force, and the Public Health Service are trained to support contingency responses to natural and manmade disasters.

The House Defense Appropriations Subcommittee, based on the national performance review report, has recommended the closure of our only Federal medical school. Relying on data provided by the Office of Management and Budget, which utilized a tunnel-vision approach in comparing the per capita cost to DOD of an HPSP student with the per capita investment in a USUHS student, the House Appropriations Committee has again recommended closure of USUHS based only on price.

No attention was paid to the value of the university graduates and associated products and services to the Nation by the university. Nor was consideration paid to the part our medical school can play in the new health care reform initiatives. Closing our Federal medical school is projected by OMB to save $300 million over 5 years. Considering the $108.5 billion that the administration has recommended for savings, closing our medical school seems to play an insignificant part in achieving that monetary goal.

Yet, readiness and service to country make the preservation of this institution worthy of our full support. Whatever the reasoning which has lead to this attempt to close down the Nation's only Federal medical school, we must stand behind Congress' sound decision to create a medical school dedicated to medical readiness and service to our Nation. In our recommendations to the Senate on the 1994 defense appropriations bill, we fully fund the President's budget request for USUHS. I ask for your strong support to protect the Uniformed Services University of the Health Sciences from those who do not fully recognize what our military medical school stands for or how it can play a role in the current health care reform initiatives.

ROME LABORATORY

Mr. MOYNIHAN. Mr. President, I rise to enter into a colloquy with my gallant colleague, the distinguished manger of this Defense appropriations bill, regarding Rome Laboratory. As he knows, Rome Laboratory is one of the Air Force's four superlabs, with responsibility for electronics research and development. Its work is vital to Air Force command, control, communications, and intelligence systems. And its work has applications in many other fields, including those that will drive the fledgling information highway.

Mr. INOUYE. Senator MOYNIHAN has aptly described Rome Laboratory, and I understand the laboratory has made many important contributions to our defense technology, and that its work has important civilian applications as well.

Mr. MOYNIHAN. I was disturbed to learn last week that Air Force officials are beginning to think about whether, when, and where they may move Rome Laboratory. The laboratory works closely with Syracuse University, Cornell, the University of Rochester, R.P.I, and many local businesses. This cooperation and teamwork with the resource in central New York have contributed much to the outstanding work we have seen from the laboratory in the 40 years since its inception. Any relocation would be costly, would disrupt work for years, and would end this important partnership. Moreover, the Base Closure and Realignment Commission just last July endorsed Rome Laboratory remaining where it is.

I expressed my concerns about the future of the laboratory in a letter to Secretary Aspin, and rather than reiterate them I ask that the letter be introduced into the RECORD.

Mr. INOUYE. I saw a copy of the letter from the Senator from New York to the Secretary of Defense, and it does explain the Senator's concerns in no uncertain terms. I share these concerns, and I hope to be able to assist my colleague on this matter when we take this bill to conference. I will ask the conferees to include the following language in our conference report statement of managers:

The conferees are concerned about reports of possible realignment actions being considered which might affect Rome Laboratory, Griffiss Air Force Base, New York. Therefore, the conferees prohibit the use of any Defense Department funds to implement the realignment, closure, or consolidation of any mission or activity at Rome Laboratory except as part of the base realignment and closure process.

Mr. MOYNIHAN. I am most grateful to my friend from Hawaii for his concern and efforts on this matter. It is important to me to the continued excellence at the Air Force's electronics superlab.

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

U.S. SENATE,
Washington, DC, October 4, 1993.

Hon. LES ASPIN,
Office of the Secretary of Defense,
The Pentagon, Washington, DC.

DEAR MR. SECRETARY: As you surely know, the recent round of base closings was not kind to New York. Three of our four major facilities ended up on the final list. Against the explicit recommendation of the Air Force to keep Plattsburgh Air Force Base open, it was decided to move its operations instead to McGuire Air Force Base in New Jersey for reasons incomprehensible to us and undisclosed by the commission, whose chairman just happened to be a former Republican Congressman from New Jersey. Vermont is with us on this. Senator Leahy called it "a raw deal." Senator Jeffords said he was "* * * shocked that [the commission] had felt it had sufficient information to reverse the considered judgment of the armed forces. I heard nothing in the testimony that would support such a stunning deviation from the Defense Secretary's judgment."

I would note that Plattsburgh has been a U.S. military post since 1818, following the Treaty of Ghent. To close such a base in the face of military advice to the contrary is wanton and deeply disturbing.

The closing of Griffiss Air Force Base in Rome was no less disturbing. Among other things, the base provides the launching facilities for the 10th Mountain Division now at Fort Drum. I had something to do with the reactivation of the 10th Mountain Division at its present location. In 1977, on arriving at the Senate, I spoke on the floor pointing out that if you were to look at the location of military bases in the United States, you would assume that we were planning to fight the next war in Nicaragua. A fierce snowstorm around that time had all but isolated New York's North Country when I found that Marines were up there training for cold weather combat, and happy to be of help on the highways. And so the 10th Mountain Division was put in place, although with Griffiss closing now it will be without a full service airfield.

The one bright spot was that it was decided to maintain the Rome Laboratory at Griffiss even as the base was closing. Now I learn that General Ronald Yates, Chief of the Air Force Materiel Command, has asked Rome lab staff to start planning to move to Wright Patterson Air Force Base in Ohio. The first planning documents from Rome were sent to Washington on Friday. Please tell me that if such an order has been made it will be rescinded, or that if it has not been made it will not.

Rome is a truly exceptional laboratory. On December 14, 1990, the Rome Air Development Center was renamed Rome Laboratory and was designated as one of only four Air

Force "superlabs." It has been there more than 40 years and its work with forty-two Universities in New York and around the country supports seventy-six professors and graduate students. Its nearly 1700 contracts are worth more than $2 billion, and it has upwards of thirty Cooperative Research and Development Agreements with private industry, more than any other laboratory of its kind. It is simply a world center for research on photonics and information technology in general. I have had some familiarity with its work since the Kennedy campaign of 1960.

You should know that there will be blood on the walls if this order goes forward. It is rare for me to use such language but after the recent closings I don't know what other language is appropriate. You surely must know that for a half century Federal taxes have bled New York of billions of dollars to support military activities elsewhere in the nation. That was injury. This is insult.

Sincerely,

DANIEL PATRICK MOYNIHAN.

IN SUPPORT OF THE CONTINUATION OF THE DEFENSE NUCLEAR AGENCY [DNA]

Mr. WARNER. Mr. President, I rise to express my concerns about the recommendations set forth in the committee bill to transfer the existing functions of the Defense Nuclear Agency [DNA] to the various military services, thereby terminating DNA as a separate defense agency.

Mr. President, the committee, in its report accompanying the bil', stated that it had concluded that the costs of the Defense Nuclear Agency as a separate agency cannot be justified in a period of increasing constraints on the defense budget. The committee report then goes on to state that the committee recommends that the functions of DNA be transferred to the Armed Services and other defense agencies, and further states that this recommendation permits militarily important functions to continue without paying additional overhead and administrative costs for another agency.

I must express my serious reservations about the wisdom of these recommendations. I fear that the splintering of the functions and expertise of DNA among the various services, which are themselves subject to the identical budget pressures cited by the committee in its recommendations, could well result in those functions being abandoned and that expertise being lost at exactly the point in history when the United States should be strengthening those functions and emphasizing that expertise.

Mr. President, I am not alone in these concerns. I have recently received a letter from the Honorable Melvin Laird and the Honorable Harold Brown, two of our most respected former Secretaries of Defense, having served in their respective positions under a Republican and a Democratic administration.

I would like to quote from a couple of passages in that letter and ask my colleagues to consider the comments of these respected defense experts. First, Secretaries Laird and Brown state:

Since it was established three decades ago, DNA has been the focal point of this vital national capability. As Defense budgets continue to shrink, the military services are reducing their in-house capability and relying more heavily on DNA expertise. Without DNA, expertise in nuclear weapons and their effects will be fragmented and the preservation of capability will be tenuous. It is essential that DNA maintain the national core competency in nuclear effects, system survivability, and hardness testing.

Secretaries Laird and Brown further state:

It is essential to world security to dismantle the stockpile of nuclear weapons in the former Soviet Union. The instability of the New Independent States is readily apparent, the current unrest in Moscow being an unsettling example, and the control of weapons in destabilized states is risky. DNA is the U.S. national expert in the safety and storage of nuclear weapons, and the agency has been providing critical support in the cooperative nuclear threat reduction in the New Independent States. It is the agent for Nunn-Lugar funds and plays an important role in arms control efforts and the Strategic Environmental Research and Development Program. Without DNA, the cooperative threat reduction program would be significantly weakened.

Secretary Aspin has reviewed the role and mission of DNA and has recommended the Agency be the repository for the Department's core nuclear competence. We concur wholeheartedly and believe strongly that the independent oversight of the military nuclear programs which the Agency currently provides is imperative.

Mr. President, when Melvin Laird and Harold Brown jointly make such strong and direct recommendations concerning the management of defense nuclear programs and expertise, I think that we all should listen. I find myself in agreement with the thoughts and recommendations of these former Secretaries of Defense, and as they point out in their letter, Secretary Aspin has reached the same conclusion.

Mr. President, I will be talking to a number of my colleagues in the coming days about this particular matter. I hope that the Clinton administration will weigh in on this issue as well, so that the managers of this bill in conference will be prepared to recede from this particular recommendation. This matter is too important to be decided without further study and debate.

I ask that the entire letter from Secretaries Laird and Brown be printed at this point in the RECORD.

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

WASHINGTON, DC, OCTOBER 6, 1993.

Hon. JOHN W. WARNER,
Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR JOHN: We understand that the Senate Defense Appropriations Subcommittee has proposed a set of actions that would disestablish the Defense Nuclear Agency (DNA). As former Secretaries of Defense who have maintained an interest and involvement in nuclear issues, we are concerned about the loss of capability and expertise if the Committee proposal were to take effect.

Nuclear weapons constitute a continuing threat to national security. While the threat from the former Soviet Union (FSU) no longer exists in its earlier form, tens of thousands of nuclear warheads remain in Russian stockpiles. Moreover, new threats are arising in the Third World through the proliferation of nuclear weapons technology. To preserve our security, it is important that we maintain our national capability in understanding nuclear weapons effects and providing nuclear survivability of Defense assets. We also need a knowledgeable central agency for our efforts to encourage, accelerate and participate in the dismantling of existing weapons in the FSU.

Since it was established three decades ago, DNA has been the focal point of this vital national capability. As Defense budgets continue to shrink, the military services are reducing their in-house capability and relying more heavily on DNA expertise. Without DNA, expertise in nuclear weapons and their effects will be fragmented and the preservation of capability will be tenuous. It is essential that DNA maintain the national core competency in nuclear effects, systems survivability, and hardness testing.

Over the past three decades, underground nuclear tests were used to test the survivability and operability of military systems in nuclear environments. In light of the moratorium on such tests, and the prospect of indefinite discontinuance, DNA has been developing laboratory simulators and test procedures for testing military systems without recourse to underground nuclear testing. Without DNA as the focal point, this important capability in simulation and testing would be fragmented and probably not sustainable.

Proliferation of nuclear weapons in the Third World is a significant concern. In order to counter proliferation, it is essential to understand the capabilities of these nuclear weapons, the effectiveness of such weapons against U.S. and allied assets, and techniques for defeating these weapons. Without DNA, which is the national repository of nuclear weapons effects knowledge, a critical element of our national counter proliferation program would be significantly weakened.

It is essential to world security to dismantle the stockpile of nuclear weapons in the former Soviet Union. The instability of the New Independent States is readily apparent, the current unrest in Moscow being an unsettling example, and the control of weapons in destabilized states is risky. DNA is the U.S. national expert in the safety and storage of nuclear weapons, and the agency has been providing critical support in the cooperative nuclear threat reduction in the New Independent States. It is the agent for Nunn-Lugar funds and plays an important role in arms control efforts and the Strategic Environmental Research and Development Program. Without DNA, the cooperative threat reduction program would be significantly weakened.

Secretary Aspin has reviewed the role and mission of DNA and has recommended the Agency be the repository for the Department's core nuclear competence. We concur wholeheartedly and believe strongly that the independent oversight of the military nuclear programs which the Agency currently provides is imperative.

We urge the Committee to support efforts to decrease the risk of a nuclear accident and enhance the capability to deal with the threats posed by nuclear weapons by retaining DNA and its programs.

With best wishes and kindest personal regards, we are

Sincerely,

HAROLD BROWN.
MELVIN R. LAIRD.

PERSIAN GULF WAR VETERANS

Mr. RIEGLE. Mr. President, I would like to engage the distinguished chairman of the subcommittee in a brief colloquy regarding the research and investigations required to identify the causes and treatment for a disabling syndrome experienced by many Persian Gulf war veterans that may be related to exposure to hazardous chemical, biological, and radiological agents and substances during their service in the gulf war.

As the chairman is aware, the Senate version of the Defense authorization bill contains language authorizing this research at a total funding level of $5.7 million. The Department of Defense requested the latitude to take these funds from existing appropriations.

I would like to raise a number of concerns about this issue at this time.

Mr. INOUYE. I appreciate the Senator's interest in this area. I understand that the House version of this bill we are currently considering includes $1.2 million for research into health problems relating to the gulf war that is limited to the effects of multiple chemical sensitivities. Both the House and Senate have included funds for research into the effects of exposure to depleted uranium.

Mr. RIEGLE. Mr. President, I believe that a substantial body of evidence has now been developed which indicates that a number of units stationed in Saudi Arabia during the gulf war may have come under attack by Iraqi weapons carrying chemical warfare agents, biotoxins, and possibly biological agents. Many more units appear to have been exposed to the indirect effects of a cloud of toxic chemicals which drifted directly across the positions occupied by United States servicemen and women along the Saudi-Iraqi and Saudi-Kuwaiti borders.

The evidence of this exposure, which was discussed during consideration of the Senate Defense authorization bill, is mounting and now includes: the reports of hundreds of gulf war veterans, National Oceanic and Atmospheric Administration satellite photographs showing smoke plumes from coalition bombings in Iraq moving across coalition troop emplacements, contemporaneous videotapes made by veterans and other personal accounts which confirm that chemical alarms were sounding, published statements of French and Czech Government officials confirming the detection of trace amounts of chemical warfare agents, and, most significantly, the disabling illnesses being suffered by thousands of those who served our Nation in this war.

Several private medical research efforts have begun which suggest that the disabling syndrome experienced by many gulf war veterans may be the result of chemical neurological damage or multiple chemical sensitivities. Other research efforts indicate that the disabling symptoms may be caused by the uncontrolled growth of bacteria and related toxins, which cause neurotoxic damage. Medical research must be expanded to determine both the cause of the disabling syndrome and the treatment needed to return these veterans to a normal healthy life. Equally important, we must establish the manner in which this disabling syndrome was contracted in order to ensure that the United States is prepared for future conflicts.

Because I want to ensure that appropriate research is conducted to identify both the causes of the illnesses and the appropriate treatments, I would like to establish several points with the chairman.

As we established in the authorization bill, $2 million is needed to conduct an investigation into reports that Persian Gulf war veterans were exposed to not only chemical agents, but possibly biological warfare agents and biotoxins. This investigation should also include information as to what chemical and biological hazards of all types U.S. servicemen and women may have been exposed to as a result of their service in the Persian Gulf war, which units were exposed, and the sources and locations of these exposures.

With all due respect to my colleagues in the House, I believe the research they envision does not encompass the true scope of the problem the veterans may be facing. The Senate version of the authorization bill recommends that $2 million is needed for medical research into the causes of the disabling syndrome experienced by Persian Gulf war veterans related to exposure to hazardous agents and materials, including combined chemical warfare agents, biological warfare agents, biological toxins, and other unconventional warfare agents, or other environmental conditions hazardous to the health of such members as a result of their service in the gulf war.

Finally, the Senate authorization bill establishes that $1.7 million is needed to conduct a medical study into the effects of depleted uranium on military personnel.

This language is consistent with both the scope of the problem and the types of information needed to be gathered in order begin to properly determine the causes and appropriate treatment for this disabling illness.

Mr. INOUYE. I thank the distinguished Senator for his efforts on this matter. I agree that this is a serious issue which must be thoroughly researched and we will seriously consider these recommendations when the bill is being considered in conference. Indeed, this committee's bill provides $2 million to study the effects of depleted uranium on health and the environment.

Mr. RIEGLE. I again thank the distinguished chairman for his work to make sure that the Department of Defense is both ready for the future conflicts they may be forced to confront, and willing to take the necessary efforts to ensure that those who serve during these conflicts receive proper medical care.

Mr. MITCHELL. Madam President, pursuant to the order agreed to earlier by the Senate, Senator BYRD will now be recognized to offer an amendment relative to Somalia in his behalf, in behalf of myself, Senator DOLE, and others; and that immediately following that, Senator MCCAIN will be recognized to offer an amendment relative to Somalia.

Then there will be 4 hours for debate on the two amendments generally, the time to be under the control of Senators BYRD and MCCAIN, and then the Senate will vote on a motion to table the McCain amendment. Upon the disposition of that amendment, the Senate will vote on or in relation to the Byrd amendment. That will all occur this evening.

I want, now, before we proceed to the amendments, to thank Senator DOLE, Senator BYRD, Senator PELL, Senator NUNN, Senator THURMOND, Senator WARNER, Senator INOUYE, Senator STEVENS, and others who have participated in the process of developing what I hope will be an amendment that the Senate can approve by a large margin.

This is an important issue. I encourage all Senators who wish to do so to participate in the debate. It is important, not just for the Senate but for the American Government, the American people, and those Americans now serving in Somalia. I believe that the result, which will be presented by Senator BYRD, is a responsible approach to the problem, largely supportive of the policy set forth last week by the President and one which we hope will result in a speedy withdrawal of American forces under circumstances which are orderly and which permit the continued successful conduct of the humanitarian mission.

Madam President, I will have more to say on the subject during the debate. I would like now to yield to the distinguished Republican leader for any comments that he may wish to make.

Mr. DOLE. Madam President, I thank the majority leader. I just say I concur in what he said. I think both amendments are very clear-cut. I just recommend my colleagues read both amendments. Both, I think, express the views of their authors, and I particularly would hope they would carefully read the Byrd amendment. The McCain amendment is very short, can be read very quickly. It gives one choice. The other amendment, a little different choice.

As I said, I prefer not to have a date, but I also believe the President ought to have some flexibility. I think this does give the President the flexibility and it does protect American forces, and I think it will permit the President to proceed.

We have an American plan now. We are going to get out of there, no question about it. I think that is what many people are concerned about. I would congratulate all the people who have been involved in negotiations, and particularly Senator BYRD who has been on the floor here time and again on this particular issue. I hope we could dispose of both amendments in less than 4 hours, but I know there are a lot of people who want to speak.

The PRESIDING OFFICER. Under the previous order, the Senator from West Virginia is recognized to offer an amendment.

Mr. BYRD. Madam President, under the agreement I believe the amendment is to be offered and read by the clerk; is that correct? Before any speeches are made?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 1042

(Purpose: To provide funding for the involvement of the United States Armed Forces in Somalia through March 31, 1994, unless the President requests and the Congress authorizes an extension of that date)

Mr. BYRD. I send to the desk an amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from West Virginia [Mr. BYRD] for himself, Mr. MITCHELL, Mr. DOLE, Mr. PELL, Mr. LUGAR, Mr. NUNN, Mr. THURMOND, Mr. WARNER, Mr. STEVENS, Mr. BROWN, Mr. LEAHY, Ms. MOSELEY-BRAUN, and Mr. EXON, proposes an amendment numbered 1042.

At the end of the Committee amendment which appears on page 8, lines 12 through 17, strike "environment" and insert the following: "environment: *Provided further*, That the Senate finds that—

"(1) the United States entered into Operation Restore Hope in December of 1992 for the purpose of relieving mass starvation in Somalia;

"(2) the original humanitarian relief mission in Somalia had the unanimous support of the Senate, expressed in Senate Joint Resolution 45, passed on February 4, 1993;

"(3) the original humanitarian mission was being successfully accomplished by United States forces, working with forces of other nations, and an expanded mission was assumed by the United Nations on May 4, 1993 pursuant to United Nations Resolution 814, of March 26, 1993;

"(4) neither the expanded United Nations mission of national reconciliation, nor the broad mission of disarming the clans, nor any other mission not essential to the performance of the humanitarian mission has been endorsed or approved by the Senate;

"(5) the expanded mission of the United Nations was, subsequent to an attack upon United Nations forces, diverted into a mission aimed primarily at capturing certain persons, pursuant to United Nations Security Council Resolution 837, of June 6, 1993;

"(6) the actions of hostile elements in Mogadishu, and the United Nations mission to subdue those elements, have resulted in open conflict in the city of Mogadishu and the deaths of 29 Americans, at least 159 wounded, and the capture of American personnel; and

"(7) during fiscal years 1992 and 1993, the United States incurred expenses in excess of $1.1 billion to support operations in Somalia: *Provided further*, That the Senate approves the use of United States Armed Forces in Somalia for the following purposes—

"(i) The protection of United States personnel and bases; and

"(ii) The provision of assistance in securing open lines of communication for the free flow of supplies and relief operations through the provision of—

"(I) United States military logistical support services to United Nations forces; and

"(II) United States combat forces in a security role and as an interim force protection supplement to United Nations units: *Provided further*, That funds appropriated, or otherwise made available, in this or any other Act to the Department of Defense may be obligated for expenses incurred only through March 31, 1994, for the operations of United States Armed Forces in Somalia: *Provided further*, That such date may be extended if so requested by the President and authorized by the Congress: *Provided further*, That funds may be obligated beyond March 31, 1994 to support a limited number of United States military personnel sufficient only to protect American diplomatic facilities and American citizens, and noncombat personnel to advise the United Nations commander in Somalia: *Provided further*, That United States combat forces in Somalia shall be under the command and control of United States commanders under the ultimate direction of the President of the United States: *Provided further*, That the President should intensify efforts to have United Nations member countries immediately deploy additional troops to Somalia to fulfill previous force commitments made to the United Nations and to deploy additional forces to assume the security missions of United States Armed Forces: *Provided further*, That—

"(A) captured United States personnel in Somalia should be treated humanely and fairly; and

"(B) the United States and the United Nations should make all appropriate efforts to ensure the immediate and safe return of any future captured United States personnel:

Provided further, That the President should ensure that, at all times, United States military personnel in Somalia have the capacity to defend themselves, and American citizens: *Provided further*, That the United States Armed Forces should remain deployed in or around Somalia until such time as all American service personnel missing in action in Somalia are accounted for, and all American service personnel held prisoner in Somalia are released".

The PRESIDING OFFICER. The Senator from Arizona is recognized to offer an amendment.

AMENDMENT NO. 1043

(Purpose: To terminate further military operations in Somalia.)

Mr. McCAIN. Madam President, on behalf of myself, Senator GRAMM, Senator GORTON, Senator SMITH, Senator D'AMATO, Senator ROTH, Senator HUTCHISON, Senator WALLOP, Senator COATS, Senator FAIRCLOTH, Senator PRESSLER, Senator CRAIG, Senator MACK, Senator BROWN, Senator HATCH, Senator KEMPTHORNE, Senator NICKLES, and Senator BURNS, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. GRAMM, Mr. GORTON, Mr. SMITH, Mr. D'AMATO, Mr. ROTH, Mrs. HUTCHISON, Mr. WALLOP, Mr. COATS, Mr. FAIRCLOTH, Mr. PRESSLER, Mr. CRAIG, Mr. MACK, Mr. BROWN, Mr. HATCH, Mr. KEMPTHORNE, Mr. NICKLES and Mr. BURNS, proposes an amendment numbered 1043.

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

SEC. . PROHIBITION ON THE USE OF FUNDS FOR UNITED STATES MILITARY OPERATIONS IN SOMALIA.

(a) PROHIBITION—No funds appropriated or otherwise made available in this or any other Act to the Department of Defense may be obligated for support of operations of United States Armed Forces in Somalia except as provided for in subsection (b).

(b) EXCEPTIONS.—

(1) funds may be appropriated or otherwise made available for continued operations of United States Armed Forces in Somalia to support the prompt and orderly withdrawal of all United States Armed Forces from Somalia in a manner most consistent with the safety of United States personnel.

(2) funds may be appropriated or otherwise made available for continued operations of United States Armed Forces in Somalia in the event that American prisoners of war have not been returned to United States authorities and Americans missing in action have not been accounted for.

The PRESIDING OFFICER. The Senator from West Virginia is recognized to speak for up to 30 minutes.

Mr. BYRD. I thank the Chair.

Madam President, I have offered this amendment on behalf of myself, Mr. MITCHELL, Mr. DOLE, Mr. PELL, Mr. LUGAR, Mr. NUNN, Mr. THURMOND, Mr. WARNER, Mr. STEVENS, Mr. BROWN, Mr. LEAHY, Ms. MOSELEY-BRAUN, and Mr. EXON.

Madam President, the amendment I offer is intended to return the formation and execution of American foreign policy to its rightful home base: Washington, DC. Its specific purposes are to put the stamp of the Senate on our policy in Somalia, to limit our mission there, and to establish a clear termination of our involvement over the short run. Furthermore, the amendment exercises the authority of the Congress to put a strict limit on funding in order to effect the limited policy and missions. I might add that Congress has used this power far too sparingly in exercising its constitutional authority in matters of going to war. The last time Congress did so exercise this authority was in June 1973, when Congress included a funding cutoff for all combat activities in Cambodia, Laos, and North and South Vietnam.

I ask unanimous consent that the appropriate verbiage from that law be printed in the RECORD.

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

SENATE REPORT 93-277—CONTINUING APPROPRIATIONS, 1974

The Committee on Appropriations, to whom was referred House Joint Resolution 636, making continuing appropriations for the fiscal year 1974, and for other purposes, reports the same to the Senate with amendments and with the recommendation that the joint resolution be passed.

This resolution is necessary in order to provide funds for continuing governmental functions beyond June 30, 1973 for programs for which appropriations for the fiscal year ending June 30, 1974 have not been enacted. The resolution follows the basic form and concept of similar resolutions of past years.

The resolution assumes passage by the House of 9 of the 13 regular annual appropriation bills for fiscal year 1974 by June 30. Therefore, it is recommended that the continuing resolution extend to September 30, 1973, to provide about a month after return from the August recess to finalize the remaining bills.

It is expected that two bills will pass the Senate before July 1, 1973, the Agriculture and HUD-Space-Science-Veterans bills.

The basis of operation under the resolution, which is based on the status of each particular bill as of the date of enactment of the resolution, is as follows:

(1) Where the applicable bill has passed only one House, the rate for operations shall not exceed the current rate or the rate permitted by the action of the one House, whichever is lower (Sec. 101(a)(4));

(2) Where the applicable bill has passed both Houses but has not cleared conference, and the amount as passed by the House is different from that passed by the Senate, the pertinent project substantial increases in the cost of the approved programs. No funds made available under this Resolution are to be used for projects not approved through Slice XXIII (calendar year 1972 program).

Anti-impoundment language

On page 1, line 5, of the resolution, following the word "funds" the committee has inserted the following additional language:

"and shall be made available for expenditure except as specially provided by law,"

The committee has added this language to the bill to insure that all funds appropriated herein shall be obligated except as specifically provided by law. It is the intent of the committee that all funds be available for obligation except those for which a specific reservation has been provided in this bill or those which may legally be withheld under the Anti-Deficiency Act or other specific statutory authority.

Combat activities by U.S. Forces over North Vietnam, South Vietnam, Laos or Cambodia

The following new section has been included in the bill by the committee:

"SEC. 109. None of the funds herein or hereafter appropriated under this Act or heretofore appropriated under any other act may be expended to support directly or indirectly combat activities in, over, or from off the shores of North Vietnam, South Vietnam, Laos, or Cambodia by U.S. Forces."

[From the Congressional Record, June 29, 1973]

LAIRD SAYS NATION CANNOT AFFORD TO BE DISTRACTED FROM ISSUES

Mr. SCOTT of Pennsylvania. Mr. President, Melvin Laird, President Nixon's new domestic adviser, in a speech before the National Institute of Dental Research, has said eloquently and succinctly what we should all be saying and working to accomplish:

"The American agenda of issues and problems and decisions and dreams and demands deserves our attention right now."

I ask unanimous consent that the Friday New York Times article reporting on Mr. Laird's speech be printed in the RECORD.

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

LAIRD SAYS NATION CANNOT AFFORD TO BE DISTRACTED FROM ISSUES

(By Nancy Hicks)

WASHINGTON, June 28.—The White House domestic adviser, Melvin R. Laird, said today that the country could not afford to let itself be distracted by Watergate and, in the process, neglect problems and challenges it faces.

Speaking at a luncheon meeting celebrating the 25th anniversary of the National Institute of Dental Research, and to newsmen afterward, Mr. Laird said, "The American agenda of issues and problems and decisions and dreams and demands deserves our attention right now."

The reference to Watergate was implied in and specified after the 25-minute speech which was devoted almost exclusively to summarizing the accomplishments of the Administration and urging support for it.

"When the American people gave President Nixon the most overwhelming vote of confidence in the history of this Republic, they were voting for the man's ideas as well as for the man himself," the former Secretary of Defense told the 150 dentists.

CITES "BREAKTHROUGHS"

"And I can say this afternoon that this Administration is as determined and dedicated as it ever has been to giving the American people the leadership they voted for last November and the leadership we believe they still want today," he said.

"It was the President's policy of keeping America strong and keeping American policy credible that led to the historic breakthroughs with China and Russia.

"We can hardly afford now to turn our backs on the policies that have brought us to this junction, if we are to prevent international turmoil from continuing to be a distraction from the pursuit of our domestic goals," he said.

Mr. Laird had accepted the luncheon engagement before he returned to the Administration as chief domestic adviser to the President on June 6. As a Representative from Wisconsin, Mr. Laird had sponsored legislation to expand the National Institutes of Health, of which the National Institute of Dental Research is a part.

"Gentlemen, I am delighted that you could all attend the 25th anniversary of the National Institute of Dental Research. I'm glad to see such a good turnout for the celebration," Mr. Laird said to reporters who waited to question him about Watergate after the speech at the Washington Hilton.

Asked when the President would answer reporters' questions generated from the Senate testimony of John W. Dean 3d, the former White House counsel, Mr. Laird replied:

"The idea that the President is not going to have a news conference to answer questions [arising from the Senate Watergate hearings] is in error.

"I would not think the President wants to be in a position in which he is responding to every single witness who appeared before the committee."

Mr. Laird said the President was waiting to see if the hearings would continue now or would be suspended for a short period. In any case, the White House "will go forward. In any case, the White House "will go forward at our own time," he said."

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, is there further morning business?

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

CONTINUING APPROPRIATIONS, 1974

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 261, House Joint Resolution 636.

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

The legislative clerk read as follows: "A joint resolution (H.J. Res. 636) making continuing appropriations for the fiscal year 1974, and for other purposes."

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

There being no objection, the Senate proceeded to consider the joint resolution, which had been reported from the Committee on Appropriations, with amendments.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

Mr. MCCLELLAN. Mr. President, the Committee on Appropriations at its meeting on Thursday, June 28, 1973, approved the continuing resolution with amendments and ordered it reported to the Senate.

As Members are aware, the purpose of the continuing resolution is to enable the departments and agencies of the Federal Government to function, in the absence of new obligational authority for the upcoming fiscal year 1974 which commences on July 1.

This resolution contains an expiration date of September 30, 1973, to provide about 1 month after the return of the Senate from its August recess to finalize the remaining appropriation bills.

The resolution assumes passage by the House of 9 of the 13 regular annual appropriation bills for fiscal year 1974 by June 30.

It is expected that two bills will pass the Senate before July; that is, the Agriculture and the HUD, Space Science, Veterans bills.

Members are familiar with the terms of the resolution. They are explained in detail in the committee report.

On a rollcall vote of 9 to 8 in the committee, the Church-Case language, dealing not only with Cambodia and Laos but also with North and South Vietnam, was inserted into the continuing resolution.

The remaining amendments proposed by the committee are explained in the report.

Mr. President, this resolution is necessary to continue the functions of Government after June 30, 1973, and I urge its adoption.

Mr. YOUNG. Mr. President, this resolution is absolutely necessary in order to provide for funding the continuation of Government functions beyond June 1973.

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

BIOGRAPHY—KENNETH E. BELIEU, UNDER SECRETARY OF THE ARMY

Kenneth E. BeLieu, Under Secretary of the Army, was born in Portland, Oregon, February 10, 1914. He attended Roosevelt High School in Portland ('33) and the University of Oregon ('37) at Eugene, Oregon and subsequently the Harvard Business School Advanced Management Program ('55).

Mr. BeLieu was sworn in as Under Secretary of the Army on 22 September 1971.

In 1940, after three years of business in Portland, he volunteered for active duty as a Second Lieutenant in the Infantry. By 1945, he had participated in the Normandy Landing and campaigns in France, the Battle of the Bulge, Germany and Czechoslovakia. He was awarded the Silver Star, the Legion of Merit, the Bronze Star, Purple Heart and Croix de Guerre.

Following World War II, he served in various assignments with the Army in the War Department and Department of the Army General Staff. In 1950, during the Korean Conflict, he lost his left leg below the knee as a result of wounds received in combat. Upon his discharge from the hospital he was assigned to the office of the Secretary of the Army where he served as Executive Officer to two Secretaries of the Army before his retirement as a Colonel in 1955.

From 1955 to 1960, BeLieu was a professional staff member of the Senate Armed Services Committee, the first Staff Director of the Senate Aeronautical and Space Sciences Committee and at the same time was Staff Director of the Preparedness Investigating Subcommittee of the Senate Armed Services Committee.

In February 1961, he was appointed Assistant Secretary of the Navy for Installations and Logistics. In February 1965, he was appointed Under Secretary of the Navy. While in the Navy Mr. BeLieu was awarded the Navy's Distinguished Public Service Award. He returned to private life in July of 1965.

During the period of July 1965 to January 1969, Mr. BeLieu held positions as Executive Vice President, President and Member of the Board of the Leisure World Foundation, Laguna Beach, California; Member, Defense Science Board; Member of the Board of Advisors, Ryan Aeronautical Corporation and Continental Motors; and Member, Technical Advisory Board, RCA.

On January 21, 1969 Mr. BeLieu was appointed by President Nixon as Deputy Assistant to the President for Congressional Relations, the position he held until he was appointed Under Secretary of the Army.

Mr. BeLieu and his family reside in Alexandria, Virginia.

Mr. BIBLE. Mr. President, will the Senator yield, with the permission of the Senator from Florida, for an observation?

Mr. MCCLELLAN. I yield.

Mr. BIBLE. Mr. President, I associate myself with the remarks of the Senator from Arkansas. I have had many, many personal contacts with Kenneth BeLieu over the years. He is a close personal friend. I have come to think of him as one of the most able public servants in all of government.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. MCCLELLAN. I yield.

Mr. ERVIN. I thank the Senator from Florida for permitting me to proceed.

Mr. President, I associate myself with the remarks of the distinguished Senator from Arkansas and the distinguished Senator from Nevada. Over the years I have had many contacts with Kenneth BeLieu and many opportunities to observe his work as a public official. He is truly a great American and truly a great public servant.

CONTINUING APPROPRIATIONS, 1974

The Senate continued with the consideration of the resolution (H.J. Res. 636) making continuing appropriations for the fiscal year 1974, and for other purposes.

CONTINUING RESOLUTIONS ERODE CONGRESSIONAL POWER

Mr. HATFIELD. Mr. President, the Congress continues its laudable efforts to regain its rightful constitutional prerogatives, efforts in which I have wholeheartedly joined, and which I will continue enthusiastically to support. The Congress has at last found the will to challenge the President's war in Southeast Asia, and we will continue to attach riders to any and all legislation that comes through the Senate until we succeed in stopping the illegal bombing.

In the Senate Watergate hearings, the committee is revealing to the public what the Congress has long known—that executive autocracy, far from fostering efficiency in Government, fosters instead a mentality that regards the Constitution itself as an annoying obstacle to the quest for greater power.

So there are signs that the Congress is no longer content to docilely bend to the wishes of the administration, and that is as it should be. But in one critical area the Congress is still failing itself and the American people. That critical area is appropriations and fiscal policy, perhaps the single most important power Congress holds.

Today we are considering a continuing resolution to fund Government programs until we get around to passing the necessary appropriations bills. The continuing resolution is necessary, and I shall vote for it, but it should be recognized for what it is—an emasculation of congressional power.

Continuing resolutions simply give Government agencies the same amount of money for the same programs authorized for the previous fiscal year. They do not reflect any new congressional review of programs, any new perception of national priorities. Foreign aid has been operating on a continuing resolution for 15 months. During that time there have been extensive hearings, and prolonged debate on foreign aid policy, which have contributed greatly to our understanding of the factors that should shape foreign aid programs in the post-Vietnam era. Yet all this discussion has been to no avail, for we have never been able to resolve the differences into an appropriations package, and have relied instead upon the lame answer of continuing resolutions.

In so doing, Congress abdicates its responsibility, and contributes to the erosion of its power over the Federal purse. If the Congress does not take the responsibility of setting national priorities, the Executive will, and its domination over the Congress will continue.

I do not mean to unduly criticize the Appropriations Committees for their failure to get appropriations bills before the Congress before the end of the fiscal year. As a member of the Senate Appropriations Committee, I well understand the frustrations of attempting to develop the Federal budget within a few short months. Nonetheless, we should all recognize that the appropriations process is in need of reform.

As an initial step, we need to change the fiscal year to conform with the calendar year. Senator MAGNUSON has recommended this change in his Federal Appropriations Reform Act (S. 1648), and today I am joining him as a cosponsor of that legislation. This bill will give the Congress time to thoughtfully consider authorizing and appropriating legislation, rather than having to surrender to the last resort of continuing resolutions.

But we cannot argue that, since these reform efforts are proceeding, we can afford to remain content with flimsy "answers" to budgetary problems, such as continuing resolutions. Continuing resolutions are prime examples of the Congress' inadequacy to deal with tough political decisions, and lend credence to the claim that Congress is fiscally irresponsible. They are signs of weakness.

I do not contend that the answer lies in the formation of small, all-powerful budget committees to exercise total control of the budgetary process in the name of congressional responsibility and efficiency. That is not necessarily the alternative to our present situation.

But I do say that the Congress, no more than the Executive, can cover up its deficiencies with desperation measures. When we rely upon continuing resolutions to fund Government operations, we surrender our power of the purse. When we lose that power, we lose our credibility with the people, and our right to contest the present distortion of national priorities.

Mr. CHURCH. Mr. President, I ask unanimous consent that Thomas Dine, my committee staff assistant, be granted the privilege of the floor during the Senate consideration of the pending resolution in order to assist me.

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

Mr. CHILES. Mr. President, I call up my amendment which is at the desk.

The PRESIDING OFFICER. The committee amendment is next in order.

Does the Senator ask unanimous consent to have his amendment called up?

Mr. CHILES. Mr. President, I ask unanimous consent that my amendment may be called up out of order.

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

The amendment of the Senator from Florida will be stated.

The assistant legislative clerk proceeded to read the amendment.

AMENDMENT OF TITLES 10 AND 37 OF THE UNITED STATES CODE—CONFERENCE REPORT

Mr. HARRY F. BYRD, JR. Mr. President, I submit a report of the committee of conference on H.R. 8537, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. Helms). The report will be stated by title.

The legislative clerk read as follows: "The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8537) to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees."

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report, which reads as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the

amendment of the Senate to the bill (H.R. 8537) to amend titles 10 and 37, United States Code, to make permanent certain provisions of the Dependents Assistance Act of 1950, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

On page 6 of the Senate engrossed amendment strike out titles III and IV, and insert in lieu thereof the following:

"SEC. 206. This Act shall become effective July 1, 1973."

And the Senate agree to the same.

STUART SYMINGTON,
HARRY F. BYRD, Jr.,
HAROLD E. HUGHES,
JOHN TOWER,
WILLIAM L. SCOTT,
Managers on the Part of the Senate.

SAMUEL S. STRATTON,
F. EDWARD HÉBERT,
BILL NICHOLS,
WILLIAM G. BRAY,
JOHN E. HUNT,
Managers on the part of the House.

Mr. HARRY F. BYRD, JR. Mr. President, because the laws relating to this expired last night, I ask unanimous consent that the printing requirement under the rule be waived.

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

Mr. HARRY F. BYRD, JR. Mr. President, I move that the Senate agree to the conference report.

The motion was agreed to.

CONTINUING APPROPRIATIONS, 1974

The Senate continued with the consideration of the resolution (H.J. Res. 636) making continuing appropriations for the fiscal year 1974, and for other purposes.

Mr. HARTKE. Mr. President, I am shocked and dismayed by the report that the Committee on Foreign Relations has voted to allow the bombing of Cambodia to continue until August 15.

The death rattle of America is being heard today in the Capitol of the United States. The committee amendment is coming to the floor of the Senate in a few minutes, and I will gladly yield the floor to permit it to be presented.

This is another Gulf of Tonkin resolution. There may be no deception this time, but the precipitate action is there.

I thought Congress had spoken clearly this session. I thought we said the President has to make up his mind whether he wants to stop the bombing or stop this country. Veto or no veto, Congress must redress the overwhelming power of the Executive.

Now the Congress seems to have capitulated. I am sad. The Congress of the United States is abandoning its mandate as an equal branch of the Government.

I hear people talking about the resurgence of Congress, restoring the balance of power, yet I have never seen such capitulation in my life. Elected officials who have had dedicated records of being on the side of humanity appear willing to surrender their principles with hardly a whimper.

The old adage of the Bible is true: The sins of the fathers and the mothers will be visited upon the children unto the fourth and fifth generation.

The young people of this country spoke out time and time again. Finally their message got through to the older people, and finally to the Congress.

We adopted a resolution the Eagleton amendment. We put it in every bill. We said we were going to meet the President head on. Now the Committee on Foreign Relations agrees to this tragic delay with only two dissents, that of the majority leader and the Senator from Maine. I compliment Senator MANSFIELD and Senator MUSKIE for their willingness and dedication to stand for peace. I wish I could say the same about the other members of the foreign Relations Committee, each of whom I hold in the highest respect. Nevertheless, I cannot understand their action.

Mr. President, I am unwilling to have Congress commit suicide. I know that everyone in this body is aware of my long record against the war. My active opposition to the war dates from 1963. I disagreed with my own President about it. God bless his soul, he is no longer with us. I have said repeatedly that I would not criticize the Nixon administration if it brought the war to an end, and it did. But the President could have done it much sooner—some 20,000 lives sooner.

It is not just American lives that are involved; it is all of humanity. Those bombs are killing people every minute. It is not a matter of dollars and appropriations; it is a matter of killing people. It is outright murder. I repeat, it is outright murder. I do not want my finger to pull the trigger on those bombs. I do not want my children to bear the guilt of Vietnam. Other Senators may put their fingers on the trigger. I will not.

Yesterday we stood fast. We agreed that the Cambodian resolution offered by the distinguished Senator from Missouri would stay in the debt limit bill. My understanding was that the House would keep it in the bill. I understand the President threatened to veto it. I understood we were willing to accept that veto. I understood that we would have a confrontation and that we were not going to compromise with death. That is just the point. We must confront the President with the fact that this country has had enough of killing and suffering.

A long time ago, in late 1967, when I wrote about the American crisis in Vietnam, I stated:

I believe that the people of the world will be better served by the virtues of the American example than by the employment of American military power. I believe that we cannot violate the pledges for the peaceful settlement of international disputes contained in the United Nations Charter and then demand that others live according to that international "rule by law."

The gracious bounty of America deserves to be employed in building a better way of life for our people at home and for all of the peoples of the world. We will not be able to fulfill the promise of American life while America's precious human and material resources are being wasted in a land war in Vietnam. Other well-meaning American leaders have told us before that winning just this one war will make the world safe for freedom and democracy. We know that war and killing cannot help us to realize our constructive goals. We must work toward these ends slowly and painfully. We know that we will be able to achieve the lofty promise of America only in peace.

I said:

You never can justify immorality, even if it is national or international policy—in the self-interest or the national interest.

I repeated at that time this statement:

In a major foreign policy speech at The American University on June 10, 1963 President Kennedy returned to this theme. "I believe that we must reexamine our own attitude [toward world peace]—as individuals and as a nation—for our attitude is as essential as theirs. . . . Every thoughtful citizen who despairs of war and wishes to bring peace, should begin by looking inward—by examining his own attitude toward the possibilities of peace."

When President Kennedy asked us to look at ourselves, he did not deny the hostility and the malevolence of the other side.

Mr. President, I am talking about morality and credibility. These are subjects of discussion everywhere today. I said at that time, and this is the heart of my speech:

To sum up: even more damaging than the credibility gap is what might be called America's "morality gap" in Vietnam. A nation cannot furnish moral leadership while performing immoral acts. This is at the heart of my objection to what we are doing in Vietnam—it is basically immoral. Supposed political expediency can never justify clear-cut immorality whether in national or international politics. It may appear to succeed in the short term, but it carries the seeds of self-destruction.

But it is even more immoral now in Cambodia. We bomb in the name of expediency and that is the only excuse for the August 15 delay from the Committee on Foreign Relations today.

Mr. President, the chairman of the Committee on Foreign Relations (Mr. FULBRIGHT) has likewise been a dedicated foe of this war. I am waiting to see how he explains this sudden turn of events in the Committee on Foreign Relations. I never thought I would be at odds with him since the Gulf of Tonkin resolution was presented. This is the same precipitous type action as was taken when we surrendered complete authority to the President, with only vague assurances.

Senator FULBRIGHT said at that time:

The measure of our falling short [of Americans ideals] is the measure of the patriot's duty of dissent. The massive nature of the suffering Vietnam has called forth an equally massive outpouring of agony by those who care for America.

If we are going to bring American practice up to American ideals, we must speak out.

But I would add to Senator FULBRIGHT's statement that our speaking out is not so much an act of dissent as it is an act of affirmation. The truth is that we are consistently upholding certain commitments and policies.

Mr. President, the issue is not parliamentary procedure, it is not dollars, it is not getting along with the President. The issue is simply death, death in every aspect—death with the cold hand of America pulling the trigger on innocent people.

There is no question that others are guilty, but we should not measure ourselves by the guilt of others. That is like saying that you should murder someone because someone else has murdered. That is no excuse, especially for a country like America. I thought we had put that attitude aside.

With respect to those who really feel this country may now be sinking to its death, those who feel that we may have reached our peak and are on our way down, if we approve of the action taken today in the Committee on Foreign Relations and if the Cambodian bombing is continued for another 45 days; if that authority is continued, then the Watergate hearings and all the other hearings might as well be dismissed because there is not enough credibility left in this body to really support any continued confidence by the American people.

It took a long time for the American people to accept the fact that they had been mislead about the war. Basically the American people believe in peace. Basically the American people believe in life. They do not want to put their stamp of approval on war and death. It is our responsibility in the Senate to end the bombing. The Constitution is very clear. It says that only Congress can declare war. In the past we in Congress said that the war was underway—that we could not stop it once it was underway. We have been too quick with excuses, mostly excusing our own consciences when we did not reassert the right to have control over whether or not America should be engaged in military action.

The time for excuses has long since passed. We have determined in this body and in the other body that the Eagleton amendment should be law. We have made it very clear to the President that we want the bombing stopped. The identical resolution and amendment was passed by both bodies. Now, we must question whether or not this Congress has the courage to stand up by its own commitments or whether this Congress is going to be intimidated by political blackmail.

Mr. President, I do not know who is going home on July 4th for a holiday, but it is a sad state of affairs when the Declaration of Independence is going to be celebrated in a few days and we have a declaration of capitulation from Congress—a declaration, which really is a declaration of war. That is what it amounts to. Any Senator who votes for the Foreign Relations Committee proposal will be declaring war on Cambodia until August. Make no mistake. That is what it is. The proposal adopted by the Foreign Relations Committee is a declaration of war, and I am willing to stay here during all this holiday—I do not need a vacation—while we decide whether we have the courage to stop the bombing and the killing once and for all. I want to stay here until we make sure the President of the United States is the servant of the people, and not the new dictator of imperial America.

TO GIVE AND TO TAKE AWAY

Mr. JAVITS. Mr. President, I speak with particular reference to the third proviso in section 101(a)(4) of the continuing resolution now before us, House Joint Resolution 636. This proviso stipulates that no State will receive less under title I–A of the Elementary and Secondary Education Act than it received during fiscal year 1972. A total appropriation of some $1.5 billion is involved. The reason for this provision, which also appears in the Labor-HEW fiscal year 1974 appropriation bill, H.R. 8877, which passed the House on June 26, is to forestall a diminution in title I funds received by a State because of use of the 1970 census in counting eligible students instead of the 1960 census. The authorizing legislation, the Elementary and Secondary Education Act, requires use of the latest census figures.

This proviso was proposed to prevent, as the House report on H.R. 8877 states, "a drastic redistribution and possible reductions of as much as 50 percent in some State allotments." At this late date in the appropriation process, when school budgets are already in place for the new school year which begins in September, I do not believe anyone here would want seriously to dislocate local budgetary processes. But while this provision does not do that, it does an injustice to the concept of concentration of funds on the disadvantaged which has been a part of the enactment of ESEA since 1965. And, given the nature of the "grandfather" concept, it threatens to change the direction of ESEA, for grandfathering breeds more grandfathering, as all of us here know.

This past year, distribution of funds through the States to the local schools has been on the basis of the 1960 census. This, schools are receiving funds based on a count of children almost all of whom are no longer attending public school, for if a child were 5 years of age in 1960 he would be 18 today in 1973 and probably be out of school—as a matter of fact, title I, ESEA, provides only for the counting of children aged 5 to 17. As a matter of fact, it is a fair assumption that many of the youngsters counted in 1960—then aged 10 to 17, for example—have now married, moved out of the area of the school they attended, and even have children of their own. However, under this proviso, if their own children are eligible as disadvantaged, they could well not receive title I assistance because that money is going to another State based on the 1960 count of the parent. Thus, for example, if an individual counted as disadvantaged and living in South Carolina in 1960 had subsequently married, and moved with his wife and child to New York, California, Pennsylvania, or any one of some 25 other States, and his child was also eligible to be counted as disadvantaged, under this proviso funds would go to South Carolina where the parent resided in 1960, rather than to the State where the child resided in 1970 and still resides. This is visiting the nonsin of the parent upon the child.

But this hold-harmless provision, designed to protect school budgets from drastic reductions, will not even do that. Let us take, for example, a school district in one of the States where local educational agency boundaries and county boundaries are coterminus. Should such a district suffer a 50-percent loss of eligible students due to the change from 1960 to 1970 census—the type of loss referred to in the House report—then, despite the hold-harmless provision which refers only to States, that local school district would lose title I funds and the other school districts throughout the State would gain title I funds. This, according to the Office of Education, applies in States advantaged by the hold-harmless provision as well as in States disadvantaged by it. It also applies in States where local school districts are not coterminus with county lines, except inasmuch as computations would be affected by population changes in other parts of the county. Consequently, the hold-harmless provision, which applies only to States and not to local educational agencies—that is, local school boards—cannot avoid a heavy local budget impact.

Now, as to individual States. Some States, as the 1970 census reveals, have proportionately more eligible disadvantaged children than they had in 1960; some States have less. The States with more eligible children, logically require—and are entitled under the Elementary and Secondary Education Act—more funds to educate them; the States with less require less funds. Because of this hold-harmless provision in the Labor-HEW appropriation bill passed by the House, 28 States will have to give away allocated moneys to bring 22 States up to their fiscal year 1972 level. But for the hold-harmless provision in H.R. 8877, my own State of New York would, in fiscal year 1974, receives $54,680,111 more in fiscal year 1974—thus, the disadvantaged children of New York State would lose more than $54 million in title I funds to which the law otherwise entitles them. Other States also would lose—for example, Indiana $3,866,327; Maine $1,068,315; Michigan, $12,678,798; New Hampshire, $503,115.

The PRESIDING OFFICER. The question recurs on the committee amendment, as amended.

The committee amendment, as amended was agreed to.

Mr. CHILES. Mr. President——

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MCCLELLAN. Mr. President, will the Senator yield?

Mr. CHILES. I yield to the Senator from Arkansas.

Mr. MCCLELLAN. Mr. President, I move to strike from the bill section 108.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. EAGLETON. I ask for the yeas and nays.

Mr. MANSFIELD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EAGLETON. Mr. President, if I may have the attention of the Senate for 30 seconds, I wish to describe what this is. It is the Eagleton amendment, as adopted by the House, and it came over in the continuing resolution from the House. The motion is to strike the section and I vote "no."

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

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN) and the Senator from Wyoming (Mr. MCGEE), are necessarily absent.

I further announce that the Senator from Delaware (Mr. BIDEN) and the Senator from Iowa (Mr. CLARK), are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS), is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK), would note "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Vermont (Mr. STAFFORD) is necessarily absent.

The Senator from Idaho (Mr. MCCLURE) and the Senator from New York (Mr. JAVITS) are absent on official business.

Also, the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from New York (Mr. JAVITS), the Senator from Vermont (Mr. STAFFORD) and the Senator from South Carolina (Mr. THURMOND) would vote "yea."

The result was announced—yeas 58, nays 31, as follows:

[No. 261 Leg.]

YEAS—58

Aiken, Allen, Baker, Bartlett, Beall, Bellmon, Bennett, Bible, Brock, Buckley, Byrd, Harry F., Jr., Byrd, Robert C., Cannon, Case, Chiles, Church, Cook, Cranston, Curtis, Dole, Domenici, Dominick, Eastland, Ervin, Fannin, Fong, Fulbright, Griffin, Gurney, Hansen, Helms, Hollings, Hruska, Huddleston, Humphrey, Jackson, Johnston, Long, Magnuson, McClellan, McIntyre, Metcalf, Nunn, Packwood, Pastore, Pearson, Percy, Roth, Saxbe, Scott, Pa., Scott, Va., Sparkman, Stevens, Stevenson, Taft, Talmadge, Tower, and Young.

NAYS—31

Abourezk, Bayh, Brooke, Burdick, Eagleton, Gravel, Hart, Hartke, Haskell, Hatfield,

Hathaway, Hughes, Inouye, Kennedy, Mansfield, Mathias, McGovern, Mondale, Montoya, Moss, Muskie, Nelson, Pell, Proxmire, Randolph, Ribicoff, Schweiker, Symington, Tunney, Weicker, and Williams.

NOT VOTING—11

Bentsen, Biden, Clark, Cotton, Goldwater, Javits, McClure, McGee, Stafford, Stennis, and Thurmond.

So Mr. MCCLELLAN's motion to delete section 108 was agreed to.

Mr. CHILES. Mr. President, I send to the desk two amendments and ask that they be considered en bloc.

I ask unanimous consent that the reading of the amendments be waived and that they be printed in the RECORD.

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

The amendments are as follows:

On page 10, after line 22, insert the following: "Nothing contained in this Act appropriating sums of money shall be interpreted by any person or court as authority for ratification or approval of any impoundment budget authority by the President or any other federal employee, in the past or the future, unless done pursuant to statutory authority in effect at the time of such impoundment and shall not be held to effect the status of any lawsuit or right of action involving the right to those funds."

On page 10, after line 22, insert the following: "Any provision of law which requires unexpended funds to return to the general fund of the Treasury at the end of the fiscal year shall not be held to affect the status of any lawsuit or right of action involving the right to those funds."

Mr. CHILES. Mr. President, these two amendments would add language to the bill primarily to provide that nothing in the bill would hinder any lawsuit that is now in progress or any right of action that would now be available by virtue of impoundment in any fund in the bill.

The Office of General Counsel, Department of Education, of my State contacted me in regard to their fear that the language that would go into effect now under continuing resolution would hurt the provisions of a lawsuit because of the fact that funds could lapse. So this language merely provides that nothing in the bill can be construed to make illegal any act that is statutorily legal.

I have discussed the amendments with the distinguished chairman of the committee and with the ranking minority member of the committee. I hope that the amendments can be accepted.

Mr. MCCLELLAN. Mr. President, I have not had an opportunity to consider the full impact of these amendments. I am disposed to take them to conference. I do not know what will happen in conference. My concern is that we are loading the bill with amendments. However, I will take the amendments to conference.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments, en bloc, were agreed to.

Mr. HUMPHREY. Mr. President, I send to the desk an amendment. I ask unanimous consent that its reading be dispensed with and that the amendment be printed in the RECORD.

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

On page 8, line 6, after the word "amended" insert the following, "of which $183,400,000 shall be for carrying into effect title I, part A, of such Act".

Mr. HUMPHREY. Mr. President, very briefly, I have spoken to the chairman of the committee about this matter. The matter was brought to my attention by two very able and distinguished members of the other body. I hope that the chairman will take this amendment to conference and discuss it with the members of the conference committee from the other body.

This relates to the level of the Job Corps. It adds no money. It merely designates that the Job Corps itself will not be eliminated.

The PRESIDING OFFICER (Mr. MONDALE). The question is on agreeing to the amendment of the Senator from Minnesota (putting the question).

The amendment was agreed to.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the joint resolution.

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

The joint resolution (H.J. Res. 636) was read the third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN) and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

I further announce that the Senator from Iowa (Mr. CLARK) and the Senator from Delaware (Mr. BIDEN), are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that if present and voting, the Senator from Iowa (Mr. CLARK) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family

The Senator from Vermont (Mr. STAFFORD) is necessarily absent.

The Senator from Idaho (Mr. MCCLURE) and the Senator from New York (Mr. JAVITS) are absent on official business.

Also, the Senator from Arizona (Mr. GOLDWATER) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from New York (Mr. JAVITS), the Senator from Vermont (Mr. STAFFORD), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 73, nays 16, as follows:

[No. 262 Leg.]

YEAS—73

Abourezk, Aiken, Allen, Baker, Bartlett, Bayh, Beall, Bellmon, Bennett, Bible, Brock, Buckley, Burdick, Byrd, Harry F., Jr., Byrd, Robert C., Cannon, Case, Chiles, Church, Cook, Cranston, Curtis, Dole, Domenici, Dominick, Eastland, Ervin, Fannin, Fong, Fulbright, Griffin, Gurney, Hansen, Haskell, Helms, Hollings, Hruska, Huddleston, Humphrey, Inouye, Jackson, Johnston, Long, Magnuson, McClellan, McGovern, McIntyre, Metcalf, Mondale, Montoya, Nelson, Nunn, Packwood, Pastore, Pearson, Pell, Percy, Proximire, Randolph, Roth, Saxbe, Scott, Pa., Scott, Va., Sparkman, Stevens, Stevenson, Symington, Taft, Talmadge, Tower, Weicker, Williams, and Young.

NAYS—16

Brooke, Eagleton, Gravel, Hart, Hartke, Hatfield, Hatahaway, Hughes, Kennedy, Mansfield, Mathias, Moss, Muskie, Ribicoff, Schweiker, and Tunney.

NOT VOTING—11

Bentsen, Biden, Clark, Cotton, Goldwater, Javits, McClure, McGee, Stafford, Stennis, and Thurmond.

So the resolution (H.J. Res. 636) was passed.

Mr. MCCLELLAN. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

Mr. MCCLELLAN. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to appropriately renumber the sections in the joint resolution.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. MCCLELLAN. Mr. President, I move that the Senate insist on its amendments and request the conference with the House of Representatives thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. MONDALE) appointed Mr. MCCLELLAN, Mr. MAGNUSON, Mr. PASTORE, Mr. BIBLE, Mr. MCGEE, Mr. EAGLETON, Mr. CHILES, Mr. YOUNG, Mr. HRUSKA, Mr. COTTON, and Mr. CASE conferees on the part of the Senate.

SUPPLEMENTAL APPROPRIATIONS, 1973

Mr. MANSFIELD. Mr. President, I ask that a message at the desk from the House of Representatives on H.R. 9055 be laid before the Senate.

The PRESIDING OFFICER (Mr. MONDALE) laid before the Senate a message from the House of Representatives on H.R. 9055, an act making supplemental appropriations for the fiscal year ending June 30, 1973, and for other purposes, which was read twice by its title.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limitation of 10 minutes on the pending bill, which had passed the Senate once before, was vetoed, and was repassed by the House of Representatives with the Indochina amendment in it which the Senate agreed to on the bill just passed, the time to be equally divided between the distinguished Senator from Arkansas (Mr. MCCLELLAN), the manager of the bill, and the distinguished Senator from North Dakota (Mr. YOUNG), the ranking Republican member.

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

Mr. MCCLELLAN. Mr. President, I yield myself 1 minute. I know of no amendments to be offered to the bill, No one has suggested to me that any amendments will be offered. As far as I know, the bill is ready for third reading and passage.

I yield 2 minutes to the Senator from North Dakota.

Mr. YOUNG. Mr. President, I do not believe any further discussion is necessary. It is a clean bill that was vetoed, with the so-called Cambodian amendment added to it.

We have practically all of the other appropriation bills pending, so if any Senators have amendments, they can attach them to the remaining bills.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading and read the third time.

The PRESIDING OFFICER. Do Senators yield back their time?

Mr. MCCLELLAN. I yield back the remainder of my time.

Mr. YOUNG. I yield back my time.

The PRESIDING OFFICER (Mr. MONDALE). All remaining time having been yielded back the question is, Shall the bill pass?

Mr. PASTORE. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator Texas (Mr. BENTSEN), the Senator from Wyoming (Mr. MCGEE), and the Senator from New Hampshire (Mr. MCINTYRE) are necessary absent.

I further announce that the Senator from Ohio (Mr. CLARK) and the Senator from Delaware (Mr. BIDEN) are absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON) is absent because of illness in his family.

The Senator from Vermont (Mr. STAFFORD) is necessarily absent.

The Senator from Idaho (Mr. MCCLURE), and the Senator from New York (Mr. JAVITS) are absent on official business.

Also, the Senator from Arizona (Mr. GOLDWATER), the Senator from South Carolina (Mr. THURMOND), and the Senator from Ohio (Mr. SAXBE) are necessarily absent.

If present and voting the Senator from New York (Mr. JAVITS), the Senator from Vermont (Mr. STAFFORD), and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 72, nays 14, as follows:

[No. 263 Leg.]

YEAS—72

Aiken, Allen, Baker, Bartlett, Bayh, Beall, Bellmon, Bennett, Bible, Brock, Brooke, Buckley, Burdick, Byrd, Harry F., Jr., Byrd, Robert C., Cannon, Case, Chiles, Church, Cook, Cranston, Curtis, Dole, Domenici, Dominick, Eastland, Ervin, Fannin, Fong, Fulbright, Gravel, Griffin, Gurney, Hansen, Haskell, Helms, Hollings, Hruska, Huddleston, Humphrey, Jackson, Johnston, Long, Magnuson, McClellan, McGovern, Metcalf, Mondale, Montoya, Moss, Nelson, Nunn, Packwood, Pastore, Pearson, Pell, Percy, Proxmire, Randolph, Roth, Scott, Pa., Scott, Va., Sparkman, Stevens, Steveson, Symington, Taft, Talmadge, Tower, Weicker, Williams and Young.

NAYS—14

Eagleton, Hart, Hartke, Hatfield, Hathaway, Hughes, Inouye, Kennedy, Mansfield, Mathias, Muskie, Ribicoff, Schweiker, and Tunney.

NOT VOTING—14

Abourezk, Bentsen, Biden, Clark, Cotton, Goldwater, Javits, McClure, McGee, McIntyre, Saxbe, Stafford, Stennis, and Thurmond.

So the bill (H.R. 9055) was passed.

Mr. MCCLELLAN. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Madam President, this cutoff was included in the second supplemental for fiscal year 1973 (P.L. 93–50) and was signed into law by President Nixon. In that case, the funding cutoff occurred roughly 16 years after the first American advisers entered what was then Indo-China.

We have been in Somalia for nearly a year. By way of our action today, we are setting an absolute outside limit of March 31 of next year on our involvement there. While the amendment I am proposing allows the President the opportunity to come back to Congress which he has anyhow, to seek an extension of that time, unless circumstances that I cannot envision occur between now and March 31, I cannot imagine such an extension being either requested or approved by the Congress.

So while the President can come back and request more time and money, more time and more funds will be given only if Congress approves the request.

So, Madam President, the Senate is playing a very important and proper role here today in exercising authority that the Framers of the Constitution reserved exclusively to the Congress—the power of the purse, to be found in section 9 of Article I of the U.S. Constitution—to effect policy in this most vital area of deciding when and for how long to send our Nation's sons and daughters over the far-flung corners of the globe to bear arms in hostile situations.

There has been a migration of responsibility for committing United States forces to combat from Washington to New York—the migration of responsibility has gone from Washington to New York—over the period of the Somalia intervention, particularly since last March, when the United Nations assumed authority for an expanded nation-building role there. The Senate has been cut out of those decisions, but not any longer. Thus, U.N. Security Council Resolutions, No. 814 and No. 837 of March 26, 1993, and June 6, 1993, respectively, which obligated U.S. forces to support the U.N. policy of nation-building and to hunt down and engage in a series of murderous exchanges with one warlord, committed the United States without the approval of the American people and without so much as a tip of the hat from the Senate. In addition, the command and control arrangements in Somalia between United Nations forces, with 4,000 Americans, under a United Nations commander, and United States Quick Reaction Forces under United States command, became confused and inept.

This amendment, first, attempts to end any confusion about who commands American men and women in uniform in the context of the Somali operation—only an American commander can order our forces into combat, period, not a United Nations commander—that is all over once this amendment becomes law—or a third country commander flying a United Nations flag, regardless of whether he has a wheelbarrow full of Security Council resolutions. Nobody in America elected the United Nations Secretary General to be our Commander-in-Chief. It seems clear that the current United Nations Secretary General has manipulated the use of American combat forces to engage in a personal vendetta with a Somali warlord. That was not any policy that this body signed up to, and it has resulted in 29 dead and 170 wounded American soldiers, and 1 hostage, who has now been released. So, this amendment repudiates that practice.

Second, this amendment approves a self-defense mission for United States forces in Somalia, and only in the context of the limited function of safeguarding humanitarian shipments out of Mogadishu to needy recipients. This amendment does not approve—does not approve—an expanded military operation to take on Aideed or any other warlord, to disarm the fighting factions, or to engage in search and destroy missions which will end up burying more American dead. We certainly can and should be aggressive and proactive in defending our own fighting men and women, and if there are indications that we are being targeted, we do not have to wait for the arrival of incoming bullets. But, there is a wide difference between aggressive self-defense and engaging in an expanding urban guerrilla war in Mogadishu. The humanitarian mission has essentially been successful and ended last March, but I do understand that some 10 convoys of aid pass through the port and airfield each day, and the administration would like to try to get replacement contractors and third country forces—India, Egypt, Korea and others—to assume that role. While those replacements are sought, found, and put into place over the next couple of months, our forces need to have the security while living and operating in an urban environment where they have become targets. According to a recent report in Time magazine, the Somali people have a history of guerrilla warfare, and so this amendment does not include a mandate to engage in search and destroy missions in their home ground of Mogadishu. The security of our forces while replacements are found is an important mission for the short run—but, this does not mean that we will stay beyond next March 31, if no one else will assume that protective role. Our humanitarian mission was successful. It is over.

The Pentagon seems to think it needs substantial new forces, armor,

100 tanks and armored personnel carriers and nearly 6 more months in Somalia. The President's report—and here it is—this is the report that was sent to the Congress in response to an amendment which I offered to the Defense authorization bill in September. This is the report I hold it in my hand. It was supposed to have been here tomorrow, October 15.

Incidentally, today is October 14, the day on which the Battle of Hastings was fought in the year 1066, when William I of Normandy defeated and killed Harold Godwinson II, a pretty important day to us Anglo-Saxon Americans. Regrettably, there is too much talk in terms of hyphenated Americans, but it was a decisive battle.

That was a day when one of the 15 decisive battles of the world was fought—15 decisive battles, according to Sir Edward Creasy, an English historian. He listed 15 decisive battles of the world up until 1850; the Battle of Hastings was one of them.

The President's report indicates that some 3,000 additional U.S. Army combat personnel will be put on the ground in Modagishu. This is a number somewhat larger than the 1,700 troops announced by the President last week. In addition, we are introducing long-range artillery into the theater, something that members of the Appropriations Committee were informed had been earlier rejected by the Pentagon because of the inevitable extensive collateral damage that such weapons cause. These new infusions of additional troops and additional types of weapons do lead to some questions about the planning that is going on by the Pentagon. Why? The justification for this buildup and duration has not been overly persuasive. It appears to be overkill. The American people want us out of Somalia in short order, so it is an exercise in Orwellian doublespeak to say we have to get further in to get out. We want out, not in. How far in does the Pentagon want to go before it goes out? We are adding hundreds of more American targets in a hostile urban environment. Maybe that is somehow going to make our force more secure, but I am far more interested in seeing a drawdown, not a buildup. In is not out, and therefore, a definite time limit through a funding limitation will ensure that, despite this double-jointed logic, out is the direction in which America is going.

This amendment does not support a mission for our forces of nation-building. We are not giving everything that the United Nations wanted. We are only giving a little of what the President wanted in this report. That is an open-ended snake pit, a grandiose, beguiling swamp. Let no one assume that a cease-fire between warring factions is the beginning of a process of building a nation out of scratch in the Horn of Africa. That is not our affair. We have better things to do. We saw enough of that in Lebanon when we tried to help create a political solution among warring factions, and our troops stood by in a mission impossible, known as "presence," until they were finally run ignominiously out of town.

So, national reconciliation—a nice, high-sounding phrase—is off the table so far as this amendment is concerned. The missions are deliberately crafted narrowly, in this amendment. It is a carefully drawn amendment and the missions are deliberately crafted narrowly, and specifically omit the more general political missions that are outlined in the President's report.

We are all pleased that the American and Nigerian hostages were released today. But we have to be concerned that there may be more prisoners taken in the future. Mogadishu has been repeatedly characterized by administration officials as essentially a "lawless" city. We need to make it crystal clear that America will not leave its people behind, and, therefore, all efforts, diplomatic and military, should be made for the express purpose of securing the early safe release of any living Americans being detained before we depart Somalia. It should be clear to all the warring parties in Somalia that the hostage game is not one we want to play and not one that will bring the Somalis any advantage.

The original operation, begun last December by President Bush, was to last a month or two. We have now been there 10 months. This amendment limits the American mission to a humanitarian one, with appropriate protection of our forces. While we do not want to micromanage the tactical details that are the appropriate prerogative of the President, it is rather puzzling as to why the Pentagon has insisted that we stay another 6 months. I am gratified that the President is emphasizing that March 31 is the absolute end-date and that he will make every effort to terminate our involvement substantially earlier. I have been given very strong assurances by the President in a letter I received from him today that he will make every effort to withdraw our forces as soon as feasible in advance of that date. Surely, the amendment provides plenty of time, more than enough time, to complete the transition of the humanitarian mission to other nations, if other nations are willing to assume that responsibility. If they are unwilling to do so over the next few months, that should not affect our expeditious withdrawal.

The President has provided a report outlining American humanitarian and protective missions and roles which, in essence, this amendment endorses. It endorses some. It does not endorse all.

I commend the President for providing this report earlier than the outside date of October 15. He did that at my request. I thought it would be helpful in devising my amendment, and it was helpful. I used some of it as guidelines in the amendment, some of it I did not use. He was able to expedite the submission of the report in order for it to be timely for the debate on this important measure.

This is the appropriate bill on which to debate our policy in Somalia, because it highlights the importance of the power of the purse—the ultimate arrow in Congress' quiver—to effect the policy of the Nation in such weighty matters as wars and deployments of American forces. The Framers of the Constitution were well aware that the power of the purse was the key to the power of this institution, and we cannot guard the American people and it too closely.

It is the power that the Constitution grants exclusively to the Congress in Section 9 of Article 1 of the United States Constitution. Read it. It does not double speak. It is clear. It is plain.

It is the key to a healthy system of checks and balances.

The President has stated unequivocally in his report that the "U.S. will complete the transition of its military logistics support to U.N. civilian contractors and other nations' logistics units no later than March 31, 1994" and that "U.S. combat forces will also be withdrawn no later than that date."

Those are the words in the report.

The missions and roles endorsed by my amendment are limited missions and roles. The amendment does more than focus and narrow the missions endorsed for our forces in Somalia. It also provides an endpoint, March 31, unless extended by Congress—not by the United Nations, not by the executive branch, but by Congress—beyond which funds are no longer available for those missions and that American presence in Somalia. It is important to set such a date because we here in this body share the ultimate responsibility of sending the sons and daughters of those people who are watching through the TV camera to defend the Nation's honor, to protect our Nation's interests, and in many cases never to come back alive—a very sobering, solemn responsibility.

The duration of a mission, therefore, is a crucial responsibility of this body which I believe must be accepted and decided.

I said weeks ago, I said we are going to vote. We are going to have to take a stand. It is our responsibility. We owe it to the people of the United States, and if I have anything at all to do with it, this Senate is going to vote. And we are going to.

The President is entitled to a consensus, one way or another, on Somalia policy, and it is my hope that this amendment will help draw this body together in support of a basic policy thrust that is well written out in this amendment.

Mr. President, there is a large, bold-letter message here for the United Nations and for those in this city or any other city who think the credibility and future of America will increasingly be represented through the United Nations.

There is no substitute—none—for Congress taking the responsibility and for the administration taking the responsibility for any deployments or actions that this Nation undertakes. Never have we surrendered and never will we surrender that authority to the United Nations or any other body; never.

That is what the people expect of us. They do not expect us to shirk this most fundamental of our responsibilities, and we have been shirking it; not a peep being said around here; nothing. We continue to read that the United Nations was planning more and more exploits, and that we were planning to develop some new policy at the U.N. which was going to be called "assertive multilateralism." We did not buy onto that.

We are not elected to shirk this most fundamental of our responsibilities, the safety and the welfare of our people, and the judicious, careful, prudent, well-conceived use of our military forces.

This issue has forced all of us to stand up. Now we are taking a stand. We are debating it; something we should have been doing months ago; stand up to the constitutional responsibility we have to address the issue of American involvement in hostilities abroad.

This debate over the Somalia intervention is just what the Framers had in mind in constructing the checks and balances of our Constitution and we are today exercising those congressional powers.

The War Powers Act has never worked. It is unworkable. I have said that before. Senator NUNN, chairman of the Armed Services Committee, has said it before, and others have said it. But this is the Constitution at work. That is the way it ought to be done. Let the Constitution work.

This is so important because without the exercising of congressional powers, they will eventually wither and die on the vine. The end product should be a new consensus over our policy toward Somalia, there should be no doubt about it—through a sharing of responsibility between the two branches, exactly as the architects of our constitutional scheme envisioned two centuries ago.

I commend President Clinton highly for his recognition—his recognition—of the legitimate exercise of congressional authority over funding. It is as plain as the nose on your face. Read it. There it is. Section 9, Article I, of the Constitution.

So I commend him for recognizing the legitimate exercise of congressional authority over funding to effect policy—that is a recognition which is refreshing after more than a decade of chief executives who rejected, on the basis of their counsel, the exercising of our constitutional scheme, and rejected the congressional claim to the power over the purse. There are those who want to give that power over the purse to the President—any President, Democratic or Republican. Not me, not to any President. If it is going to be given to the President, let the American people do it through an amendment to the Constitution.

In turn, by providing the President the flexibility to put into effect the policy of this Nation toward Somalia, in the most practical way, we recognize his authority as Commander in Chief to effectively implement a policy of consensus—and that is what we are going to develop, a consensus in this body, one way or the other—that is in the best interests of the Nation, as approved by Congress.

Madam President, I reserve the remainder of my time.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. ROBB). The Senator from Arizona is recognized.

Mr. MCCAIN. I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 10 minutes.

Mr. MCCAIN. Mr. President, this amendment authorizes no further funds for United States operations in Somalia, except those funds needed to support a prompt and orderly withdrawal of our forces from that country in a manner most consistent with the safety of United States personnel. Let us make it perfectly clear: "In a manner most consistent with the safety of U.S. personnel."

Their withdrawal may take a month to accomplish, maybe 2. But it certainly will not take 6 months. There is no date certain in our amendment, but our amendment will not permit United States forces to do anything else in Somalia other than organize their withdrawal. This means no warlord hunting, no nation building, no law and order establishing, no other missions whatsoever that have not been authorized by Congress.

Mr. President, our mission in Somalia is over. It is time to come home. Our mission in Somalia was to feed 1 million starving Somali who needed to be fed. It was not an open-ended commitment. It was not a commission of nation building, not warlord hunting, or any of the other extraneous activities which we seem to have been engaged in.

I do not lightly impose on the foreign policy prerogatives of the President of the United States, but in this case I feel that Congress must. Is there a Member of this body who can tell me with any degree of confidence that the situation which ensues following the withdrawal of U.S. forces 6 months from now will be any less chaotic than the situation which may ensue following our withdrawal 1 or 2 or 3 months from now?

Will waiting until March 31 constitute anything more than 6 months of U.S. troops hunkering down in enclaves? Will Aideed or somebody else either lay low until we leave or start bringing Americans under mortar fire?

Mr. President, can anyone seriously argue that another 6 months of United States forces in harm's way means the difference between peace and prosperity in Somalia and war and starvation there? Is that very dim prospect worth one more American life? No, it is not.

If the President of the United States cannot say, "Here is what we are fighting for in Somalia, that more Americans may perish in service to the goals, and here is why it is worth that price," then, Mr. President, we have no right—no right—to ask Americans to risk their lives in any further misadventures in Somalia.

The loss of American lives in combat is always a tragedy no matter how worthy or necessary the cause, but when those lives are lost to a mission which does not serve the national security interest of the United States, which has no firm or clearly defined purpose, which has not been well planned or well explained to the American people, then the loss of those American lives is not only tragic, it is needless.

Sadly, these are the circumstances in which the United States finds itself today as it flounders about in Somalia in search of a reason to justify our presence there.

Mr. President, there will be people who take the floor tonight who will say that we did not utter a peep in the previous times, in the time of the tragedy that took place with the helicopter shot down and the tragic loss of American lives. I point out, Mr. President, that on August 2, I gave a speech to this body where I said:

> Mr. President, I am calling today for President Clinton to come to the Congress and the American people and explain what our goals and strategy in Bosnia and Somalia are.

I went on to say:

> I want to emphasize that Americans are not ready to watch people get massacred if they can prevent it. An open-ended military commission in the region, such as in Somalia, is something that the American people will not support.

I went on to say again, on August 7, basically the same thing. Mr. President, again, in September, on September 9.

There are some of us who saw this coming, Mr. President. It is very, very disheartening to note that we were right.

Mr. President, I want to talk about another circumstance, because there is

a lot of talk about another Vietnam and another debacle in which the United States may find itself. I was a new Member of the other body in September of 1983 when a resolution was before the House of Representatives concerning approval of the United States' involvement in Lebanon. That resolution supporting the United States' sending of combat troops to Lebanon was overwhelmingly voted favorably by both Houses of Congress. At that time, I gave a very brief speech and I will quote from it again:

I have listened carefully to the explanations offered for our involvement in Lebanon. I do not find them convincing. The fundamental question is: What is the United States' interest in Lebanon? It is said we are there to keep the peace. I ask, what peace? It is said we are there to aid the government. I ask, what government? It is said we are there to stabilize the region. I ask, how can U.S. presence stabilize the region?

I went on to say:

What can we expect if we withdraw from Lebanon? The same as will happen if we stay. I acknowledge that the level of fighting will increase if we leave. I regretfully acknowledge that many innocent civilians will be hurt. But I firmly believe this will happen in any event. What about our allies and our worldwide prestige? We should consult with our allies and withdraw with them in concert, if possible—unilaterally, if necessary.

I also recognize that our prestige may suffer in the short term, but I am more concerned with our long-term national interests. I believe the circumstances of our original involvement have changed, and I know of four American families who share this view. I am not calling for an immediate withdrawal of our forces. What I desire is as rapid a withdrawal as possible. I believe the longer we stay, the more difficult it will be to leave. I am prepared to accept the consequences of our withdrawal.

I am prepared to accept the consequences of our withdrawal from Somalia, Mr. President. I think it might be well for us to recognize in this body the kind of danger that our American fighting men and women are in. They are in enclaves in Mogadishu. They do not control the roads and highways around them. We are at the whim of the now general leader Aideed—who we used to call fugitive outlaw Aideed a short time ago, when we had $25,000 bounty on his head. Now we are negotiating with him; we are at his whim.

If they choose to launch mortar rounds in the enclaves that our troops are in in Mogadishu tonight they can do so. I do not like to place the lives of young American men and women in that kind of a situation.

Military people tell me that they can be out in 1 or 2 months, that the orderly, safe withdrawal can be carried out in 1 or 2 months. Let us say for argument's sake that it would be the beginning of December or even the end of December.

Mr. President, I think Senators should ask themselves the following question when they vote on this amendment and the Byrd amendment: If the worst case scenario ensues, that sometime between the time we could have withdrawn and the March 31 date young Americans are wounded or killed, whose responsibility is it? Whose responsibility?

In conclusion, I would like to remind our President of the criteria for U.S. participation in U.N. missions which he outlined at the United Nations. He said the criteria for U.S. participation in U.N. missions was: Is there a real threat to international peace? Does the mission have a clear objective? Can an end point be had? And how much does the mission cost?

The President identified the end point. He, however, is unable to answer the questions which seemed so important just weeks ago. The President should match political rhetoric with action. By his own criteria, it is time for our troops to come home from Somali; not 6 months from now, but now.

We need not withdraw our forces so hastily that the withdrawal compromises the security of our troops. We may need to deploy additional forces in the period preceding withdrawal to protect the present force. We do not need to keep Americans in harm's way for 6 additional months in service to a mission which no one can rationalize as important to our security, or even explain in terms that can be understood by the American people.

Our mission in Somalia is completed. We fed the starving there. We undertook a humanitarian mission in Somalia. We achieved an honorable success.

Originally we did not have a national security interest involved in our Somalia policy. However, due to the poorly conceived, poorly explained and poorly implemented U.N.-U.S. policy of recent months, we eventually acquired one. His name was WO Michael Durant. Thankfully, Warrant Officer Durant is again a free man. With his freedom and the last compelling purpose to remain in Somalia resolved, let us now commence an orderly withdrawal from Somalia before we acquire any new national interests during our further misadventures there.

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

Mr. McCAIN. On the Senator's time I am glad to yield.

Mr. WARNER. I thank the Senator.

I ask the distinguished Senator from West Virginia for not to exceed 3 minutes for the purpose of a question.

Mr. BYRD. I yield 3 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes on time chargeable to the Senator from West Virginia.

Mr. WARNER. Mr. President, no one disputes the credentials of this distinguished American to address this difficult issue. It has been my privilege to be a friend and colleague of the Senator from Arizona for years, as well as his father's.

I ask the Senator this question because I was touched when he said the blood would be on our hands if his amendment were not adopted.

My question to the Senator is, if his amendment is adopted, and it is perceived in any of the hundred places in the world as a cut-and-run decision, less than a strong stance by America for its people, it will be a terrible problem. We have embassies, 120-plus, the world over, and many military facilities, and they are enclaves, basically, behind fences. The United States does not control the roads and the access routes. U.S. diplomats, soldiers, and civilian employees must move out of those embassies. They must go to their homes in distant places. We have soldiers, sailors, airmen, and marines stationed all over the world, many of them living on the local economy. And the Senator well knows there are dangerous spots in this world and there are individuals who would love to shoot down our Americans in the hopes that they would leave. If they see that America will cut and run if they shoot down Americans, it would be a terrible message for us to send, and would put Americans abroad at increased risk.

I ask my good friend, how does this amendment affect those serving courageously in both uniform and civilian roles throughout the world?

Mr. McCAIN. Mr. President, I yield myself 30 seconds.

The PRESIDING OFFICER. The Senator is recognized for up to 30 seconds?

Mr. McCAIN. Mr. President, my answer to the Senator from Virginia is; the same way it impacted our abilities to defend our citizens after we withdrew from Beirut, after we saw it became a debacle, not at all. We are the Nation that won the cold war. We are the Nation that won operation Desert Storm. We are the Nation that people know can retaliate. They also know, when we continue to pursue missions that have no goal, have no purpose, and have no strategy except, to get enmeshed in some open-ended commitment called nation building, preservation of law and order, if we keep that up we will be the laughing stock of other nations of the world.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. McCAIN. Mr. President, I yield 10 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for up to 10 minutes from the time chargeable to the Senator from Arizona.

Mr. GRAMM. Mr. President, I want to begin my remarks by taking up where this last exchange left us, because I think that there is a very good lesson of history that we can learn from Ronald Reagan. As a person who loves our former President, I often look to him for guidance, and I think in this particular case there is a perfect example.

Who here, who served in 1983, does not remember that terrible day when 241 marines were killed in a barracks in Beirut? It was a terrible tragedy, and all over the country people pointed the finger at Ronald Reagan.

Now, Ronald Reagan could have said, "We cannot cut and run." He could have said, "The prestige of the United States of America is on the line." He could have come up with a thousand and one justifications as to why we were there and why he needed another 6 months to find a really good excuse.

But thank God Ronald Reagan basically said that we made a mistake, and he withdrew from Lebanon. I submit that it took more courage and it took more leadership to withdraw from Lebanon in the face of that terrible disaster than it would have taken to have found a good excuse to ask for 6 months to stumble around to find a justification for what happened.

I think we ought to remember President Reagan's courage in this debate.

Mr. President, we have before us two proposed policies; the policy offered by Senator BYRD on behalf of much of the leadership of the Senate, and a policy offered by Senator MCCAIN on behalf of several of our Members.

The policy offered by Senator BYRD basically says the Senate approves the use of United States Armed Forces in Somalia, and then it outlines two uses: United States military logistical support services to the United Nations forces and, two, United States combat forces in a security role and as an interim force protection supplement to U.N. units. And it sets a limit in terms of funding of March 31. Then it says that funds may be obligated beyond March 31, 1994, to support noncombat personnel to advise the U.N. command in Somalia.

In short, while Senator BYRD is absolutely right that he is using the power of the purse that the Founding Fathers gave to the Congress, not to the President, this amendment by Senator BYRD is an endorsement of the Clinton administration policy and a commitment to that policy.

The amendment offered by Senator MCCAIN is as straightforward as an amendment can be. It says:

> No funds may be obligated for support of operations of United States Armed Forces in Somalia except to support the prompt and orderly withdrawal of all United States Armed Forces in Somalia in a manner most consistent with the safety of United States personnel.

One policy is a commitment to what the President has asked in terms of staying 6 more months. It sets a limit on the ability of the President to go beyond that, but it also allows Americans to stay in advisory roles. That is the Byrd amendment.

The McCain amendment says we should protect Americans while they are there and bring them home as soon as possible, consistent with a withdrawal that is undertaken in a way to make Americans as safe as they can be while they are there and during the withdrawal.

Mr. President, we went to Somalia on December 9 with a clearly defined objective under a timeframe that should have been more tightly defined. I urged President Bush to take the position that we would go in, establish order, open the lines of transportation for food, and bring the troops home before the President went home on January 20.

Clearly, the initial objective was humanitarian and it was broadly supported. We understand that and nobody disputes it.

But nobody disputes the fact that mission was over by June. I have not heard one Member of the Senate and I have not heard one member of the administration who has said that the initial purpose of going there—humanitarian relief—was not finished by June. But what happened in June and July and August and September and now in October? What happened is that by staying after the mission was done, we took up other missions.

Like a vacuum in nature, if you do not provide it leadership, somebody else does. And what happened in Somalia is the U.N. provided leadership when we seemed to have no program, no mandate, and no mission, and the United Nations basically pushed us into a new mission that was not part of our original objective. And we have all seen the cost of that mission.

So we are now down to a decision. The President says, "Give me 6 more months." But does the President say what he is going to do in 6 months? Basically, the President has assured us that, if we let him keep troops in Somalia for up to 6 more months, Americans will not be out in a combat role, but holed up in compounds. My question, and the question of the Senator from Arizona, is: If we are going to be holed up in these compounds, why are we there at all? Why not take our people out of danger by bringing them home?

Well, I think the answer is that there is no reason in the world that we should not bring our troops home.

The McCain amendment does not set a time limit. It simply says, bring the troops home as quickly as possible consistent with their safety. Is that not what the American people want? When your telephone rings off the wall, is that not what people are saying on the other end of the line? Is that not the message we are hearing from all over America? Does anybody believe there is a clearly defined objective that the President now has in Somalia? Are we not talking about 6 months to save face and to find a justification?

Well, let me tell you why I am not going to support that 6 months. Let me tell you why I want to be on record for the McCain amendment.

Yesterday morning, I visited with a young woman, Deanna Joyce, a woman about the age of my eldest son, who is a junior in college.

And I have to say, Mr. President, that she was poised. She wore her husband's dog tags and her husband's Purple Heart.

She came to see me to thank my office for some very small things we had done to help her, as every office in the Senate does to help people when something bad happens to them. Her husband, Sgt. Casey Joyce, had been killed in Somalia. He was buried as a hero at Arlington Cemetery on Friday.

I thought how ironic it was that she was thanking us when I should be thanking her—and America is thanking her—for the sacrifice she made.

But, basically, the decision I reached in talking to her was I cannot see what we are doing in Somalia or what we are going to achieve in the next 6 months. I cannot see how it can justify more of the kind of sacrifice that young lady has made. It seems to me that is the real question.

Most of us here are not like the distinguished Senator from Arizona, or our distinguished colleague presiding in the chair, or the distinguished Republican leader. Most of us have never been in combat, have never really been at any risk in our lives.

But when we set a policy, we put people at risk. I supported American policy in Panama and Grenada. I supported our policy in Desert Storm. And in responding to that policy, I saw sacrifice, but it was sacrifice that I could justify.

I ask the Senator for 2 additional minutes.

Mr. MCCAIN. I yield 2 additional minutes to the Senator.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. GRAMM. Mr. President, the relevant question here is this: can we justify more funerals of young Americans over the next 6 months based on a policy that none of us can define, a policy that the President and the administration and all of his advisers cannot describe? Is it worth one more American funeral to be in Somalia for 6 more months?

I say no. That is why I am for the McCain amendment.

We have a very simple choice. Is it worth risking more precious American lives to stay for 6 more months in Somalia, stumbling around, looking for a mission? And I think the answer to that question is as clear as any answer has been to any question in the years that I have served in the U.S. Congress. The answer is clearly "no."

The McCain amendment is a simple policy. It says we did what we went there to do. We did it proudly. And

then we made a mistake. We stayed and got into ill-defined missions to which we were not committed.

The President said today in a statement that it was a mistake letting the United Nations dictate a mission to us; that our policy has been wrong.

But the paradox is that the President clearly did not learn anything from the mistake, because now he is asking us to give him 6 more months to stay in Somalia with no clearly defined mission.

The amendment of the distinguished Senator from Arizona says we did our job; we did it proudly. We helped feed a hungry people. They are not hungry anymore.

We did the job. We did it well. Now it is time to come home.

The amendment of Senator MCCAIN gives us that opportunity. I urge my colleagues to simply look at the choice and to decide that enough is enough. It is time to bring our people home.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. WARNER. Mr. President, I ask the distinguished Senator from West Virginia to yield me less than 3 minutes.

Mr. BYRD. I yield the Senator 3 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 3 minutes with the time chargeable to the Senator from West Virginia.

Mr. WARNER. Mr. President, I would like to pose a question to my distinguished colleague from Texas. The future security arrangements of our Nation are highly dependent on the ability of our Nation to form coalitions with other nations to go in and perform the missions as determined by the President of the United States, and in this instance two Presidents—President Bush and President Clinton. These coalitions are the future for the security arrangements in many, many instances. We must be a stable, reliable partner now if we expect other, nations to join us in the future.

What is the impact of the McCain amendment on the credibility of a future President when he encourages other nations to join in a new mission? In my judgment, you seriously damage the credibility of this country in its ability to form future coalitions if we were to adopt the McCain amendment.

Mr. GRAMM. Will the Senator give me 1 minute?

Mr. MCCAIN. I yield a minute to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 1 minute on the time of the Senator from Arizona.

Mr. MCCAIN. If there are further questions, because there are many people who wish to speak, I hope they will get time from the Senator from West Virginia for the answers as well.

Mr. BYRD. Mr. President, I am not going to give——

Mr. MCCAIN. You do not have to, Mr. Chairman, but then I will ask he not ask questions.

Mr. BYRD. Very well.

Mr. GRAMM. Let me respond by saying that we carry out foreign policy, we protect American freedom, and we promote our international goals with the sacrifice of precious American life. And if we abuse that right, we undercut the support of our own people for our own policy. It can never be prudent to throw away American lives and undercut the support of the foundation of American democracy and American reliability, which is the support of our own people. It can never be prudent to squander that capital.

That is why great Presidents do not commit American lives unless our clear interest is at stake. There was a mistake made here, and I am willing to say some of the mistake was in the Bush administration. But clearly the big mistake was in not declaring victory and coming home in June.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. BYRD. Mr. President, I yield 6 minutes to the distinguished Senator from Rhode Island [Mr. PELL].

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. PELL], is recognized for 6 minutes on time chargeable to the Senator from West Virginia.

Mr. PELL. Mr. President, I thank the principal originator of the amendment, Senator BYRD.

I rise in support of Senator BYRD's amendment on Somalia which I am cosponsoring. This amendment largely reflects President Clinton's policy on Somalia recently elaborated in the President's "Report to the Congress on U.S. Policy in Somalia," received by the Senate yesterday.

This amendment, like the President's plan, makes the right choice regarding Somalia. The short-term increase in our troop strength will enable us to bring our combat forces home by March 31, 1994, by demonstrating America's firm resolve to protect our troops who are assisting the United Nations' humanitarian activities.

At the same time, I must oppose Senator MCCAIN's amendment. By withdrawing our troops precipitously and abandoning out humanitarian mission, we risk endangering our allies and all that we have achieved to date in Somalia.

Senator BYRD's amendment incorporates the President's well considered timetable for ending our involvement in Somalia. By withdrawing our forces by March 31, 1994, the United Nations will have had sufficient time to assess its mission, secure alternative logistic services and to adjust the U.N. command to operate without U.S. combat support. I agree with the President's statement this morning that, "we have to maintain our commitment to finishing the job we started. It is not our job to rebuild Somalia as a society or its political structure. The Somalis have to do that for themselves—but we have to give them enough time to have a chance to do that, to have a chance not to see the situation revert to the way it was before the United States and the United Nations intervened to prevent the tragedy late last year."

I have long advocated a refocusing of our mission in Somalia. I believe the administration's announced shift from targeting Aideed to pressing a political solution will allow us to complete our job in Somalia. I am pleased that the President has modified the U.S. mission to one of protecting our troops and our bases, securing the roads and the port area; keeping the flow of food, people, and supplies moving; and holding fast against those who cut off relief supplies and attack peacekeeping forces.

We have already seen some significant gains in Somalia from this redirection of our operations. U.S. Army Ranger Michael Durant and a Nigerian trooper were unconditionally released today by General Aideed. Last Saturday, Aideed declared a unilateral cease-fire that continues to hold in Mogadishu. I am encouraged by these developments. I believe that they have opened the door to a negotiated settlement.

With the return of Ambassador Oakley to Somalia as the President's Special Envoy, we are working with the Presidents of Ethiopia and Eritrea, as well as leaders of other regional African nations to work out a political process that they would manage. In addition, we will be aiding the United Nations in deploying additional forces from other nations to replace American troops in Somalia.

In conclusion, Senator BYRD's amendment is the most responsible response to concerns about the nature and extent of our commitment in Somalia. It defines the limits of the mission, the timetable for its completion, and provides an appropriate interval for the United Nations to find replacements for U.S. combat forces. I urge my colleagues to support Senator BYRD's amendment and to vote to table Senator MCCAIN's amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. How much time does the distinguished Senator wish?

Mr. BOREN. May I have 7 minutes?

Mr. BYRD. I yield 7 minutes to the distinguished Senator from Oklahoma [Mr. BOREN].

The PRESIDING OFFICER. Senator BOREN is recognized for up to 7 minutes on time chargeable to the Senator from West Virginia [Mr. BYRD].

Mr. BOREN. Mr. President, I thank the Chair and my distinguished colleague from West Virginia.

First, I want to commend him and those of the leadership and others who have worked with him to craft this amendment. It has been put together in a very responsible way. Time has been given for additional consideration of views so we could reach a consensus as broad as possible in the Senate, and try to speak clearly on this particular issue. I commend the Senator from West Virginia for taking the time and having the patience to try to form that kind of consensus.

I commend him also for his sensitivity, which I have heard him express not only in public but in private, of the need to carefully consider each and every situation and every possible scenario and outcome whenever we have under consideration the sending of young Americans in harm's way, particularly when we were considering whether or not to commit the Armed Forces of this country into a situation where casualties and deaths might result.

I have heard him speak passionately in private, around the Cabinet Room in the White House, not only during the course of this administration but previous administrations. He has always been a thoughtful voice, making sure that we think very, very carefully about our responsibility for the risk of American lives.

Let me say I am concerned about the current situation. While I support the Byrd amendment, I want to also make clear I think we have to be very careful we do not draw the wrong lessons from what has happened in Somalia and we do not overreact with emotion.

I am glad this amendment as now phrased would allow by Presidential request for the extension of the deadline if necessary. I am very concerned about us setting a date certain because I worry that other nations and all parties involved, once they know the United States has a plan of action with a definite timetable, will themselves begin reacting in accordance with it. We may see a move by other nations to begin withdrawing their troops before we have a chance to withdraw our troops. We may see the multinational action begin to fall apart because of a knowledge, with some certainty, as to what we are going to do.

So I suppose, if I had any preference, I certainly have a preference tonight for the Byrd amendment as opposed to the McCain amendment. My preference would be for us to not legislate at all. I believe it is best and wisest for this country to be able to have the kind of conversations and consultations and real conversations—not formal ones or those that are in form only, not in substance—between the executive branch and the legislative branch so that when it comes to speaking in public, we can speak with one voice for this country and that is the voice of the Commander in Chief.

We cannot have 535 Commanders in Chief. We cannot write laws that will take into account every possible situation that might arise because no one—no one—is able to predict the future in every possible scenario that might take place. Therefore, I believe that we have to leave certain discretion in the hands of the President of the United States, the Commander in Chief.

It is appropriate that we have had this debate. And this debate has certainly, I think, focused the attention of the Nation and of the administration clearly on the problem at hand in Somalia. But I hope that we will think long and hard before we further proceed down the slippery slope of micromanagement of foreign policy, which is best left in the hands of the President as long as we can do so, as long as he will listen to the voices in Congress, as long as he will hear the concerns, as long as he will react to them—then I believe we are best served by allowing the President the greatest possible flexibility in dealing with these situations.

What are the lessons that we should have learned from what happened in Somalia?

Senator PELL and Senator LEVIN and I were, I believe, the first Members of the United States Congress to visit Mogadishu after the landing of the Marines. We were there some 4 days after the landings. The Marines were still sleeping on the ground. They were not yet in buildings. But the situation had already been secured. The shooting had stopped, and we were already well underway toward a process of some of the arms being laid down so that the emergency food supplies could be delivered.

Why? Because we had a clear sense of mission; we understood our purpose. Ambassador Oakley, General Johnston, the Marine commander, and others, understood exactly what they were to do, and they did it well. They understood that they were there to provide humanitarian relief. They were there not to take sides in a civil war nor to support one faction over another nor to engage in hostilities on behalf of one group or another. Ambassador Oakley was very careful never to meet with one of the leaders of warring factions alone, but always to meet with them together so that they would all know we were being evenhanded, and they were receiving the same message from all of us.

Unfortunately, after Ambassador Oakley retired from that post, and after General Johnston left, others, and then under United Nations leadership, began to follow a very different path. We began to veer away from our mission. It is very clear that policymakers in Washington were not carefully enough monitoring the situation, and they allowed our military forces to be used in behalf of a mission that was not our original mission or purpose, and that mistakenly involved us into choosing sides and involved us in getting involved in activity on behalf of one side in what was basically a civil war in that country among more than just two factions.

That was the mistake. The lesson we should learn from that is if we are going to participate in multilateral actions, we cannot afford to say now that other nations are involved, we no longer have a responsibility ourselves to make sure that the policy is right, that we are doing the mission, and that the lives of our own military personnel are secure. That is where the mistake was made.

If we are going to be involved in multilateral actions, we ought to make sure that it stays on course, that it stays true to its mission, and that while others may be helping in the carrying out of that mission—troops from other nations, leaders of the United Nations, and others—that we still have the prime responsibility for the safety of our own troops and the use of our own resources to follow the mission that we have agreed to participate in.

That is the lesson we should draw from it. We should not draw the lesson, however, that we should never participate in multilateral actions. That would be a serious mistake. We see so many situations in the world in which the American people—and let us remember when we saw the scenes of the starving children in Somalia, the American people were saying: "Something must be done." Now, if we are only left with two options—doing nothing in a situation like that; or doing it all by ourselves, with the United States being policemen for the world, risking only American lives and spending only American taxpayers' dollars—what a terrible choice we are given. Very often because of the fact that neither of those choices is acceptable, we are frozen into inaction.

We cannot go it alone, and at the same time we simply cannot afford to allow that sort of suffering to continue.

I ask the distinguished chairman if he might grant me 2 minutes to conclude?

Mr. BYRD. Would you do with 1? I am already oversubscribed 43 minutes.

Mr. BOREN. I am glad to do it.

So I think it would be a mistake, Mr. President, for us to leave this situation or this debate with the conclusion that we should reject multilateralism and be left only with the choices of the United States doing it alone or the United States doing nothing in this situation.

We should also learn that we will be in a stronger position if we adopt the proposal of U.N. troops training together and working together so they understand common military doctrine; they can work together and already have a working relationship if these situations should come again.

So let us draw the right lessons; let us learn from the mistakes we made; let us hold to a constant course of action. But let us not micromanage foreign policy and military policy nor tie the hands of the President nor reject out of hand any multilateralism in the future.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. BYRD. Does the Senator from Illinois wish to proceed?

Ms. MOSELEY-BRAUN. Yes, I do, for 7 minutes.

Mr. BYRD. I yield 7 minutes.

The PRESIDING OFFICER. The Senator from Illinois is recognized for up to 7 minutes, the time chargeable to the Senator from West Virginia.

Ms. MOSELEY-BRAUN. Mr. President, I am here to speak in favor of the Byrd amendment to define the circumstances of the withdrawal of our troops from Somalia.

We are in a period of redefining our foreign policy. Our goals used to be simple and straightforward: To contain communism and minimize the nuclear threat from the Soviet Union. Today, we face the challenge of redefining our military and strategic objectives precisely because that war was won. We have gone from looking at the world through a bipolar lens—one which was bad for the Soviet Union and its allies and was good for the United States and our allies—to looking at the world through a kaleidoscope—with ambiguity and shades of gray.

I believe, and the President has stated, that American foreign policy should follow our values. I supported the humanitarian mission in Somalia because I believed that mission, securing the flow of humanitarian assistance to halt mass starvation, followed the very best American values.

In this new world of instability, there are long-term objectives important to our foreign policy and which must be measured when the United States considers its national interests. We must maintain a healthy U.S. economy. We must maintain the security of our Nation and our allies. We must maintain the highest standards for the protection of human rights. And we must encourage democracy.

In short, we must ask ourselves which international crises require U.S. attention, and when we will commit American resources. During the cold war, there were some very tough decisions to make. We sometimes went to the brink, and decisionmaking was full of high tension. Ironically, in the post-cold war world, we find we have to make decisions that are even more complex, because they are ambiguous and because it is sometimes harder to discern the right and proper course.

I believe, Mr. President, that a partnership with the United Nations is an important element of how we should respond to this new, diverse agenda. With Operation Restore Hope, the efforts of the United Nations to protect human rights and to support and preserve democracy were consistent with our national interests. As such, Operation Restore Hope was not only a noble undertaking, it was also in keeping with our specific national interests. Again, in this world of instability, cooperation and coalition with the rest of the world is appropriate and called for.

Mr. President, the Somalian conflict is an age-old civil war. What distinguishes it from other civil wars, and what made the American people support the United States mission there, was that the military leaders on all sides of that conflict were withholding food as a military tactic, and that is unacceptable and beyond bounds. There are over 300,000 people dead. Children have been hurt the most, and this is a real tragedy because it is the future of Somalia that paid the highest price.

The United States went to Somalia to stop these casualties, and it was the right thing to do. Humanitarian aid is the right thing to do. In Somalia, we had an interest in seeing the starvation cease. We had an interest in sending a very clear signal that using civilian casualties as a mechanism of fighting a war was unacceptable. The problem arose in recognizing when that humanitarian mission had been achieved.

The Somalian conflict is probably typical of future conflicts in this post-cold war world. The United Nations will be called on time and time again to keep peace between combatants in civil wars. That is the scenario in Somalia; it is the scenario in Bosnia. This is a new and different role for the United Nations, and it will create demands on member nations that require us to think differently about our national interests when we address these conflicts.

I believe that we should support the United Nations intervention when our core values are at stake, which touch on our long-term strategic interests.

I support Senator BYRD's amendment and applaud his leadership for two essential reasons: First, because the mission in Somalia changed without explicit recognition of that change. There was no control mechanism or planning in place so that a specific decision could be made which acknowledged and supported the change from a humanitarian mission. Second, because when the U.S. military takes on a new mission with the potential for violence and the loss of life, Congress must be involved. Our Nation's founders expected Congress, as the people's representatives, to play a critical role in deciding when our forces would be put in hostilities abroad.

The Byrd amendment, and his leadership here, is consistent, I believe, with our responsibility to protect the Constitution and the role of this body.

For any tyrant to take heart from our action here would show, in my opinion, a singular misunderstanding of the structure of our constitutional form of government. We must be vigilant in the protection of our Constitution and of our obligation to the men and women who serve in our Armed Forces. But no one should take heart from this action other than to recognize that Senator BYRD and those who support this amendment are doing so, I believe, in the finest tradition of the balance of powers in this constitutional government. We are exercising our responsibilities under the Constitution not to allow our soldiers to be put in harm's way without debate, and subsequently congressional approval, of a clearly stated mission.

I want at this time to offer my personal condolences to the families of the American soldiers who have died there. Their sons have paid the ultimate price for our country, and I am sure we all recognize that. But they were part of an important and noble mission that is unique in history, and they saved hundreds of thousands of lives. We have done a wonderful thing for the Somali people, and I think all Americans can and should take pride in that. But the Byrd amendment says our troops must leave Somalia unless the Congress approves an extension. I believe this is an eminently reasonable course, and I urge my colleagues to support it.

I thank the Chair.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. McCAIN. Mr. President, I yield 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. BRADLEY] is recognized for up to 10 minutes on the time chargeable to the Senator from Arizona.

Mr. BRADLEY. Mr. President, I rise in support of the amendment offered by the distinguished Senator from Arizona. Before speaking on the amendment, I would like to add my voice to those who are welcoming the release of the captives held by General Aideed, especially Michael Durant, but also the Nigerian U.N. soldier, and my condolences to the families of those who died in Somalia, in particular the two New Jersey soldiers who lost their lives in service to their country.

Mr. President, I have opposed the continued presence of American troops in Somalia absent a clear and compelling framework for their involvement. The question is not one of cutting and running in response to casualties or even cutting and running in slow motion as the March 31 date could imply. The question is one of principle and common sense. In the post-cold-war world, we must only commit our troops and resources in support of achievable and well-understood goals.

Last week, after the loss of American troops, people called for the resignation of Secretary Aspin. When they asked me, I said, no, I do not think he should resign. The problem was not a failure of execution of policy. It was, rather, a failure in the formulation of policy. A series of ad hoc decisions, divorced from any overall strategy, led our troops into an ill-defined, poorly planned, and open-ended mission. First, there was humanitarian relief, then peace enforcement, which developed into nation building. That in turn evolved into a bloody power struggle for control of Mogadishu. We have in this ad hoc way been brought to a stark choice: either we pour in tens of thousands of troops necessary to root out recalcitrant warlords and impose a political structure on Somalia or we withdraw as quickly as possible.

Those are the two choices. The first option, deeper commitment, is a nonstarter. We do not have vital national interests in Somalia, either strategic interests or economic interests, that would justify the expense of that first option in lives or resources, nor, I might say, do we have the public support for such a step. That leaves only the second option, to bring our troops home as soon as possible consistent with an orderly departure.

Unfortunately, Mr. President, the administration has chosen neither of these realistic options—neither increasing military force and seeking to pacify nor leaving as soon as possible.

Instead, it has opted for a middle course. The administration plan keeps American troops on the ground and at risk but provides far too little force to pacify Mogadishu door by door, block by block. Indeed, Secretary Christopher has said that "to carry out a military solution to this problem would require people, time, and money beyond all reasonable expectations."

Mr. President, many Somali-Americans that I have talked to want Americans to remain in Mogadishu not for 6 months but until the job is done. Beyond the humanitarian mission, they want us to be there for one purpose, to root out General Aideed. They argue that only that will establish the situation for the long run, but clearly such an effort under U.S. leadership will cost many more U.S. lives and as of tonight I know of no one who advocates that position.

At the same time, I believe the administration plan leaves too little time for political efforts to bear fruit. Even the President, when he announced his policy, acknowledged that it had only a "reasonable chance" of success. Given the history of Somalia, and the failed efforts of the past 10 months, I am not convinced that 6 more months will make any difference in establishing a political structure or even sufficient space for Somalis themselves to come to an agreement.

Mr. President, whether we leave on March 31 or January 1 or February 1, I doubt Somalia will be any different 9 months after we leave. Let me repeat that. Whether we leave on March 31 or January 1 or February 1, I doubt Somalia will be any different 9 months after we leave.

The amendment of the Senator from Arizona accepts the reality of the situation and provides for a "prompt and orderly" departure from Somalia. Frankly, I would have preferred specifying an early date certain for cutoff of funds. However, Senator MCCAIN has clarified in his remarks that "prompt and orderly" means much less than 6 months requested by the administration. "Prompt and orderly" means as soon as possible. And on this basis I support the amendment.

Some argue that prompt withdrawal would damage America's credibility. I believe the opposite is true. Recent history has taught us that America's credibility is based on an ability to define and pursue genuine national interests and not by stamina or hunkering down.

Just think of Beirut. Our credibility was damaged while our men were pinned down at the Beirut airport on another vague, open-ended humanitarian mission. Our credibility recovered after we had the wisdom to withdraw.

Mr. President, to argue that to leave makes Americans into targets worldwide, I believe, is faulty logic. Does anyone believe that by leaving January 1 instead of April 1 terrorists on the West Bank or in Turkey or the Basque country will be encouraged? I find that assertion stretches the imagination.

Only a well-planned and well-executed antiterrorist policy will deter terrorists.

If sustaining casualties means we have to stay no matter how confused and poorly planned a mission, then we can never leave a place as long as we are sustaining casualties. If we hesitate to leave because at some point somewhere, someone might read our leaving as weakness, then our foreign policy has lost any flexibility and we could be pinned down at place after place after place around the world.

What a narrow, reactive view of the world and our role. What a very cold war style view. We do not decide. They decide, and we react.

Mr. President, some argue that our departure would damage the United Nations. It is true that the experience surrounding Somalia has wounded the United Nations. The U.N.'s ability to mount and sustain a peace enforcement mission has been called into question clearly, but the source of the United Nations difficulty lies in its ill-defined, poorly planned and open-ended mission that it took upon itself. The United Nations difficulty lies in trying to perform a peace-enforcement mission with the resources and skills appropriate to a peacekeeping mission.

The United Nations is an important pillar of the post-cold-war international order. No question about that. It has proved its value in peacekeeping. But the tools necessary for peace enforcement conducted in a hostile environment are very different. We realize that now. The United Nations must learn from its mistake as well. We and the United Nations will need to apply these lessons as we view the situations around the world that pop up, whether it is in Haiti or if we are asked to negotiate a negotiated settlement in the former Yugoslavia. Learn the lesson of Somalia.

Mr. President, we are not debating here tonight a choice between solving Somalia and abandoning Somalia. We are debating America's interests. It is in America's interest to withdraw our forces as soon as possible. If we began our withdrawal today, it could be done in an orderly fashion in 2½ months, January 1.

So a March 31 deadline would mean that we stay 3 months longer than necessary. It is not in America's interest to extend our exposure on the ground at an unacceptable cost in blood, treasure, and credibility.

So I say let us support America's interests, cut off the funding, and bring our soldiers home.

Mr. STEVENS. Mr. President, may I ask my friend, Senator BYRD, for time?

Mr. BYRD. How much time does the Senator need?

Mr. STEVENS. Not more than 5 minutes. I do not think I will use that much.

Mr. BYRD. I yield 5 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Alaska [Mr. STEVENS] is recognized for 5 minutes.

Mr. STEVENS. I thank the Chair.

Mr. President, I want to thank the distinguished chairman of the Appropriations Committee, the Senator for West Virginia, for courtesies to this Senator during the preparation of his amendment to the Defense appropriations bill.

The President pro tempore has given the views of this Senator much consideration, and I appreciate the modifications he made to his amendment.

I have asked to be a cosponsor for this amendment, because I believe Senator BYRD has tried to strike an appropriate balance between the need to protect our military personnel in Somalia, and to ensure the United Nations has sufficient time to prepare for the departure of United States forces.

The release of WO Michael Durrant lifts a serious burden from the military and the President in formulating our withdrawal schedule from Somalia.

Mr. President, early this week I joined four other Senators in a 2 hour classified discussion with Gen. Joseph

Hoar, commander in chief of the Central Command.

General Hoar is charged with direct responsibility for the United States military forces now deployed to Somalia.

I want to begin my remarks by thanking General Hoar for his candor and frankness in our meeting.

Many of the issues raised by the Members at this session were complex and charged with emotion—General Hoar handled all matters with directness and thoughtfulness.

Regardless of one's views on our mission in Somalia, this debate should make clear that the Senate has the utmost respect for, and confidence in, General Hoar's conduct of military operations in and around Somalia.

I cannot but believe that if his counsel had been heeded throughout this operation, many of the concerns expressed by Senators today might not have emerged.

Today's debate must not leave any doubt in the minds of the men and women of the military of the support and pride felt by Members of the Senate for their performance in Somalia.

Our efforts today serve to establish the framework for the continued United States role to end the starvation and other crises that have afflicted Somalia.

As this amendment makes clear, the United States mission to Somalia, as supported by the Senate earlier this year, was a success in ending the mass hunger and instability that existed in Somalia through December 1992.

This mission became more complicated as the priorities of the United Nations shifted from immediate humanitarian assistance to broader nation-building goals.

These new parameters entangled United States military forces in a situation far different from that assumed when forces were deployed by President Bush to Somalia in December.

I commend President Clinton for his statements last week that refocus our immediate Somalia policy toward humanitarian assistance priorities.

The adoption by the Congress of the Byrd amendment will not conflict with the principals outlined by the President.

This amendment mandates that the Congress take formal action to support the continued presence of United States military forces in Somalia past March 31, 1994.

This Senator helped lead the fight to authorize the use of military force in the Persian Gulf 2 years ago.

I am not reluctant to vote for U.S. military actions, if such policies are consistent with our national interests, and there is public support for such engagements.

At this time, I believe the United States interests in Somalia have been fulfilled by the cessation of the famine crisis, and the pacification of most of Somalia outside Mogadishu.

The issue today is the orderly transfer of these responsibilities from U.S. military forces to a U.N. authority.

It is my judgment that transfers could take place under either Senator BYRD'S amendment or Senator MCCAIN'S amendment. I do not support tabling Senator MCCAIN'S amendment. There are adequate protections for our military forces and for the protection of those engaged in our humanitarian efforts in Somalia—so I will vote against tabling the McCain amendment.

I believe it is reasonable, if not essential, that the United States be prepared to step forward, and take on the tough assignments, on behalf of the international community.

This Nation has accepted that burden in the past, and I am proud of the job done by our military forces in Korea, the Sinai, in Panama, in Desert Storm, and in Somalia.

United States commitments in these matters cannot be unlimited though, and subject to the agendas of institutions not accountable to the American people, whose sons and daughters must undertake those missions.

The stark spending reductions for the Department of Defense proposed by the administration further limit our ability to sustain prolonged overseas deployments, absent support from our allies.

The Senate provided $444.7 million for U.N. peacekeeping operations in the recently passed Commerce-Justice-State Appropriations bill.

If the United States is going to provide such sums to the United Nations, there must be some capacity for the United Nations to assume these responsibilities once the military situation is stabilized by American forces.

If either amendment is adopted, I believe we will have provided the Secretary General ample time to assemble forces from other U.N. members to replace the American contingent.

The willingness of other states, particularly in Africa, to take the lead with the United Nations on working for future settlements in Somalia will be a test of the United Nations process.

For the United States to engage in future U.N. peacemaking and peacekeeping operations, this transition in Somalia must be a success—without a prolonged United States presence.

The Constitution places clear responsibility on the Congress to declare war, and provide funds for the military.

It equally charges the President with responsibilities as Commander in Chief and for foreign relations.

The amendment proposed by the chairman of the Appropriations Committee does not cross that line between congressional interferences and responsibility for foreign military activities.

This Senator would support a request to extend United States forces in Somalia, if the military commanders believe there is a necessary function to protect American personnel, or if any Americans are detained or held hostage by elements in Somalia.

But that is an issue for the Senate to consider in the future, based on the success of Ambassador Oakley in brokering a peaceful transition in Somalia.

I know each of us is heartened by Ambassador Oakley's willingness to return to Somalia, to continue his work.

Mr. President, I want to talk about the role of the Senate. Last evening I asked for and took home the Congressional RECORD for September 8 and 9 because yesterday I was bothered by the fact that we had an opportunity to prevent the deaths that occurred in Mogadishu.

This issue was raised, and was raised quite pointedly for us by Senator BYRD on September 8. I remember listening to his argument then, and saying to the Senator he was right on and we should stay together.

He pointed out to us then, and I quote from his statement:

> The U.N. sand castle is crumbling fast in Mogadishu. We have been focusing our efforts on chasing down one of the worst of the gang leaders, Aideed, in the hope that if he is removed from the scene, then peace will come to Mogadishu. That is a fond hope, Mr. President, but I fear an unrealistic one. Can we really think that removing just one man will transform the political landscape, and at that point we can think of drawing down the operation? Will not others, Aideed's present lieutenants or other clan leaders, step into his place?

The Senator from West Virginia went on to make a case.

By September 8 or 9, we had not really listened, but a group got together and decided that the Senator's amendment, his original amendment, which said that within 30 days from the date of the act—that was the authorization bill for defense—no funds would be able to be obligated to support operations of the Armed Forces in Somalia unless it was authorized by law by that time.

The Senate urged Senator BYRD to change that. What we ended up with was a report that would come out on October 15.

Last night that bothered me, as I said. I went back and read the statements that he made. It is an interesting thing because Senator BYRD pointed out at that time he was not a Johnny-come-lately. He reminded us that in 1983, before the Beirut incident, he had offered an amendment to limit that deployment. It was tabled, and in its place was an extended 18-month period. As a matter of fact, within 24 days after Senator BYRD's amendment was tabled, we had the problem in Lebanon with a great many young men losing their lives.

I found it interesting that Senator MCCAIN was the other Senator involved there. Strangely enough, a new Congressman in 1983 had the same motivation. He came forward and offered an

amendment in the House on Lebanon. It too was defeated over there. He raised the question in 1983. He joined Senator BYRD on September 9 and 8, as a matter of fact. But on September 9, Senator MCCAIN supporting Senator BYRD said this:

Mr. President, a date certain is necessary for many reasons. We should not commit U.S. forces to any military mission in the post-cold war era without a national consensus, and this can only come from congressional review of such a commitment.

Second, we must be extraordinarily careful in submitting U.S. forces to U.N. command, or any foreign command, especially when the objective of the United Nations may not be our objective and the U. N. command may have uncertain organizational effectiveness.

Third, I think we all realize that we have drifted from the use of force to secure humanitarian relief to an open-ended effort at peace enforcement and nation building.

You know, last night when I read that, I said why did we not listen, Mr. President? If there is anything I hope the Senate is listening to now, it is the fact that when these issues come up we ought to take time to debate them and understand them and resolve them; resolve the role of the Senate, the role of the Congress before these tragedies occur.

I think it is unfortunate that we end up in this situation because of the parliamentary maneuvering. My prepared statement touches on that a little bit. But here we have two men who have been foresighted in dealing with the power of Congress with regard to foreign deployments, particularly in a post-cold war period. We end up by supporting one or the other.

My point, Mr. President, is that these two Senators have brought to us an issue that requires—requires—the Senate to think and to slow down a little bit. We spent all day yesterday waiting for revision of the amendment, and today we are going to finish this in 4 hours. To me that is wrong.

It is wrong because we need to take time in the Senate once again to be a debating group, to think out loud, and to have the American public know that we are willing to take action when we have the power to take it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. With the authority of the Senator from Arizona, I yield 4 minutes to the distinguished Senator from Montana, [Mr. BURNS].

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Montana.

Mr. BURNS. I thank my friend from the State of Washington.

Mr. President, I rise today to support the amendment by the distinguished Senator from Arizona and to speak regarding the President's decision to send more troops to Somalia and to commit troops until March 1994, without a clear mandate from the American people or the United States Congress.

Let me say up front that I supported the decision to stop the starvation in Somalia with Operation Restore Hope. The situation was so bad at that point that only the United States could put together a relief effort with the amount of force necessary in the limited amount of time available. Americans are known for their compassion, and I am proud that we chose to save the women and children, maybe a million total people, when we had the chance.

But when the United Nations took over the operation, the danger level rose substantially, and I became much more concerned, as many Americans did. It turned out that we were right. On October 4, during a 15-hour battle 13 soldiers were lost and 78 wounded. The bodies of American servicemen were dragged through the streets of Mogadishu. It is pretty clear now that this is no longer a humanitarian mission.

This operation has broken down into a long string of mistakes. First, many of our troops are under the command of the United Nations. We have to get out from underneath the command of the United Nations—that was obvious when it took 7 hours for a rescue effort on our downed choppers. That is why I am also cosponsoring my friend Senator NICKLES' amendment to restrict the funding of combat troops under U.N. command.

Now, the President wants to send 4,000 more troops to Somalia. Compared to the more than 20,000 troops we came in with, this is nothing. I disagree with the decision not to pull out at this point, but if you do go in, do it right. Four thousand troops are just not going to make a difference in a hostile city of over a million people.

Most important, I believe that it is time that the administration establish at least a plan of withdrawal. The President has given us March 31 as a date, which in my opinion is about 6 months too late, but I really want to hear how they are going to get all our people out. I was glad to hear that the hostage, Michael Durant, had been released, but in case that happens again, this amendment has a provision to allow us to stay.

I am willing to stand with the President when he is right, and sometimes even when he may be a little bit wrong. But right now he is dead wrong. We do not cut and run when we get hit, but when we have no call to be somewhere and they make it clear we are not wanted, then we should learn from Vietnam. I think that without a mandate or a mission, we have to get our people out of there now.

I do not want to tie the President's hands, so I am willing to go along with my friend from Arizona's concept of not having a firm date. I want to allow the Pentagon exactly as much time as it takes to nail down the situation, secure our prisoners, and get out in an orderly way. I have heard that this would be about mid-January according to military experts, but more importantly it is as soon as possible. I think that this measure is the bare minimum the Senate can expect, and I urge my colleagues to support it.

I want to thank publicly the President pro tempore of this body, for I, like Senator STEVENS, had thoughts way back on September 8 and 9, too. And I went to Senator BYRD at that time and I said, "Offer the amendment, and we will pass it." But as all good statesmen do, he chose the route of a statesman and now comes back as a statesman with his amendment.

I supported Operation Restore Hope, and I say to America that our mission is over.

If one looks at the amendment as offered by Senator MCCAIN, there is no time here. But I am going to support it, because it says that the President has to put forth a plan and withdraw the troops using the safety of those troops, and also with the judgment of the rest of the forces that are there. I agree with my friend from Virginia who said that we must take into consideration the people that are there that we have partnered up with in this operation, that they have to be considered, too. I think that would be part of the withdrawal from Somalia.

So I support what Senator MCCAIN is doing here, and I also want to congratulate my friend from West Virginia, who first brought us into focus—made this group focus on what we were doing in Somalia. I congratulate him for that. But we do not have a mission there. We have our only prisoner, we think. There may be one missing in action, but we will try our hardest to take care of that problem. But America has told us that once the mission is over—and I agree with my friend from New Jersey, that in 9 months we probably will not recognize Somalia any different than it was before we went there.

So it is time to bring them home, and that is what Senator MCCAIN's amendment says. It is very simple. "No funds appropriated or otherwise made available in this or any other act to the Department of Defense may be obligated for support of the operations of United States Armed Forces in Somalia, except as provided for in subsection (b)," and it says: "to support the prompt and orderly withdrawal of all United States Armed Forces from Somalia in a manner most consistent with the safety of United States personnel."

Nobody is just going to jump up and pack up without having some consideration of our friends that are there. We could write a book. I could go back to fifties when we were in the operations of Korea. I can remember when troops

pulled out there, and it caused a little thing called the Chosen Reservoir. And I served in the Marine Corps with folks who walked out of that because somebody just chose to pull stakes and leave a flank completely exposed, and I remember what we paid for that terrible mistake.

Everything has to be kept in perspective here. This is a very straightforward amendment. It says: Mr. President, take the action. I appreciate what both of these men are doing. I support the McCain amendment, and I appreciate the President pro tempore for awakening the conscience and good sense of this body.

I yield the floor.

Mr. THURMOND addressed the Chair.

Mr. BYRD. How much time does the Senator wish?

Mr. THURMOND. About 5 minutes.

Mr. BYRD. I yield the Senator 5 minutes. I am overextended considerably on time.

Mr. THURMOND. Mr. President, I rise to co-sponsor the Byrd-Mitchell-Dole Resolution on Somalia. This resolution represents a solid consensus of the Senate leadership and Members responsible for national security and foreign policy. It clarifies the mission and command and control arrangements in Somalia. American troops will remain under the operational control of American commanders, and their actions will be limited to the original humanitarian relief operation, and to protecting U.S. and U.N. personnel. It will put an end to chasing warlords and nation building. Of primary concern to the Senate and the American people, this resolution will bring about an orderly withdrawal of U.S. forces by March 31, 1994.

The main difference between this resolution and the one proposed by the distinguished Senator from Arizona, with whom I have worked on the Armed Services Committee and for whom I have the highest regard, is the date. His resolution blocks funds for operations in Somalia except to support the prompt and orderly withdrawal of all U.S. forces—by implication, immediately. A lesser difference is that Senator MCCAIN'S resolution makes no provision for a residual noncombat element to remain in an advisory role to a continuing U.N. presence, or to protect U.S. diplomatic facilities, as does Byrd-Mitchell-Dole.

The clear intent of the McCain amendment is to bring about an instantaneous withdrawal. I have always sympathized with those who want an early withdrawal, and have stated so many times. The humanitarian mission has been accomplished, and I see no good national purpose in keeping out soldiers in danger. But at the same time I feel it is not in the national interest to beat a hasty retreat, nor to appear as if we are being thrown out by a gang of bandits and warlords.

The Commander in Chief and military commanders in the field need to have flexibility when troops are engaged and lives are at stake. Even those who want an instant pull-out must understand that instant in a situation like this can amount to a lengthy period. General Hoar of United States Central Command and overall commander of United States combat troops in Somalia, has told the Armed Services Committee that if he got the order to withdraw today, it would take many weeks to carry it out. His forces cannot just pull up stakes, march on board ship, and sail home. Troops must be pulled back from the outlying regions, equipment must be marshalled, weapons and gear packed, ships and airplanes brought in. Above all, security has to be maintained. That means a staged withdrawal, with security elements being established to protect each withdrawing element. A withdrawal in the face of possible attack is the most difficult of all military maneuvers. In a case like this, excessive haste could mean further losses. That possibility convinces me that a March 31 deadline for our departure is not unreasonable.

I yield to no one in my regard for the magnificent achievement of our men and women in uniform—in Somalia and elsewhere. As I said on a previous occasion in this Chamber, they are the best in the world, well-trained, well-motivated, brave, disciplined, and obedient. They go and fight where we ask them to go. They give the Nation their service and sacrifice—sometimes even unto death. That gift is not to be taken lightly, nor abused. Our servicemen know they may have to go into danger. But at the same time they must be able to trust that their Government is committed to their safety.

Having said that, Mr. President, I must also say that we in the Senate, especially members of the military oversight committees, have an obligation to balance our regard for our servicemen with other requirements. I can assure my colleagues that we share the outrage of the American people at the way the Somali operation has been mishandled, and at the desecration of our dead. But we have to act on information not available to the public—information from the intelligence community, from the Joint Chiefs of Staffs, and from our commanders in the field.

Mr. President, we have acted on such information and in our best judgment in drafting this resolution. I believe we have also acted in the best interests of our military personnel in Somalia and in the national interest. I believe this resolution is a reasonable and commonsense approach to a terribly difficult and complex situation—an approach all Members can support. I urge the Senate to support it.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Mr. GORTON. Mr. President, I yield 7 minutes to the distinguished senior Senator from New Hampshire.

Mr. SMITH. Mr. President, I ask the Chair to inform me when I have 2 minutes remaining.

Mr. President, I rise today to offer some personal comments and observations regarding the situation in Somalia.

First of all, I express my great relief for the release of Michael Durant in Mogadishu. As my colleagues know, Michael and his family are from Berlin, NH. He has been in our thoughts and prayers every moment since he was wounded and taken prisoner on October 3. Our prayers have been answered. Michael is now in safe hands and is receiving treatment for his injuries. I pay tribute to Michael and his family for their courage in the face of such adversity. They have been remarkable. I look forward to that day in the very near future when New Hampshire can join with Michael's family in welcoming him home to the Granite State.

I express personal condolences to the families of those killed in Somalia as well of those who were wounded.

Mr. President, many of my colleagues have spoken eloquently on the subject of Somalia over the past few weeks. I have listened to their comments carefully. I have also listened to the statements of the President, and the briefings by Secretary Aspin, Secretary Christopher, and Representatives of the Joint Staff.

My analysis of the Somalia situation and the rationalizations provided by the Clinton administration concerning our involvement there have led me to one inescapable conclusion: the United States is pursuing a tragic and fatally flawed policy in Somalia, and the Byrd amendment simply allows that policy to continue.

Mr. President, I recognize that the dynamics of our involvement in Somalia are very complicated, and from the outset, let me say that I supported President Bush's initiative to provide humanitarian relief to the hundreds of thousands of Somalis who where dying of starvation last winter. I did not take this position lightly. Indeed, just as with many Americans, I was uncomfortable with the prospect of committing U.S. troops to an operation that was purely humanitarian, not military, in nature, and the precedent this would set for future situations.

However, as outlined by President Bush, Operation Restore Hope was clearly defined and of limited duration. The deployment included four primary mission objectives: First, to secure major air and seaports, installations and food distribution points; second, to open and free passage of relief supplies; third, to provide security for convoys

and relief supplies; and fourth, to assist United Nations and nongovernmental organizations in providing relief under U.N. auspices.

In announcing the United States intervention on December 4, 1992, President Bush stated, and I quote:

Our mission has a limited objective—to open the supply routes, to get the food moving, and prepare the way for a U.N. peacekeeping force to keep it moving. This operation is not open-ended. We will not stay longer than is absolutely necessary.

I supported President Bush's initiative, as defined, and believe the operation was largely successful in meeting the established goals. Accordingly, it is my belief that the United States should have withdrawn its troops from Somalia last spring when the relief operation culminated. We had fully achieved our mission objectives; it was time to go home.

Yet, somewhere along the line this spring, the Clinton administration fundamentally altered the scope and mission of United States involvement in Somalia. Whereas the Bush initiative was humanitarian in nature, the Clinton policy evolved into nation building, disarming warlords, and policing cities. In fact, at the same time that we were supposed to be bringing our troops home, the administration began committing those troops to a more volatile, unorthodox mission. The results have been disastrous.

Mr. President, as they say, hindsight is 20–20, and it is very easy to be a Monday morning quarterback on policy issues. But the Clinton policy in Somalia has been, and continues to be, deeply flawed. The issue before Congress today is whether we should perpetuate this flawed, dangerous policy or act within our constitutional jurisdiction to correct the situation. I believe we must take action to correct the situation.

Let me make clear at this point that I recognize and support the authority of the President to establish and conduct foreign policy. He is the Commander in Chief of our Armed Forces and we should respect his authority. However, the Congress also has very clear and compelling responsibilities in this area. It is appropriate that we should have this debate.

Mr. President, in reviewing the evolution of United States policy on Somalia, it is clear that during the spring and early summer of this year the Clinton administration changed the mission of United States Forces and significantly escalated our military involvement. Whereas the Joint Chiefs of Staff wanted to move U.S. troops over-the-horizon and out of the immediate city areas, the U.N. sought to personalize the mission into a manhunt for Aideed. For unknown, and certainly ill-advised reasons, the administration sided with the U.N. against the Joint Chiefs, and tasked U.S. Rangers to hunt down and apprehend Mr. Aideed. As a result, the cycle of violence between warring factions and the U.N. forces escalated, bringing more and more U.S. troops into harms way.

It is important to emphasize that this changed mission was never endorsed by the Congress and does not have the support of the American people. The initial Somalia mission, endorsed by the Congress, was humanitarian in nature. But since May, the mission has been military-oriented. And during the period from May until the present, 25 American soldiers have been killed in action and 159 wounded. I simply ask my colleagues, for what purpose or mission did these brave Americans give their lives? Ask yourself that question. Does anyone really know why we are in Somalia today, what our objectives are, and what the rules of engagement for military forces are? What did these men die for? What were they wounded for? Did they die for Somalian people who have been shooting them in the streets of Mogudishu?

The sad truth is that the administration has not identified a legitimate mission for United States troops in Somalia. There are no strategic interests at stake. There is no clearly defined military objective; nor is there a definition of, or timetable to achieve, success. Although the administration recently set March 31 as the deadline for withdrawal of U.S. Forces, the mission remains as murky as ever and it is clear that the deadline is driven by public relations pressure more than anything else. And the deployment of an additional 1,700 combat troops hardly changes the tactical situation which confronts United States forces in Somalia. In fact, it merely sends more troops in harm's way without clarifying the mission or changing the rules of engagement. This is simply unacceptable.

I want to elaborate of this point, because the majority of the American public is not aware of the geographic and tactical military challenges confronting United States troops in Somalia. In fact, I have no doubt that they would be outraged to learn of the lack of attention and support which has been provided to our troops.

Mr. President, the United States Forces in Somalia are largely holed-up in their Mogadishu basing areas, surrounded by hostile militiamen loyal to Aideed. Whenever they leave their secure bases they are vulnerable to ambush. And contrary to initial guidelines, the U.S. quick reaction force that was to be on call for emergency operations is actually operating in the streets of Mogadishu on a daily basis, while the U.N.-commanded forces in charge of logistics, intelligence, and communications are hunkered down. Additionally, there have been persistent reports that the U.N. command structure has been infiltrated by Aideed loyalists, and that U.N. troops sympathetic to Mr. Aideed are compromising sensitive operational information.

Perhaps most disturbing has been the revelation that General Montgomery, our on-scene commander in Mogadishu, was denied in his request for additional armored vehicles to protect United States troops in Somalia. As a result, it took rescue forces some 9 hours to arrive on the helicopter crash scene October 3 when U.S. troops came under heavy attack. The United States lost 17 American soldiers and 87 wounded that day. Speaking as one Senator, I find it unconscionable that the policymakers in the Pentagon would deny our troops the tools to defend themselves, particularly after allowing them to become vulnerable in such an untenable tactical situation. I intend to investigate this matter thoroughly once we have resolved the immediate dilemma in Somalia.

Mr. President, I recall that during the Presidential campaign, then-candidate Clinton pledged that, if elected, he would focus like a laser beam on domestic issues. Certainly, there is much here at home that demands our attention. But when American troops are deployed in harm's way, the Commander in Chief, and his administration, must remain engaged. Unfortunately, this has not been the case in Somalia. The administration has not provided the necessary oversight or support for our troops. And the administration has failed to apply lessons learned in Vietnam, the gulf war and Lebanon to the situation in Somalia.

Vietnam taught us that incrementalism is a recipe for disaster. The gulf war demonstrated that massive, decisive military force wins conflicts and minimizes casualties. And Lebanon provided tragic and compelling proof of the dangerous inherent to peacekeeping and nation-building efforts. Yet the administration has disregarded these fundamental and painfully expensive lessons and floundered incrementally into a terrible pandoras box in the Horn of Africa.

The Lebanon analogy is extremely relevant to the situation we are facing today in Somalia. While Somalia is not fractured along religious and political lines to the extent that Lebanon is, there is a political dimension to the clan fighting and factional power struggles that draws an alarming similarity. A United States-led multinational peacekeeping force entered Lebanon in the early 1980's with the best of intentions, determined to suppress violence and human suffering without becoming entangled in underlying political disputes. They were welcomed by the Lebanese people, temporarily. However, over time, resentment against foreign troops grew and the peacekeepers became unwilling players in Lebanon's internal power struggles.

The result was tragic; 241 American soldiers were killed in a terrorist bombing attack against the United States compound in Beirut.

We are seeing this same disturbing trend in Somalia. Whereas U.S. troops were once cheered in Mogadishu, today they are jeered. And just as we saw in Lebanon, the longer that multinational forces remain deployed in Somalia, the more they are viewed by local factions not as impartial purveyors of humanitarian aid, but as meddling foreigners out to advance their own agenda. With the Clinton administration's decision to personalize the conflict into a war against Aideed, this perception has become reality. As a result, United States and multinational forces have been repeatedly targeted for reprisals. A total of 29 Americans soldiers have now been lost, and 170 wounded. It is time for this operation to end.

Mr. President, the administration has outlined its plan to remain in Somalia until March 31. In my opinion, this is unacceptable. With the release of Michael Durant, we have accounted for all of our servicemen in Somalia. There is simply no justification for continued U.S. military involvement in the Horn of Africa. We should bring our troops home as safely and expeditiously as possible.

The PRESIDING OFFICER. The Chair advises the Senator has 2 minutes remaining.

Mr. SMITH. I thank the Chair for reminding me of that.

I am pleased to join with my friend from Arizona, Senator MCCAIN, in offering this amendment to initiate a prompt and orderly withdrawal of U.S. Armed Forces from Somalia. I do not believe that it is appropriate to set an arbitrary date for bringing our troops home, and I certainly do not believe that we should remain in Somalia through next March. We should begin the withdrawal process now and get our troops home as quickly and safely as possible, so that they can spend a much deserved holiday season with their families.

For those who support the administration's March 31 deadline, I would respectfully ask, "What is our mission in Somalia?" What purpose is served by leaving U.S. soldiers in harm's way for another 6 months in some far away conflict that does not affect U.S. interests and has no consensus for participation here at home?" This is unacceptable. It is unconscionable.

The U.S. military serves to protect our freedom and national security. It is not a law enforcement agency to be subcontracted out whenever and wherever the U.N. sees fit. We have no national interests at stake in Somalia, no clearly defined military mission and rules of engagement, and no consensus for involvement here at home. Aideed and his supporters are not worth a single drop of American blood. Twenty-nine of our finest soldiers have already made the ultimate sacrifice in this misguided intervention. We should withdraw our troops from Somalia, and we should begin the transition now.

Those who claim the McCain amendment would have us cut and run should look again.

The United States of America has gone to Somalia in a humanitarian way and helped feed starving people. The mission is complete. That is not cutting and running. That is doing a job and leaving honorably. It is the policy that is the mistake.

In closing, I want to once again pay tribute to Michael Durant and his family for their courage and composure during this terrible ordeal. The thoughts and prayers of the Nation have been with you, and the news of Michael's release was an inspiration for us all.

I also want to express my profound respect and appreciation to Ambassador Oakley for his efforts in negotiating the release. Ambassador Oakley has done yeoman's work on this issue and the Nation owes him a debt of gratitude.

Some voices were saying we should not negotiate with Aideed. Aideed deserves a great deal of credit for the yeoman work he did in bringing home the prisoner of war.

I would just say to my colleagues think very carefully about this vote. Think very carefully about it. The McCain amendment is the right way to go.

We are all people of a different generation. We are much older than those young kids who are fighting and dying in Somalia. We must not lose touch with these American heroes who will go on to a battlefield for us any time because that is what they are paid to do. And they do it well, they do it so well.

History will record this debate. We will look back on the McCain and Byrd amendments no matter how we vote and analyze them in hindsight. But a soldier who loses his life cannot look back, and his family can only look back at that funeral. Let us not have any more funerals. Let us not have any more funerals. Let us get out, and the McCain plan is a good way to do it. We now have negotiated the release of our prisoner. Our mission has been accomplished and our dead have been accounted for. Let us go home.

Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, I yield 5 minutes to the Senator from California, [Mrs. BOXER].

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank the Senator for yielding me time. I thank him and Senator BYRD for their incredible contribution to ending the violence against our American troops in Somalia.

Mr. President, I am not truly happy with these choices that we have. I have spoken to the good Senator from West Virginia about this. I felt his initial plan with a date for withdrawal set at February 1 was the best option.

So tonight, I plan to vote in favor of the McCain amendment, and if that is tabled, I plan to vote in favor of the Byrd amendment.

Mr. President, in my campaign for the Senate last year, I said that the end of the cold war gave us a tremendous opportunity to refocus our spending priorities and put more resources into our own people.

It is, as the saying goes, a "new world order." The Soviet empire is no longer. But the end of the cold war does not mean there are no more challenges to American leadership and democracy. There are situations of conflict and turmoil that require our response.

The crisis of hunger and famine in Somalia last year was one of those situations. When the American people saw the face of starvation—and we will never forget those haunting pictures, and we saw people crying out for our help—we all responded. It was a very, very clear mission. Operation Restore Hope made sense, and the American people and the Congress supported it.

In large measure, it has been a success. Outside Mogadishu, the crisis has eased, the famine has ended, and the violence has subsided.

But in the past few months, we have seen another face of Somalia. This is not the face of starving children but the face of warring clans an internal political fights that we did not create and we cannot solve by military force. This new face of Somalia has led to some frightening images: our young people brutalized by the fighting, and one even taken captive. Thank God that tonight he has been released.

We cannot establish peace by force, Mr. President. We cannot do that in Somalia or, frankly, in any other place in the world. We can and should respond militarily if our national interests are directly imperiled and if those interests are spelled out clearly by our President, understood by the American people, and debated here in these Halls of Congress. And that is why Senators BYRD and MCCAIN deserve so much credit, because we are debating it here where it belongs.

Of course, we should continue to react to crises like the famine and the hunger in Somalia. But a humanitarian mission that intentionally places or leaves our forces in combat situations is no longer humanitarian and it must end as quickly as possible.

In addition, the Somalia situation raises questions about the use of U.N. peacekeeping activities. I believe the U.N. forces should do what they did

traditionally: keeping the peace in a country where all sides have agreed to cease armed conflict—not to become the instruments of a forced peace.

So, as we remember the faces, Mr. President, that moved us to action last December, I implore my colleagues also to look at the many faces of America; to look at what is happening to our children, Mr. President, 25 percent of whom are poor.

We have already spent $1 billion in Somalia. But if we try to increase spending for these children of America—to vaccinate them, to help them, to educate them, to stop the violence—we would argue endlessly over just a few million dollars.

So that is a new face of this debate that we need to consider tonight. It is a face that demands immediate attention.

I ask my colleagues to look at this photograph

It is a face of a child in America who is sleeping, homeless, in a car.

So when we think of the faces in this debate—the faces of the starving in Somalia, the faces of the warlords, the clansmen, and we think of the faces of our American service men and women who are over there—I urge Senators to think of these faces, too.

I thank the Senator from Arizona for yielding me this time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield 5 minutes to the distinguished Senator from Illinois [Mr. SIMON].

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I thank Senator BYRD.

I rise in support of the Byrd amendment and in opposition to the amendment offered by my friend from Arizona.

I heard Senator BOREN speak earlier this evening. He made two points: One I agree with; one I do not agree with.

The first point was, he wished there were no date in here at all. Frankly, I would prefer that. I would prefer no date and having the President of the United States assure us and assure the American people that we are going to get out as quickly as we responsibly can. I think that would be better. But that is not the alternative now.

The second point made by our colleague from Oklahoma was that we should not be acting on this; we should place confidence in the President.

I have confidence in the President, but I think the senior Senator from West Virginia has properly called our attention to the fact that this is a congressional responsibility. We have the responsibility to act.

What I like about the Byrd amendment is that it points out the flaw of our obsession with trying to capture General Aideed. That is what went wrong. Almost all of our casualties are as a result of that effort to capture General Aideed.

Of the 4,500 Americans who are in Somalia right now, most of them are not carrying guns. Twenty-eight hundred are technicians, helping to see that water gets to people, doing the basic things that are needed in Somalia.

Ninety-eight percent of Somalia is free of strife and, temporarily, even the other 2 percent is free of strife. And I hope that continues.

The great threat to the world today—unlike 10 years ago, when the great threat was world communism and nuclear annihilation—the great threat today is instability. And the question we have to ask, whether in Somalia or any other place, is: Does it add to stability or does it detract from stability? I suggest that a precipitous withdrawal from Somalia sends the wrong signals, not only in Somalia, but in much of the rest of the world.

We are not living in a world that is risk free. That is not going to change if we get out of Somalia tomorrow. I think we also have to say to our constituents whose sons and daughters are enlisting in the armed forces that the risks, ironically, while for the world, we do not risk annihilation as we once did not many years ago, the risks for those going into the armed services are likely to be somewhat greater than they were in years past.

After asking 27 nations to come into Somalia, we cannot suddenly depart and not expect those 27 nations to do the same. And then you return to the chaos that we prevented.

I think history will judge that one of our finest moments in this century as a Nation was when we saved 2 million people from starving in Somalia. It would have been the greatest mass starvation since the Irish famine of the 1840's. And, to George Bush's credit, he made the decision to go there.

There is one other aspect to all of this, and that is public opinion. I am sure in Illinois, in West Virginia, in Delaware, and in Maine, public opinion right now would be on the side of the McCain amendment.

One of the things that we have to do as leaders, that the President has to do, is to convince public opinion that a course is right.

When people served in the Senate for most of the history of this country, they were not elected as we are elected. In 1787, when they put the Constitution together, they said, "We don't want the United States Senate to be too responsive to public opinion." This was long before you had polls and all the kinds of scientific endeavors that we have today.

I think we have to, on occasion, stand up.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SIMON. If I may ask, could I have 2 additional minutes?

Mr. BYRD. I say to the Senator, I have 143 minutes promised and I have less than 50 minutes to give.

I yield the Senator 1 minute.

Mr. SIMON. All right.

Mr. President, we sometimes have to stand up to public opinion. I think this is one of these occasions where we have to lead. When we have a chance to explain to the public why it is important that we fulfill our mission, I think the public understands.

The agencies that are working there—31 American agencies providing relief—are unanimous in believing we should not stop our mission over there.

I ask unanimous consent, Mr. President, to have printed in the RECORD the statement of Oxfam America, which is typical of the statements. It says, among other things:

Oxfam America, like many Somalis, believes that a continued impartial U.N. peacekeeping role is extremely important to prevent the return of chaos and starvation in Somalia.

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

[Oxfam America Policy Statement, October 1993]

SOMALIA

Oxfam America is deeply concerned about the escalating level of violence in Mogadishu as well as the overall direction of the United States and United Nations policy in Somalia.

The rise in both civilian and military casualties in recent months is the result of misguided policies based on an aggressive military approach. At a time when the United Nations should be building upon the Addis Ababa agreements to disarm the militias and to establish a process leading to a democratic transitional government, it is narrowly focusing on the capture of a single militia leader.

Oxfam America, like many Somalis, believes that a continued impartial UN peacekeeping role is extremely important to prevent the return of chaos and starvation in Somalia. However, the solution to Somalia's problems is ultimately political and not military. Additional troops are not the answer. The UN must rethink its strategy and refocus on urgent political and humanitarian tasks. Outside of Mogadishu the Somali people are working across clan lines to rebuild their country-physically and politically. The United States and the United Nations should actively support these initiatives.

Oxfam America calls upon President Clinton and the U.S. Congress to work to change the United Nation's policy and operations in Somalia. UN policy in Somalia must:

1. Directly involve the Somali people in every aspect of rebuilding their country from identifying needs and setting priorities to allocating resources and implementing specific programs and projects. The Somali people have the will and the capacity to rebuild. The UN, World Bank, the US and aid organizations must develop a consultative process with the Somali people in order to build on the knowledge, wisdom and experience which already exist within the country.

2. Support efforts of clan elders and other elements of Somali society to reconcile clan disagreements and to rebuild participatory government structures from the community to the national level. The objective should be

to marginalize the militia leaders by supporting the Somali people in establishing a national political framework that reflects a broad consensus. The UN should support traditional processes of dialogue and should not seek to impose its own solutions, preferences, or timetables.

3. To restore its credibility in Somalia, the UN must: Clarify its mission to the Somali people; involve experienced Somalis in top decisionmaking roles in UNOSOM; establish a dialogue with clan elders, women, professionals, religious leaders, intellectuals, poets, musicians and other elements of Somali society; support tangible rehabilitation projects to meet health, education, water and other needs through local communities and Somali organizations; and create paying jobs for young people and engage them in rebuilding their community.

4. End the UN's military pursuit of General Aideed. This strategy is futile and counterproductive. The UN's obsession with Aideed is causing heavy casualties, fueling anti-American sentiment and heightening Aideed's popularity. If Aideed is caught and tried, conflict with his Habargadir sub-clan will only intensify. Negotiations should be conducted with Aideed through intermediaries to reduce the level of violence and to reach a political resolution of the current crisis.

5. Reverse the increasing militarization of the UN's role in Somalia. The UN Operation in Somalia (UNOSOM) should be restructured to emphasize political and humanitarian tasks over military objectives with a corresponding reallocation of human and financial resources. The introduction of additional military personnel sends the wrong signal. Experienced Somalis should be involved in setting UNOSOM's priorities and programs.

6. Work with traditional clan leaders to implement a simultaneous disarmament plan for the militias. Disarmament is the highest priority of the Somali people and is a prerequisite for peace, stability and national reconstruction. However, the UN has failed to initiate the disarmament plan mandated to it under the agreements at the March conference in Addis Ababa. The UN should also support demobilization and demilitarization plans worked out among clan leaders. The experience of the Borama conference in Somaliland may provide a useful model for other regions. In Somaliland demobilization and demilitarization were begun without UN assistance. However, UN resources are now needed for housing and retraining. Unfortunately, the UN has so far declined to support this effort.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SIMON. I thank the President. I thank my colleague from West Virginia.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I yield 4 minutes to the Senator from Indiana [Mr. Coats].

Mr. COATS. Mr. President, I want to begin by thanking the Senator from West Virginia [Mr. BYRD], for his dogged persistence in pursuing this issue. We would not be on the floor this evening, we would not be voting on this issue, we would not be having this policy debate were it not for the Senator's efforts, and I thank him for that.

I am one who believes we must be very careful to preserve the prerogative of the Executive to speak for the United States. We need to speak with one voice because we cannot and should not have 535 Secretaries of State or Secretaries of Defense.

However, in this instance I think it is important to remember that, first of all, Senator BYRD correctly defines the constitutional role of Congress. Our Founding Fathers knew, and every President needs to understand, that we cannot ultimately succeed in our foreign policy with military intervention without the support of the American people as expressed through their elected representatives. That is why this debate this evening is critical.

Second, this administration has left us little choice because it has created a policy vacuum. A specifically defined mission by the Bush administration for humanitarian relief for starving Somalis, a mission which was supported and endorsed by this Senate on February 4, 1993, in Senate Resolution 45, has somehow evolved and changed to a United Nations-directed mission of nation rebuilding, police force training, clan uniting, democracy-establishing policy.

This has not been a policy as a result of a conscious decision or action on the part of this administration. It is a policy that has evolved through inattention, lack of focus, and perhaps inexperience on the part of the President and his national security team.

Now, finally, and tragically, partly as the result of American deaths, we have reached a consensus. We have agreed that the mission was humanitarian, that the mission was successful, it has succeeded, and now is the time to bring our troops home.

Our commanders tell us that we can withdraw these troops and bring them home perhaps by the end of the year. Would it not be great to have them home for Christmas? No United States soldier should stay in Somalia 1 minute longer than is necessary to ensure his or her safe removal. To stay longer than that subjects them to needless risk of injury or loss of life. When our vital interests are at stake, when our mission is defined, when we employ our military forces and resources in a manner that maximizes our chances of success and minimizes risks to American men and women in uniform, and when we understand and accept the risk, then the risk of thousands of American lives may be justified. But when our vital interests are not at stake, when our mission is not defined, then the loss of one American life is too great a price to pay. I cannot support any proposal that needlessly risks one more American life in Somalia. For that reason I support the McCain amendment, which promptly and in an orderly fashion withdraws our U.S. troops.

I thank the Senator from Arizona for his foresight in offering this amendment. I trust my colleagues will not risk one American life 1 minute longer than is necessary now that our agreed-upon mission in Somalia is completed.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, I yield 4 minutes to the Senator from Maine [Mr. COHEN].

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, in response to my friend from Illinois, I might say that I have not taken a poll on this issue. I have not counted the mail on this issue. Most of the newspaper editorials that I have read have endorsed the President's policies to date. My own decision rests on a personal assessment of the situation in which we find ourselves in Somalia.

I think the debate, as we indicated, is long overdue. Senator BYRD, I think, deserves our commendation for the contribution he has made to forcing this debate. And I must say that while we are casting some stones upon the administration for failure to adopt a clear-cut policy, we in Congress must also accept our share of the responsibility because we did, indeed, pass on resolutions that supported the deployment of our forces to Somalia for what were then described as limited purposes. And we have been rather indifferent or negligent in not following up and maintaining the kind of oversight that is necessary to make sure that the original purpose did not get enlarged to something beyond what we were supporting initially.

When we make the decision to send forces to other lands, there are two reasons we do so: National security interests and humanitarian. I recall the debate very well, how passionate it was, on the national security issue when we talked about going to Kuwait. We knew that Saddam Hussein had engaged in rape and pillage and development of chemical weapons, biological weapons—possibly even nuclear weapons were within his reach. Here was a man who threatened to stand astride the oil fields of the Middle East. And we were able to pass a resolution supporting the President by just 5 votes.

This does not involve national security interests on the part of the United States. It involves humanitarian interests. It seems to me there is a rule we ought to remember. You cannot fight your way into a civil war. First, you have to have a cessation of hostilities. The goal must be clear. It must be achievable. The risk to our forces must be minimal. And the end of the tunnel has to be built before we pass through its entrance.

That was not the situation in this particular case. We entered the tunnel without seeing the end of the tunnel, without having it even constructed. I must say that my opinion changed

rather dramatically following a briefing that we had last week, where I discovered that there was very little in the way of coherent planning, contingency planning to take into account the kind of devastation that could be wreaked upon our forces.

Peacemaking is quite different, as I mentioned earlier today, from peacekeeping. Peacekeeping does not mean we are choosing sides. Peacemaking indeed involves the picking of winners and losers, and that appears to be what we have done with regard to General Aideed.

In considering whether to authorize the continued deployment of United States troops in Somalia, we must ask what will be any different come March 31 or February 1 or even December 31?

When all the rhetoric is stripped away, the President's proposal is designed to protect American prestige and credibility by creating a decent interval between the tragic events of last week and our inevitable departure. But it is based on at least three fallacies.

The first is that near-term U.S. withdrawal can only be interpreted as "cutting and running" under fire, producing irreparable damage to America's credibility. The second is that, to the extent that a near-term U.S. departure would be seen as cutting and running, the world would be fooled by a few months delay. The third is that we have the power to create such a decent interval.

With regard to the first fallacy, America does not need to prove to anyone that she has the will and capability to place its soldiers on the line when the effort was worth the cost. We did it in Kuwait, in Panama, in the Gulf reflagging operation, in Grenada, and in many other instances. And we are doing now, as we speak, in and over Iraq, in and over the former Yugoslavia, and in numerous other hot spots. And we stand prepared to do it tomorrow—where and when appropriate.

Any damage to our credibility, and there will be some, will result not from our withdrawal from Somalia but from having allowed ourselves to be drawn into a new military mission that was not thought through; not endorsed by the Congress; not understood by the public and, perhaps, not even by the President; and, therefore, not one to which we were really committed. We will do more to bolster our credibility by admitting our error and setting forth policies to prevent it from recurring, than we will by multiplying our mistake by staying the misguided course.

The fact is that, contrary to the second fallacy, to the extent our credibility will be damaged, this will occur whether we leave in the near future or in a few months. Those, whether friend or foe, who believe we are fleeing under fire are not going to change their opinion because we hang on for 12 more weeks.

The third fallacy is that we could even create such a decent interval. While Aideed might lie low for a few months, it is reasonable to believe that in the weeks preceding our scheduled withdrawal he will stage attacks on our forces. To do so would enhance his prestige among many Somalians and set the stage for his final drive for power once we have departed. It would also put us back in the dilemma we face today in which withdrawal in the wake of attacks will be perceived by some as fleeing under fire. What will we do then, extend our stay in few months longer to try, once again, to create a decent interval?

He need not stage large-scale attacks inflicting many casualties. Just a few sniper victims, perhaps one remote-controlled landmine, perhaps one more American soldier being dragged through the streets. And then, on March 15 or March 31, we will be right back where we are today in terms of worrying about our prestige and credibility.

Unless we can credibly threaten to stay indefinitely or wage a war to neutralize Aideed's militia, he—not we—will hold the power to determine whether we will have a decent interval. And there is no reason to think that this war-hardened, politically astute, power-hungry clan leader will be so generous as to accommodate us.

In his 1984 speech proposing six major tests to be met before using military force, Secretary Weinberger emphasized the need for the Government to be candid with the American people if public support is to be obtained for the use of military force. I do not believe that the Administration's proposed meets this test.

We are told that remaining in Somalia possibly through the end of March is necessary to provide time for the Somalis to reach a peaceful, political reconciliation. We are told that we must remain possibly through the end of March to provide time for other countries to come forward to replace our troops. Both these justifications strain credulity.

Aideed has chosen to fight because this is the best means for him to improve his position in the Somali power struggle. There is little reason to believe that anything that we might do in the next 6 months, short of waging war on Aideed's militia, would alter that calculus.

According to press reports this week, a United States intelligence analysis produced in July concluded that removing Aideed from Mogadishu and ending his influence in Somalia "are necessary conditions for restoring order and beginning a process of political reconciliation. There is no reason to believe that he can ever be anything but a treat to peace in Somalia." I have not seen this intelligence analysis and I do not know if the press report is accurate, but it certainly corresponds with common sense. As the same press report quoted Mark Lowenthal, a longtime CRS senior specialist and sometimes State Department official, as saying:

> What has changed politically in Somalia now that suddenly makes it possible to reach agreement with this man? The answer is nothing. His goal is to be supreme in Somalia, and he's going to fight for that.

Senior administration officials themselves have said as much. Last week Secretary Aspin stated:

> The purpose of the six-month deadline is to give everybody a chance to make something work * * *. We give them a fair shot, and that's all we're obligated to do. If it doesn't happen by then, it doesn't happen by then.

This is what is sometimes referred to as preparing the public for unpleasant news.

Perhaps the most candid statement of the issue was offered this week by William Raspberry, a columnist who does not specialize in foreign policy but who can see through official obfuscation. Raspberry put it this way:

> Aideed is as close as anyone is likely to become in the near future to being the political and military leader of Somalia.
>
> This raises what is for many Americans an unthinkable possibility: that the end of chaos and the ascendancy of Aideed may be the same thing.

This may be an ugly reality, but our choices are to do what is necessary to change reality or to accept it. Denial of reality should not be an option, yet that seems to be the basis of the administration's proposed policy.

As for the argument that we must remain to provide time for other countries to send troops to replace ours, are we to ignore the fact that the French, the Belgians, and the Swedes are planning to withdraw by mid-January?

While some other countries are providing additional troops, there is little reason to believe that these will be sufficient to replace our forces, especially given the difference in quality between our forces and their. This is not to question the dedication or bravery of those countries' troops, but it is another reality that the proposed policy seems to want to deny.

Mr. President, I intend to vote for the McCain amendment, and I urge my colleagues to do the same.

Mr. President, I simply want to commend once again Senator BYRD and Senator MCCAIN for raising this issue.

I urge the support of the McCain amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, how much time does the Senator from Kentucky need?

Mr. MCCONNELL. Mr. Chairman I had hoped for 10 but I will take whatever.

Mr. BYRD. I yield to the Senator 5 minutes. I have twice as much time requested as I have. But he was here and

requested earlier. I yield him 5 minutes.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I thank my friend from West Virginia and want to join the chorus of congratulations to him for insisting that this debate finally occur. Hindsight, of course, is always 20/20, but we should have had this debate in May. The humanitarian mission clearly ended in May. The resolution that we adopted supporting the humanitarian mission arguably expired at that time. Something else developed after that period, something else rather foreign to us, something else not authorized by us. It has been downhill since then, from the loss of Pakistani lives to the loss of journalists, to the loss of precious United States lives as well.

I think it is safe to say that this creeping multilateralism, which has taken over American foreign policy at least since May, died in the streets of Mogadishu a couple of weekends ago. This has been an important learning experience for all of us. This is not just about Somalia.

This is about how America should operate in the post-cold war period. What we are learning here, Mr. President, is how to clearly define our interests in this period. As speaker after speaker on both sides of this issue tonight have said, our national security interests must clearly be involved before we put our troops on the ground.

The narrow issue before us tonight is simply how do you leave? We are leaving, we all agree on that. The only narrow issue before us tonight is how do you leave? Reasonable people can differ, as Senator MCCAIN sees it one way, Senator BYRD and myself and others see it another way in terms of how best to depart. But we are leaving, and we are leaving because this mission should not have been allowed to evolve into what it became after May.

So I think it is safe to say, Mr. President, there is little or no chance that the Congress would approve putting American troops on the ground in Bosnia, let us say. I think you can forget that because it is very difficult for most of us to conclude that America has a national security interest in Bosnia.

No. 2, Haiti. My own view at this particular juncture is that we probably do have a national security interest in Haiti. It is very close to our shores. Unhappy Haitians come to America uninvited. Clearly, that is a place that requires our attention and, hopefully, the President will give it more attention in the coming weeks.

But let us try to learn about what happened to us in Somalia. How did we get to where we are? We failed to define and protect U.S. interests. We allowed the U.N. to define the agenda using our troops to implement their plan. It was not a lack of armor, it was a lack of a U.S. policy that lost American lives.

For several months, the President and his advisers have laid out a game plan emphasizing multilateralism—multilateralism. They thought this was a terrific idea earlier in the year. I do not think they think that anymore. And if they do not think it anymore, then we have gained something by this debate. In developing a strategy to share costs and share the burden of responsibility, we did not exercise leadership and we did not link our participation to direct American unilateral interests.

We succeeded in the gulf, as we all know, because the United States forged a coalition, the United States developed the tactics and the U.S. led a multilateral force into battle. The gulf was not some encounter group soliciting the views of our allies and mulling over multilateral options.

In Somalia, at least since May, we allowed the U.N. to set the agenda. We substituted their interests for our interests. Each step of the way, the United States encouraged the U.N. to take a dominant role. As under Secretary Tarnoff pointed out, this approach was "different not by accident but by design." They really wanted to do this, Mr. President. A few months ago, they thought this was a terrific idea. Multilateralism was going to be the new twist on foreign policy of this administration.

We are paying the price for multilateralism in Somalia. If not for Somalia, we would have paid the price in Bosnia and, hopefully, that has now been averted because of the important lesson that we are learning here tonight in this much-needed debate.

So let me conclude, Mr. President, by saying that we are leaving, we are leaving. The only issue here tonight is how we leave and, in my judgment, the Byrd amendment better defines the proper exit for the United States in this most unfortunate experience in Somalia, at least since May. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. Mr. President, I yield 8 minutes to the Senator from Washington, Mr. GORTON.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the Nation which won the cold war, the Nation which has been most responsible for such peace and order and democracy in the world today, the most powerful Nation in the world, the United States of America, has a unique and special responsibility to utilize its immense military power only in pursuit of vital national interests. It should do so only after the most sober and careful consideration of the consequences of its action. And that consideration, at the very least, should include the definition of clear and attainable goals and the provision of means more than adequate, to attain them decisively and promptly, and in a way which permits a termination of the adventure.

Regrettably, in a disorderly world, there are likely to be a number of such incidents and such challenges in the 1990's. It seems clear to me that the United States will more likely be willing and able to meet those challenges if it also chooses to decline any such challenge in which those criteria are not met.

None of the considerations which I and others have outlined is present in Somalia. I differ from some of those on this side of this debate in believing that those considerations were not even present in December when President Bush began, with very limited purposes, for entry into Somalia.

But whatever the answer to that question, they clearly ceased to be present in March or April or May when our troops' primary function shifted from feeding starving people to building a quasi-democracy in Somalia.

We must realize that the result of this debate, whichever of the two resolutions is adopted by the Senate, is likely to be a greater degree of chaos in Somalia after our leaving than was the situation there before our good-will entry in December of last year. But that chaos, Mr. President, is every bit as likely if we leave at the end of March, as it is if we leave in the middle of November, for here, tonight, we are engaged in an extraordinarily narrow debate. There is no question about our leaving. The only question is when.

Reports about the reaction of our troops in Somalia to the President's change of mission are fascinating. Some of our troops are frustrated because they want to avenge the death of their colleagues and see that we capture the bandit Aideed. Others agree with our statements here that there was no purpose worthy of risking their lives from the very beginning. But I will warrant, Mr. President, that there are no troops who believe it appropriate to hunker down inside a handful of fortresses for 6 months, unthreatened only by the grace of the bandit Aideed's willingness to engage in a unilateral cease fire.

The question before us tonight—a narrow question—is which of the two alternative resolutions risks fewer American lives? The answer to that question is obvious. The McCain resolution risks fewer American lives over a shorter period of time.

To this point, for better or worse, our venture in Somalia has been purely a Presidential adventure, first under President Bush, and then under President Clinton. Once we adopt a resolution tonight—and this is particularly true if we adopt the Byrd resolution—it is a Senate venture. It then becomes our responsibility for these lives from

now until March 31 of next year. The Senate was not in on the takeoff of this flight, but we are joining in midflight, and will be in on the landing, even if it is a crash.

What possible gain, I ask, can there be by risking 6 more months of potential casualties, both woundings and deaths? Will we be more believable if we hang around for 6 more months and then are succeeded by chaos, than if we leave today? Again, that question answers itself.

The Weinberger criteria, and their demand for a vital national interest, for public support, for a course of action pursued with enough strength so that it can clearly be successful, for a clear beginning, a clear middle, and a clear end, were good when he was Secretary of Defense and are good today. I regret to say that President Clinton was not paying attention to those or to any similar criteria when he allowed his control over a narrow mission to slip away from him. We pray that he has learned that lesson, and we expect that he probably has. But the test for responding to an invitation to intervention must meet those tough and brutal criteria.

Somalia failed at the beginning. Somalia fails today. In this life, courage often is found in admitting error and acting accordingly. Courage here and now with respect to Somalia lies in admitting this error and in leaving promptly and completely. The only method by which we can learn that lesson, the only method by which we can strengthen ourselves for really vital challenges is by passing the McCain amendment.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield to the distinguished Senator from Kansas [Mrs. KASSEBAUM] 3 minutes.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, for those in our Armed Forces who served in Somalia and gave their lives and for those in the Armed Forces who are still serving there, I think it is important for us to remember—and I believe we would all agree on this—that through extraordinary compassion and a large measure of skill and courage our Armed Forces saved nearly 1 million lives. We agreed in Congress to a resolution of support for sending our troops after 300,000 lives had been lost. As the Senator from Kentucky [Mr. MCCONNELL] said, we are coming home. That is not the question. But it is how we come home.

The Senator from Arizona [Mr. MCCAIN] is one who knows well the terror and tragedy and strength of our Armed Forces and has given I think some thoughtful reasons for his proposal.

I believe it was very unfortunate for the President to announce a date certain for our withdrawal. I think it is a mistake, Mr. President, to ever announce a date certain because it takes away leverage one might need. Unfortunately, the policy that was announced by the President to reinforce our troops in Somalia at the same time we will withdraw them at a date certain is both self-contradictory and self-defeating. Reinforce and withdraw is like upping the ante and yet announcing you will fold.

A marker for withdrawal I think is a serious error.

On the other hand, Mr. President, I believe it is important to support the amendment put forward by Senator BYRD and others that does narrowly define the mission and then say we leave. We will have completed the basic security which always was our mission in Mogadishu under the narrowly defined circumstances, and we will leave in a way in which we will say we have completed the mission and completed it with pride.

It is difficult to say from the comfort of the Senate in addressing the horrible and tragic conditions that do exist in Mogadishu what is best to do. But I really believe that it calls upon us to be supportive of the efforts in leaving the right way as the President has said and as Senator BYRD and others have acknowledged.

I yield the floor.

The PRESIDING OFFICER (Mr. DASCHLE). The Senator's time has expired.

Who yields time?

Mr. BYRD. Mr. President, the Senator from Vermont had asked for 20 minutes. I give him 7 minutes.

I thank the Senator.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. I thank the Senator.

It is an honor to follow the eloquent statement of my colleague from Kansas, with which I wish to agree. I would also like to shift the concentration on withdrawal to the broader aspects of our world leadership and the advantages they may provide to us.

Mr. President, I want to make sure the American people appreciate fully the critical nature of our debate today and the implications it carries for America's role in future international conflicts. I ask my colleagues to step back for a moment and put this debate in perspective. It is natural that we are concentrating on the serious negative problems which have recently arisen in Somalia. But we must keep in mind the larger picture and the positive aspects of world leadership.

After decades of carrying the heaviest burden for defending Europe and East Asia, staying ahead of the Soviet military buildup and beating back Communist advances in many areas of the Third World, America is now in a position to reap the advantages of being the undisputed world leader. And the toll that these burdens have taken on our economic health requires that we seize the opportunities before us. With undisputed world leadership comes incredible opportunity—for American business, for cultural exchange, and for projection of our basic values such as primacy of the rule of law, respect for human rights and environmental preservation. The only way to maintain and improve our current standard of living is to expand our exports, to find new markets abroad and compete more successfully with a growing field of capable competitors.

Only through expansion of our economy will we be able to finance the badly needed reforms to our educational system, improvements to our basic infrastructure and a renewed attack on the poverty that has crept into an ever greater number of American households in the past decade. We have paid a heavy price to become the world leader; we would be foolish not to step forward and reap the benefits of that effort.

We must recognize, however, that the post-Communist world carries dangers as well as opportunities, and that addressing both requires us to clarify the threats to our national interest and to develop an adequate response for challenges less clearcut than those we faced in the past. We must be able to answer the most pertinent question raised before we send American personnel into potential hostilities: Why must we place our young people in harm's way in countries where we have no obligation or direct national interest.

The formative event for America's role abroad over the past half century was World War II, where the line between good and evil was very clearly drawn and the threats to our national security were very obvious. Haunted by our failure to back the League of Nations, we enthusiastically supported the creation of the United Nations, even offering to host it. As the undisputed leader of the free world, we found ourselves locked in what seemed to be a struggle to the death with communism. As the Soviet Union targeted nuclear warheads on American cities, the threat to the United States became more real and more immediate than at any time in our recent past. That threat, and the ongoing reality of Soviet attempts at ideological expansion through proxy wars, colored our assessment of all conflicts around the world, and we had a very clear measuring stick for our strategic national interest.

As the Berlin Wall came down, so too our yardstick for national security began to crumble. With the dissolution of the Soviet Union in January 1992, we found ourselves the undisputed leader of a world that was in some ways safer, yet was also chaotic and, if anything, more conflictual than the bygone world

constrained by the superpower competition. The changes continue to be revolutionary—Eastern Europe wants to join NATO, the Salvadorans have negotiated an end to their civil war, South Africa is throwing off the oppressive mantle of apartheid, the former Soviet republics want our help in constructing democracies, and the Israelis and Palestinians have signed a peace accord. At the same time, these positive developments are shadowed by the rise of religious fundamentalism and ethnic nationalisms, which bear the seeds of conflict between and within states. "Ethnic cleansing" has entered the vocabulary, in chilling echo of another term, "final solution" and the horrors it represented.

If the end of the superpower confrontation unleashed pent-up forces leading to strive in many areas, it also unblocked some of the paths to multilateral cooperation, particularly through the United Nations, in dealing with such situations. More than a third of all U.N. peacekeeping operations mounted over the last 40 years have been put together in the last three years. And these operations have been called upon to perform very diverse jobs in many different circumstance, with varying degrees of success.

Somalia is among the most recent multilateral operation, and the questions it has provoked are typical of what we will face time and again as we must decide whether to address or to try to ignore the turmoil which surrounds us in the world today. The origin of the current debate lies only partly in the expansion of United States missions in Somalia as the U.N. mandate there broadened. We moved from a humanitarian mission to one also embracing political reconciliation among contending Somali factions. There was little or no criticism of this at the time. Indeed, it was a logical step implied from the very beginning of our humanitarian efforts in that country. U.S. forces went into Somalia with broad public support for their mission to provide security for international relief operations blocked by anarchy and the collapse of order in that country. That is, they went in prepared to use military force against those who might seek to interfere with food relief. Let us not forget that, when the Marines landed, they deployed in full combat gear by amphibious landing. In actuality, our efforts were initially unopposed and all breathed a sigh of relief that diplomatic efforts combined with a decisive show of force had dissuaded the Somali warlords from challenging our efforts. Few questions were raised about why U.S. troops were there.

It was prudent and logical for the international community, with U.S. support, to pursue the creation in Somalia of a long-term political consensus. Without such a consensus, we faced the possibility of renewed outbreaks of lawlessness which could bring on an armed confrontation with U.S. and U.N. forces. And without a political structure in place, any relief effort was guaranteed to fail the moment military forces departed and anarchy resumed.

The real untold story of this debate is the success of the U.N. operations in the majority of the country. Nowhere in the press do you see accounts of the bountiful harvest in Somalia, the lively market places, the development of local governing boards, the slow but steady progress in training a reliable Somali police force and the long-anticipated resumption of functioning courts. These things are going on every day, and the majority of the warlords are slowly coming to realize that they have more to gain by being part of a peaceful resolution of Somalia's problems than from ongoing civil strife and anarchy.

Only Muhammed Aideed has chosen a different path. When he began to fear that any new political consensus would erode his own power, he set out to disrupt the operation, ultimately resorting to lethal attacks on U.N. peacekeepers. And the U.N. mandate thereupon was expanded to provide, in effect, for his apprehension. That was where the problems began, as the United Nations—and the United States, at its behest—diverted efforts and manpower towards an urban guerrilla conflict where the prospects of success were dubious and the costs in lives, both United States and Somali, were bound to be significant. The shocking deaths of our valiant soldiers in an unfortunate attack upon Aideed's forces has caused the public to demand the immediate withdrawal of our forces, a sentiment echoed by some on this floor.

It was those casualties, more than the evolution of the U.N. mandate, that catalyzed this debate, and which last week led to panicked calls in this body for an immediate U.S. withdrawal. Simply put, Somalia has become an issue not because our role there was misplaced but because it has begun to take a toll. The amendments being contemplated to seek to lower that toll by paring back the U.S. mission. The fundamental issue thus is whether Somalia is worth the cost to us, and, above all, the cost in the lives of our soldiers.

The question is one that has recurred whenever U.S. forces have been involved in conflicts where there was no threat to U.S. territory and the impact in terms of our national interest, while it might be real, was neither direct nor immediate. In such circumstances it has been difficult to sustain popular support or political consensus in this country—a truth which became painfully clear during the Vietnam war. As the war dragged on, doubts began to arise. Was this a war against communism or a civil war? Were we viewed as defenders of freedom or as heirs to French colonialism? Antiwar and antidraft sentiment burgeoned. Many young men, rationalizing that the war was neither just nor justified by our national interest, fled the country. The nation became deeply divided.

The All-Volunteer Army was a response to that experience. It was an attempt to meet public concerns by ensuring that any U.S. forces committed to conflict would be those who had taken up the profession of arms by choice. Thus ended the strong arguments against forcing young personnel to go into war through the draft where the threat to the national security interest was less than patently manifest to all in the form of direct aggression against the United States or its closest allies.

Nonetheless, the debate has arisen once more with the end of the cold war and the advent of new kinds of challenges—and potential U.S. involvement—in situations related not to confrontation with another superpower or even its proxies, but to the maintenance of stability in troubled Third World areas. Desert Shield and Desert Storm sparked vigorous discussions about the national interest and the placing of our personnel into harm's way in areas outside the reach of our traditional alliances. However, the gross actions of Saddam Hussein, combined with an awareness of the critical role of oil and reliable energy supplies to the security and well-being of the Western World, set the stage for public support which firmed up as our efforts achieved an overwhelming victory with minimal casualties.

The Persian Gulf war demonstrated that there are no other nations with the same ability to rally the international community. If we do not take the lead in these situations, it is quite likely that there will be no coordinated international response. Iraqi aggression also exemplified the fact that in the post-cold-war world, threats to our national security need not be direct to be dangerous. Resources of great importance to us and our allies were put at risk, but our nation was never directly threatened. While there has been no other multilateral military campaign of the scope of the gulf war, the number of international peacekeeping missions has increased dramatically the last few years.

Now we are debating Somalia—with many questioning whether we should place the lives of our personnel at risk in a distant land which, on its surface, bears little relevance to our own vital interest as a nation. The same question can and has been raised with regard to other international operations, such as in Cambodia, Haiti, or Bosnia.

The United States cannot act as the world's policeman. But at the same time, we can ill afford to ignore many

of those trouble spots. The threats to our long-term security and well-being no longer derive primarily from the immediate risk of military aggression directed at us or our closest allies. Rather, they arise from the corrosive effects of international scourges from which we cannot isolate ourselves and whose prolonged impact is no less dangerous for being less dramatic. A partial list would include the proliferation of weapons of mass destruction in the Third World, international narcotics trafficking, terrorism, rising economic nationalism, and massive population movements of refugees and illegal migrants. Each of these problems has and will affect our long-term economic prosperity, social fabric, and security. And each is created or aggravated by upheavals and armed strife abroad which displace people, destroy economies, and break down law and order. We cannot afford an ostrich-like indifference to such events simply because they may occur in areas outside our traditional sphere of vital military interest or because action on our part entails real costs.

In Somalia, the immediate consequence of a precipitous United States withdrawal, if undertaken under artificial deadlines unrelated to the situation on the ground, could well be a collapse of the U.N. effort which would throw Somalia back into anarchy and put millions of people again at risk of mass starvation. We cannot leave immediately because the United Nations has not had an adequate chance to replace us, nor have the Somalis had a reasonable opportunity to end their strife. It was barely a year ago that the spectacle of hundreds perishing every day, and the imminence of death on an even more massive scale, aroused the conscience of the American people and the world community. We witnessed the carnage every day in our living rooms on television—and we felt compelled to act. How will we respond—how can we live with ourselves as a nation—if we are witnesses to such horrors again in a few months, knowing full well that they arose in part from our abdication of responsibility? Would we feel compelled to reenter Somalia—and would our conduct now sow the seeds of guilty recrimination and a divisive debate a few months hence?

But the consequences of precipitate United States action would far transcend Somalia and our relationship to that country. A collapse of the U.N. operation there would be devastating to our efforts to engage the wider international community, through the U.N. or other mechanisms, in the business of maintaining global stability and security. While the United States must retain the ability to act unilaterally when necessary, broader international commitment to peacekeeping and peacemaking can serve our interests by spreading the burden more widely. Equally important, it can contribute to the sense of international community on the one hand and self-restraint on the other which is essential if we are to dampen or prevent conflict in the first place. We are more than ever in need of such cohesive elements in a world where the end of communism and of superpower confrontation has decentralized the world power structure and unleashed pent-up forces of nationalism and ethnic strife.

We want other nations to assume more of the burden of international peace. To have them do so, they must believe that they can rely on our commitments when we make them. Twenty-seven other nations joined us in Somalia at our urging, and many have taken casualties as well. What example do we set for them, and for future attempts at concerted international efforts, if the world superpower—to whom all look for leadership—abandons an operation in mid-stream when the going gets tough?

This is why I see this debate as critical in defining the role America will play in the future. The consequences of our action here may be felt for years to come. Let's look to the future for a moment and see what lessons we can take away from this difficult experience, and it may help focus our decisions today.

First, we must accept the fact that there will be situations where U.S. leadership and U.S. participation are essential. At the same time, one of the benefits of being the world leader is that we can call on other nations pick up a fair share of the international "duties," such as peacekeeping, conflict resolution and development assistance. Many of the recent successful United Nations and regional peacekeeping operations have required only a minimum of United States participation in the form of personnel on the ground—Cambodia being a prime example. One of the most efficient ways we can keep our own defense-related costs down is to leverage our participation in these operations to the maximum extent possible. Even in Somalia, United States troops comprise less than one quarter of all UNOSOM forces.

We need to work more toward regional solutions to regional problems. While we are likely to play a pivotal role in devising a solution to many of these problems, we need not take the lead in all cases. In many instances, neighboring countries or leaders are able to facilitate political solutions in a manner that a superpower cannot. They also have a greater incentive to contribute to the frontline troops to peacekeeping or even peacemaking efforts designed to maintain stability and avoid chaos in their own neighborhood. With encouragement and logistical support from the United States, these efforts can play a much greater role than they currently do. The ECOWAS peacekeeping effort in Liberia is an example of successful regional cooperation and leadership in peacekeeping. With the encouragement of the United States, Nigeria took the lead in assembling a regional military presence. Now that a peace agreement has been signed, we are providing the logistical support necessary to supplement the Nigerian troops with those of other African nations who will conduct the disarmament and monitoring missions. Central America provides several examples of successful regional leadership efforts that led to negotiated solutions to protracted conflicts.

As the confrontation with Aideed has escalated, it has become all the more imperative that we involve regional leaders in the search for a political solution. President Isaias Afewerki of Eritrea has offered his good offices, as have Presidents Mubarak of Egypt and President Meles Zenawi of Ethiopia. We are reminded that military might alone cannot solve many of these problems, and that world leadership sometimes hampers our ability to play a mediating role. I am pleased that President Clinton has now decided to place greater emphasis on this option for dealing with Aideed, and hope that we take away this lesson for future conflicts.

It is important that we examine and debate the other options available for participation in peacekeeping operations. It has been proposed that we make greater use of Article 43 of the U.N. charter for peacekeeping operations. Article 43 allows member nations to place military forces at the disposal of the United Nations on an open-ended basis for use in the maintenance or restoration of international security. While I am intrigued by this idea, there are many practical problems with its implementation, not the least of which is that public opinion, both here and internationally, is not yet ready to place soldiers at the disposition of the United Nations and a permanent U.N. military command structure. And the United Nations has yet to prove itself capable of managing such an expansion in its mandate. For now, U.N. peacekeeping or peace enforcement operations will remain ad hoc responses to particular crises, and their military command structures—whether or not under direct U.N. authority—will rely upon the regular officer personnel of contributing states.

In this context, I urge my colleagues to consider another option, a proposal that I am formulating to designate certain U.S. military units as all-volunteer units specially trained for service in international peacekeeping situations. They would be comprised of personnel who specifically elect to serve with those units in multinational forces which may deploy in areas outside our traditional sphere of vital national interest—and in circumstances

our service men and women may not normally anticipate when they join the regular All-Volunteer Force. Those personnel would receive special training for the unique nature of peacekeeping or peacemaking duty and for the particular demands that arise when working as part of a multinational force. Creating specialized volunteer units would remove any doubt that military personnel participating in such operations do so out of a free and fully informed commitment to those types of missions. This could ease the task of achieving the political consensus in this country which is necessary if the United States is to play a responsible role in such efforts and remain steady under fire.

Each of us wrestles with the burden of the responsibility of voting to put American personnel in harm's way, and rightly so. Such a decision should never be taken lightly. Nor should we shy away from pursuing those policies that we know are in our long-term best interest because they carry with them an element of danger and risk to American lives. As I have said, the long range consequences of inaction or precipitous withdrawal from a situation that has suddenly turned dangerous can be much more costly and much more difficult to resolve. My proposal would give the President the option of using an American force that was specifically designed and psychologically prepared for such special assignments. I believe this would generate greater support for such undertakings among the Armed Forces and the American public. And it would prevent us from having to send anyone into a dangerous situation who had not specifically volunteered for such assignments.

In conclusion, let me reiterate that we must not act hastily here, nor under the sole influence of the emotional events of the past couple weeks. We have all been terribly saddened and moved by the TV footage of sufferings and dead American servicemen. Yet, we must not let the lives that have been lost be in vain. It has taken us two decades to shake off the Vietnam syndrome. We must not let insufficient political resolve create a credibility gap that haunts us for the coming decade.

I fully understand the difficult nature of these decisions and I sympathize with many of the anxious and angry feelings of my constituents, many of whom have friends and relatives serving in Somalia. But let us take the long view here. We owe it to the American people and particularly to our men and women in uniform to do what is in the ultimate best interest of our Nation.

The end of the cold war—and our unrivaled leadership in the new era—have given us a unique opportunity to strengthen our economy and improve our own society through trade and engagement with a world more open than ever before to our commerce and our ideals. Our participation in efforts to maintain international security represents an investment in keeping that world open as a forum of cooperation on which to build a new prosperity for ourselves and our children. It would be a tragedy if, by refusing to make that modest investment, we let slip our chances at the very moment of victory over totalitarianism and reversed much of what we ardently sought and spectacularly achieved during a half century of struggle. We must not lose this opportunity to have a peaceful world with increasing opportunity to enhance our Nation's economic prosperity.

Mr. MCCAIN. Mr. President, I yield 8 minutes to the Senator from Colorado, one of the few who had the foreknowledge that the disaster was going to befall us.

The PRESIDING OFFICER. The Senator is recognized for 8 minutes.

Mr. BROWN. Thank you, Mr. President. I want to thank the distinguished Senator from Arizona whose leadership on this issue is an inspiration to all of us as well as is the example of his life.

Mr. President, last December I spoke out in opposition to President Bush's decision to send troops to Somalia. It was not a partisan view at that point. It is not a partisan view now. But it is one of deep concern for what I believe to be the interests of our country.

I opposed our deployment of troops because we did not have a clear mission. That mission has not been spelled out clearly even today.

I opposed our deployment of troops because we did not express a clear commitment to stand behind those troops. Tragically that failure has led to the unnecessary death of U.S. soldiers.

I called for hearings in December. Initially I was turned down. I called again for hearings and wrote the chairman of the Foreign Relations Committee. He accommodated us by arranging for hearings. When the administration called and asked that they not have to testify, and not have to spell out their policy—perhaps it was inconvenient, perhaps it was embarrassing—but the administration asked not to testify. And the Foreign Relations Committee canceled the hearings when the administration did not come. They did not subpoena witnesses. They did not ask to find out the facts and the policies. But they canceled the hearing. And no open hearings have been held to spell out the policy with senior administration officials as witnesses.

Several hearings have been scheduled before the Foreign Relations Committee with the Secretary of State, and several or more have been canceled in recent weeks. Perhaps we will have one next week. But the simple fact is we did not do our job as a Government to spell out why we were there, what the mission was, and what we were going to do to protect our troops. We did not ask the committees of this Congress to do their job—which is our job under the Constitution. The failure that we talk about tonight is a failure of both the executive and legislative branches.

Mr. President, the mission is finished. Mr. President, the starving have been fed. The crops have been planted. The distribution has been set up and our hostage, perhaps most importantly right now, our hostage has been returned. The mission is done.

I have heard tonight distinguished Members say that the question now before the body is how we leave, not whether we leave. Mr. President, let me as sincerely and as forcefully as I can say I disagree. I believe the issue is much different than how we leave. I believe the issue is fundamental and goes to the very core of the obligation that we have to the people who put the uniform of this country on and who risked their lives. What kind of a commitment do we have to those who serve our country? I believe they will do what we ask of them. They will go where we tell them. They will even risk their lives.

Some may recall a beautiful letter that President Bush read from a young man who lost his life in Kuwait. Somehow he sensed that his life was on the line the next day, and he wrote his parents. He talked about the pride he had in serving his country. How can we forget the obligation we have to those who put their very lives on the line? Yes. They do what we say. They will go where we tell them. But it does not end there because their obligation is not just to us. We have an obligation to them. I believe that obligation is clear. It is whenever we risk their lives and put them on the line, we at least have the obligation to tell them what their mission is.

We have not done it in Somalia. We have not done it in other places around the world. It is important to tell our men and women in uniform the mission because we will not know when the mission is completed if we do not define it.

Second, I think we have an obligation to stand behind them, not stand behind them if it is politically convenient, not stand behind them unless our prestige might be injured, but stand behind them—just as they take the duties we impose upon them.

We have not done it. The commander of the troops in the field asked for armored personnel carriers. It was not because of a change in the mission. It was the mission that the President had given them, and that this country had voted for in the United Nations. It was a mission to cut off arms and supplies and to go after Aideed. There was no denying that was the mission. The Commander in the field said to do that mission he must have armored personnel carriers, and that he had to have

tanks. The Secretary of Defense turned down the request in spite of the recommendation and the request of the field commander. He turned his back on the safety of American troops in the field and in combat. I believe that is wrong. I believe that breaks the obligation we have to our men and women.

We ought to be smart enough to learn from the past. In Lebanon we sent troops into harm's way and did not even give them bullets for their guns. And the enemy broke through our barricades, drove a truck into the barracks and killed several hundred Marines who were asleep. Whose fault was it? It was not the fault of the people on guard duty. They were denied bullets for their guns. That is wrong. It is wrong because we did not fulfill our obligation to stand behind them and to protect them and defend them.

In Vietnam, we originally set up a base in Da Nang. I know because I went there to set it up originally. The plan was to put a base in Da Nang, put in supply lines into the interior, and physically block the Ho Chi Minh Trail, and force the North Vietnamese invaders to fight a confrontational battle where we could win. A battle in which our superior air power, artillery, and other advantages would give us a clear victory and cut off the flow of infiltrating Vietcong.

We spent the wealth of our Treasury to build the bases. We spent the lives of our men to defend them. We spent the lives of our troops to build the roads. Then the politicians in Washington, because they thought it was inappropriate, canceled the project. We put American lives on the line. Then we canceled the project that could have cut off the infiltration of enemy.

As a forward air controller, I flew in the I Corps area. The area I was in was fairly safe, but occasionally we would run across enemy troops. The rules were set by civilians in the Pentagon. They said we had to have approval from just about everybody and their cousin before we could fire back. To identify the enemy, we had to fly low enough to draw their fire. Even after they had fired on us, sometimes it took 2 hours to get approval to respond. Let me tell you. When you are in hot pursuit of an enemy that has fired on you, 2 hours is too long. One time it took over 12 hours. The enemy was simply gone.

Americans in Vietnam put their lives on the line. The politicians in Washington—in Congress and the Pentagon and the White House—designed the system that made it impossible to succeed and sometimes even to defend themselves.

Some here have taken troops to Hanoi in the quest for more information about our POW's from Vietnam. One thing you will notice when you go to Hanoi. It is much like the French left it in 1954. What is significant about that? That is where they had their supplies. The harbor at Haiphong, the supply depots in those areas and some of the key bridges, not all, were put off limits. You see, they fired on us and we could not fire back.

That was the decision of the politicians in Washington. They put the troops in the field but did not stand behind them to protect them.

Some now say it would be embarrassing to withdraw. Perhaps it would. In Vietnam it was embarrassing to withdraw, and we could not do it because it would embarrass the political leadership. It was also politically impractical to decide to win, so what did our political leaders do? They took the easiest course; they did not make a decision. They let Americans bleed and die without a strategy and the equipment necessary to win. Because it embarrassed the political leadership, they left our men on the line undefended, unprotected, and without a winning strategy. It happened in Lebanon, and is now happening in Somalia.

How many times do we have to leave our troops out to dry before we learn our lesson? Do not commit military forces without a clear mission and a willingness to stand behind them. If you are not willing to do it, do not send them overseas and take their lives. Some have asked, "How do we get out?" With all the strength I can muster, I can tell you that is not the question.

Our mission is done. We have finished our mission. The only question remaining is this: Will political concerns be more important to us than the lives of the men and women who serve our country? Everyone knows that if they stay, they risk losing their lives. Ask yourselves, for what? This is not just a vote about policy. This is not just a vote about convenience. It is not a vote about ego. This is a vote about whether you stand behind the men and women who give their lives to serve this country and defend the Statue of Liberty and hold the torch of freedom high. It is a question about whether or not we fulfill our obligation to those who risk their lives for this country.

Mr. President, the mission is done. Let us bring those who love this country home.

Mr. BYRD. Mr. President, I yield 3 minutes to the Senator from Missouri.

Mr. DANFORTH. Because American troops are now in Somalia and Ambassador Oakley is on the scene, I will vote against undercutting our Commander in Chief. I will vote against the McCain amendment and for the so-called leadership amendment. In so doing, I want to make it clear that I am not happy with the performance of this administration. I do not believe that the administration has clarified the extent to which it has moved beyond the humanitarian mission to a more political mission in Somalia.

In my judgment, the President's policy on whether or not we are involved in so-called nation building is an incoherent policy. In the President's letter today to Congress, the President says:

> The U.S. military mission is not now, nor was it ever, one of nation building.

But, in the same paragraph, the President says:

> What the United States is doing there is providing for a limited period of time logistics support and security so that humanitarian and political efforts of the United Nations and others can have a reasonable chance of success.

Then in the following paragraph, the President says:

> We cannot leave immediately because the United Nations has not had an adequate chance to replace us, nor have the Somalis had a reasonable opportunity to end their strife.

Then, in the President's reports to the Congress today, similar statements are made. He says:

> We are not involved in nation building.

And then, a few paragraphs later, he says:

> The pressure of our presence will help make it reasonably possible for the Somali people, working with others, to reach agreements among themselves so that they can solve their own problems and survive after we leave.

Mr. President, the position of the President of the United States is that we are involved in nation building, and we are not involved in nation building. This is not policy, it is gibberish. It must be clarified by the President of the United States. I do not approve of the policy, but because our troops are in place, and he is Commander in Chief, and he is headed out of Somalia, I hope, I will vote against the McCain amendment.

Mr. MCCAIN. Mr. President, I thank the Senator from Missouri for a very strong argument in favor of my amendment.

I yield to the Senator from Iowa for 4 minutes.

Mr. GRASSLEY. Mr. President, I, for one, appreciate the fact that Congress is finally getting around to it's constitutional responsibility of debating our lack of policy in Somalia. Two soldiers from Iowa, Sgt. Matthew Rierson and Pfc. Matthew Anderson, have already lost their lives. If nothing else, perhaps this debate will help focus the administration on determining exactly what its policy is.

Unfortunately, our efforts in Somalia have dramatically changed. In the beginning, it was a humanitarian mission. Then, it suddenly became a U.N. sponsored hunt for General Aideed. And how, it has become a conflict for credibility, where we seem to be putting "pride" above "principle."

A few weeks ago, I was one of seven who voted against Senator BYRD's modified resolution, because I supported the original amendment that would have required the President to articulate his Somalia policy, or defend it. The original Byrd amendment should not have been modified.

Now we know that many mistakes have been made in Somalia and the lack of policy has led to disarray. The President's greatest mistake was turning over policy and command to the United Nations. The Congress' greatest mistake was letting President Clinton get away with it.

Even so, there are those who argue we have to cooperate with the President on Somalia. Well, I agree we have to work with the President, but mere cooperation is what got us here in the first place.

Now, tragic events have stepped in and have forced Congress and the President to go where they dared not go before. The deaths of 17 American soldiers, who were ill-equipped, ill-informed and left to the direction of a misdirected United Nations, has been quite sobering. And the American people want answers.

Of course, aides to the President have attempted to reassure us all by promising that "we're learning from our mistakes." Well, that's my point. No on-the-job training.

My constituents in Iowa are not reassured, and they're questioning the basic decision-making ability of this administration. Is it really up to the job? Many of them agree with retired Army colonel, Larry Joyce, whose son James was killed on October 3 in a firefight. Colonel Joyce struck a chord when he stated, "we've got 'a bunch of amateurs' running our policy in Somalia."

It's very difficult to argue with Colonel Joyce, especially in light of the conflicting and confusing statements coming out of the administration. Beyond the disastrous briefing that secretaries Christopher and Aspin attempted to give Congress last week, I still see mostly confusion.

What's our policy? It seems to change daily. The President said we're going to de-personalize the operation. But, Admiral Howe, the U.N. representative, as well as Secretary Aspin say a reward is still on General Aideed's head.

Secretary Christopher has back-+eddled from his former pronouncements on nation-building. And Secretary Aspin has said our military objectives are "deliberately vague." This is supposed to keep Aideed off balance. But, it is the administration that is tripping all over itself.

As a result, America has fallen off of the high road. But, the President wants to stay this course, at least until March 31st. Even that date is slipping. However, the deadline that the President promised seems to be slipping already.

And, the problem regarding this administration's lack of understanding, or some would say lack of competence, can be seen beyond Somalia. We have just witnessed a major setback for our policy in Haiti. And for an administration that is learning from its mistakes, it is more than a little disturbing that Secretary Aspin stated last Sunday morning that there was no threat to our lightly armed troops going to Haiti. By the end of the same day, a violent mob had prevented our troops from even landing.

It almost seems like a pattern of ineptitude is developing. As an article in the Washington Post put it:

> Back to back crises for the Clinton administration in Somalia and Haiti have had one critical element in common: Key resolutions governing deployment of U.S. troops moved through the U.N. security council with little public debate or indication that Washington had assessed the potential risks to American soldiers.

Mr. President, it is past time for this administration to get its act together. And, that does not mean patching together policies a few days after a catastrophe. The American people demand more, and our soldiers deserve better.

Mr. President, it is time to bring our soldiers home in an orderly and expeditious manner. Before some slippery March 31 deadline.

Of course, even though Warrant Officer Durant has been released, we have to do everything we can to make sure that any soldiers that may be missing in action are accounted for, it is irresponsible to carry on a war that has become a conflict for credibility.

Americans have proven over and over that they are ready and willing to sacrifice for national security interests. But, the administration has acknowledged that there are no such interests at stake in Somalia.

Americans are also willing to sacrifice to help others in need. But in Somalia, we have sacrificed enough, and we have accomplished our noble goal of saving the starving people.

So, I will be supporting Senator MCCAIN's amendment to end our involvement in Somalia in an expeditious and honorable way.

Mr. President, it is time for America to get back up on the high road, and it is up to us in the Congress to help President Clinton get us there. A vote for Senator MCCAIN's amendment is a vote in this direction.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield 4 minutes to the distinguished Senator from Rhode Island, Mr. CHAFEE.

Mr. CHAFEE. Mr. President, I wish to join in the tribute that has been paid here tonight for our military forces who are serving in Somalia. I am proud of them, as we all are, and we are certainly proud of their families, likewise.

As to the amendment before us, the Byrd amendment, I believe we should withdraw from Somalia, but I think we ought to do it on our own schedule. Nonetheless, the President has stated that we ought to be out by March 31, and that is what the amendment says, and I can understand why it says that.

However, I do believe it would be better if we had left the date uncertain, although I seek an early withdrawal, but I do not think we should tell the opposition exactly what we are going to do.

Therefore, I would vote for the Byrd amendment.

Now, Mr. President, as for the McCain amendment, I believe that is a big mistake. I think if the McCain amendment were adopted, it would show to the world that the way to get the Americans out of any location is to kill some American soldiers. All over the world, there are terrorists that want Americans out, whether it is in South Korea or whether it is Colombia or Armenia or hundreds of other locations.

Certainly, this is not what the Senator from Arizona believes will be the result. Obviously, no one can question his integrity and his patriotism.

But I do believe, if this amendment is adopted, that American soldiers and marines throughout the world will become targets, because I believe the signal that will be made clear is that America will pull out if some Americans are killed. Therefore, I think this is an unfortunate amendment. I believe it should be defeated.

I thank the Chair.

Mr. MCCAIN. Mr. President, I yield myself 30 seconds.

Mr. President, in case the Senator from Rhode Island has forgotten history, we lost 40,000 people killed in Korea, and we are still there. The reason is the difference between Korea and Somalia. And the difference between Korea and Beirut is we had a mission and reason to be there, and we are still there.

I yield 4 minutes to the Senator from Delaware, Mr. ROTH.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, last week I came to the floor to explain why I believe American troops must be withdrawn from Somalia. I outlined the criteria that I believe must be met before leaders of any nation send their young men and women into combat. This is not a new position for me. I stood firmly behind these same principles—these same criteria—when I opposed sending our troops into Lebanon in 1982.

Let me repeat those criteria now:

First, we must know what vital interests are at stake. It is never easy to commit troops into action, but it is justified and warranted when the security of America is in question. However, when the vital interests are those of a coalition of nations of which we are a part, such as NATO, we must be in agreement concerning to what degree we are willing to commit our forces and resources.

Second, we must know who the enemy is and what kind of threat the enemy poses to our security forces.

Only in this way can we be certain that our soldiers are properly equipped and able to carry out their objective.

Third, there must be a plan about how the mission in which we are engaged can be brought to a successful conclusion in the most efficient and effective manner possible. Our men and women should never be in harm's way even a day longer than is absolutely necessary.

Fourth, American interests under any circumstances, should never be subservient to the interests of any international coalition without the consent of Americans.

I might also add two other conditions that I believe must be met before we commit our service men and women into combat. One, we must be certain that no other policy, or policies, can bring about the same desired result or solution to the crisis. And the benefits of the action must justify the costs and sacrifice.

We never met these criteria when American Marines were deployed to Lebanon. That is why I opposed that action from the start. And now as we look back on the dark moment when many of those brave young men eventually lost their lives in the barracks bombing, we all realize how important it must be to meet these criteria.

Mr. President, let us learn from history, before—once again—the hour grows too late. Our mission in Somalia today does not meet these criteria. It was a mission of mercy that took them from their homes to serve the starving people of Somalia. That mission was accomplished. Now their lives are in danger for what amounts to little more than an agenda set by the United Nations. It has nothing to do with America's strategic interests. It has nothing to do with our Nation's security. Our soldiers do not have a clear idea of who their enemy is. Neither do we. And they are certainly in harm's way far longer than they ought to be.

Far too much time has been wasted debating a possible mandated date for the withdrawal of our troops from Somalia. We should be debating principle, not dates. If the United States national security interests are at stake in Somalia, then our troops should stay there until those interests have been secured.

If, on the other hand, there are no United States interests at stake in Somalia, then our forces should be withdrawn with all appropriate speed.

We all know that this Nation has no vital interests in Somalia.

That is why I support the McCain amendment prohibiting the use of funds for United States military operations in Somalia.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield 5 minutes to the Senator from Massachusetts [Mr. KERRY].

Mr. KERRY. Mr. President, before the time is yielded—I had asked previously for more time. I do not want to be different from anyone else, but the leader had suggested we might be asking for more time before yielding down. I want to understand if that is the case.

Mr. BYRD. Why does not the Senator go with 5? If he needs more, I will see if I can be helpful.

Mr. KERRY. I thank the distinguished leader.

Mr. President, I support the amendment that is offered by the Senator from West Virginia, and I intend to oppose the amendment offered by the Senator from Arizona.

I believe that the amendment offered by the Senator from West Virginia offers the most reasonable and the most sensible choice to the United States and that, in fact, the amendment offered by the Senator from Arizona poses a choice which is contrary to the best interests of the United States of America.

When the President announced his chosen course of action last week, some people in this body suggested that we ought to bring the troops home sooner, and that there was no longer any reason to stay in Somalia.

Events of the last few days seem to indicate that they were wrong. The President's policy is working today, Michael Durant and the Nigerian peacekeeper who have been held hostage were released by Aideed's forces. Aideed has entered into a unilateral cease-fire and is now talking about participating in a political solution.

Indeed, if colleagues will take the time to look beyond the southern portion of Mogadishu, if you look beyond an area that is simply about 10 square miles, you will find that most of what we set out to do is being accomplished—not yet fully accomplished, but extraordinary gains have been made throughout Somalia.

The Senator from Arizona and others now want to withdraw immediately and say to the United Nations, to the Somali people, to the families of soldiers who have already given their lives, that that effort was wasted. They want to say to the rest of the world that the United States is willing to walk away from its own successes as well as from its own obligations.

Mr. President, a lot of our colleagues have come to this Senate chamber and said that we do not have any interests in Somalia. I disagree with that. The United States of America has important national interests in the mission in Somalia—and a mission, I might add, that is going to terminate. This is not a debate about whether or not this will ever end. It is going to end.

The amendment of the Senator from West Virginia sets a date for termination. It will end. The President has made it clear it will end. The American people have made it clear it will end, and I do not think there is any doubt about it: American participation will end.

The question is, How do you do it? You do it in a way that is sensible, rational, supportive of our goals, and most importantly, supportive of the sacrifices already made by the American soldiers who went there.

Mr. President, I have said that we have important national interests in this mission. So what are they? Let me list them very quickly. First, the United States has the same interest today that brought us to Somalia in the first place—the overriding humanitarian interest in seeing that the Somali people do not fall prey to another cycle of life-threatening famine and civil war.

I would remind my colleagues that this Nation responded to the television images of starving Somalis. They motivated us to say that a humanitarian mission in Somalia is something that fits into the spectrum of United States interests. We are not a nation that sits idly by when literally hundreds of thousands of people on the face of this planet are being wiped out by chaos and civil strife and famine.

And so we responded, as we should have, under a Republican President, without few Republican voices suggesting that it ought to be otherwise. And we went in.

If we pull out summarily, those very same images could return within months. What will we say to the American people, "Oh, this was OK the first time around but we were not really serious in our humanitarian purpose; this crisis somehow does not rise to the same level of compelling international interest and national interest that led us to go in the first place."

We went in to pave the way for the delivery of relief supplies. That mission is not yet completed because there is no guarantee that those supplies will continue to flow after we leave.

Second, we have a critical national interest in demonstrating the credibility of our commitments to the international community. Through our representative to the United Nations, by our vote in the Security Council, the United States of America endorsed and agreed to the expansion of the U.N. operation in Somalia. We could have vetoed, but we did not.

Now many of us in Congress would agree that that vote was wrong. I believe it was wrong. Nevertheless, we as a nation, are committed.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. Mr. President, I would ask if it is possible to have 3 more minutes.

Mr. BYRD. Mr. President, I yield 3 more minutes to the Senator.

Mr. KERRY. Mr. President, as we learned during the Vietnam war, any policy which puts American soldiers in harm's way can only be sustained if it

is based on a strong national consensus. We did not have that when this vote was taken at the United Nations. But I think, because of the effort of the Senator from West Virginia and because of the decision of the President of the United States, we do have a consensus today and it is a consensus that the word of the United States ought to mean something.

I believe that our credibility and ability to perform effectively in the international arena will be affected by the way in which we withdraw from Somalia.

The amendment offered by the Senator from West Virginia reflects the fact that we should leave in a way that does not impair our capacity to be effective in the future.

Third, we have a vital national interest in defending our reputation as a nation that can stay the course in an international humanitarian effort. We should not cut and run in a way that would undermine the humanitarian goals of the U.N. mission in Somalia, or in a way that would only return us to the very situation that brought us there in the first place.

To do so, Mr. President, would send a signal to other would-be Aideeds in Haiti, Bosnia, or other parts of the world that the United States in this new world order, whatever it may be, is not the superpower, that it is not prepared to lead, that it is not prepared to stand by the word it has given.

A policy of cutting and running now would have far-reaching consequences. Mr. President. We might not pay the price in Haiti tomorrow. We might not pay the price in Bosnia. But history has proven that some despot, some future authoritarian Fascist will understand the message—that the United States is fickle—and we will pay the price down the road, when there is sufficient disorder on this planet that civilized nations together decide that they must do something about it. And it will cost us more in money and more in bloodshed than the simple response that the President of the United States has on the line today.

Finally, Mr. President, we have a national interest in ensuring that the United Nations fulfills its potential as a peacekeeping/peacemaking institution. Somalia is the first test of the United Nations in the post-cold-war period. The United States of America, as the world's only superpower, cannot undo 50 years of effort, billions of dollars of expenditure to build a United Nations that can find peaceful resolution to problems.

I respectfully submit to my friends that we should not create a Somalia syndrome after spending 20 years to try to undo the Vietnam syndrome.

The President has set a date for withdrawal and the Senate and the Congress should have the courage to stand by our word and to stand by the President.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. MCCAIN. Mr. President, I yield 3 minutes to the Senator from Alaska, Senator MURKOWSKI.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I thank the Chair.

I rise in support of the amendment offered by the Senator from Arizona [Mr. MCCAIN] and the Senator from Texas [Mr. GRAMM] and ask unanimous consent that I may be added as a cosponsor.

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

Mr. MURKOWSKI. Mr. President, in contrast to the compromise offered by the leadership, this amendment comes to the right conclusion. The U.S. mission is complete. It is time for our troops to come home. The McCain amendment provides that U.S. troops will come home in an orderly fashion and as soon as possible.

The original mission, as we know, was humanitarian. We fed the starving people in a time of crisis and we accomplished our mission. We closed the emergency relief food distribution stations. But somewhere along the line, Mr. President, the mission changed from humanitarian to an ill-defined, poorly planned, and open-ended U.S. mission of nation building.

This changed mission meant U.S. troops, under U.N. command, were being used in the front lines of a personal battle against the warlord Aideed. The results of this involvement, which was not approved by this Congress, were tragic. Eighteen lives were lost in the firefight and many were wounded, including a young man, Terry Maddox, from Alaska.

I have talked to his father, John Maddox. He said:

> My son was trained as a warrior, but he was put in a position of peacekeeping with women and children in the surrounding area and he was unable to defend himself.

Mr. President, thankfully, that young man is going to survive. Thankfully, we have got our hostage, Michael Durant, back home safely.

But no further lives, Mr. President, should be endangered when there is not legitimate U.S. interests at stake. Let the United Nations handle the issue of nation building.

What do the people of the United States think of this debate tonight?

I think we should reflect a little bit on where we are. We are talking about pulling out. The McCain amendment says pull out now. The other amendment by the leadership suggests that we should pull out by March 31.

The public knows only one thing, Mr. President: We have made a decision to pull out. Now, there is a question of accountability and the public wants to hear about that.

It is hard to find out around here just who is accountable. Who made the decision for the humanitarian mission to move to a nation-building mission? Not the Congress.

Who made the decision to turn down the military's request for tanks and armored carriers to provide the reinforcements for our troops? Congress did not make that decision, but somebody did.

So far, we have 29 dead, we have 159 wounded. We have spent $1.15 billion. That is what we have in Somalia today.

So let us stand up for what the true U.S. interests are Mr. President, and not stand up to cover our mistakes. And that is what we have made here, a mistake. Let us get out as soon as practical and go on with the obligation which we have as a superpower. And let this also serve as a lesson to this administration to consult with the Congress when appropriate, such as when the mission our troops are sent to support changes.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MURKOWSKI. I thank the Chair and I thank my colleague from Arizona.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, I yield 5 minutes to the Senator from Pennsylvania [Mr. SPECTER].

Mr. SPECTER. Mr. President, I thank the distinguished President pro tempore.

Mr. President, in my view, the pending resolution by Senator BYRD is the least undesirable of all the alternatives.

I think that action by the distinguished Senator from West Virginia has been very beneficial in focusing attention by the President and by the Congress on our very severe problems in Somalia.

Last month, when Senator BYRD offered an amendment which would have compelled withdrawal from Somalia within 30 days unless specifically authorized by Congress, I spoke in favor of that amendment. That was a tough-medicine amendment. I thought the critical part there was to have authorization by the Congress if in fact our troops were to remain in Somalia.

This country learned a bitter lesson in Vietnam, that we cannot fight a war without the support of the American people. And the first line indication of the views of the American people come from our representative democracy in the Congress. So that when action was called for by the Congress before continued presence of our troops, I thought that was on the right track.

When Senator BYRD modified his amendment to call for a report by October 15 or we would be out by November 15 unless authorized by Congress, and that was only a sense-of-the-Congress resolution and not binding, I

thought that was at least a step in the right direction, although not as forceful and as desirable as the first amendment he had originally offered. That has compelled the President to come forward, finally, with a report to the Congress on United States policy in Somalia. It has compelled the President to focus and try to write our policy down. As he has written it down, I do not think it has come out very clear or very forceful. But of all the alternatives remaining, it is still the least undesirable.

I say that because the institution of the Presidency is involved in our debate tonight in a very fundamental way. If a defeat on the budget would have brought down this President, or would have severely damaged this President, it is my view that a defeat on his current policy as articulated in this document would severely damage the institution of the Presidency. The problem with what the United States has done so far is it has been irresolute, uncertain, and if we cut and run now it will be an act that is very hasty. The resolution proposed by Senator BYRD and others is a measured resolution and the President's policy, while not perfect, clear, or forceful, it is not unreasonable.

I use the expression "not unreasonable" in some slight distinction from being reasonable, because it is still preferable to the resolution offered by our distinguished colleague from Arizona, Senator MCCAIN. As I listened to Senator BROWN, and have heard Senator MCCAIN, I hear a very strong view forged out of the turmoil and pain of Vietnam. I served during the Korean war, stateside, so I do not have their experience in Vietnam.

I think the debate which has taken place last month and tonight is a very useful thing in our democracy. In supporting Senator BYRD's resolution—I read the polls as we all do and know that runs counter to public opinion, but I believe if all America could hear our debate and read the documents and listen to the discussions which we have in small groups, that there might be a different view, a different public opinion. But our job in the Senate and our job in the Congress is to provide leadership. We do not need to respond to public opinion polls. In our representative democracy we have to figure out what is the best as we see it.

There are two significant deficiencies, as I see it, in the current Presidential policy. One of those deficiencies as he articulates it, is the policy of depersonalizing U.S. motives away from Mohammed Aideed.

Mr. President, I ask the distinguished Senator from West Virginia for 2 additional minutes, as I see the gavel about to fall.

The PRESIDING OFFICER. Does the Senator from West Virginia yield 2 additional minutes?

Mr. BYRD. I yield the Senator 2 additional minutes.

Mr. SPECTER. As I was saying, there are two significant disadvantages, as I see it, in the President's policy. One is that he has depersonalized the mission away from Mohammed Aideed, I think that is indeed regrettable because Aideed is a war criminal. It would be highly desirable to be able to take him into custody and try him as a war criminal. But on this state of the record the price is too high.

I think it is also undesirable, as others have expressed, to set a date of withdrawal, as it gives our opponents a target to avoid the problem. But I daresay, if something were to happen on the verge of March 31, on the 20th or 25th, that policy could be modified. The Senate and the House will be in session. We could act to correct that record.

Mr. President, I think it ought to be noted according to figures provided by President Clinton as of October 6, 1993, there were 28,603 troops in Somalia and somewhat less than 5,000 U.S. troops. On the President's representation, other troops will be dispatched from Pakistan, Egypt, Nepal, and India.

Mr. President, I ask unanimous consent to have a table indicating the UNOSOM force contributors as of October 6 printed in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. SPECTER. In conclusion, while the alternatives all appear to be undesirable, I cast my vote in support of a Presidency, and in favor of the resolution by Senator BYRD.

EXHIBIT 1

ANNEX IV.—UNOSOM FORCE CONTRIBUTORS

[As of October 6, 1993]

	Number of troops	Type of forces	Location
Australia	30	Logistics Staff	Mogadishu
Bangladesh	948	Infantry/Signal	Mogadishu
Belgium	952	Infantry	Chisimayu
Botswana	247	Infantry	Baardheere
Canada	4	Staff	Mogadishu
Egypt	539	Infantry	Mogadishu
France	1,117	Infantry	Oddur
Germany	1,727	Engineering/Logistics.	Beledweyne
Greece	110	Medic/Logistics	Waajid
India	3,606	Infantry/Logistics	Beledweyne
Ireland	80	Transportation	Mogadishu
Italy	2,663	Infantry	Jalalaqsi
Kuwait	138	Infantry	Mogadishu
Malaysia	870	Infantry/Military Police.	Mogadishu
Morocco	950	Infantry	Balli Doogle
New Zealand	43	Air Transportation	Mogadishu
Nigeria	614	Infantary	Beledweyne
Norway	130	HQ Staff	Mogadishu
Pakistan	5,003	Infantry	Mogadishu
Romania	236	Field Hospital	Mogadishu
Saudi Arabia	678	Infantry	Mogadishu
South Korea	502	Engineer/Infantry	Mogadishu
Sweden	148	Medical	Mogadishu
Tunisia	142	Infantry	Mogadishu
Turkey	320	Infantry	Mogadishu
United Arab Emirates.	663	Infantry	Mogadishu
United States	2,781	Logistics	Mogadishu
Zimbabwe	894	Infantry	Baidoa
Force HQ	297		
Prvt Mrshl	143		
SSG	63		
Subtotal	26,645		

ANNEX IV.—UNOSOM FORCE CONTRIBUTORS—Continued

[As of October 6, 1993]

	Number of troops	Type of forces	Location
U.S. QRF	1,358		
U.S. Rangers	600		
Total	28,603		

The PRESIDING OFFICER. The Chair informs the Senator that the Senator from Arizona has 25 minutes, the Senator from West Virginia has 17.

Mr. MCCAIN. Mr. President, I yield 3 minutes to the Senator from Texas [Mrs. HUTCHISON].

Mrs. HUTCHISON. Mr. President, as an outsider at the time, I watched the debate of the U.S. Senate on whether to send American troops to participate in Desert Storm. I thought it was the Senate's finest hour. Each person spoke from the heart, seemingly without partisan pressure, and each person made the decision of his or her conscience. All of the views then, as all of the views tonight, are sincere and have merit. My decision is to support Senator MCCAIN.

The United States sent forces into Somalia originally to undertake a mission that was humanitarian in nature and limited in scope. Unfortunately, this policy changed and our military was converted to a police role by the United Nations. On September 9, the Senate spoke forcefully to the President. By a vote of 90 to 7 we said we would like a report by October 15 on our mission to Somalia. And if you plan to have U.S. troops there beyond November 15, Congress should authorize such extension.

Unfortunately, before the report was due events escalated, as many Senators feared would happen. We must clearly see that our mission in Somalia is finished; successfully accomplished. Only one mission remains, for our troops to be brought safely home along with the remains of every soldier who has been killed. The mission for the United Nations may continue without U.S. troops. Attempts to make peace between warring clans should be pursued with sincerity, but without U.S. military intervention. This is a civil conflict and must be treated as such.

Now is the time to correct our course as it pertains to United States military presence in Somalia. Now is the time to bring our troops home. I support the amendment of our Vietnam war hero, Senator MCCAIN, because I believe nothing will change between now and March 31 except more American lives will be in jeopardy. There is no mission in Somalia worth that price.

I yield the remainder of my time to the Senator from Arizona.

Mr. MCCAIN. I yield 4 minutes to the Senator from Idaho [Mr. KEMPTHORNE].

Mr. KEMPTHORNE. Mr. President, fact: The mission in Somalia is accomplished. The humanitarian aid has been delivered. The starving has been stopped.

Unfortunately, the mission has been changed now. We now have a situation where we have put U.S. troops into combat mode. We put them into a fugitive manhunt, including a U.N. bounty of $25,000 on the head of Aideed. We have done this, it is sad to say, considering that when we were on a humanitarian mission we had 25,000 troops in Somalia. Then we drew them down to 4,000. Then they were committed to the combat mode. We did this when our military leaders were denied the request to have additional armor.

Last week I spoke to a soldier who was in Germany in a U.S. military hospital. He had been evacuated after one of the fire fights that had taken place in Somalia. This was his second tour in Somalia. And he told me, he said, "The first tour there was humanitarian. But the second tour is crazy."

He said, "Senator, if they are healthy enough to now fight us then it's time to go home."

Mr. President, these are the words of a 19-year-old, a young man from Idaho who speaks wisdom beyond his years, and I appreciate what Jesse Long said.

Somalia has a long history of clan warfare and of civil war. The idea that leaving American troops in Somalia for 6 more months in any way is going to alter or change the Somali history or culture is ridiculous. Those 6 months though, Mr. President, may change in a deadly way the lives of American soldiers who are left there in an unjustified situation.

When the U.S. interests are at stake, then I will support the use of U.S. military power, as was the case in Desert Storm, knowing full well that casualties may occur. But the United States has no national interest in the civil war in Somalia.

To all of the United States troops who have been serving in Somalia, I commend them for a job well done and for a job completed. It is time now to bring these troops home. The MCCAIN-GRAMM amendment states that we will now have a prompt, safe withdrawal of the U.S. troops now. I commend Senator MCCAIN for his record in the armed services of the United States because it is a record of courage.

Mr. President, I also would like to acknowledge the Senator from West Virginia because I believe with all my heart that he has been the conscience on making us aware of our role in Somalia from the very outset.

I urge my colleagues to support the MCCAIN amendment. It calls for the withdrawal of the American troops now because the mission is accomplished. Thank you, Mr. President.

The PRESIDING OFFICER (Mr. LEVIN). Who yields time?

Mr. BYRD. I yield myself 5 minutes.

Mr. President, I thank all of my friends on the other side of the question. They have been very generous and kind, considerate, courteous, and I appreciate what they are trying to do. My heart and sympathy are with them.

But let us take a look at the amendment. Let us see what it says:

> Funds may be appropriated or otherwise made available for continued operations of United States Armed Forces in Somalia to support the prompt and orderly withdrawal of all United States Armed Forces from Somalia in a manner most consistent with the safety of United States personnel.

What does prompt mean? Who is going to decide whether it is prompt? Is a month being prompt? Is 2 months being prompt? Is 3 months being prompt? What is being orderly? Who is to make the decision? Who is to question it?

There is no date whereby this has to come to an end, and the President, as Commander in Chief, I say to my friends on my right here, they can contact the President—"Mr. President, this says to be prompt." "Well," he says, "I'm being prompt." Who is going to question him? Who is going to prove him wrong?

There can be just as many people killed under the amendment by Mr. MCCAIN as can be killed under mine because there is no end point in the MCCAIN amendment. None. It sounds good. "Shall support a prompt and orderly withdrawal." Who is not for that? I am for prompt and early withdrawal, too, but I am trying to put an end point on it. I have a date on it, and I have the teeth of the purse string.

So we are authorizing the President to proceed no longer than March 31. Then you have to come back and you have to get the authorization of the Congress. So there is an anchor to which we can tie to. There is none in this amendment. None.

So do not be fooled into thinking that if this amendment were to be adopted and were to become law, the men would get home sooner. They might be longer than March 31 because who is to decide? The court is not going to step in and say to the President, "Well, it says prompt, so you spent 6 weeks, you're too late. You have to get them out." The court is not going to get into that. Congress is not going to get into it. Congress is going to have to act again if this becomes law and final. The Congress will have to put a deadline to really mean business.

Mr. President, let me say what my amendment does not do. My amendment, as cosponsored by myself and others, does not include nation-building. It does not include national reconciliation. It does not include disarming the clans. It does not include search and destroy operations. It does not include policing the lawless city of Mogadishu.

The amendment which I have offered narrows the mission and is specific about the mission. Here is what it is:

> The Senate approves the use of United States Armed Forces in Somalia for the following purposes—

And there are two. Two.

> (i) The protection of United States personnel and bases.

Who has any quarrel with that? The second one:

> The provision of assistance in securing open lines of communication for the free flow of supplies and relief operations. . . . .

That is it. There are two paragraphs that define and describe the second purpose, which I just read.

So it is very narrow. This amendment I have offered does not include some of the tasks that the President lays out in his report. Here is one of the tasks he includes in his report:

> Keep the pressure on those who originally cut off relief supplies and attacked our people.

My amendment does not specify we do that. So my amendment narrows the mission. There is a cutoff date.

I would like to have said February 1. I would prefer to have said December 1. That is impracticable. We may not be in session. I would like to say January 1. That is impracticable for the same reason. February 1 I would like to have done. But we have 99 other Senators. We have a President. And he has a right to state his position, and he did. He has cooperated with us. He sent up the report earlier than he really had to under the previous amendment. Here is a President who is showing some sense of cooperation with the Congress. He is interested in cooperating with the Congress. He has demonstrated that. I called him on the phone: "Can't you send us up the report earlier than the 15th?" "I'll try to do that," and he did.

Let me read a letter that he wrote dated October 14:

> Dear Mr. Chairman: I understand you intend to offer an amendment to the FY '94 Defense appropriations bill to maintain funds for our mission in Somalia, if needed, up to the March 31, 1994, date proposed by the Joint Chiefs of Staff. As we have discussed on more than one occasion——

That means he and I.

> I recognize that you believe U.S. forces should be out of Somalia sooner than March 31 and it was typically courteous of you to call me in advance of proposing a February 1, 1994, withdrawal date. I, too, would like to end our deployment as soon as possible consistent with completing our mission in Somalia. While we have set March 31, 1994, as the outer limit for fulfilling our mission, I certainly will order the withdrawal of U.S. forces sooner if at all feasible.

That is a commitment.

> It is my understanding that your amendment providing funds until March 31 is designed to provide needed flexibility but that it remains our common goal to use no more time than absolutely necessary to complete our tasks in Somalia and bring our troops home. Thank you for working with the administration in a cooperative spirit to bring us to common ground on this important issue.

That is a strong commitment.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. I yield myself 2 additional minutes.

That is a strong commitment, and it shows a desire on the part of this President to cooperate with the Congress. And while I would like to have had an earlier date than March 31, there is a need for cooperation between the President and the Congress, and so I have tried to provide flexibility for the President. But I have also said, look, Congress has the power of the purse and no more money after the 31st. If there is, you have to come back and ask for it, and you get it if the Congress authorizes it.

Now, the President recognizes that. This is the first President in at least the last dozen years who has recognized that Congress has the power of the purse. He recognizes it. He does not question it. And to me, that is like a breath of fresh air from the Allegheny Mountains.

So here we have in this amendment a firm grasp on an anchor. Whenever you say the first of the fiscal year is October 1, everybody knows what that means. So we have a date.

There are those who would like to have certain criteria to which to anchor on. You cannot do that because some will say the criteria have been met. Some will argue with that. That is arguable, but a date is not arguable. So we set a date. There is no date in the amendment by Mr. MCCAIN. Let me say again, just as many can die under this amendment as can under the one I have, because this amendment by Mr. MCCAIN does not mean January 1. It does not mean February 1. It just says as promptly as—I will read it again.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. BYRD. I yield myself 1 additional minute.

* * * to support the prompt and orderly withdrawal of all United States Armed Forces from Somalia in a manner most consistent with the safety of United States personnel.

"The prompt and orderly withdrawal." When is prompt? What date? What date is it? What date on the calendar? What date on the calendar does this mean the men will be out? November? Who can say for sure? December? Will they be home by Christmas? What does prompt and orderly mean? Does it mean January? Does it mean February? It may mean next December, a year from now.

If the President says, "I am doing the best I can," who can say he is not? There is nothing—there is no anchor here. So I urge Senators not to vote for the McCain amendment. And I say that with the greatest of respect to my friend, Mr. MCCAIN, the greatest of respect.

I ask unanimous consent that the letter from the President be printed in the RECORD, and I also ask unanimous consent, Mr. President, to include in the RECORD letters that I have written to the President on February 26, July 15, and September 24.

In those letters, I have urged the President to get authorization from the Congress in any actions that we take in Bosnia or in Somalia. I have urged that he get authorization by the Congress so that he will not have to walk the dark road alone. I have urged that as early as February.

So I ask unanimous consent that those letters be printed in the RECORD together with the responses.

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

COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 24, 1993.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: Reports in the media and from officials of your Administration indicate that the parties to the Bosnia conflict may be on the verge of reaching an agreement to end the hostilities. Yesterday, a number of Senators and I had a very useful exchange of views on the situation there with your national security team, and I commend you for seeking to establish meaningful and early consultation with the Congress on the implications for U.S. policy.

I have made my own position clear on the need for a sharing of responsibility on this important decision between the Executive branch and the Congress, and I delivered a detailed exposition of my views on the Senate floor this past Wednesday. I attempted, in my remarks, (enclosed) to outline a series of questions and issues which I believe should be explored and addressed by your Administration in the context of any decision to deploy U.S. forces to implement any peace accord that is reached. Not only do I think it necessary and wise for you to seek Congressional support for your policy, but, by the same token, the Congress should accept its share of responsibility for whatever policy is formulated.

Secretary of State Warren Christopher, during yesterday's meeting, indicated that the Administration would "welcome a resolution on this subject" by the Congress. I applaud your stated position that Congress should approve of any deployment of forces in advance, but I also think that it is important that, if you decide to seek Congressional authorization, you provide a detailed policy rationale in the form of a requested legislative authorization. By providing such a detailed legislative proposal, you will be best assured that the Congress will debate and determine its position on your specific policy and all of its elements.

Again, I appreciate your willingness to engage the Congress on this matter in a way which is best calculated to thoroughly debate and decide the nation's policy on this very important question.

Sincerely,

ROBERT C. BYRD.

COMMITTEE ON APPROPRIATIONS,
Washington, DC, July 15, 1993.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As you develop your new policy on peacekeeping operations under the United Nations, there are several issues that have become increasingly important from the perspective of the Senate.

First, from a funding standpoint, after discussion with your ambassador to the United Nations, Ms. Madeleine Albright, I attempted to secure some $293 million in FY 1993 Appropriations funds for U.N. Peacekeeping Operations in the context of the recently passed Supplemental Appropriations bill, H.R. 2118. Although the funds were to pay for U.S. past due assessments for U.N. peacekeeping operations which have been generally supported in the Congress, there was little or no support from my colleagues in either chamber for this effort. Despite the high priority your Administration has placed upon paying the United States' share of peacekeeping bills, I feel it is doubtful that a political consensus exists to pay the escalating costs of the large U.N. operations underway. The soaring costs of the U.S. share of U.N. peacekeeping—escalating from a total of $140.5 million at the end of 1991 to $464 million last year, to some $753 million appropriated or requested this year—will be increasingly difficult to support.

While our difficult budget situation may be partly to blame for Congressional reticence to support the costs of current U.N. peacekeeping operations, there is also a question as to the authority under which the U.N. is operating in committing U.S. forces to peacekeeping operations. Of particular concern would be future commitments of U.S. forces to U.N. peace enforcement operations where the consent of the disputing parties has not been secured. Such deployment begs all of the well known questions regarding Congressional approval for introducing U.S. forces into situations of actual or imminent hostilities.

In each specific situation, I believe it would be wise to secure the consent of the Congress through formal authorizations of approval. In this way, the costs and possible casualties involved in such operations would have been thoroughly considered prior to the commitment of U.S. forces. While the U.N. has provided and will certainly continue to provide many invaluable services for the world community, when deploying peacekeeping forces under Chapter VI of the Charter, both (1) the escalating costs of such operations and (2) the additional risks which would be assumed in deploying peace enforcement forces under Chapter VII argue for the development of a clear consensus between the Administration and the Congress on the circumstances under which U.S. forces would be committed. This consensus-building exercise is all the more important in light of the testimony of a high-ranking official of your Administration yesterday that "we anticipate that in the future, many U.N. operations will involve elements of peace enforcement. * * * In many cases, as Somalia all too clearly indicates, the world community will not be prepared to wait for the consent of the parties before acting." Prior Congressional approval would seem necessary and prudent before the U.S. participates in or financially supports such operations.

I hope that these thoughts will be of some help as you continue to develop a national policy on this very important matter.

With kind regards, I am

Sincerely,

ROBERT C. BYRD,
Chairman.

COMMITTEE ON APPROPRIATIONS
Washington, DC, February 26, 1993.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am concerned over the Administration's proposal to begin an

operation involving airdrops of food and medical supplies into Bosnia. As I understand the operation, based on press reports, the initial airdrops would take place from a high altitude and without fighter protection, occur without the active participation of our European allies, last for an unknown duration, and involve unknown subsequent steps. It is not entirely clear to me what the purposes of the operation are, and what effects are intended on the negotiations scheduled to resume next week under the mediation of former Secretary of State Cyrus Vance. Nevertheless, the inauguration of this operation, as the first military initiative of your Administration, inevitably carries important weight both from the standpoint of the process of consultation with the Congress and the role of the United States in foreign affairs during your tenure.

While it may be argued that the provision of food and medicine over undesignated but presumably widespread areas, to reach all sides of the ethnic conflict in Bosnia, is a gesture of humanitarianism, it is, nevertheless, a commitment involving the use of military forces, and carries risks and unknown consequences. Given the long-term history and nature of the conflict in that region, therefore, this step will inevitably be viewed as a major new policy departure with unclear ramifications for American personnel and prestige. At this stage in your Presidency, an expansive attitude toward very full consultation with the Congress will pay important dividends.

While it may well be that you will eventually achieve a consensus on proceeding the attendant risks seem to argue that the commitment embodied in this action be endorsed early on by the Congress. A shared commitment, of course, will provide shared responsibility for all possible consequences of the operation.

In addition, Mr. President, the role of the United States in the progression of the Bosnia conflict, given the history of the Balkans and in this century, is one which I think merits full and careful debate in the Senate. I believe it may be appropriate for you to stimulate and lead in the development of such a debate. There are questions of affordability, the sustainability of public support for certain actions, and the role of the allies and the United Nations, that would profit from a thorough public airing. While the plight of those peoples is of legitimate concern, we cannot afford to walk down the dark street of the Balkan conflict without a full understanding of the consequences and the acceptance of responsibility for each specific new action by the broad American body politic. I am especially concerned that you not walk down that dark road alone. Our experience in Lebanon during the administration of President Reagan illustrated the impossibility of sustaining American involvement in that region when public support abruptly evaporated after the destruction of the Marine barracks and heavy loss of American life. The result has been the total loss of any U.S. influence there from that time through today.

Thank you for your consideration of my concerns on this very important matter.

With best wishes, I am

Sincerely,

ROBERT C. BYRD.

THE WHITE HOUSE,
Washington, DC, October 14, 1993.

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I understand you intend to offer an amendment to the FY 94 Defense Appropriations bill to maintain funds for our mission in Somalia, if needed, up to the March 31, 1994 date proposed by the Joint Chiefs of Staff.

As we have discussed on more than one occasion, I recognize that you believe U.S. forces should be out of Somalia sooner than March 31, and it was typically courteous of you to call me in advance of proposing a February 1, 1994 withdrawal date.

I, too, would like to end our deployment as soon as practical, consistent with completing our mission in Somalia. While we have set March 31, 1994 as the outer limit for fulfilling our mission, I certainly will order the withdrawal of U.S. forces sooner if at all feasible. It is my understanding that your amendment providing funds until March 31 is designed to provide needed flexibility, but that it remains our common goal to use no more time than absolutely necessary to complete our tasks in Somalia and bring our troops home.

Thank you for working with the Administration in a cooperative spirit to bring us to common ground on this important issue.

Sincerely,

BILL CLINTON.

Mr. BYRD. Now, Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes. The Senator from Arizona has 18 minutes and 10 seconds.

Mr. MCCAIN. Mr. President, I yield myself 1 minute. I would like the same length of time that the Chair extended to the manager of the amendment.

Mr. President, I will be brief. First of all, the distinguished chairman of the Appropriations Committee did not note that there are no funds allowed for any other operations in my amendment.

The distinguished chairman of the Appropriations Committee should know that prompt, means now. Prompt, means now. Everybody knows it does not mean 6 months, which his amendment talks about. Everybody knows. I would urge him to talk to any military expert, and they will tell him it is a matter of weeks. I would like to leave it to the military. But they know it is a matter of weeks and not a matter of 6 months, which the chairman's amendment envisions.

I would also like to point out that the chairman's amendment puts us in a very dangerous position, a very, very dangerous position, because in it it says that the Armed Forces of the United States shall be used for the following purposes:

The provision of assistance in the securing of open lines of communication for the free flow of supplies and relief operations.

I suggest that the chairman get a briefing from the military and he will find out that our people are sitting in enclaves surrounded by Aideed's people. The roads are mined, and in order to achieve the goal that the chairman envisions in his amendment, the provision of assistance in securing open lines of communication for the free flow of supplies, we are going to lose a lot more people, Mr. President. We are going to lose a lot more people if this amendment is adopted.

Mr. President, I yield 4 minutes to the Senator from South Dakota [Mr. PRESSLER].

Mr. PRESSLER. Mr. President, I join the many speakers paying tribute to my friend, Senator BYRD, who brought us here this evening. We would not be having this debate were it not for his leadership. I am going to vote for the McCain amendment, but I do not know if we are debating the differences in these amendments so much as we are crying out for a clear definition of U.S. foreign and military policy to be carried out by our State Department, Defense Department, and White House.

In my judgment the management of our foreign policy by the State Department and the Defense Department is quite frankly, a mess. I do not usually use such harsh terms, but from an organizational point of view, both departments have recently had difficulty at the top levels establishing who is reporting to whom. The Defense Department has a we-they mentality with the military. The Defense Department has said that they are in the process of learning lessons, but the military has already learned these lessons and has told them what they are.

I would say that from the point of view of the soldiers in the field, they deserve a clearer definition of what our foreign policy is and what our military objectives are.

I, too, was a soldier, one who served in Vietnam. I served two tours of duty in the Army as a lieutenant, and was honored to wear the uniform of this country. I felt then that our missions were not clearly defined. U.S. soldiers have a unique characteristic, if one of them is captured, we go to great lengths to recover them. Our soldiers want to do good. They want to distribute food. They are not an army that is known for brutality. The troops in the field do a good job. But they need clear leadership from Washington. This debate is putting the United States Senate on record that not only in Somalia or Haiti, but anywhere in the world, we want the White House, the State Department, and the Defense Department to be organized and to have a distinct chain of command so that they are able to define our foreign policy. If they can accomplish this, then our fine soldiers can go and do what they are supposed to do, and do it with definition.

It is difficult to come right out and say that the State Department, the Defense Department, and the White House are stumbling around formulating policy, but that is exactly what is happening. Perhaps the Congress is also equally guilty. But tonight we are trying to define that policy. We are trying to force the establishment of clearly defined objectives before we put troops into a country.

I support the amendment of my colleague, Senator MCCAIN, to withdraw our troops from Somalia as quickly as

possible. We are down to quibbling over two amendments, however, I think we are doing something more profound than that. We are in effect, asking for a definition of foreign policy and military policy by the White House, the Defense Department, and the State Department. We are asking the Executive Branch to understand who is reporting to whom and to state what our objectives are.

We do have responsibilities around the world. However, we also have great responsibilities in our own country. I am proud to represent the State of South Dakota, where we have a number of problems with our economy, in agriculture and on our Indian reservations. When I am in Washington, I live in the District of Columbia, where we have immense problems, where we could well use troops in certain areas of the city, and where we could use a great deal of improvement in the quality of life of many people.

Our taxpayers are overburdened. It is our responsibility to proceed cautiously.

It was my privilege to visit eight African countries last spring. Tribal quarrels have been going on since the 14th century; they will continue long after I am gone; and our troops are not going to be able to settle them.

But if we do send troops overseas, we need a defined, clear policy from our State Department, our Defense Department, and our White House. That is what we have not gotten. Perhaps, more than anything else, this debate tonight is crying out for that policy.

I am sure that our troops in the field, who are so good natured and so dedicated and who want to do the right thing, are looking for this kind of leadership from us.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCCAIN. Mr. President, I yield 3 minutes to the Senator from New Jersey [Mr. LAUTENBERG].

Mr. LAUTENBERG. Mr. President, soon the Senate will be voting on our future role and mission in Somalia.

I agree that we were right to go to Somalia last year.

When President Bush decided to send United States troops into Somalia on a narrow, humanitarian mission, he had my support. Ten months ago, America saw a tragedy of epic proportions. We saw hunger. We saw starvation. We saw children die as flies crawled across their faces. We saw people, thin as sticks, walking in a daze across a desert searching for food. Hundreds of thousands of lives were lost. Millions more were at risk.

We knew we could help. There was food rotting on the docks. There were doctors willing to administer care. There were relief workers anxious to tend to people in need. But the political unrest and physical danger and lack of equipment made it impossible to get the aid to the people who needed it.

In the finest American tradition, we responded. We are a compassionate nation. We help others. We went to establish a secure environment for humanitarian relief operations in Somalia. We accomplished that mission. Lives were saved. Hope was restored. A part of our humanity was redeemed.

We did the right thing when we went into Somalia.

But because both America and the international community made some bad decisions while we were there, I also agree with the President's decision that we must withdraw. I believe that should be sooner, rather than later because staying longer subjects our troops to significant risk with a limited chance of success.

Our troops are in danger every day that they stay in Somalia: the political mission they were wrongly asked to undertake makes it almost inevitable that they will be attacked again. We have no vital national interest at stake which would justify that risk. We have accomplished our initial mission of getting food and medicine to the Somalis. We cannot build a government for the Somali people with our military. Indeed, our military presence makes it harder to achieve that goal because our military is perceived as having a commitment to impose a design on the people of Somalia. Let troops perceived as truly neutral accept the responsibility of keeping the peace. We cannot do it.

Mr. President, our success in meeting our original humanitarian goal led us to do more: over the past few months we drifted from our original mission in Somalia. We went there to ensure the delivery of food supplies. But our soldiers were told to take sides in the power struggle between rival war lords, clans, and political factions. Our military was given a mission of enhancing nation building. Now our forces remain deployed, in part, to advance the process of political reconciliation.

Those are not military missions, Mr. President. They are political missions.

The process of national reconciliation is up to Somalian people. They need to have the will to work out their political differences. Our military cannot do that for them and should never have been asked to try. We can't use military force to encourage people to reconcile political differences if they lack the will.

But we did.

And now we are paying the price.

Our forces are no longer seen as humanitarians; they are viewed as political operatives. They are no longer seen as honest brokers; they are characterized as agents with an agenda.

And as such, they are a target. A target that has been hit—29 of our young people were killed in combat. A target that—no matter what we might say about a return to a neutral role—will always be there.

And that is why we should not be there for another 6 months.

Mogadishu is a lawless, gun-infested area. More than a million people live in the urban area, and our soldiers are vulnerable to snipers and attacks. And since their mission now is a threat to Aideed and other warlords, they have been attacked. And they may be attacked again.

Our military are trained for combat. But in urban Mogadishu, the military does not and cannot know who the enemy is. There are a million people there. To protect their own lives, our soldiers need to put the lives of innocent civilians in jeopardy. That is not why we sent troops to Somalia. But it is what they are now being asked to do. And as they do it, the local leadership can and has and will use their very presence to inspire public fear and anger.

So I want our troops out of Somalia as soon as possible in an orderly fashion.

Mr. President, in this context we cannot use military means to secure political and social goals. If the Somali people have the will to resolve their political differences, they will. If they lack the will, staying longer and risking greater loss of life does not make sense. We will gain nothing.

That does not mean that we, as a nation, have to withdraw from Somalia. Far from it. The United States should support nation-building in Somalia—but through diplomatic rather than military means. In that context, the administration took an extremely positive step forward sending Ambassador Oakley to the region to redouble diplomatic efforts.

I do not agree with those who seek isolation and withdrawal from international affairs. But, I do not believe that, given the risk involved and the low probability of succeeding through military means, that our soldiers should be asked to stay in Somalia. Our diplomats should stay with the mission. Our soldiers should come home.

Mr. President, the danger of the mission in Somalia was brought home last week when the lives of two young New Jerseyans were lost. Last Thursday night, I joined with the family and friends in a memorial service for Jamie Smith from Long Valley in Morris County. On Monday, I attended the funeral of Dominick M. Pilla.

As I joined the families and friends in grieving for these two soldiers, I thought about our military mission in Somalia. I searched for a sound and convincing reason to keep our young troops in harm's way for 6 more months. As I watched the faces of the grieving family, teachers, priests, and friends, I could think of no convincing reason nor see any prospect of success that justified the risk to thousands of young men and women like Jamie Smith and Dominick Pilla.

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Mr. President, knowing the danger our troops face in Somalia, I cannot, in good conscience, support keeping them there for another 6 months. We should ensure their earliest possible orderly withdrawal.

Mr. President, I support the McCain amendment. I thought a long time about what I want to do, and I came out very clearly where people from New Jersey that I had some contact with last week have come out.

Mr. President, I served, like many of my colleagues here, in a combat theater during war, and I never saw any families who lost a member of their family say, "Listen, let us go home. Let us cut. We have had enough of this. We want to go home."

What I heard them say in those days was, "We are going to stay and finish the job."

Last week, Mr. President, I was at two funerals of two young men, both serving in the same Ranger unit where the attack took place a week ago Sunday. Both their fathers had served in Vietnam; very patriotic, very loyal supporters of this country's needs. One of them lost a leg in Vietnam in the same unit, the same Ranger unit in which his son died just last week.

What they said, Mr. President, is that it is time to go home. They said;

This mission is complete, as far as we are concerned. We have done what we had to do. We are proud to have our son serve. But we do not want to see anybody else's son taken with a mission that is ill defined.

They are not interested in nation building. They are not interested in policing. They are not interested in dealing with rogue bands of rebels, with more weapons at times than our own troops have.

So, Mr. President, I listened very carefully to the Smith family and the Pilla family. Young Jamie Smith died serving his country as he wanted to do. Dominick Pilla, the same thing. And both their parents, father and mother, said to me, "Senator, it is time to quit. It is time to bring our people back."

I do not want us to run helter-skelter from the assignment, not at all. But it has to be prompt.

Mr. President, we have to conclude this action just as quickly as we possibly can. No date, but a definite target, and the target is bring our people back just as quickly as we can possibly do it with safety and regard for an orderly process.

Mr. CRAIG. Mr. President, we face a grave decision today—one that has far reaching consequences, especially for those United States personnel that are in harm's way in Somalia.

When we first sent Americans to Somalia, the previous administration outlined a very clear mission and objective—stabilize the situation so that famine relief efforts could go forward. I supported the humanitarian relief effort. It was effective, we had a mission and our troops were under U.S. control.

Mr. President, since then we have diverted from our original mission into an ambiguous situation, leaving our troops vulnerable. The shift from famine relief to government building has been without clear direction, and we have seen dire results in the recent loss of American lives.

I do not savor the action that I feel must be taken at this time. The President, as commander in chief, should be allowed to lead. However, the Congress also has a responsibility in the use of U.S. forces. And it is now time for the Congress to fulfill that obligation.

Let me be clear, Mr. President. My decision on this issue was reached under the same guidelines as past decisions I have had to make on the use of U.S. troops as a Member of the Senate and the House of Representatives. It has long been my position to oppose the use of U.S. forces without a clearly defined mission and achievable objective that serves the interests of this Nation.

I have not seen those criteria met in this particular instance. Therefore, I cannot support the continued deployment of American troops in Somalia any longer than is necessary to ensure their safe return, as well as the return of any prisoners of war or personnel missing in action.

Another issue we must address is assigning U.S. combat troops to foreign commanders as a part of United Nations operations. Mr. President, this is an action that I cannot support. The greatest military leaders in the world wear American uniforms. When American lives are on the line, they deserve the best. They should be under U.S. command and in the service of our Nation's interests.

A new office at the assistant secretary level called, democracy and peacekeeping, has been created by Secretary of Defense Les Aspin. It is my understanding that this position will be responsible for developing policies on peace enforcement. This suggests to me that the administration, as part of our national security strategy, intends to increase our participation in international operations. I am concerned about the precedent set in Somalia and the track that may result from this action.

At this time, Mr. President, this Senator is not prepared to expand our role in the U.N., in this direction. It would lead the United Nations from the traditional role of peacekeeping into the area of peacemaking. And, again, when American personnel are being used, they should be under American leadership.

Mr. President, it is time to let our military leaders lead our troops.

It is time to let them lead our troops home.

Mr. President, I have cosponsored the McCain amendment, and I urge my colleagues to add their support.

I support the McCain amendment. It is now time to bring our men home. Our mission is complete.

Mr. MCCAIN. Mr. President, I yield 4 minutes to the Senator from Utah [Mr. HATCH].

Mr. HATCH. Mr. President, I rise to speak in favor of the McCain amendment.

It is easy sometimes to think about the use of force in impersonal terms—the clash of state interests, the credibility of U.N. actions, the enforcement of collective security resolutions, and so forth.

Those are important, but I have never been able to think about the use of American force solely in those terms. I see it much more personally: I lost my only brother in the Korean war. I know what is means to have a loved one return not to accolaids but to mourning.

Twenty-nine American families have experienced this same loss as a result of the Somalia operation. Another 158 Americans have been wounded. We all share their pain.

Because I know what American troops and their families experience when U.S. forces are deployed in combat, I apply some strict tests for the use of force. None of these has been met in the Somalia operation.

First, vital or critical U.S. interests must be at stake. We must not ask our sons and daughters to shed their blood for peripheral concerns.

In Somalia, we had an interest in preventing mass starvation that justified sending United States forces provided that Somali factions were committed not to engage in hostilities against our troops. But we did not—and do not—have an interest in staying on and trying to stabilize the politics of Somalia by military means against urban guerrillas.

Second, U.S. forces must be tasked with a clearly defined military mission. I listened closely to President Clinton's speech and read his report. Apart from keeping roads open for delivery of food relief, I found nothing but vague generalities about putting pressure on Somali factions to give Somali a chance to pull itself together.

Third, the President and Congress must send a force capable of achieving the goal with overwhelming force. In Somali, President Clinton shifted the mission from humanitarian relief to nation-building without reconfiguring our forces to achieve that much more ambitious mission.

It is unconscionable to ask that American forces remain in Somalia when they are not equipped or configured to achieve a mission other than to defend themselves.

The McCain amendment provides the President with the flexibility needed to bring our forces home with honor and without endangering the safety of American troops. There is no honor in

keeping our troops in Somalia in pursuit of an ill-defined mission or in continuing to put our troops at risk for no important interest of the United States.

Mr. President, I lost my only brother in war. I take war seriously. But in the conflict in which he died, the United States had vital U.S. interests at stake, had defined a clear military mission, and had deployed a force capable of achieving the mission.

None of those conditions are met in Somalia. We achieved our humanitarian mission. We have repatriated our captured soldier. We should turn over the political problems of Somalia to the United Nations. We must bring our troops home as quickly as possible.

Mr. President, I want to compliment the distinguished Senator from West Virginia for the leadership he has provided for these many months and the advice he has given to the President. He is a very wise man.

But I stand here tonight to support the McCain amendment. Mr. President, if the McCain amendment passes, the President knows he has to bring those boys home. And he knows he has to do it now.

Mr. President, my family and I know what it is like to have the military come and tell the family that our brother, my parents' son, my only brother, was killed in the line of action. We were proud that he gave that service because he did it in the strategic, economic, and vital interests of our country. The program was well defined. People knew what was happening. He fought for us and died for us for a real reason.

If any of these young people die over there after this date, it is not going to be for a cleanly defined reason or political objective. When President Bush sent forces that were sized and configured to deliver food relief in the context of little armed resistance, he did what was right. We all supported him. President Clinton shifted this mission to nation-building and establishing security in Somalia. However, the President did this without changing the composition of our forces to achieve these much more ambitious objectives.

However, the President did this without changing the composition of our forces to achieve these much more ambitious objectives.

That failure to match ends and means prompted me to say earlier in the debate last week that it is amateur hour in foreign policy. Despite his eloquence, the President still has failed to define the military mission in Somalia that the present forces are capable for achieving. He only spoke in vague terms about using our presence in Somalia.

While I want to support this administration in foreign affairs, I am extremely skeptical about any proposal for committing U.S. forces to impose such ill-defined goals. Anyone who places U.S. forces into harm's way must define that mission in terms of controlling territory, destroying enemy forces, and must deploy overwhelming force to achieve those ends. Apart from keeping roads open in Somalia, nothing in Clinton's remarks approached that kind of specificity.

Mr. President, we now have Michael Durant back, and within a short time he will be on his way to Germany for health care and for recuperation. I grieve for those families, those 29 boys who have been killed over there, as well as for the families of the 158 Americans that have been wounded.

In conclusion, I believe that the McCain language is far better. It gives flexibility to the President. But it also tells the President the time is up. It tells him he has to remove our troops from Somalia. It tells the President that we are not willing to risk the loss of Americans in an ill-defined mission that lacks focus or a sense of purpose.

I am happy to support the distinguished Senator from Arizona. I commend him for the fight he has waged here this evening.

Mr. SIMPSON. Mr. President, I rise to speak on behalf of the amendment offered by Senator BYRD, and against the amendment offered by my colleague Senator MCCAIN from Arizona.

Mr. President, my decision regarding this vote is not taken lightly, nor is it taken without proper reflection upon the particular insight Senator MCCAIN brings to these matters—expertise born of his own experience. When we want to take due account of how our decisions affect the safety of the American soldier, we should always carefully consult with Senator JOHN MCCAIN.

I can safely say that no one in this Chamber fails to attach the proper gravity to this vote, and to its implications for our military personnel in Somalia and around the world. It is testimony to the very real dilemma that we face, that those who oppose Senator MCCAIN's position include individuals of such stature in these matters as Senators BOB DOLE, ROBERT BYRD, SAM NUNN, and JOHN WARNER.

If we are to make this decision with a clear understanding of what we are doing, I think it is important that we review where the two sides agree and where there is disagreement.

We agree, it seems to me, that we need to withdraw from Somalia. Let it be understood that both of the alternatives before us provide for the termination of our mission there. It was Senator BYRD, after all, who first argued so eloquently against the open-ended, limitless nature of our mission in Somalia. He would not be the principal sponsor of this amendment if it did not provide for the proper definitely of the mission and its conclusion.

I also think we agree that there is much that is worthy of criticism in how the mission has been conducted to this point. This was not the mission contemplated or authorized by the Congress last year. The United Nations, over a period of months, has redefined the mission, twisting it into an unrecognizable form, aiming toward unattainable goals. They did it with the mistaken acquiescence of the administration, and with far too little attention from this Congress.

No one on either side of this debate is casting a vote of approval for that ever-changing definition of our mission in Somalia, nor is anyone casting a vote of approval for the many tactical and strategic mistakes which have been made along the way.

What is at issue here is not whether we terminate this mission, but how.

What is at issue here is not whether we wish to withdraw from Somalia "as soon as is practicable"—for that is a part of both of the amendments before us. What is at issue is how we might best assist the President in achieving that goal.

I think that is important to remember. President William Clinton is the Commander in Chief of our Armed Forces, and he faces a thorny problem right now. Perhaps it is partially of his own making. But he has to deal with it. He has given us his plan for withdrawal, and requested the latitude provided by a final deadline of March 31. The fuzzy objective of nation-building is no longer a part of the mission of U.S. forces there, and we are now there only to secure military facilities, protect military personnel, and secure the delivery of relief, during such time as is necessary to prepare for our exit.

I personally hope that the President is able to evacuate our troops before March 31. But I am unwilling to force an earlier date on him, a date prescribed for all the world, including our enemies, to see. The Commander in Chief of our Armed Forces should be able to carry out his plans for withdrawal without hostile forces knowing precisely the extent to which he has been unwillingly restricted by congressional mandate.

I have watched many Republican Presidents see their prospects for military success dissipated by Congresses which chipped away at the President's flexibility in military command. I hope that we can do better for President Clinton. We may not approve of all of his actions to this point, but in my view, we further diminish his hopes for an orderly and safe conclusion to this if we force him into a mode of action which he might not otherwise see fit to authorize. We are not handing him a blank check—we are setting a finite limit on this mission. But that limit ought to be consistent with the flexibility that is deemed necessary to carry it out properly.

It is hard to cast this vote. Our gut instincts tell us to get out of Somalia,

now. And we will get out. But withdrawals are not conducted by gut instincts. Withdrawals involve securing the fates of the captured and the missing; withdrawals involve complex movements of supplies and troops; they often require arrangements for relieving forces; and sometimes withdrawals require feints and deceptions.

Our President needs to have all such options at his disposal. So when we fulfill our congressional responsibility by defining the limits of this mission, let us also help the President fulfill his responsibilities by allowing him the flexibility he deems necessary to command.

I will, therefore, support the amendment offered by Senator BYRD. I support it because it will provide for the return of our troops, and more importantly, because I believe that it offers the best chance for the President to provide for their safe return. I thank my colleagues and I yield the floor.

Mr. MACK. Mr. President, Americans everywhere were pleased and thankful to learn that Michael Durant has been freed in Somalia, and that he can receive the medical attention he was denied while in captivity. Even as we rejoice in Chief Warrant Officer Durant's release, we remember and honor the supreme sacrifice of the men who gave their lives so far from home.

In recent days, we have seen a disturbing trend in this administration's attempts at foreign policy. In Somalia, serious questions about missions and objectives led to loss of American lives. In Haiti, our Navy was denied entry to the port because a group of street thugs barred the way.

I am concerned that we are seeing the Carterization of foreign policy with this administration: sending our troops into troubled regions given only vague goals, week principles and half-hearted commitments. Our brave young men and women who answer the call to serve their country deserve better.

Not only was Chief Warrant Officer Durant taken hostage, but the corpses of American servicemen were desecrated and dragged through the streets of Mogadishu. Our forces have come under increasing fire, and they have even been denied by the administration the military equipment and support they need to defend themselves.

Last year, President Bush sent troops to Somalia for the specific mission of helping distribute food to starving Somalis. That mission was successfully completed. Apparently, President Clinton now has some vague hope for establishing a stable political structure in Somalia. I have grave doubts about the chances of success for this new objective.

I have called for the withdrawal of American forces from Somalia because the situation there has become intolerable. With the return of Michael Durant, there is little reason for American forces to remain there any longer. We need not worry about world opinion, or having our status as the planet's leading superpower called into question: we won the cold war, and we demonstrated the effectiveness of our fighting forces for all the world to see during Operation Desert Storm. I cannot understand how anyone could risk the lives of American servicepeople based on an irrational fear of how it might look to outsiders.

We should end America's involvement in Somalia and learn an important lesson: when the formulation and execution of foreign and military policy founders; it costs American lives.

When we send troops into harm's way, they should go with a specific mission, clearly defined goals based on sound principles, and unequivocal military support from the administration. That has not happened in Somalia. Even worse, I see no sign of it happening any time soon.

Therefore, I feel compelled to support the amendment of my distinguished colleague from Arizona, Senator MCCAIN. It recognizes that the time has come to bring our troops home, and does so in a way that guarantees that the safety of our forces is the top priority.

Mr. ROCKEFELLER. Mr. President, I want to express my support for the amendment offered by my senior colleague, Senator BYRD, the Majority Leader, Senator MITCHELL, the Republican Leader, Senator DOLE, and others. I think we all owe a debt to Senator BYRD for the leadership he has shown in defining this issue for the Senate and the United States as a whole. The simple question he has raised before this body is this: what is America doing in Somalia; how do we get the job done and then get our troops home?

This resolution states very clearly what America's policy should be in Somalia. It makes it clear that American troops should have the means necessary to defend themselves and American citizens, that our forces should not leave until all missing service people are accounted for and prisoners released and that we should encourage the United Nations and other countries to assume a greater share of the burden of finding a peaceful settlement to the crisis in Somalia.

The resolution also makes it clear that almost all American troops will be removed from Somalia no later than March 31, 1994, unless an extension is requested by the President and authorized by Congress, and that while there such troops will be under U.S. command, not that of the United Nations.

It is deeply disturbing to see the way the situation in Somalia, and in Mogadishu specifically, has evolved. America first sent troops to Somalia to feed its starving people, and in that mission we have been extremely successful. Thousands of lives have been saved due to the heroism, dedication, and abilities of our service people. However from the beginning, no long-term solution to the situation which precipitated the crisis was put forward, and since the United Nations was given control in May of this year, the situation has quickly deteriorated.

Quite simply, the United Nations lost its way, particularly in shifting its emphasis from humanitarian relief, for which it was properly equipped and managed, to military action that has emphasized the capture of General Aideed.

President Clinton inherited a tinder box, and while fires have been lit that have tragically cost American lives, the resolution we are now considering should help damp those flames, and with the proper attention and care, their eventual extinction.

I agree that we must work to get our American forces out of Somalia as quickly as possible. However, what we cannot do is cut and run. A precipitous pull-out would destabilize the region, and send a dangerous signal to the whole world. To run in the wake of an attack would give a green light to terrorists and violent dictators around the world to attack our troops, our embassies and our citizens. What has happened in Haiti over the past few days may be an example of that.

This debate raises again one of the central dilemmas of American foreign policy in this century—reconciling the conflict between our desire to do the "right" thing internationally and the reality that our efforts are often unwelcome and invariably more expensive than expected.

It is perhaps a tribute to the basic good-heartedness of Americans that our first response to tragedy, whether it is the natural disaster of flood, earthquake, or famine, or the self-inflicted wounds of political unrest or civil war, is to help alleviate the suffering and restore order.

Sometimes we conclude the need for help calls for more than money or food. It requires an American presence. Once there we often find the situation is more complicated than the pictures of starving children, mourning widows, or devastated homes we see on television. And when the cost of our help begins to be measured in American lives, our open hearts begin to close.

That is where we find ourselves in Somalia, and these are the issues we have struggled with as we have watched the tragic events in Bosnia. This debate is about America's response to adversity, and the signal we send about American strength and commitment in the wake of setback. However, this debate will not have a lasting impact if we cannot also use it to lay down some principles for future cases. Let me suggest some principles we ought to consider as we are confronted with these situations and with

public demands for action in the future.

First, we should not limit our analysis to what we see in the media. Human suffering is a terrible thing, and television brings it to us nightly in its most graphic forms. But those pictures cannot and should not be a basis for making policy. They force us to debate and decide, but not necessarily to act.

Second, we must evaluate what American involvement can realistically accomplish. Though our motivation may be emotional, our calculations must be practical.

Third, we should thoroughly prepare for all contingencies, including the worst case. Murphy's Law operates internationally just as it does here at home. It is clear from Somalia that we were not well-prepared for all possibilities, and we have suffered the tragic consequences.

Fourth, we should not be seduced by multilateralism. Multilateral approaches, particularly under U.N. auspices, are attractive because they spread responsibility and cost and give the appearance of unity. However, as we are discovering painfully, those appearances can be facades. In the end it is the President as Commander in Chief who is responsible for American lives, and he cannot pass that responsibility on to others.

Finally, we should look to the long term. American intervention may make us all feel better, but that is not what foreign policy is about. It is about protecting the U.S. national interest over the long term. In some situations, that will inevitably require us to say, as we have said so far with respect to Bosnia, that there is nothing we can contribute without paying a greater cost.

As in all activities in which our Nation engages, both at home and abroad, we must look realistically at what the situation is, what our desired goal is, and what we can do to accomplish it. I came to this debate with an open mind. The facts and painful realities have been laid out on the table. While I do not like what I see when I look at the crisis in Somalia, I think that this resolution is the best response to a dangerous situation.

For the long term, we will continue to have the opportunity, if not responsibility, of looking at the world's tinder boxes ready to erupt and engulf entire regions if not continents, and place our actions in that context. The post-cold-war world lacks the simplicity of its predecessor. It is not going to explode in one apocalyptic night, but it threatens to shatter into a thousand pieces over a thousand nights. We remain the world's leader and cannot deny that responsibility; this situation reminds us of the difficulties and challenges we face in performing that role in a changing world.

Mr. LIEBERMAN. Mr. President, since late in 1991, the American people and all of us in the Congress have watched events in the ravaged land of Somalia with great empathy for the suffering of the people there and great concern over the path that events have taken. We are now clearly at a crossroads of American interest and involvement; we must be sure to think through the dilemma which confronts us with great care for the consequences of our choices will be profound for the people of Somalia, America, and the world.

The history behind Somalia's current crisis is troubling. Had we the ability to turn back the clock, perhaps we could have prevented the starvation of hundreds of thousands with more prudent actions by the world community 20 years ago when cold war competition led to the influx of arms which today enables the local warlords to punish their own people and confront the United States and U.N. forces in Somalia. But we cannot change what has already occurred. We must recognize that today's involvement by the United States and the United Nations stems most directly from the disruption of food production and distribution caused by the conflicts of rival warlords in the wake of the collapse of a negotiated truce in November 1991. The suffering which fell upon the people of Somalia was not an act of God brought on by drought or environmental disaster; it was an act of men driven by greed and the desire for power with no regard for their fellow Somalis.

By the end of 1992, nearly 7 percent of Somalia's population had starved to death. Human suffering and mass starvation resulting from dislocation caused by war, unfortunately, have been encountered too many times in human history. But the conditions of Somalia in 1991 and 1992 were unusual. People were starving simply because warring tribal leaders and marauding thugs were preventing food from being produced and distributed. The Somalia Government collapsed and lawlessness prevailed. There were no police; no courts; no law; no order.

These conditions made the situation uniquely suited for consideration by the U.N. Security Council. The country lacked any semblance of national government and, with the end of the cold war, no major external power had a political or economic stake there. Thus, when the Security Council in early 1992 began to deal with the issue, it faced a humanitarian problem in its purest form. No one argued that it was necessary to await an appeal from the government involved, because there was no government. Because non-governmental humanitarian relief organizations were unable to perform the tasks which they had set themselves unless they received protection from the bandits and warlord militias, the U.N. decided it was essential to provide such protection. In April 1992 the Security Council arranged for 500 soldiers to be sent to Somalia and by September 1992 troops from Pakistan answered the call and began arriving. But the United Nations had underestimated the task which these soldiers faced; they were too few in number and inadequately equipped to provide the needed military shield for the distribution of food. Mass starvation continued through the summer and fall of 1992 with nearly 1,000 Somalis dying each day.

These were the circumstances then which caused President Bush in December 1992 to send United States troops into Somalia, to lead an international force authorized by the Security Council under Chapter VII of the U.N. Charter. Not all Americans agree with President Bush's decision to use U.S. military forces to respond to this humanitarian disaster. Reasonable and proper questions were asked about what American national interests were at stake in Somalia to warrant risking any American lives there. In an era of increasing chaos and decreasing American military capability, some asked if the United States could afford to respond to tugs of the heart by following a policy of global benevolence when national interests were not threatened. These questions require thoughtful consideration as events in Somalia go on and future humanitarian challenges loom on the horizon. It is clear that what propelled President Bush and most Americans to want to enter Somalia had little to do with traditional definitions of national interest and much to do with a powerful determination not to stand by and watch a million of our fellow human beings to starve to death.

Within a matter of weeks after the introduction of United States forces in Somalia, sufficient security was established for the distribution of food throughout the country. As order was restored, the problem of mass starvation was brought to an end. United States forces in Somalia recognized that disarming all of the armed bands in the country would be an almost impossible task and so they insisted only that armed vehicles be garaged; the hope was that intimidation alone would restore order.

In most parts of Somalia this policy worked. Tens of thousands of Somali farmers have returned to their farms and the 1993 crop is expected to meet most local food requirements. Some order has been restored to areas of the country in which about 85 percent of the people of Somalia live. Further, efforts are underway to reconstitute government from the ground up by bringing all elements of Somali society into a process which had been dominated by the warlords since 1991 when the old government fell. This so-called nation-building is being tried not just for the fun of it, but because it is the best way

to avoid a return to the factional conflict and mass starvation that brought us into Somalia.

Early this year, however, it became evident that one of the warlords, Mohammed Farrah Aideed, was not willing to give up the power he had attained through his ruthless and criminal acts. He refused to participate in any meaningful truce negotiations and, in fact, continued to seek to disrupt the efforts of U.N. forces by criminal and terrorist attacks in his home territory of south Mogadishu. Aideed seems to have a core of supporters of between 500 and 1,000 in a total population in Mogadishu of about 1 billion. He has between 5,000 and 10,000 supporters throughout the country. Using classic terrorist tactics and exploiting women, children, and other innocent civilians as cover and unwitting implements of his violence, Aideed has defined U.N. efforts to bring law, order, and sanity to Mogadishu. Aideed's ability to evade capture and to continue to act against U.N. forces has won him more followers as the local David who has taken on the mighty U.N. Goliath.

From the beginning of the United Nations involvement, most planners recognized that the humanitarian mission could succeed only if some semblance of law and order were restored although I doubt that most of the American people, let alone most Members of Congress, fully understood this. It was an ironic result of the early success at bringing order and feeding the masses that we came to believe this task would be easily accomplished, a viable government would rise up to take over the U.S. and U.N. forces, and all U.N. forces would be able to go home. Because our motivation was to end the suffering and address the humanitarian concerns which had cost some 300,000 Somalis their lives, we allowed ourselves to believe that we would have the support of all elements in Somalia and that we could achieve our noble goals without cost to American and other U.N. forces. The events of recent days which led to the deaths of 12 Americans and 3 Malaysians and the capture of one American have reminded us of the harsh reality that our involvement in Somalia—no matter how noble—is not cost free. It is critical to understand that the accomplishment of our humanitarian goals always involved risk to our military personnel; otherwise the Red Cross and not the U.S. Armed Forces could have handled this assignment.

And so we find ourselves at a crossroads. In the days and years ahead, and in the debate which will continue in this body, we must attempt to find ways to balance our vital national interests with the pull to do "good things" around the world—whether in Somalia, Haiti, Bosnia, or any of the myriad of other repositories of chaos and suffering which will flare up in the years ahead.

In the near term, we must trust our heads and not the ache in our hearts which comes from despair over the pictures we have seen so recently on our TV screens. Were we to withdraw our forces in short order, as some thoughtful and concerned Americans are proposing, there would be profound implications for Americans currently serving their country abroad and for young Americans who might be deployed at some future time to protect American interests. We must not allow power hungry warlords, or rogue bandits to believe that the way to change American policy is to do as Aideed has done and capture or kill our soldiers so that the American people will question our decisions, fold up our tents, and head for home. A policy of immediate withdrawal from Somalia dishonors the memories of those humanitarian heroes who have died there to save millions of lives and puts at risk the lives of all future American servicemen and women. We must not let our desire for immediate relief from this dilemma to jeopardize our ability to act responsibly and safely in the future. We must not make foreign policy by the latest pictures on our television screens, for those pictures will surely change as they have in this crisis. We must steer our course by a more steady understanding and upholding of America's principles and interests.

We must consider what will happen both to Somalia and to the U.N. effort there if we pull out precipitously. Even some of those who advocate rapid withdrawal seem to agree that chaos, starvation, and suffering will return unless there is a quick political settlement which is very unlikely. The situation in rural areas beyond Mogadishu, where conditions have improved greatly and the beginning of a viable government is struggling to grow, will likely revert to its pre-1993 state with deprivation and starvation returning. The impact on other U.N. forces would be significant. What country which currently has troops as part of the U.N. coalition in Somalia, will remain if the United States abandons hope for the situation and withdraws our forces? Whether we like or not, we are now in a position in Somalia and elsewhere where we must act like the superpower we are. As President Clinton said last week, we went into Somalia for the right reason, and must get out in the right way.

Thus, I support the Presidents' decision of last week to reinforce our troops in Somalia so that we can make an orderly and reasonable departure from this troubled land. I am heartened that the administration believes it can finish the tasks it has laid out for itself in a reasonable time period. But I am distressed that we risk setting a dangerous precedent by proclaiming a firm departure date. Such deadlines, if their use were to become commonplace, would enable opponents of U.S. policy simply to bide their time and wait us out. The President said on October 7th that our task was to give "Somalia a reasonable chance" of finding a political solution to its problems, and he was right.

The debate which the Congress and the public are now engaged in is a critical one for all of us. It will help chart the future course of U.S. foreign policy. I have listened with great care to the wise and thoughtful remarks of my colleagues and I share their desire to find reasonable answers to the questions which underlie this debate and our future involvement in global crises: What are U.S. national interests in this changed world? What is it we want the U.N. to be able to do in situations like Somalia? What are the shortfalls in the U.N.'s capability to act effectively? Can the United States help so that the U.N.'s chances of succeeding are even better in the next crisis? What innovative solutions might be considered to establish ready, available, and adequately trained and equipped forces for situations which might require them? How can the United Nations fund and manage its resources most effectively and efficiently?

As I watched the horrifying pictures of dead United States soldiers being dragged through the streets of Mogadishu, I felt fury that our efforts to protect and feed the starving people of Somalia were being rewarded with such barbarity. Yet I also recalled what President Kennedy said in challenging a generation of Americans to service:

> For of those to whom much is given, much is required. And when at some future date the high court of history sits in judgment on each of us * * * our success or failure * * * will be measured by the answers to four questions: * * * were we truly men of courage * * * of judgment * * * of integrity * * * of dedication?

When the high court of history writes the chapter on these tumultuous closing years of the twentieth century, what do we want it to say about the path the United States chose when it reached this crossroads on Somalia, with no clear road signs to follow? Through calm and reasoned discussion and debate, and thoughtful policy, not reflexive panic, we must determine the path which best protects our national interests and values without forcing us to spill our blood and resources in endless and fruitless quests. If we fail these contemporary tests of courage, judgment, integrity, and dedication, it will not just be the people of Somalia who will suffer. All of us will, as well.

I will therefore vote for the Byrd amendment and against the McCain amendment. Those votes best express the views I have stated here.

Mr. BOND. Mr. President, the situation in Somalia has reached a critical stage. Last month, the Senate told the President that we wanted an explanation of his policy in Somalia and

that we wanted him to seek our approval. And last week's events underscored the need for the President immediately to take those actions.

Finally, last week, the President came before the American people and provided a rationale for why we are in Somalia—why we didn't get out when we finished what we went there to do, which was to keep people from dying of starvation.

He deserves credit for finally coming forward and explaining his position—although it is tragic that it took the deaths of 17 American soldiers and intense pressure from Congress to force him to focus on Somalia.

And, although I am pleased the President has finally addressed Somalia, I do not believe he gave an adequate explanation of policy. For example, he did not address the issue of why he changed the mission in Somalia without explaining either to Congress or the American people why he was doing so; and he failed to explain why he turned over both policymaking and the command of our troops to the United Nations.

Not only did he fail to explain his reason for turning over control to the United Nations, but when it became apparent that the American people rejected U.N. control, he attempted to sidestep responsibility for his own decision by criticizing U.N. decisionmaking.

I suspect the reason that the President has not been forthcoming on his policy in Somalia is because he doesn't really have one. In fact, I believe that the President and his advisors were so intent on focusing on health care and other politically expedient domestic issues, that they essentially ignored the minor issue of Somalia; and even believed that they could pawn it off on the United Nations and make it Boutros Boutros-Ghali's problem.

The disarray in the President's Somalia policy is further illustrated this week as we have seen the administration begin to pursue a new African Option under which he is trying to push off his Somali problem onto neighboring countries—an idea which may have some merit, but which appears to have come out of nowhere in the past few days.

In fact, after having read the report which he sent to Congress yesterday, I am even more convinced that the President's so-called Somalia policy was thrown together over the weekend. It goes on at length, for example, about the need to allow a 6-month period for diplomatic efforts to work. But there have been no serious ongoing diplomatic efforts for the past 6 months since we pulled out the bulk of our troops—there were no efforts until last week. The fact is, the President squandered the past 6 months when he could have been working to get our troops out. Instead of working to get our troops out, he turned over their command to the United Nations and forgot them.

I have to admit that I am torn over the issue before us today. On the one hand, I believe the President made a fundamental mistake earlier this year when he changed the mission of our forces in Somalia from humanitarian relief, to removing the existing warlords and installing a new government. On the other hand, I have no desire to undercut President Clinton. He is our Commander in Chief, and I believe we should try to support him whenever possible in military and foreign policy matters. It won't do us any good to do otherwise.

When President Bush sent troops to Somalia last year, it was for a decent and honorable reason—to feed starving people; to end the famine that was killing dozens of innocent children each day.

By all accounts, that mission was a tremendous success. People are no longer dying of starvation, crops are growing in the fields—we solved the problem that we set out to deal with. It was the kind of mission that the United States does well and does selflessly. And when it was done, we should have come home.

Instead, President Clinton, without explanation and without seeking the concurrence of Congress, fundamentally changed the mission of our troops in Somalia. Instead of feeding people, we were suddenly embarked on a mission of nation-building or installing a government, or whatever you want to call it. And then, in what clearly was a mistake in judgment, the President and his advisors—in conjunction with the United Nations—set out on a vendetta against Mohamed Aideed.

And in perhaps his greatest error of judgment, the President agreed to put our troops under control of the United Nations and under command of foreign leaders. That is simply not acceptable.

We had the opportunity to see what a flawed concept this was almost from the start when arguments between commanders developed and when contingents from some nations refused to follow orders they had been given.

To make matters worse, our troops were not equipped for this new mission. They were light infantry units, without the armor and heavy weapons they needed to deal effectively with Aideed's well-equipped guerrilas.

I would take just a moment to discuss that point. The commander on the ground—General Montgomery, supported by General Hoar, the commander of Central Command and General Powell, last month requested that armor be sent to support his troops. Apparently that request was denied by Secretary of Defense Aspin because he was concerned about backlash from Congress. If that is the case, then the Secretary has much to answer for. When we deploy our men and women to combat overseas, then we have an obligation to support them with every weapon and piece of equipment they need. Certainly, the administration would have faced questions from Congress had they sent tanks and armored personnel carriers, but they should have come up here and answered those questions, not denied U.S. soldiers the weapons they needed simply to avoid having to face the music. Secretary Aspin has accepted responsibility for his decision; however, once the current situation is resolved, it deserves further attention. We need to determine how the decision was made, if Secretary Aspin was directed by the White House to deny heavy weapons, and if the decision was based solely on military need or on public relations concerns. I hope the Armed Service Committee will hold hearings on this issue to determine exactly what transpired.

Of course, all of this is merely background for the situation we face today. The fact is that the President's tragic mis-steps and inattention earlier this year have gotten us into the mess we now face. Wishing it away will do no good, we must deal with it. Easy as it would have been to have withdrawn in the Spring when our original humanitarian mission was complete, we did not do that and now we must find a solution.

Although I am pleased the President laid out his plan for the American people last week, I must say that I do not think he did an adequate job of explaining his policy. Further, I believe he compounded his problems by wrongly setting a specific date by which U.S. troops will leave.

First, the President did not clearly state what our troops will be doing in Somalia for the next 6 months. Although he set forth four vague missions, he did not indicate how they will be implemented. For example, he did not say whether his third goal of keeping "pressure on those who cut off relief supplies and attacked our people" means we will continue to hunt Aideed or not. Complicating the problem has been a series of contradictory statements from administration officials and U.N. aides as to what Mr. Clinton meant.

As another example, his goal of making it possible for the Somali to solve their problems when we leave is open to all kinds of interpretation. The bottom line, however, is that the Somali have been fighting for decades before we arrived and are almost certain to go on fighting long after we leave. Our presence for a few more months will make little difference one way or the other.

The bottom line is that his four vague goals for Somalia leave open the possibility of a wide range of missions for U.S. troops, many of which would not be appropriate or which could get

us involved even further in Somalia's internal conflict.

Second, the President has not explained why we are quadrupling our force in Somalia, or how doing so will help us to get out more quickly. There may very well be a valid reason for increasing our forces as we prepare to withdraw, but he owes Congress an explanation.

Third, the President erred by setting a specific date by which we will withdraw, thereby giving General Aideed and other warlords an invitation to sit back and wait us out so that they can triumph without further confrontation with a superior U.S. military. Under such circumstances, Aideed's weekend call for a ceasefire was predictable as simply a commonsense action.

Mr. President, I am deeply troubled by the situation we are in today. Throughout the time I have served in this body, I have tried very hard to support the President of the United States when he deployed troops overseas. I believe it is important for all Members of Congress to strive to do so whenever possible. For example, last month when the President pro tem offered his amendment to withdraw troops, despite the fact that I strongly agreed with his arguments, I felt that I could not support it because it would have undercut the President's ability to act as Commander in Chief. Since then, however, the President has illustrated to me—and I believe to the majority of Congress and the American people—that he does not have a clear-cut plan for Somalia, and that we do have a responsibility to challenge him on this issue.

President Clinton has made it extremely hard to support him. He has committed troops who were on a humanitarian mission to deadly combat, he has put U.S. troops under foreign command, he has allowed bureaucrats at the United Nations to use our military to pursue their own personal campaign against General Aideed, and the Secretary of Defense has denied the commanders in the field the armor they felt they needed for the job. All of this without either seeking to explain his reasoning, or coming to Congress and seeking our concurrence. It almost seems as if he is so intent on avoiding becoming enmeshed in a foreign policy issue over which he was willing to abdicate control to the United Nations.

And his foreign policy actions in other parts of the world do little to engender confidence in his abilities. At the very same time that he is backpedaling to recover from his missteps in Somalia, he appears to be going down a similar road in Haiti. There, as in Somalia, the United States prepared to commit United States troops in support of a U.N. goal which does not appear to have been well-planned or well-thought-out. In fact, our troops were sent there over the objection of senior Pentagon officials.

Our troops came very close to deploying in a country in conflict without having the weapons or equipment needed to defend themselves. One can only imagine what could have happened if our troops had been allowed to land in Haiti and then had faced opposition from better armed soldiers and private attaches.

Again, the administration appears not to have put much thought into its policy in Haiti or into the deployment of American soldiers. It's bad enough that he has managed to turn General Aideed—a second-rate thug, at best—into an international figure who stood up to the mighty United States; now he has managed to confer that status on Raoul Cedras, an even less impressive thug in an even smaller country.

I am sorry to say that it appears to have taken this administration only 9 months to squander most of the gains in international prestige and leadership made over the past 12 years.

And, of course, we still have hanging over our heads the President's promise to deploy 25,000 American soldiers to Bosnia—an open-ended commitment that history would indicate points to almost certain failure and likely disaster.

I think it is also worth noting that the President is deploying these troops all over the world at the same time that he is embarking on a major downsizing of our military forces. The recently-released Bottom-Up Review will severely scale back our combat forces—especially the number of Army combat divisions and Air Force fighter wings—the very troops we deploy in times of crisis.

The President's proposed force is intended to allow us to deal with two nearly simultaneous regional crises. I do not believe it provides adequate forces to meet that goal, but that is a debate for another time. What is important to note, however, is that we certainly will not be able to deal with two major regional contingencies if a large number of our forces are tied up around the world in open-ended peacekeeping missions around the world under U.N. command. That is an issue that we need to focus on, and one which the President has a responsibility to address.

Tonight we face two amendments—one offered by the President pro tempore which calls for United States troops to be used only for humanitarian and self defense, and assures that our troops remain under United States control while they remain in Somalia; and a second, which says funds can only be used for withdrawal of United States troops.

I am very sympathetic to the goals of the Senator from Arizona. There is nothing I would like to see more than our troops coming home in time to celebrate a happy and safe holiday season with their families. And regardless of our action on either of these amendments, I hope that they are home in time do so—there is no reason for them to stay longer.

But despite my desire to see our troops home as quickly as possible, I do not believe we can tie the hands of the Commander in Chief—regardless of how much he may have mishandled the situation—by limiting the purposes for which we can spend funds.

I have to say that I do not think the alternative is perfect either. The amendment offered by the distinguished President pro tempore sets a specific date for withdrawal, and that troubles me. In balance, however, it sets forth a better set of circumstances under which we will make our withdrawal; and it leaves an opportunity for the President, in conjunction with Congress, to deal with unforeseen circumstances. For that reason, I will support it over the McCain amendment.

Let me add that, in my opinion, the Senator from West Virginia deserves the thanks of the American people for his efforts to focus attention on this issue. He focused on it before last weekend's tragic events brought it back to the forefront of public debate; and he strove to get the President and his advisers to concentrate on a critical issue which it is clear they were doing their best to ignore.

Instead of setting a specific date, Mr. President, I believe we should outline the goals we intend to accomplish, and once those goals are accomplished we should leave. Since it is clear to me that we have accomplished the original goal for which we went to Somalia in the first place; and that the additional goals the President has pursued—nation-building and capturing Aideed, are flawed—it seems to me that we should be able to leave rather quickly. By setting a date, however, we invite new trouble.

As I stated above, for example, setting a specific date invites Aideed and others to wait us out—to lie low, hide their weapons, and make accommodating statements knowing that in 6 months, or 3 months we will be gone.

Setting a specific date also raises other problems. For example, what if a few days before we are set to leave, Aideed captures several American prisoners, or kills more American soldiers, or declares himself a dictator—do we still leave or do we change our plan?

Or, just as likely, what if a few days beforehand, all of our allies decide to withdraw their troops? Already we have heard from France and Italy that they wish to withdraw their troops before the end of the year. The President's plan is to replace our troops with those of our allies—would he feel obligated to leave our troops there beyond the March 31 date to avoid the anarchy that he says will descend if we withdraw our troops immediately?

The list of problem questions goes on and on.

What it comes down to, Mr. President, is that we need to get out of Somalia as quickly as possible—we've accomplished what we set out to do and it's time to bring our troops home. But we need to leave in a way that makes sense, and that means not setting a specific date by which troops will be withdrawn or funds cut off. The Byrd amendment allows us to do that.

Mr. DURENBERGER. Mr. President, I rise in support of the amendment by Senator BYRD, and to comment on recent events in Somalia.

I will vote for Senator BYRD's amendment. I will vote for it not because I believe it is the place of the Senate to dictate to the President a specific withdrawal date, but because I believe that we need a deadline.

Operation Restore Hope was a success. There were no battle casualties. We fed thousands of starving Somali. We stemmed the tide of famine. And we withdrew most of our troops, because the job was all but completed and we won.

And now, the sooner we get our troops out of Somalia, the better—both for our military and for the future of Somalia. Because the sooner the United States withdraws, the sooner the Somalis are forced to address the question of their political future.

There is a basic reality in Africa that we must realize and accept: every country needs a stable leader. In Somalia, that may be General Aideed, or it may be someone else, but that is an issue for the Somalis to decide, not the United Nations, and certainly not the United States.

Over the past couple of years, there has been some significant political progress in several East African nations.

I met recently with President Isaias of Eritrea, a fascinating young man with a remarkable history, who this past year has overseen the transition of Eritrea to independence after a 30-year war with Ethiopia. Just a few months ago in May, 98 percent of Eritrea's voters voted in favor of independence. A constitution is being drafted, and a formerly rebel movement is learning how to govern and setting about the business of national reconstruction.

In Uganda, President Museveni has brought stability out of chaos, represented most vividly by Museveni's predecessors, Milton Obote and Idi Amin. When Museveni came to power as an army general, the country was engaged in civil war, gross domestic product had fallen dramatically, and inflation was at about 300 percent annually.

Museveni's government has liberalized Uganda's economy significantly—abolishing State monopolies and lifting price controls. Uganda now has one of the brightest economic futures in Africa. And although multi-party elections have yet to be held, there is considerable movement toward a new constitution and general elections in 1994.

This past June in Burundi, 2.8 million voters went to the polls to elect Melchior Ndadaye president in the country's first ever multiparty elections. Former President Buyoya, who also gained power as an army general through a military coup in 1987, succeeded at bringing reconciliation in Burundi after years of ethnic rivalry between the majority Hutus and the minority Tutsis, and presided over the drafting of a new constitution.

In order to stand for election under the new constitution, Buyoya resigned from the military, and gracefully accepted his defeat following the election. Now he is leading a Freedom Foundation to encourage economic development in his country.

A good friend of mine from Minnesota and a leader in the national youth service movement, Jim Kielsmeier, has recently gone to Kenya to begin work for the establishment of a Somalia Reconciliation and Development Corps. This African-led project seeks to reverse the cycle of poverty, despair and anarchy in Somalia by refocusing small groups of Somali youth on their historical heritage. The vision of this project is to demonstrate that needs can be met, lives can be invested, new leaders can be trained, and a nation can be rebuilt—one community at a time.

Also, we many times forget the hard work and many successes of the NGO's that have been working in Somalia a lot longer than the United States military. Several humanitarian organizations, including World Vision, the Red Cross, Doctors Without Borders, and the Minneapolis-based American Refugee Committee, as well as many others, have been on the front lines of this crisis. The individuals involved with these organizations know a lot more about Somalia and the humanitarian crisis there than any of us in the United States Senate.

These stories offer models for the people of Somalia, and they offer leaders who understand and have been where the Somali are now. Many East African leaders have been urging an East African conference on Somalia, and an African solution to the unrest there. We have to take advantage of this leadership and experience—because I am convinced that the key to the future of East Africa, and indeed all of Africa, is leadership.

A recent editorial written by William Raspberry in the Washington Post provides the best description I have seen on the situation in Somalia. Allow me to quote Mr. Raspberry briefly. He states:

> The preoccupation with capturing (or killing) the elusive Aideed obscures two things worth paying attention to. The first is that Aideed is as close as anyone is likely to become in the near future to being the political and military leader of Somalia.

He goes on to comment:

> This raises what is for many Americans an unthinkable possibility: that the end of chaos and the ascendency of Aideed may be the same thing.
>
> In retrospect, we should have seen—and taken into account—such a possibility from the outset of our humanitarian intervention.

The essay concludes:

> We've done well in Somalia, and we've done good—much of it of a lasting nature.
>
> * * * * *
>
> Frustration over a guy we can't catch and anger over the desecration of two dead soldiers are a poor basis for making policy.

Mr. President, that is the bottom line, and it is something we must consider as we address one more question concerning this crisis: What happens if—once the United States forces have withdrawn—the situation in Somalia further deteriorates to the point it was at a year ago? Before Operation Restore Hope, hundreds of thousands were at risk of starvation.

What do we do if it happens again?

Mr. President, I recognize that this may not be a very popular position, but it is nevertheless the view of this Senator that in such a situation, the United States must be prepared to once again open supply lines so that humanitarian organizations can get their job done.

Remember—we succeeded the first time. Our original mission in Somalia was well-defined and successfully fulfilled. Our military accomplished it in quick order. We have every right to be proud of that achievement.

And if it is necessary, we must do it again. What we emphatically must not do is set a costly and unrealistic mission in Somalia in an attempt to avoid that contingency.

We dealt with it in the past. We can deal with it again. The humanitarian situation is no excuse for the creation of a United States quagmire in Somalia. Mr. President, I urge my colleagues to support the Senator from West Virginia, and vote in favor of this amendment.

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

Mr. LEVIN. Mr. President, many of us have spoken within the last month about the need to clarify the mission of United States forces in Somalia. Our goal had become blurred and our purpose had become fuzzy since the initial U.S. mission was launched to secure the delivery of humanitarian assistance.

We said we needed clarity and a plan for removal of our troops soon. We said we wanted the Congress to have the opportunity to authorize that plan. The Senate and House both passed a resolution seeking those two things.

Now we have a plan. And soon we will have a vote on authorizing that plan.

President Clinton last week addressed the Nation directly. He made our purpose clear and he established the context as well. His first priority, as it should be, is to protect our troops and give them the tools they need to defend themselves.

The President made it explicit that their mission is to protect our troops and our bases. They are to: "Keep open and secure the roads, the port and the lines of communications that are essential for the United Nations and the relief workers to keep the flow of food and supplies and people moving freely throughout the country so that starvation and anarchy do not return."

The President dispatched Ambassador Oakley back to Somalia to help in this diplomatic process, and there are hopeful signs that he may achieve some success, and that hostilities have decreased in the last few days. We are all grateful that the American helicopter pilot who had been held captive was released today and will be home soon.

The President said he would aim to complete this mission and have all American troops, except non-combat-support personnel, out of Somalia by March 31, The President also indicated it might be possible to withdraw before that date.

This is a balanced approach which recognizes our responsibility as a world leader and the limits of our resources. It will allow for a reasonable chance for us to fulfill our original mission of humanitarian aid without saddling us with an open-ended commitment to rebuild a nation.

I am gratified to see that Senators from both sides of the aisle have worked together to craft the amendment offered by Senator BYRD, by the Majority leader, the Republican leader and others. I believe it authorizes the same kind of balanced approach that President Clinton outlined. It is said the mission should be limited, and the withdrawal of United States forces from Somalia should be expeditious but not precipitous.

The President recognized the strong case for not cutting and running, and so does the Byrd amendment. The Byrd amendment avoids the signal to potential adversaries that they can target American troops in order to defeat the policy objectives of the United States.

United States credibility internationally is also on the line in Somalia. In the long term, a precipitous pullout in Somalia might threaten any ability of the United States to forge effective coalitions in response to aggression whether the coalition is NATO, ad hoc coalitions like we created in the gulf war, or through the United Nations.

I believe that the President made a convincing case and that the American people basically agree that we must leave Somalia, but not precipitously. We must leave in a way that establishes a reasonable chance for Somalia to avoid slipping back into anarchy, chaos and famine. We must leave Somalia in a way that avoids a larger crisis in the crucial effort to create a secure world after the cold war. Yes, we must leave Somalia, but as part of a plan where other nations, including African nations, contribute the resources and people to leave a securer environment there.

The debate has moved significantly from where it was just one week ago, when the dominant call was in the United States to immediately precipitously withdrawn. The amendment of Senator BYRD establishes a limited range of time in which we can complete our goals and complete an orderly withdrawal of our forces. The President and his military advisers have indicated that, in their best military judgment, the time between now and March 31 gives us a reasonable chance to achieve the objectives he has set out.

The world after the cold war finally has a chance to act together, and Somalia is one of the first places that we are trying after the cold war—we must not be the country that fractures that effort. As Gen. Colin Powell said about Somalia, "It will be very unwise for us to suddenly pull our troops out. It would be devastating to our hopes for the new world order."

We should not be in every coalition, but we need coalitions to be created and we need coalitions to work. In the future, we may have to face down a terrorist state that threatens the world with nuclear or chemical weapons. How are we going to convince other nations to join us then, if we precipitously withdraw from commitments now that we have freely entered into?

Mr. ROBB. Mr. President, I agree with my colleague from Arizona that the United States has little if any strategic, economic, or enduring political interest in Somalia, and there is no question that getting our U.S. forces out as soon as possible has enormous popular appeal. I am uneasy, however, with the limitation that the McCain amendment places on the President's role as Commander in Chief, as well as with the message it may send about U.S. resolve as the world's only remaining superpower.

Because the President also recognizes America's limited interest in Somalia, I believe the leadership's compromise amendment would reach much the same result as the McCain amendment. Our troops will be home as soon as it is possible to bring them home responsibly. And I hope and expect it will be much sooner than the March 31 deadline. But the integrity of the Commander in Chief's role would remain intact. To be completely honest, I'd prefer not to announce any self-imposed deadline for U.S. withdrawal, and I'd prefer not to legislate at all in this instance.

I believe in bringing our forces home as soon as possible from Somalia. But I want to do so on our terms, not General Aideed's. I believe that the leadership amendment allows us the tactical flexibility to withdraw in an orderly and secure fashion, at the appropriate time. The leadership amendment strikes the better balance between expedience and constitutional duty, and I will support it.

Mr. DODD. Mr. President, last week the President spoke to the Nation about the United States military mission in Somalia and the objectives and scope of that operation. I rise to express my support for the views the President has articulated, and to urge my colleagues not to abandon this vital multilateral peacekeeping effort.

Mr. President, I want to take this opportunity to commend the collective effort to put together a measure on Somalia that commands broad-based support from both sides of the aisle. This is about as controversial an issue that you can deal with in the area of foreign policy. Coming to some agreement on this issue has no doubt been a difficult task. But those who have fashioned the proposal that brings us together this evening deserve our applause and accolades.

I especially want to commend the distinguished President pro tempore, Senator BYRD, the distinguished majority leader, Senator MITCHELL, the distinguished minority leader, Senator DOLE, and the many other Members of this body who lent their contributions to this effort. They remind us that we have no higher obligation, as a parliamentary body and indeed as a Nation, than to fully assess the issues at stake in Somalia when the lives of the men and women in our military are on the line.

Mr. President, the American people are perplexed and angry over the situation in Somalia, and it is easy to understand why. Ten months into what we were told would be a brief humanitarian mission, nearly 30 Americans have lost their lives and scores have been wounded in the streets of Mogadishu.

What's more, many Americans believe the original humanitarian effort has been completed. On the streets of Somalia, children are no longer starving. Food supplies are no longer being stolen. Disease and malnutrition are no longer visible on every corner. Many now fear the mission has been transformed into one that includes nation-building and other tasks which they did not envision and for which they did not give their consent.

Mr. President, the American people ask, and rightfully so, a number of important questions: Why are we in Somalia? What are our objectives: How do we intend to accomplish those objectives? They want to know what American interests are at stake in the political future of Somalia, and whether it

is necessary to send American men and women into harm's way in order to protect those interests.

These should not be questions that we shy away from or turn our backs on and ignore. We have come too far, we have sacrificed too many precious American lives, to pretend that we do not have an obligation to explain in a clear and coherent manner why we are in Somalia. And if we cannot explain this operation to the American people, in simple and compelling terms, then we ought not to remain there a moment longer.

In view of this heavy obligation upon us today, it would be easy for us to fold up our tent and call on the President to bring our forces home. It would be easy for us to conclude that we have no compelling interest in Somalia, or that we do not have the patience or the wherewithal to explain that interest to the American people. But in my view, that would be a tragic mistake.

It would be a mistake because despite all the difficulties and mishaps that have taken place along the way—and there have been many—the fact remains that the world has a compelling interest in the peacekeeping mission in Somalia. And we have a compelling interest in remaining involved in that effort. I hope we will have the courage to fix what is wrong with the operation in Somalia, without destroying everything that is right about it.

At the outset, Mr. President, we ought to take a moment to remind ourselves just how we got involved in Somalia in the first place. After the overthrow of General Siad Barre in January 1991, the factions that had collaborated in his overthrow turned on each other in a violent and ruthless civil war. This conflict quickly brought about a disruption in food and medical relief efforts, a paralysis of the Somali Government, and a complete breakdown of Somali society.

By the end of 1992, more than 300,000 Somalis had died as a result of violence, famine, disease, and malnutrition, and up to one and a half million more were at risk. Most of the victims, as is usually the case, were innocent children. Surely we all remember the wrenching human drama that was played out every night on the evening news: Scenes of children lying in the dirt with their bellies distended, too weak to eat or drink, too weak to even brush the flies and the maggots off their faces.

Last December, moved by the pictures of this endless human suffering, the U.N. Security Council adopted resolution 794, authorizing the use of military force to provide a secure environment for humanitarian relief operations in Somalia. The next day, on December 4, Operation Restore Hope went into action. Within a few weeks, some 25,000 United States soldiers had moved into Mogadishu and the other major population centers of Somalia, opening up food supply lines and allowing relief agencies to once again do their work.

By the end of March, Operation Restore Hope had lived up to its name. The bitter factional fighting had been greatly reduced. Schools were beginning to reopen; shops and markets were beginning to take customers again; courts were beginning to reconvene. Hunger and disease no longer loomed over the country like a black plague. In short, Somalia was beginning to look like a nation once again.

In late March, building on these early signs of success, all of the major Somali factional leaders convened at a peace conference in Addis Ababa, Ethiopia. After 13 days of talks, these leaders—including Mohammed Farah Aideed of the Somali National Alliance—agreed to establish a transition council made up of 74 representatives from all aspects of Somali society. This transitional council was designed to serve as a temporary national assembly until elections could be held and a new constitution could be drafted—a process that was expected to take up to 2 years.

This peace conference was built on a foundation on mutual suspicion and unfortunately, the plan that was agreed to has yet to be implemented. But it proved that the leaders of the various factions in Somalia are willing to discuss a peaceful settlement, and to engage in the give-and-take of political negotiation and dialog.

More important, it demonstrated that it was possible for the U.N. and regional leaders to gain at least a measure of trust, if not necessarily the lasting good will, of all the parties involved.

With this peace conference under way, the U.N. Security Council decided it was time to move to the next stage in Somalia. On March 26, the Security Council adopted resolution 814, which called for the U.N. to provide assistance to the people of Somalia in "rehabilitating their political institutions and economy and promoting political settlement and national reconciliation." It also called on the U.N. to "assist the people of Somalia to promote and advance political reconciliation, through broad participation by all sectors of Somali society."

Finally, the resolution called for the expansion of the United Nations Force, known by the acronym UNOSOM II, in order to help support these political goals. This force, which would be made up of about 5,000 U.S. troops and roughly 20,000 additional troops from over two dozen nations, would have the explicit authority to take military action to disarm military factions and maintain the existence of a secure environment.

For many observers, including the United States, this resolution was the logical extension of the original humanitarian effort. It recognized that the initial humanitarian gains would all go for naught without the development of adequate political institutions. Indeed this effort would be similar to efforts the United Nations had already undertaken in nations like Namibia and Cambodia, where democratic elections were held under United Nations auspices.

Unfortunately, even though this resolution was supported by the United States in the Security Council, the resolution and its consequences received little attention and public debate. The House of Representatives did vote, on May 25, for a resolution approving the participation of U.S. forces in support of the UNOSOM II mission. Regrettably, U.S. participation in this expanded mission was never considered on the floor of this Chamber. As long a United States forces did not seem to be in jeopardy in Somalia, there appeared to be little reason to do so.

Once the outlines of this expanded United Nations mission had been agreed to by the Security Council, Operation Restore Hope came to an end on May 4, and formal authority for the continuing mission was turned over to the United Nations. It is here that events took a disturbing downward turn.

Exactly how things went wrong, during those months of April, May, and June, will probably never be known. As many observers have taken pains to point out, one can identify a number of diplomatic blunders that were made by the U.N. team in dealing with General Aideed and his supporters.

These missteps, they say, caused Aideed to come to the conclusion that the United Nations was attempting to marginalize him at the expense of his arch-enemies. For their part, U.N. officials say they were motivated by the fact that Aideed is a ruthless warlord who will stop at nothing to preserve and expand his power.

But one thing is clear, Mr. President: That important basis of trust between the faction leaders and the United Nations—a basis of trust that had been painstakingly built over a number of months—most convincingly and definitively broke down. And it was not a very long time after that until the well-known events of June 5, when Aideed's forces attacked a group of Pakistani peacekeepers and opened a new phase of hostilities in Somalia.

Unfortunately, instead of learning from its mistakes, the United Nations proceeded to compound its errors. At the insistence, of Jonathan Howe, the retired United States admiral serving as the United Nations special representative in Somalia, the United Nations placed a $25,000 bounty on the head of Aideed and embarked on a series of military missions to capture

Aideed and his followers. In fact, according to an article in Sunday's edition of the Washington Post, an attack by U.S. forces on facilities belonging to Aideed on July 12, had the explicit mission of killing the warlord and his high command.

This string of United Nations and United States-led attacks put the United States and its allies on a collision course with Aideed. Unfortunately, the United Nations had neither sufficient manpower nor equipment to effectively carry out this mission. At the same time, the United Nations command structure severely underestimated the depth of support for Aideed among the thousands of people in his Haber-Gedir subclan. This deadly combination helped lead to this disastrous events of October 3, when more than a dozen U.S. soldiers were killed while trying to capture supporters of Aideed in Mogadishu.

The tragic and untimely deaths of these United States soldiers raised widespread debate across the United States about the scope of the United Nations mission in Somalia and the continued United States participation in that mission. Unfortunately, in the first few days after that incident, United States officials were unable to provide a clear justification of the mission or adequately describe its goals. Many believed the time to pull out from Somalia had arrived.

This set the stage for President Clinton's address to the Nation last Thursday. I believe the President did a very capable and creditable job in explaining why we are involved in Somalia and what we intend to accomplish in that mission. He made it clear that U.S. forces would have the equipment necessary to do the job they had been called on to do, and that they would not remain indefinitely. He reminded us of the importance of supporting this expanded humanitarian mission and of not backing down when these efforts are challenged.

Most important, the President made it clear that General Aideed would no longer be the military target of our mission in Somalia, and that the United States and the United Nations would stress a diplomatic solution to the problem.

While it is too early to make any long-term predictions, this important change in strategy appears to have had a significant impact on the situation in Somalia today.

The U.S. envoy, Robert Oakley, has been engaged in dialog with members of the Aideed clan in an effort to resume the negotiations that had broken off after last March. Hostilities between the U.S. and U.N. Forces and forces loyal to General Aideed have subsided. Most important, the U.S. serviceman taken hostage last week, CWO Michael Durant, has finally been given his long-sought release.

Mr. President, it is unclear whether we will be able to put the Genie back in the bottle—whether it will be possible to go back to the agreement of March 28, in Addis Ababa and revive the dialog toward national reconciliation. Perhaps in the end this effort will fail, as so many others have failed in Somalia before.

But at the very least, the progress that has been made over the last few days—and indeed, ever since the landing of the Marines 10 months ago—suggests we ought to be prepared to give it a try.

That means we should support the use of United States Forces, acting in concert with those of the United Nations, to promote the continuation of humanitarian relief supplies and to support the process of political reconciliation in Somalia. If we want to avoid a repeat of the terrible conditions that we witnessed just a year ago, there is simply no other possible alternative.

Mr. President, as we look back over the events of the last 10 months, we must be prepared to give the American people simple and straightforward answers about our involvement in Somalia. Why are we still there? What are our objectives and how will we accomplish them? And what are the vital American interests at stake?

Mr. President, the reason we are still in Somalia today is the same as it was when we went to Somalia in the first place—because Americans saw the suffering of the people of Somalia, and because Americans are a people that care.

And make no mistake about it, if we don't give the Somalis the chance to build decent political institutions to protect them from the warlords and the killers, in the end we will have accomplished nothing except to prolong their misery. The famine and the disease and the human deprivation will surely start up again when the last U.S. soldier has departed.

Our objectives in Somalia are exactly the objectives that were set out in U.N. Security Council Resolutions 794 and 814: To work with the United Nations to provide a secure environment for the provision of humanitarian relief supplies and to help begin the process of political reconciliation that is so urgently needed in Somalia today.

We will do this by working with the existing leaders of Somalia, not by pursuing them into every dark corner and blind alley of Mogadishu.

Finally, the American interests at stake in Somalia are the very same interests that have been articulated in this Chamber so many times since the end of the cold war: The establishment of a new international order, of a law among nations, where multilateral cooperation is the rule and no longer the exception. And now that promising but elusive vision has met its first test in the barren desert land of Somalia.

The United Nations has assumed responsibility for a mission that rivals any other it has undertaken in history. It has sought to bring an end to decades of interclan violence and hatred and to build political institutions in a land that has know little but chaos. Many aspects of the United Nations mission deserve credit and praise; in other areas, these efforts have fallen visibly short.

And so the question to us in this Chamber is as follows: Do we come to the conclusion that the United Nations is simply not ready to assume the obligations of the new international order? Or do we acknowledge the U.N.'s weaknesses and set out to try and correct them?

Do we cling to the notion that we in the United States will never be able to trust them in the United Nations? Or do we come to the realization that the United Nations is us—and acknowledge our responsibility to help make it the capable and effective institution it ought to be?

All around the world, Mr. President, even as we speak, U.N. Forces are helping to keep the peace and to protect the lives of innocent civilians. In Cambodia and Yugoslavia. In the western Sahara and Mozambique. In Lebanon and the Golan Heights. And in the future we will come to rely on the United Nations even more. But what kind of credibility will these forces and these vital missions have if we refuse to stand by them when they are under challenge, as they are today in Somalia?

So Mr. President, this is our stake in the peacekeeping mission in Somalia. We can choose to stand by the United Nations as it seeks to turn a temporary humanitarian miracle into a lasting political solution. Or we can turn our backs on this mission and limit our participation when we are needed most.

President Clinton has made his choice. He has told us he believes the United States should stick with the United Nations and with the United Nations effort in Somalia. Now the choice falls to the Members of this body this evening. I hope we have the courage to make the right one.

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

The PRESIDING OFFICER. The Senator from West Virginia has 4 minutes 55 seconds; the Senator from Arizona has 4 minutes 20 seconds.

Mr. BYRD. Mr. President, let us take a look again at this language in the distinguished Senator's amendment. I call attention to the phrase "prompt and orderly withdrawal." What does it mean?

Webster, let us see what Webster says about orderly:

Orderly. Arranged or disposed in a neat, tidy manner or in a regular sequence; 2, observant of or governed by system or method; 3, characterized by or observant of law, rule,

or discipline; law-abiding; 4, pertaining to or charged with the communication or execution of orders.

Let us take that fourth one, "pertaining to or charged with the communication or execution of orders." Who is going to decide that? The military. The Commander in Chief. That would be an orderly withdrawal. It was the military that advised the President that a prudent date would be March 31. That was the military advice to the President.

I tell you, my colleagues, you are hitching the tail to a kite that is a vanishing phantom, you are shooting in the dark, in that direction, in that direction, and you cannot see it.

What is a prompt withdrawal? I ask again, is it November? Is it December? Congress is not going to be around in December. Is it January. Congress is not going to be around in January. When is a prompt withdrawal? Tell us. Tell us when a prompt withdrawal is.

If I had been offering this amendment, Mr. President, I would have set a date. I have already explained why I would not set December, because Congress would not be here and would be shamed into coming back. The President would call us back. I would not have set January 1 for the same reason. The President would call us back.

How would we look being brought back by the President the first of January because he has run out of money, and he is in real trouble, and he needs an extension? OK, February 1. I explained that.

I say, Mr. President, that the President recognizes the fact that the Congress is an equal branch of the Government. He accepts the reality that Congress has the power of the purse. He may be the Commander in Chief, yes, according to article II of the Constitution; he is the Commander in Chief of the Army and Navy and the militia. But suppose he does not have any army, suppose he does not have any navy—Congress has the power to raise and support armies, to provide and maintain navies. So it is this power of the purse, and my amendment uses that and anchors it to a clear date.

So, my friends, do not be misled by this amendment. It will not get our men out any earlier than the amendment I have offered, and there is no guarantee that it will get them out as early as March 31. Mr. President, the Senator from Georgia has some questions. How much time is left?

The PRESIDING OFFICER. The Senator from West Virginia has 47 seconds.

Mr. BYRD. I ask unanimous consent that each side may have an additional—how much time?

Mr. MCCAIN. Five minutes.

Mr. BYRD. I ask unanimous consent that each side may have an additional 10 minutes.

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

Mr. BYRD. I yield to the Senator from Georgia.

Mr. NUNN. Mr. President, I thank the Senator from West Virginia for his leadership on this matter. I think that this debate is long overdue. The Congress of the United States has a duty and obligation under the Constitution to speak to the issues of possible war and peace when our troops are involved.

Mr. President, I rise in support of the Byrd amendment, because I believe it offers the best path out of Somalia.

The issue before us is not whether we are going to get out of Somalia. The issue is when are we going to get out of Somalia? Even more important, how we are going to get out of Somalia? But even more important than that is, what we are going to do for the rest of the time we are in Somalia? I think the proponents of the McCain amendment acknowledge that we are going to be there for at least a couple more months.

Mr. President, I think it is important, too, because all of us on both sides of this debate are concerned about the safety of our military forces and the safety of our citizens, and I think also the safety of our allies, who have been there with us, side by side, at our request in many instances. Lest we forget our allies, I think we should all remember that we are going to be calling on these allies again to come with us in other places around the world. And if we want some credibility left with them, the question of how we get out is important.

To the question of our military forces, Mr. President, if you listen to this debate, you might forget that we have military forces all over the world. Last year, we had military forces deployed, at one time or the other, in 62 countries in the world—62. We continually have military forces all over the world. Those forces' lives are at stake, also. What we do in Somalia affects the lives of the military forces wherever they are in the world.

We are in an age of communication. All you had to do was look at the sight in Haiti the other day with people running around on the dock talking about "another Somalia, another Somalia." They know what is going on in Somalia. They know the reaction here. The last thing we need is for the word to go out that the way you get America to leave any country is to kill a few people. That is the last thing we need.

So we have to get out. The question is whether we get out in a way consistent with the safety of all of our people around the world, and certainly including, but not limited to, those military forces in Somalia.

Mr. President, the Byrd amendment speaks to the mission. The Byrd amendment does what we should have done a long time ago, either in the executive branch or in the Congress. It tells our military forces what we expect them to do while they are in Somalia. It also tells them what we do not expect them to undertake. It makes it absolutely and abundantly clear that they are not there for an ill-defined mission any longer. If this passes, they will be there with a clarity of mission, a mission that does not include nation building, that does not include disarmament. This will be a United States mission. It will not be the broad U.N. political mission.

Mr. President, I think it is important that we also remember that we are in an alliance here. It is not a smoothly working alliance. All the forces there do not fight as well as the U.S. forces—in fact, none of them do. Yet, these are our allies. The Pakistanis lost 24 people in one military engagement. With the tragedy of a last week, which really tore our hearts apart here in this country, with American troops being killed and wounded, we certainly did not have the kind of backup plan we needed.

Mr. President, we should not forget who came to the assistance of the U.S. forces and helped them. It was the Pakistanis and Malaysian forces with tanks and armored personnel carriers, that perhaps we should have had there. I think we should have. But we did not. What are we going to do if we pass the McCain amendment, whether we are there 30 days or 60 days or 90 days or 6 months? What happens if there is an attack on the Pakistani forces, the ones who came to our assistance a week ago?

The way I read the McCain amendment, we would not be authorized to come to their aid, to help them.

What happen if the Malaysians come under attack? Are we going to be able to help them under the McCain amendment? I do not think so.

We are going to be over there and we are going to say we, the United States, are concerned about absolutely nothing but protecting our own forces and getting out. We are not going to help our allies who helped us. We are not going to ensure that they are not attacked. We are not going to think about the next mission that we may undertake in an alliance. We are not going to think about the effect on our NATO Allies. We are not going to think about the effect on the South Koreans, and places all over the world where we rely on allies to not only support us but to fight side by side with us.

Mr. President, we have had an alliance called NATO for the last 40 years. It is not a perfect alliance. We have done more than our share, in my opinion. We have sacrificed a lot of American money and some American lives.

But we have had allies. America has never had anymore than 30 or 40 percent of the military forces on the ground and most of the time it has been 25 percent.

Do we plan to go it alone in the future? Are we going to go it alone all over the world? Are we going to have no allies? If we are, then forget them. Do not even mention them in the amendment. Pass the McCain amendment with no mention of allies, no mention of them being deployed, no mention of them helping us, no mention of them coming to our aid.

Mr. President, that is not the way we are going to be able to perform in the future. Sure, we are a superpower, but we need allies. We need allies in Asia. We need allies in Europe. We need allies in any kind of conflict other than right here next to our own shores. And we all know we have interests all over the world.

Mr. President, I believe our departure must be orderly. I think we need to get out, but we have to get out in a way that considers American troops that are deployed all over the world, and the signal it sends regarding those troops. And also we have to get out considering our obligations to our allies.

Somalia is not the last place in the world where we will be deploying troops. I hope we have learned lessons, Mr. President. It is very clear under the Byrd amendment as to what the mission is and what it is not.

The Byrd amendment makes it clear that the United States military mission in Somalia is protecting United States military and allied forces and to assist in the protection of the delivery of humanitarian relief supplies. As Senator BYRD has said, it sets a date for withdrawal.

Mr. President, I think under these circumstances, with the President already having set the date, that is appropriate. Under most circumstances, I do not agree in setting a date for military withdrawal. Under most circumstances, what I believe we should do is have clarity of mission, give our forces a mission. We did not do it in Somalia. The executive branch did not do it. The United Nations kept enlarging the mission. We in the Congress were silent. We in the Congress were silent.

We should give them a mission, and we should tell them we are going to back them with everything we have until they accomplish that mission. If we are not willing to do that, they should not be deployed.

We cannot afford to put U.S. forces everywhere there is a humanitarian problem. Of course, our hearts are touched when we watch television images, but when it comes to American military missions we have to lead with our heads and not our hearts.

America is the only residual superpower in the world. We cannot get involved in peripheral conflicts all over the world. If something happens in Korea, Southwest Asia, or Europe, or any other place where we have a strategic interest, we have to respond. If we have troops deployed all over the world in one small conflict after another, we will not be able to perform our truly essential tasks. The bedrock of American military power is not the Army, Navy, Air Force, and Marine Corps, but rather the people back home.

The most important thing coming out of this Somali experience is the important lesson that the people back home have to be informed.

So clarity of mission is not simply a signal to the United Nations, although it is that. It is not simply a signal to our military commanders although it is that. The clarity of the mission that is set forth in the Byrd amendment is a strong word to the American people. The American people have to support the military deployments or they will never be successful.

We must remind ourselves that Somalia is devoid of any vital, strategic, or economic interest to the United States. It is one thing to place our military forces at risk on behalf of vital or strategic interests; on behalf of purely humanitarian interests, however, we should refuse to place them in significant jeopardy. Yet this is what we have done in Somalia, by allowing military objectives to dominate the humanitarian and political aspects of the mission. Last December, our troops were cheered when they came to Somalia; later, they were jeered, mortared, and ambushed. A week ago last Sunday a U.S. Army Ranger company was decimated in south Mogadishu, suffering almost 100 dead and wounded.

How did all of this come about? How could what began as so seemingly an innocent mission as feeding a starving people end up in spasms of bloody urban warfare? How did CNN television footage of starving Somali children come to be supplanted by footage of dead American soldiers being desecrated by howling mobs of well-fed Somalis?

Mr. President, I believe the answer lies in the failure of the United Nations, including the United States, to maintain a reasonable relationship between political and humanitarian ends and military means in Somalia. The United Nations persuaded the United States to carry out with our military forces an expanded political, agenda, after we had drastically reduced our military forces in Somalia. Last December the United States entered Somalia with a large and well-armed military force of 25,000 troops to perform the seemingly narrow mission of ending mass starvation. Along the way, however, we found out something about the situation in Somalia—something which is true in many and perhaps most failed states. We discovered that the underlying cause of starvation in Somalia lay more in the absence of effective central political institutions and its resulting anarchy then it did in such traditional culprits as bad harvests and decrepit transportation infrastructures. There was food in Somalia last December—on the docks at Mogadishu and elsewhere, but its distribution to the interior was being blocked or stolen by warring Somali clans.

We and our United Nations allies—and the United Nations Secretary General—therefore concluded that changes in Somalia's political landscape would have to be undertaken under United Nations auspices if the threat of mass starvation was to be permanently removed as a feature of Somali life. Accordingly, the agenda was expanded to embrace the creation of effective national political institutions, including a national police force of some kind, and the disarmament of the clans. Not surprisingly, the clan warlords did not take kindly to the idea of disarmament, and when U.N. forces demonstrated their seriousness against Aideed and his clan, they were met with violent resistance. Aideed's men attacked a force of Pakistani peacekeepers, killing 24 of them. In response, the U.N. in effect declared war on Aideed personally, with U.S. Rangers ending up being the chief manhunting instrument, invading areas of Mogadishu where Aideed and his henchmen were thought to be. This in turn led to the bloody Sunday of October 3.

While all this was going on, however, a large contraction in U.S. military power was taking place. The mission had been expanded while the flexible and mobile component of U.S. forces had been substantially reduced. By early October of this year, U.S. forces had plummeted to less than 4,000 troops—from a high of 25,000 during the first phase of our intervention. They were barely able to protect themselves in their compounds, much less conduct urban counter-guerrilla operations.

Mr. President, recent tragic events prompted an abrupt change in the administration's policy in Somalia to one of an orderly departure in a reasonable period of time. The U.S. casualties of October 3 and the subsequent desecration of American soldiers killed in action, have understandably saddened and outraged public and congressional opinion. Our hearts go out to the families and friends of those who were killed, wounded, and captured.

Anger and disgust, however, are dangerous foundations upon which to formulate our policy in Somalia. Mr. President, the first thing we must do is keep our wits about us. Tonight we have a choice between two amendments—the McCain amendment which calls for an immediate withdrawal with no consideration of mission or obligations to allies, and the Byrd amendment, which clarifies and narrows our mission and provides for an orderly withdrawal.

Mr. President, I believe our departure should be orderly, and carried out in a way that is fair to the other countries participating in the U.N. enterprise in Somalia, many of whom we asked to join us in Somalia. By setting a departure date of March 31 rather than requiring their immediate withdrawal, we provide our allies ample time to make their own decisions. We also buy enough time for political discussion in Somalia, and therefore increase—at least on the margins—the possibility of fostering a political settlement acceptable to all the clans.

I believe the administration's new policy, which President Clinton and key Cabinet members unveiled on October 7, was a strong step in the right direction of bringing our military objectives into line with our military means. The administration has also revived the diplomatic track in Somalia, a track which had been allowed to wither in the face of preoccupation with capturing Aideed.

With respect to United States reinforcements now being sent to Somalia let me say, first of all, that the events of October 3 in south Mogadishu dictated a rapid and significant augmentation of our forces already in Somalia. While one can debate the precise scope and nature of the reinforcements announced on October 7, we simply cannot ignore the fact that our forces already in Somalia could no longer adequately defend themselves, much less gain the tactical initiative over Aideed's forces. Regardless of the political issues at stake, no American soldier, sailor, airman, or marine, wherever he or she may be deployed, should be deprived of the maximum possible tactical protection. We should have learned this critical lesson 10 years ago in Beirut.

Mr. President, the administration has declared that the purpose of sending reinforcements to Somalia is to protect United States Forces already in Somalia and to enable them to complete their mission—not to escalate the war against Aideed. The Byrd amendment refines that declaration by defining the mission in such a way to focus our forces in Somalia on the original humanitarian mission. The Byrd amendment makes it clear that our troops will be carrying out the narrower U.S. mission, not the broader U.N. political agenda.

The President has also made it clear that our withdrawal from Somalia will be an orderly one—not a hasty retreat. This is very important, because, as I have said, we have forces elsewhere overseas that are deployed in harm's way. We have, moreover, certain obligations to other U.N. member states in Somalia. Whatever we do between now and our departure from Somalia, we need to give the U.N. and the over twenty other participating countries time enough to make and implement their own decisions about what to do in Somalia.

Mr. President, I myself would have preferred a re-narrowing of our military mission to permit a departure as the mission is completed, rather than set an arbitrary deadline. However, I view this amendment's setting of a funding deadline as endorsing what the President has already committed himself to do. I believe that it is important that this amendment not be perceived as setting a precedent for Congress' setting a date for completion of military missions, whose duration is usually unknowable in advance. I see this as the Congress' asserting its right to approve clear and unambiguous missions for our military forces. I believe that it is important for the Congress to be brought in on the act before a narrow mission is greatly expanded. I believe that the accomplishment of the mission should be what drives the withdrawal of our forces, once they are committed. And as I noted earlier we should back our forces with everything they need once they are committed under a clear military mission.

With respect to the critical issue of clarifying the United States military mission in Somalia, which, in my view, is the core of the Byrd amendment, I believe that the President's speech on October 7 and subsequent administration statements were encouraging. The ambitious objectives of disarming the clans and of creating political stability at the national level in Somalia may not be inherently missions impossible, but they are in any event unachievable with the relative paucity of military forces on hand today and this will continue even after all our re-enforcements arrive.

Mr. President, this amendment makes it clear that the U.S. military mission does not not include national reconciliation, nor the broad mission of disarming the clans, nor any other mission not essential to the performance of the humanitarian mission. Mr. President, the Byrd amendment confines the United States military mission in Somalia to protecting United States military and allied forces in Somalia, and to assisting in the protection of the delivery of humanitarian relief supplies. If the United Nations wishes to continue to pursue the more ambitious aims of disarmament and national reconciliation, so be it. We should not participate in any military operations for such purposes, and we should convey that that narrowing definition of the mission in no uncertain terms to both or own military commanders and U.N. Secretary-General Boutros Boutros-Ghali.

Let me close, Mr. President, by reiterating where I believe we are in Somalia and where we are going with the leadership amendment.

First, we have no security or economic interests in Somalia.

Second, the President has outlined an orderly withdrawal in a reasonable period of time in a way that facilitates promising diplomatic initiatives and permits our allies in Somalia to adjust to our departure.

Third, in the interim, I believe it is essential to refine further exactly what is—and is not—the United States military mission in Somalia. The administration has taken a good first step in that direction, but further steps are needed. The Byrd amendment does this by specifying the confinement of that mission to protecting our own forces and those of our allies and the delivery of humanitarian relief supplies.

Mr. President, I urge my colleagues to vote to table the McCain amendment and to vote for the Byrd amendment.

Mr. President, I would like to pose just a couple of questions that I think are very important questions to my friend from West Virginia.

I am concerned about the date, and I want to make certain that if the Byrd amendment passes, that we all understand the President's authority and what he could do in certain circumstances that we cannot now foresee with clarity.

Mr. President, I would ask the distinguished chairman of the Appropriations Committee two questions.

One question relates to a situation wherein United States forces may be attacked—and I hope that does not happen, because I hope they are out of there before March 31—may be attacked as they are leaving Somalia. Let us say they are attacked on March 29 or March 30 and are unable to depart by March 31 because they are in the middle of some kind of conflict.

Specifically, my question is whether the provision in the Byrd amendment that authorizes the obligation of funds beyond March 31, 1994, to protect American citizens would authorize the President to use United States Armed Forces in such numbers as may be necessary to protect those forces and to ensure their safe withdrawal from Somalia subsequent to March 31, 1994, under the scenario I have presented?

Mr. McCAIN. Regular order.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. Mr. President, I ask unanimous consent each side may have an additional 5 minutes.

Mr. WALLOP. I object.

The PRESIDING OFFICER. Is there objection?

Mr. WALLOP. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I do not believe there is anything in the time agreement that says we cannot have a long quorum call. The Senator from Georgia has asked a very pertinent question. I think he is entitled to an answer. I hope the Senator will not object and let me answer.

Mr. WALLOP Mr. President, reserving the right to object, I would say to my friend that 4½ hours has been enough time to ask questions. We can ask questions and ask questions and ask questions. Does anyone believe another mind is going to be changed yet tonight?

Mr. BYRD. The Senator has a right to ask questions.

Mr. WALLOP. I withdraw the objection, but I will not agree to another request. This is typical absurdity of the Senate.

The PRESIDING OFFICER. Is there objection? If not, it is so ordered.

There are an additional 5 minutes to each side.

Mr. BYRD. Mr. President, there may be a good many typical absurdities of the Senate, and we will go into those another time.

In response to the Senator's question, there are three clauses in the amendment which bear on this issue. In addition to the general constitutional power available to the President, if American forces come under attack any time before March 31, 1994, the President can come back to the Congress, seek an extension of the time, and Congress may authorize such an extension. If the troops come under attack on the last day of the time permitted for them to remain in Somalia, March 31, there is another proviso, which permits the expenditure of funds beyond March 31 "to support a limited number of U.S. military personnel sufficient only to protect American diplomatic facilities and American citizens."

This clause would, therefore, allow money to be expended in event of eruption of hostilities.

Lastly, the next-to-last clause in the amendment provides that: "The President should ensure that at all times United States military personnel in Somalia have a capacity to defend themselves and American citizens."

Thus, I think these three clauses cover the contingency of hostilities that might erupt at the very last moment on March 31.

Of course, we expect and the President has indicated that he intends to have all of our forces out of Somalia well before the deadline and funding cutoff, and I would not expect the contingency raised by the distinguished Senator from Georgia to arrive.

Lastly, there is inherent constitutional power available to the President to act in an emergency so that if all else fails we would certainly expect him to take action under his inherent emergency powers which are well settled under the Constitution.

Mr. President, speaking of the inherent powers of the President, I have had the occasion to read Madison's notes on the Constitutional Convention a number of times.

The original draft had the words "make war" in it, meaning that the Congress should have the power to make war. And delegate Pinckney—I do not know, and it is not made clear, whether it was Charles Pinckney or Charles Cotesworth Pinckney of South Carolina, but Charles Pinckney thought that the power to make war should not be lodged in the legislature because the House was too numerous and the body did not meet the yearround. They only met once a year, and he raised a question as to what would happen in the event of an attack on the United States. Pierce Butler suggested that the power to make war should be lodged in the Executive. Whereupon, Madison and Elbridge Gerry offered an amendment jointly to change the word "make" to "declare" so that Congress had the power not to make war but to declare war.

Therefore, in the notes we are told that Madison and Gerry by moving to insert "declare" and striking out "make war" left to the Executive "the power to repel sudden attacks."

Nobody questions the President's inherent power to act in an emergency to repel sudden attacks on Americans anywhere in the world. He has that inherent power. Congress would not question that power. The American people would not question that power. To the contrary, we would expect him to act and we would impeach him if he did not. So he has that inherent power.

Mr. NUNN. I thank the Senator for that very clear explanation.

My final question is: If we have a United States prisoner in Somalia or missing in action and March 31 rolls around, or if we have 5 or 10, as I read the Senator's amendment, it anticipates that and provides for that. Perhaps the Senator would like to comment on that, because I think it is important.

Mr. BYRD. I can do that in 1 minute.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. I ask unanimous consent to speak for 1 minute, and the other side have an additional minute.

Mr. MCCAIN. Reserving the right to object, I will not agree to a further extension of this debate.

Mr. BYRD. The Senator has been very kind thus far.

Mr. MITCHELL. Mr. President, I yield 2 minutes of my leader time to the Senator.

Mr. BYRD. I thank the majority leader.

In the event hostages are taken between now and March 31, 1994, or that there are missing in action unaccounted for, the last clause of the amendment covers that contingent. It provides, "That United States Armed Forces should remain deployed in or around Somalia until such time as all American service personnel missing in action in Somalia are accounted for, and all American service personnel held prisoner in Somalia are released."

Thus, the amendment clearly provides that United States forces, in whatever numbers are appropriate for the situation, may remain beyond the deadline in and around Somalia after the March 31 date in the event of new hostage taking or missing in action.

Mr. President, I thank the distinguished Senator from Georgia for raising these very pertinent and appropriate questions.

Mr. NUNN. I thank the Senator for his informative answers. I appreciate it.

The PRESIDING OFFICER. Who yields time?

Mr. MCCAIN. I yield 6 minutes to the Senator from New York [Mr. D'AMATO].

Mr. D'AMATO. Mr. President, first of all, let me take this opportunity to say that there has been one among us, actually two among us, but one in particular, who I would like to commend for being ahead of the curve—certainly not political—and for raising the question as it related to the abdication of our responsibility as a Congress, our abdication of our responsibility as a nation to the United Nations, allowing our troops to be used as mercenaries; acquiescing, placing them in the most dangerous of positions and saying little if anything, and that is Senator ROBERT BYRD.

Having said that, I commend him for bringing this to our attention, but I have to say, most respectfully—and I say respectfully—that it is time to bring our boys home and bring them home now, and stop this nonsense about whether we are going to imperil them throughout the world.

That is a lot of claptrap. I never heard a more eloquent argument than the senior Senator from Georgia in terms of supporting Senator McCain's amendment.

What do you mean we, talking about we are going to imperil and jeopardize our people in other areas? Are you suggesting by that argument that we are not going to give them the support that they would be entitled to and that they were denied in this area?

We have seen that tragedy and we have seen the politics of it. We have seen the Secretary of Defense come out with feeble, inane answers—politics he calls it.

Yes, Mr. Aspin, there was politics—your politics, your abdication of our responsibility when you said we were worried that there would be a backlash in the Congress.

I want to know what Senator, what Congressman would dare deny a commander 4 tanks, 14 Bradleys. Is there anyone here? Because if you would, stand and tell me now.

You think it is sufficient to say, "Had I known then what would happen, I would have made a different answer?"

You tell me, as Secretary, who overrules, yes, Colin Powell, not once, twice, and maybe even three times?

You tell it to Congress. Who has been more derelict than all us, every one of us? Where were we? Read Madeleine Albright's March 26 comments commending the United Nations in their new goals. Twenty-eight thousand troops with firepower, with tanks, sent to feed starving Somalians; withdrawn to 4,000 with no tanks and no support and no mission clearly defined. And the United Nations saying, "Get Aideed," and our generals saying, "No, no, no, no. Do not do it."

You want to cover this up? Go ahead. Sweep it under the rugs. Talk about partisanship. Talk about politics.

What about the men we deserted? And we deserted them and we continue to desert them. Bring them home now. Talk about this namby-pamby, how will we be looked upon? Stand up and vote for your country, vote for what is right.

We were wrong. We abdicated our responsibility. And it is about time that the old boy network understood it and stopped this nonsense.

Is that why we were sent here? I thought we were sent here to stand up for what is right; not what is political, what is right.

I will tell you what the McCain amendment says. It says prompt and orderly withdrawal of all U.S. Armed Forces now—prompt and orderly.

And I have to tell you, I read this message, the report to the Congress on U.S. policy from our President, October 13. Why do you not read it? How many of my colleagues have read it? Because I will tell you, if you read page 4, "Neither the United States nor the United Nations seeks to dictate a political outcome to Somalia. We will support a Somalia solution to Somalia's problems."

That is the President of the United States. I am not going to tell you in detail about when I spoke to a young lieutenant, but I will tell you that this administration is desperately attempting to keep those young men who were pinned down not for 6 hours or 8 hours or 9 hours but one for 13 hours.

I was invited to meet with him. He did not know that the acting head of Walter Reed said, no, I could not come out there. He was a young lieutenant from Rochester, NY.

He said to me: "Senator, at 1700 I was hit. That is about 5 p.m. on the 3rd of October. I was wounded. I was shot. They did not evacuate me until 6 a.m. the next day."

That was not 6 hours or 8 hours or 9 hours. It was 13 hours later.

Those young men are not permitted to speak because, I will tell you why, there are people who do not want the Nation to hear just what took place. He told me there were thousands.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCCAIN. Mr. President, I yield an additional minute to the Senator from New York.

Mr. D'AMATO. There were thousands who surrounded him. And those 100-plus, 96 out of the 100 who were wounded or killed, he said 12-year-old boys were throwing hand grenades at him, women with automatic weapons. And he said, "Senator, I knew we did not have the tanks to come and get us." And it was the Malaysians who finally came with their tanks.

Let me say, if we read the President's statement to us on page 33, he concludes by saying: "Our mission from this day forward is to increase our strength, do our job, bring our soldiers out and bring them home. Thank you and God bless you."

I agree with him. I do not agree it is to increase our strength, but I do agree it is to bring our boys home.

Let us support Senator MCCAIN's resolution because it is the right thing to do. Not the politically expedient thing—because it is right and just, and because it is a testimony that we understand where we have failed. And let us pledge from this point on, never to be expedient again; to stand up for our young men and women wherever they are throughout this world.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. Mr. President, I yield 2 minutes of my leader time to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, it is time for cool heads and sound judgment. It is time for America to present a united front. It is time for the Congress and the President to speak with one voice.

I support the Byrd amendment because it achieves that result. And I salute the leaders on both sides. This has been one of the finest debates in my 14 years of service in the U.S. Senate, primarily because of the strong leadership, both on behalf of the Byrd amendment and by our dedicated colleague on the other side of this issue, Mr. MCCAIN.

This is the opportunity for the Senate to be counted on, directing this Nation in a course of action that has been laid down by our President as the Commander in Chief under the Constitution. Under the Byrd amendment, we exercise our responsibility in a manner to protect the safety and welfare of our men and women in uniform in Somalia tonight and those who will arrive in the weeks to come, and to disengage them with honor and credit to this country—and to bring them home safely.

Again, I commend Senators DOLE, MITCHELL, and BYRD for their leadership on this amendment and was pleased to work with them in drafting it and to cosponsor it.

This amendment will allow the Congress and the President to present a united front to the world on this difficult issue. America speaks with one voice.

The amendment defines the mission of the United States Armed Forces in Somalia. The mission is two-fold: first, to protect United States personnel in Somalia, and second, to assist in humanitarian operations by providing logistical support to the United Nations and security for humanitarian operations.

The amendment also will allow a safe and orderly withdrawal of United States forces from Somalia. This must occur by March 31, 1994, unless Congress extends that date by enactment of another law. Unless such a new law is enacted, after March 31, 1994 only very small numbers of United States troops can remain in Somalia—limited to Marine security detachments at United States diplomatic facilities, troops necessary to protect American citizens if they get into trouble, and noncombat personnel assigned to the U.N. commander's staff to provide advice.

This amendment provides that the U.S. commanders will have command and control of U.S. combat troops. This leaves the President free—as he has requested—to give U.N. commanders control of U.S. logistics troops, but does not allow him to give the United Nations control of U.S. combat troops. This preserves the principle of U.S. unity of command over U.S. combat troops, which is necessary for their protection.

As a former Secretary of the Navy, and with service during two wars in the Navy and Marine Corps myself, I want to emphasize that this amendment focuses on the safety and protection of the troops in the field. The amendment provides that the President should ensure that our troops can defend themselves and other American citizens. The amendment provides that United States forces should stay in Somalia until the United States has recovered any prisoners of war and accounted for anyone missing in action. We are all extraordinarily thankful that our Army helicopter pilot who was captured, Warrant Officer Durant, has been released and returned to American forces.

By supporting the broad outlines of the President's recently announced plan, and by providing for a safe and orderly withdrawal, this amendment preserves the credibility of the United States. This is not a cut-and-run policy; we will be completing our mission and withdrawing in an orderly fashion.

The bipartisan amendment lets the President get the job done, preserves U.S. credibility in world affairs, and lets the United States present a united front in its foreign policy.

I ask unanimous consent to have the following legal opinion on United States forces in Somalia by the Department of Defense General Counsel of December 5, 1992, that supports the Nunn-

Byrd colloquy be printed in the RECORD.

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

GENERAL COUNSEL OF THE
DEPARTMENT OF DEFENSE,
Washington, DC, December 5, 1992.

Memorandum for the Secretary of Defense.
Through: The Deputy Secretary of Defense.
From: David S. Addington.
Subject: Legal Authority for Somalia Relief Operations.

The Chairman of the Joint Chiefs of Staff has presented for your approval an order to the Commander in Chief of the Central Command (CINCCENT) to execute humanitarian relief operations in Somalia, which will include authority to use force if necessary to overcome resistance to safe and effective delivery of humanitarian relief. The order would implement the President's direction to you to conduct such operations. It is my legal opinion that the order is lawful.

The United States has the authority to employ the U.S. Armed Forces as contemplated by the order under a treaty and the laws of the United States concerning support for the United Nations and providing for the conduct of disaster relief activities. The President, as the commander in chief under the Constitution, may exercise this authority of the United States as contemplated by the order.

In addition to the President's constitutional powers as commander in chief, two basic lines of authority and funding exist for the conduct of the Somalia relief operations: (1) the UN Charter, UN Participation Act, and defense appropriations acts and (2) disaster relief statutes, including defense appropriations acts. The President may also have available various other authorities that could be brought to bear in appropriate circumstances in support of the Somalia relief operations.

UN CHARTER, UN PARTICIPATION ACT, AND DEFENSE APPROPRIATIONS ACTS

The United Nations Charter is a treaty to which the United States is a party. Chapter VI of the Charter provides for the UN Security Council to address through pacific means situations the continuance of which are likely to endanger the maintenance of international peace and security. Chapter VII of the Charter provides for the UN Security Council to address threats to the peace, breaches of the peace and acts of aggression, including in specified circumstances taking "such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security." (Art. 42) Under Article 25 of the Charter, "[t]he Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter."

On January 23, 1992, acting under Chapter VI of the Charter, the UN Security Council adopted Resolution 733 calling upon all States "to contribute to the efforts of humanitarian assistance to the population in Somalia." With the determinations of the Secretary of State dated August 20, 1992 under Section 7 of the UN Participation Act (22 U.S.C. 287d-1) and Executive Order 10206, the U.S. Armed Forces have been and may continue to be used to implement Resolution 733 as a service to the UN, and Department of Defense funds may be used to fund such action. Operation and maintenance funds used for that purpose count against the overall limitation of $100 million on use of operation and maintenance funding under the UN Participation Act set by Section 9158 of the Department of Defense Appropriations Act, 1933 (Public Law 102-396). By memorandum of August 29, 1992, the Deputy Secretary of Defense authorized CINCCENT to provide support to the UN for UN disaster relief in Somalia under the UN Participation Act within specified funding limitations.

Acting under Chapter VII of the Charter, on December 3, 1992 the UN Security Council adopted Resolution 794, authorizing states to use all necessary means (i.e., including force) to establish as soon as possible a secure environment for humanitarian relief operations in Somalia. Chapter VII and Article 25 of the UN Charter, as a treaty, constitute the supreme law of the land under the Constitution and have the effect in this situation of a request to the United States to undertake a military mission, which the President has directed the Secretary of Defense to execute with the U.S. armed forces. Thus, defense appropriations may be used for employment of the U.S. armed forces for this mission in relation to Chapter VII of the UN Charter. *See, Opinion of Acting Comptroller General to Acting Chairman, U.S. Civil Service Commission*, 32 Comp. Gen. 347 (1953) (". . . existing appropriations of Departments or Agencies are available to defray the expenses of additional duties imposed upon them by proper legal authority.")

The Secretary of Defense has flexibility in the Somalia relief operation to determine when elements of the U.S. Armed Forces are proceeding in relation to Chapter VI authority and Section 7 of the UN Participation Act (i.e., the noncombatant authority) and when they are proceeding in relation to Chapter VII authority (excluding Article 43, which the Department of Defense is not acting under in this situation) to use all necessary means (i.e., including force).

DISASTER RELIEF STATUTES

With or without UN Security Council action under Chapters VI or VII of the UN Charter, the U.S. Armed Forces may engage in disaster relief activities authorized by law to the extent of available appropriations. Such statutory authorization for disaster relief activities necessarily includes those security measures required to ensure safe and effective delivery of disaster relief. The guiding statutory limitation with respect to funding is Section 1301 of Title 31 of the U.S. Code, which provides that "appropriations shall be applied only to objects for which the appropriations were made except as otherwise provided by law."

The Department of Defense may use the $25 million appropriated in Section 8105A of the Department of Defense Appropriations Act, 1992 (Public Law 102-172) "for the unanticipated costs of disaster relief activities of the Department of Defense and the military services overseas," at least $60 million available under the "Operation and Maintenance, Defense Agencies" heading of the Department of Defense Appropriations Act, 1993 (Public Law 102-396) for "the global disaster relief activities of the Department of Defense;" and the not to exceed $25 million for the CINC initiatives fund account under the "Operation and Maintenance, Defense Agencies" heading of the Department of Defense Appropriations Act, 1993 (Public Law 102-396). The Department of Defense also has available $28 million appropriated under the "Humanitarian Assistance" heading of the Department of Defense Appropriations Act, 1993 (Public Law 102-396) and Section 2551 of Title 10 of the United States Code as enacted by Section 304 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484). It must be emphasized that there are other planned uses for all these funds, so that use of them for Somalia relief operations would require the Department of Defense to forego alternative planned uses for the funds. It should be noted as well that portions of the amounts cited above already have been obligated.

CONCLUSION

For the foregoing reasons, it is my legal opinion that you may lawfully approve the execute order the Chairman of the Joint Chiefs of Staff has presented for your approval.

It should be noted that the U.S. armed forces always may defend themselves and expend for that purpose operation and maintenance funds appropriated to the Department of Defense.

To keep the Congress informed as a matter of comity and to avoid any unnecessary executive-legislative debate concerning the scope and constitutionality of the War Powers Resolution, the Executive Branch may wish to transmit promptly to the Congress a written description of the Somalia relief operation.

Mr. McCAIN. Mr. President, I yield 4 minutes to the Senator from Texas.

The PRESIDING OFFICER (Mr. MATHEWS). The Senator from Texas.

Mr. GRAMM. Mr. President, tonight we have heard calls from our colleagues saying, "Do not bring American troops home because if we bring them home we are saying to the world, 'If you want to drive America out, just kill an American.'"

In World War I and World War II, tens of thousands of Americans died. Thousands of brave young Americans lie in graveyards all over Europe and we are still in Europe, and we are still ready to fight in Europe. Every Member of this body would support fighting there to protect American interests. We lost 40,000 brave young Americans in Korea, and we are still in Korea, and we are still ready to fight in Korea because America's interests have been threatened and are still threatened in Korea.

Our interests are not threatened in Somalia. We went to Somalia to do a job and we did it, but then we stayed around and got involved in a poorly defined mission, and Americans have died as a result. We have to ask ourselves if it is worth putting Americans in jeopardy for 6 more months? Is it worth one more American life to save face—and I am not sure whose face we are talking about—to have Americans holed up in stockades, afraid to go outside because of mines, or because someone might be shot and killed? What is the logic of keeping them there 6 more months while the President stumbles around, trying to find a policy?

We have to answer a simple question. Senator NUNN touched on it; I want to conclude my remarks on it.

Our greatest national security asset is the support of the parents and spouses of our warriors and their willingness to make sacrifices. Let us not squander that willingness on a war

that does not represent America's interests. What are we going to achieve in 6 months of staying in Somalia that is worth one American life? Will 6 months bring democracy to Somalia? When we leave after 6 months, will things be any different than they are today? If we leave today, if we pass the McCain amendment, maybe one American will not be dead who might otherwise have died.

Finally, Senator NUNN asked if we would stay in Somalia if 5 or 10 Americans are taken hostage by the 31st of March.

Mr. President, it is exactly because we do not want more Americans taken prisoner that we need to adopt the McCain amendment. This is a simple choice.

The Byrd amendment endorses the Clinton policy. It is a clear and absolute endorsement of that policy. If you are for that policy, you ought to vote for the Byrd amendment. But if you want to bring the troops home, declare victory, say our men and women did a good job and bring them home safely, you want to vote for the McCain amendment.

I believe if the American people could vote, that the McCain amendment would pass overwhelmingly.

I yield the remainder of my time.

Mr. BYRD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Arizona.

Mr. MCCAIN. I yield 1 minute to the Senator from Louisiana.

Mr. JOHNSTON. Mr. President, Senators were given 6-year terms in part to resist the emotions of the moment. I am prepared to do that, and other Senators here are, I believe, prepared to resist whatever public opinion is. But if we are to go against public opinion in our States in this country, we ought to have a reason. We ought to be able to articulate to our constituents what it is we are trying to accomplish in Somalia. And I cannot do that because the administration has not told me what that purpose is with clarity and with force.

We have heard our colleagues tonight talk about the funerals they have been to. If we are going to look into the faces of a family which has either lost or might lose a son or a daughter in Somalia, it ought to be for a good purpose. If you can define that purpose, then I say vote for an extension of time. If you cannot, you ought to vote for the McCain amendment.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Arizona.

Mr. MCCAIN. I yield myself such time as I may use.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, just a couple of small items, and I intend to be brief, and then conclude. I do not intend to use all my time.

First of all, I want to thank the distinguished chairman of the Appropriations Committee for causing this issue to be debated, I think in an extremely courteous and a very illuminating fashion. Without his participation, I do not think this would have taken place tonight. I know I speak for all my colleagues in expressing my appreciation to him.

I would also like to thank the majority leader and the Republican leader for allowing a fair parliamentary procedure. I am very grateful for that. I think anyone who observed this debate would allow that our views, those of us supporting my amendment, were adequately ventilated.

The distinguished chairman of the Appropriations Committee had some trouble with the word "prompt." Webster's International Dictionary says prompt means "responding instantly or done immediately without delay."

The distinguished chairman may have trouble understanding what prompt means, but the American people will understand very well. If this amendment is passed, it will be done. They will respond instantly, and do it immediately, without delay. That is what the American people want. They want prompt withdrawal of our troops.

The distinguished chairman of the Armed Services Committee painted a rather cataclysmic, doomsday scenario if we left. I am fascinated to know why that same doomsday scenario did not prevail when we left Beirut after a similar missionless, rudderless tragedy because the United States got into a place where they should not have been. And we got out quickly. We did not decide to wait 6 months.

The fact is, we should also be aware of the tactical situation on the ground in Mogadishu. Our brave fighting men and women are in enclaves. We are at the whim and mercy of the warlord Aideed. If he chooses tonight to launch a mortar attack or rocket attack on our people, there will be death and injury.

And for the life of me, I cannot understand why we are willing to leave our troops, our fighting men and women without a mission in such a situation.

Finally, Mr. President, I hope that every Member of this body asks himself or herself the following question before they vote tonight: We all know what promptly means. We know it means sometime around December or January we could have all of our troops out in a prompt and orderly withdrawal. If there is an occasion between January and the end of March where American lives are lost, where conflict takes place and we see another tragedy ensue, on whose hands rests the blood of American troops? Please ask yourself that question.

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

The PRESIDING OFFICER. All time has been yielded.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. DOLE. Mr. President, I think I have yielded 2 minutes of my leader time to the Senator from Virginia.

The PRESIDING OFFICER. The Senator has 8½ minutes of leader time remaining.

Mr. DOLE. Mr. President, these are all very troubling debates when you are talking about young men and women who certainly deserve the thanks, the gratitude, and the prayers, as do their families. So I think right up front we ought to make certain we stress our appreciation to the men who are in Somalia and the 73,000 Americans who are scattered around the world in these kinds of operations; 73,000.

I want to also commend the distinguished Senator from West Virginia, who probably recognized this problem earlier than the rest of us, and also the Senator from Arizona. This has been a good debate. I do not think there are probably 15 days worth of difference in the two amendments, maybe 30, maybe 10, maybe less. And I will insert in the RECORD the letter I received from the President. I am certain the majority leader received an identical one. He says March 31 is the outer limit. He wants to order withdrawal of forces as soon as feasible. And I believe the President of the United States. He is our President.

So I suggest to my colleagues—and I have been scolded by some for supporting the President in this instance. I have been debating these kinds of issues a long time. In fact, I was standing on the floor in 1970 debating the Cooper-Church amendment. I offered an amendment that we would not cut off funds as long as there were prisoners in Laos or Cambodia, and I lost, 54 to 36. Senator THURMOND, Senator STEVENS, and Senator HOLLINGS voted with me. We lost. At that time, the distinguished Senator from Arizona was a prisoner of war somewhere in Vietnam.

But I felt then, as I felt in the gulf crisis—and we had a lot of serious debate on the gulf crisis, and I guess we could have asked ourselves the same question, those of us who voted to support President Bush, and it was very heated debate, do we have blood on our hands? Because we did, I think, the right thing in the gulf, because after that vote, the offensive started and Americans lost their lives and Americans were wounded. But, again, I believe the President of the United States had more information than I had, and I believe he was correct and I believed he wanted to do the right thing for America. I think that is true today.

I do not like a date. I told Senator BYRD I did not like a date. I think you can fix up the McCain amendment so it might be more acceptable. A lot of people do not like dates. I think it ties the President's hands. It certainly makes it more difficult. In effect, you telegraph what you are going to do to the other side. So I do not like a date. Senator BYRD says we have to have a date.

But we also have provisions there that say Congress can extend, if we need to extend, and there are other conditions, as pointed out by the Senator from Georgia in a colloquy with the Senator from West Virginia.

So I believe overall the Byrd amendment certainly supports the President's view, which I think is appropriate. We do have a plan now. It is an American plan, not being dictated by the United Nations. The President has listened to Congress. He was under a lot of pressure from Republicans and Democrats in the House and Senate and Americans all across the country to change direction, and he changed direction. He believes we will be out of there before March 31.

Make no mistake about it, we are leaving Somalia, whether it is tonight or tomorrow or next week or next month. So what is the debate all about? Well, are they going to leave 5 days earlier, 10 days earlier, or 15 days earlier? And nobody wants to see one more American killed or wounded. War is very difficult. Some know it firsthand, some have learned it from patients, some have learned it other ways. I think, in effect, we have been engaged in a combat situation in Somalia—some of our troops have—and there were shortcomings.

But it seems to me we ought to table the McCain amendment, notwithstanding the good efforts made by my colleague, Senator MCCAIN. I do think we send a signal: All you have to do if America shows up is fire a few shots and we are out of there. There are going to be other times we are going to be called upon, particularly when we have troops already there. I do not think we ought to send anybody to Bosnia unless Congress authorizes it. I even have concerns about Haiti, and I will have amendments on both of these areas. At least the President ought to certify before we send any troops to Haiti, but we should not send anybody to Bosnia unless Congress authorizes it. That is my view.

But in Somalia the troops are there. They are American forces; they are our neighbors; they live in our States; they deserve our protection. And in my view, the President of the United States is obligated and is willing and will do all he can to protect every American life, as he said as recently as yesterday.

So we have a choice: I think probably the easy vote is to vote for the McCain amendment. You can go home and say, "Oh, I voted to leave tomorrow." Forget what has happened in Somalia. Leave Somalia. I would like to leave Somalia thinking we have done some good in that part of the world, that we saved hundreds of thousands of lives because of America's leadership. We have saved lives, and it has cost some lives. Maybe it is not worth one American life, particularly if it is somebody you know or if you attended some memorial service, as I have in Kansas for three young men in the 1st Division.

But, on the other hand, America is a great power and we have a great future, and we are going to have problems from time to time. They should not be dealt with on a partisan basis. I think there was some partisanship in the gulf crisis, but once we made the decision, everybody closed ranks and we had the total support of the Congress. That is what should happen tonight.

Let us have the votes. Let us see what happens. I hope some who vote for the McCain amendment, if it is tabled, will then vote for the Byrd amendment because I say, I do not see that much difference.

Let me say, we would not be on this floor tonight if it were not for the Senator from West Virginia. So the parents and the others owe a debt of gratitude to one Senator who did not sleep through the summer and who called it to our attention earlier than, I might say, my colleague from Arizona.

So as one who has been in these debates for about 20 some years—in fact, I ended up voting for the Cooper-Church amendment, but we had a filibuster for 6 weeks. We would not let them vote until the fund cutoff date had passed because it seemed to me we were depriving the Americans the protection we all talked about tonight, and we said we were going to cut off funds even if there were prisoners in Laos and Cambodia, which I thought was a big mistake. I supported my President, and I did the same in the gulf, and I do the same tonight.

Mr. President, I ask unanimous consent that the letter from the President to me be printed in the RECORD.

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

THE WHITE HOUSE,
Washington, DC, October 14, 1993.

Hon. ROBERT DOLE,
Republican Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: I understand you intend to join in sponsoring an amendment to the FY 94 Defense Appropriations bill to maintain funds for our mission in Somalia, if needed, up to the March 31, 1994 date proposed by the Joint Chiefs of Staff.

I share your belief that we should end our deployment as soon as practical, consistent with completing our mission in Somalia. While we have set March 31, 1994 as the outer limit for fulfilling our mission, I certainly will order the withdrawal of U.S. forces sooner if at all feasible. It is my understanding that the Senate amendment providing funds until March 31 is designed to provide needed flexibility. But it remains our common goal to use no more time than absolutely necessary to complete our tasks in Somalia and bring our troops home.

Thank you for working with the Administration in a cooperative spirit to bring us to common ground on this important issue.

Sincerely,

BILL CLINTON.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MITCHELL addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MITCHELL. Mr. President and Members of the Senate, last year, President Bush made the decision to send 25,000 American troops to Somalia because the people of that country faced widespread starvation in the midst of civil conflict. His decision enjoyed broad support in the country and in the Senate. Without a single dissenting vote, not one, the Senate supported the President's decision.

America has responded before to the plight of starving people and we did so again in the case of Somalia. President Bush called the U.S. response Operation Restore Hope, and hope was restored. Americans went to a country where nearly 350,000 people had died in the preceding year and a million more faced imminent starvation. Americans saved those people from an almost certain death.

In March of this year, as President Bush had originally made clear, American troops began to return home as the forces from other nations replaced them and took up the task. That process continued until American forces went from more than 25,000 to less than 5,000. Forces from more than 20 other countries replaced Americans and took up the humanitarian effort of keeping the food and medical relief lines open.

This summer, the violence that had been a major cause of the earlier starvation erupted again in the capital city of Mogadishu. It is important that we recognize and remember what Americans did with the help of forces from many other nations in Somalia. A million people who would otherwise have starved to death were saved. A million people still depend entirely on relief supplies for food, but that food is getting through thanks to the efforts of Americans and others.

That successful effort at humanitarian relief has been eclipsed by the recent violence, but it is a fact of history. Now, the attacks on the U.N. forces, which began this summer and reached a crisis in the last week, have caused many Americans to question our mission in Somalia. And that is understandable.

The Byrd amendment answers the question concisely, clearly, in a way that all can understand. The American mission is to provide humanitarian relief and to withdraw in a manner that

permits the relief effort to continue after our departure.

We cannot decide Somalia's future. That is their decision. Americans have given Somalis and others in the region a chance to achieve a resolution, but that work must be theirs, not ours.

It is understandable that many Americans feel strongly that violence against our troops is reason enough to leave, and leave with no other consideration. The fact is that whatever we do tonight, Americans are soon going to leave Somalia. But we want other nations to assume more of the burden of international peacekeeping. This is not the last time we will be confronted with this question. We should permit the withdrawal of Americans and their replacement by others in the orderly fashion that has been going on for most of this year to continue to its conclusion. In that way, the work of humanitarian relief that has been accomplished by Americans will not be destroyed.

But if in fact a withdrawal occurs right now of all Americans, then the only certainty is that everything that has been done for the past year will have been in vain. The relief effort will have been destroyed and the international effort to provide some kind of medical and food assistance will abruptly end.

What will then have been served and what will have been the meaning and purpose of the effort there and the death of those Americans who so tragically lost their lives there? That is the question we must ask ourselves.

Mr. President and Members of the Senate, let me conclude with just a few comments on the McCain amendment. It is very clear and must be acknowledged that the intent of the amendment is a prompt withdrawal—as soon as possible. But no one here, no one alive can now say when that will be if that amendment is passed. The decision is left to others in circumstances which no one here can now foresee. It might be next week and precipitate some of the consequences which I have suggested. But it might not be until January. It might not be until March. It might not be until June. No one can say for sure. Clearly, it is intended to be prompt, but no one can say when it will occur.

So if you vote for the McCain amendment, what you are saying is you want Americans out promptly, but you are not saying when that will be. You are entrusting that judgment entirely to others and to circumstances which no one can now foresee.

The Byrd amendment provides a certainty of withdrawal. It is very clear that there is a strong intention by the President to withdraw prior to March 31. But under no circumstances except extreme emergencies, which have been discussed here, can it go beyond March 31. And it provides for that withdrawal to be in an orderly fashion, in a way that will permit the effort that has gone on so far to continue with the work of other nations.

We are not there alone. More than 20 other countries have people there. We value American lives. It is a tragedy that an American has been lost. But let us not send a message out here that the deaths of 23 Pakistani soldiers means nothing, that the death of people from other nations means nothing. Obviously, it does not mean as much to us as our own people, but the loss of any life is a loss.

Mr. President, I want to conclude and comment on one statement that was made earlier. It was said that those who vote for the Byrd amendment are doing so out of political expediency. That was an unfortunate statement. It could just as easily be said, perhaps even more easily said, that those who are voting for the McCain amendment are doing so out of political expediency because that is clearly the popular sentiment now. But that has not been said and it should not be said.

The fact is every Senator must make his or her own judgment on this matter. But each of us should do so without any assault on the motives of those who disagree. This is a serious matter. It is an emotional matter. It is a matter that has gripped the attention of Americans all across this country.

Let us give each other credit for trying to do what is best for our country even though we disagree.

I categorically reject the suggestion that a vote for the Byrd amendment is a vote for political expediency. I intend to vote for the Byrd amendment and to vote to table the McCain amendment. I do not charge anyone who supports the McCain amendment with political expediency. I respect the vote of every Member of this Senate.

So, Mr. President, I believe that the Byrd amendment represents a responsible course of action for our country in a very difficult and emotional circumstance.

I urge each of my colleagues to vote for that amendment, and to vote to table the McCain amendment.

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

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I move to table the McCain 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. Under the previous order, upon disposition of the amendment of Senator MCCAIN the Senate will vote on or in relation to Senator BYRD's amendment.

The question now occurs on the motion of the Senator from South Carolina to lay on the table the amendment of the Senator from Arizona. 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 California [Mrs. FEINSTEIN] is necessarily absent.

I further announce that, if present and voting, the Senator from California [Mrs. FEINSTEIN] would vote "yea."

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

The result was announced—yeas 61, nays 38, as follows:

[Rollcall Vote No. 313 Leg.]

YEAS—61

Akaka	Glenn	Murray
Baucus	Graham	Nunn
Biden	Harkin	Packwood
Bingaman	Heflin	Pell
Bond	Inouye	Pryor
Boren	Jeffords	Reid
Breaux	Kassebaum	Riegle
Bryan	Kennedy	Robb
Bumpers	Kerrey	Rockefeller
Byrd	Kerry	Sarbanes
Chafee	Leahy	Sasser
Cochran	Levin	Shelby
Danforth	Lieberman	Simon
Daschle	Lugar	Simpson
DeConcini	Mathews	Specter
Dodd	McConnell	Thurmond
Dole	Metzenbaum	Warner
Domenici	Mikulski	Wellstone
Durenberger	Mitchell	Wofford
Exon	Moseley-Braun	
Ford	Moynihan	

NAYS—38

Bennett	Faircloth	Kohl
Boxer	Feingold	Lautenberg
Bradley	Gorton	Lott
Brown	Gramm	Mack
Burns	Grassley	McCain
Campbell	Gregg	Murkowski
Coats	Hatch	Nickles
Cohen	Hatfield	Pressler
Conrad	Helms	Roth
Coverdell	Hollings	Smith
Craig	Hutchison	Stevens
D'Amato	Johnston	Wallop
Dorgan	Kempthorne	

NOT VOTING—1

Feinstein

So the motion to lay on the table the amendment (No. 1043) was agreed to.

The PRESIDING OFFICER. The question now occurs on amendment No. 1042 offered by the Senator from West Virginia [Mr. BYRD].

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from California [Mrs. FEINSTEIN] is necessarily absent.

I further announce that, if present and voting, the Senator from California [Mrs. FEINSTEIN] would vote "yea."

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

The result was announced—yeas 76, nays 23, as follows:

[Rollcall Vote No. 314 Leg.]

YEAS—76

Akaka	Durenberger	Mikulski
Baucus	Exon	Mitchell
Bennett	Faircloth	Moseley-Braun
Biden	Ford	Moynihan
Bingaman	Glenn	Murray
Bond	Graham	Nunn
Boren	Harkin	Packwood
Boxer	Hatch	Pell
Breaux	Heflin	Pryor
Bryan	Hollings	Reid
Bumpers	Hutchison	Riegle
Burns	Inouye	Robb
Byrd	Jeffords	Rockefeller
Campbell	Johnston	Sarbanes
Chafee	Kassebaum	Sasser
Cochran	Kennedy	Shelby
Cohen	Kerrey	Simon
Conrad	Kerry	Simpson
Coverdell	Lautenberg	Specter
Danforth	Leahy	Stevens
Daschle	Levin	Thurmond
DeConcini	Lieberman	Warner
Dodd	Lugar	Wellstone
Dole	Mathews	Wofford
Domenici	McConnell	
Dorgan	Metzenbaum	

NAYS—23

Bradley	Grassley	McCain
Brown	Gregg	Murkowski
Coats	Hatfield	Nickles
Craig	Helms	Pressler
D'Amato	Kempthorne	Roth
Feingold	Kohl	Smith
Gorton	Lott	Wallop
Gramm	Mack	

NOT VOTING—1

Feinstein

So the amendment (No. 1042) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

Mr. DOLE. Mr. President, in addition to the comments I made earlier, I still have a few concerns. First, President Clinton did not put an end to the confusion over our mission in Somalia this morning. He said that he opposed police action by U.S. forces, but added that the U.N. resolution which calls for apprehending those responsible for attacks on the U.N. "ought to be pursued." In addition, the report issued yesterday revealed that 3,000 new combat troops would deploy to Somalia—not the 1,700 President Clinton spoke of last Thursday.

Today will probably not be the last time this body debates Somalia. The President pro tempore is right in his assertion that the Senate should have been involved much earlier. We should have debated this issue when the United States voted for nation building at the United Nations in March, and when the United States voted in favor of police operations in June.

Indeed, we probably should have had a more extensive debate over what the original mission of "providing a secure environment" means since it was included in Senate Joint Resolution 45 which was passed overwhelmingly by this body on February 4, 1993.

Nevertheless, with the passage of the Byrd amendment today, the Congress has fulfilled its role, and has helped put American foreign policy back where it belongs—in American hands.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that the following amendments be the only floor amendments remaining in order to H.R. 3116, the Department of Defense appropriations bill, and that they be subject to relevant second-degree amendments where applicable.

Mr. President, I sent the list to the desk and ask that it be incorporated in the agreement.

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

The text of the agreement follows:

Ordered, That during the further consideration of H.R. 3116, the Department of Defense Appropriations Bill, the following amendments be the only floor amendments remaining in order to the bill, and that they be subject to relevant second degree amendments, where applicable:

Bingaman, Relevant.
Bingaman, Stockpile.
Bingaman, Uranium mill workers study.
Bond, Levee repairs.
Bradley, Aircraft procurement.
Bradley, Army National Guard.
Breaux, Cargo preferences.
Breaux, Mission recorder.
Brown, Bosnia.
Brown, Cargo preference.
Brown, SOS/Hearings on Somalia.
Brown, Tax treatment of combat pay.
Brown, Troop deployment.
Brown, Troop deployment.
Bumpers, $84 m from BMD—LDs.
Byrd, Relevant.
Byrd, Relevant.
Coats, Relevant.
Coats, Relevant.
Coats, Somalia.
Dodd, U.S. policy in Haiti.
Dole, Bosnia.
Dole, Crown Heights.
Dole, Haiti.
Dole, Helping hands.
Dole, Relevant.
Domenici, Budget caps.
Exon, SoS commercial disputes Saudi Arabia.
Feinstein, Relevant.
Gorton, Somalia.
Graham, Haiti.
Gramm, Relevant.
Gramm, Relevant.
Grassley, C–17 progress payments.
Grassley, Military pay equity.
Gregg, Relevant.
Hatfield, Relevant.
Heflin, Relevant.
Helms, Report from Secretary of Defense/Peru.
Inouye, Relevant.
Inouye, Relevant.
Kennedy, Relevant.
Kennedy, Relevant.
Lautenberg, National Board Rifle Practice.
Levin, Peacekeeping.
Lott, Relevant.
Lott, Ship defense.
Mack, ARPA nuclear proliferation.
McCain, Relevant.
McCain, Relevant.
McCain, Somalia.
Metzenbaum, Relevant.
Metzenbaum, Relevant.
Mitchell, Relevant.
Mitchell, Relevant.
Moynihan, Intelligence budget.
Nickles, Foreign command of U.S. troops.
Nunn, Mentor-protege.
Nunn, Relevant.
Nunn, Relevant.
Reid, Low level flight training.
Stevens, Block Russian aid if SS–25 missiles still produced.
Stevens, Relevant.
Thurmond, Relevant.
Warner, Methanol plant ship.

MORNING BUSINESS

Mr. FORD. Mr. President, I now ask that there be a period for morning business with Senators allowed to speak therein.

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

TRIBUTE TO DR. D. WOODS THOMAS

Mr. COATS. Mr. President, I would like to take this opportunity to pay tribute to one of my esteemed constituents, Dr. D. Woods Thomas. Dr. Thomas, a former Executive Director of the Board for International Food and Agricultural Development and an administrator at Purdue University, passed away recently.

We remember Dr. Thomas for his professional achievements, in particular his appearances before the Foreign Relations Committee in the 1970's and 1980's, his efforts as the first Executive Director of the Board for International Food and Agricultural Development, and his over 40 years of service to Purdue University.

We recognize Dr. Thomas especially for his participation in a 250-student Purdue-Vicosa, Brazil, 20-year institution building project. The project flourished into a 10,000-student Federal university, during which he was named Director of International Programs in Agriculture at Purdue University.

Dr. Thomas' other numerous accomplishments include his tenure as director of international education and research at Purdue University, a member of the directors council at Purdue University, chairman of graduate department of agricultural economics committee, and vice president Midwest Universities Consortium for International Activities. He also received an award for distinguished service in international agriculture from the Association of U.S. University Directors

of International Agricultural Programs, a commendation from the Board for International Food and Agricultural Development and the U.S. Agency for International Development, and an award for outstanding public service from the Governor of Indiana, to name a few. We commemorate Dr. Thomas' distinguished career, his awards, as well as his many publications throughout his career.

William Frederick Johnson, a member of the Board for International Food and Agricultural Development support staff, posed this question in a poem he wrote for Dr. Thomas' retirement reception: "Setting forth the confusion of new freedom, with no border, or trained hands to govern; wherefore the Crusade of Learning? Lost to the masses and forgotten, would the Crusade's message be?" Dr. Thomas brought order to confusion, purpose to mere intention, and competent leadership to the issue of developing nations. His work will not be forgotten, but the responsibility to continue his efforts is on our shoulders. Mr. President, we honor Dr. D. Woods Thomas for a lifetime of achievements. He will be greatly missed.

WILLIAMS COLLEGE BICENTENNIAL

Mr. KERRY. Mr. President, here in the Nation's Capital we find our attention and our energy devoted to a wide variety of issues with both short- and long-term impact on the future of the United States. Today I want to pay tribute to an action taken 200 years ago—the founding of Williams College in Williamstown, MA, in 1793. The centerpiece of the college's bicentennial celebration was the Bicentennial Convocation this past Saturday, October 9, 1993, when delegates from more than 30 colleges and universities around the country convened in Williamstown, a small New England town nestled in the beautiful Berkshire mountains, to celebrate the college's rich history of distinguished education. It is with great pride that I can tell you that Williams College began in 1793 as a fragile experiment in the education of farm boys and has now evolved into a national leader in undergraduate teaching and research.

So how was Williams started? The last will and testament of Colonel Ephraim Williams, a soldier in the King's army who died in the French and Indian War, left $9,297 for the establishment of a free school in what was then called West Township, provided that the town was renamed Williamstown and that it was declared permanently a part of Massachusetts rather than New York State. On June 22, 1793, the Commonwealth of Massachusetts granted a charter to Williams College, making it the second institution of higher learning in the Commonwealth and the sixth in New England.

Today, it is easy to travel to Williamstown and its neighboring communities. However, in 1821, the then-distant location nearly led to the college's failure when Williams College president Zephaniah Swift Moore—convinced that the school was not viable in its location in the Purple Valley—left with much of the student body to found another college to the southeast in the Connecticut Valley. This school, Amherst College (located in Amherst, MA), still competes with Williams in one of the most heated of American collegiate rivalries. The Reverend Edward Dorr Griffin can be credited with the survival of the college after this setback. As its new president in 1821, he drew upon the college's reputation for religious conservatism to collect much-needed funds. Today Griffin Hall honors his lasting contribution to the college.

Through the 1800's, Williams developed into the typical New England small liberal arts college with a reputation for moral soundness, enthusiastic students, a devoted faculty, a loyal body of alumni, and a location in a picture-perfect small New England town. In fact, many college graduates active in the alumni organizations of their alma maters probably do not realize that in 1821, responding to Moore's departure from Williams, a group of alumni met in Williamstown to resolve that crisis and founded the first Society of Alumni in this country.

Teachers and teaching are what has always distinguished Williams as an institution of higher learning. In the 19th century, the college rose to national academic prominence under the legendary Mark Hopkins—a Williams professor from 1830 to 1887 and president of the college from 1836 to 1872. Hopkins was known as a professor and a college administrator who was determined to make the student the center of the educational experience. To this day much of the life and atmosphere of the college is shaped by the students. For example, long before it became fashionable to do so, the college abolished fraternities in the 1960's. Williams admitted women in the 1970's—thus doubling the size of the school to its present student body of 2000—and in the 1980's it diversified its student body to reflect the Nation's changing demographics. Notably, in recent years, the college's academic reputation has been honored by U.S. News and World Report which often has named Williams the top liberal arts college in the country.

It is no surprise that Williams has provided this country with a number of devoted and accomplished alumni who have excelled in a broad range of fields. For the record, I have included a list of more than 80 distinguished Williams alumni, many of whom have served in public office. These are but a fraction of the more than 33,000 alumni that have graduated from the college during its existence. I might note that this list includes Arthur Levitt who currently is serving in the Clinton administration as Chairman of the Securities and Exchange Commission.

We need only pick up the national newspapers each morning to be reminded of how quickly the world and world politics change in the 1990's—an earthquake in India, war in Bosnia, peace in the Middle East, political upheaval in Russia. Likewise, here in the United States, our political agenda is always full, whether it be the budget, taxes, health care, or the plight of America's cities. It is refreshing to take a few moments away from these complex and sometimes controversial domestic and foreign issues to pay tribute to an institution which is neither complex or controversial—Williams College. For 200 years Williams successfully has gone about the business of providing quality education for thousands of students. It has proven itself to be a leader among the giants of this country's liberal arts institutions, and I hope its steady influence will continue to be felt throughout this country in he years and decades ahead.

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

A SELECTIVE LIST OF NOTABLE WILLIAMS ALUMNI

Herbert Allen, 1962, CEO of Allen & Company.
William Bennett, 1965, former secretary of education.
Michael Beschloss, 1977, writer.
Donald Beyer, 1972, lieutenant governor of Virginia.
Stephen Birmingham, 1950, writer.
Edgar Bronfman, 1950, CEO of Seagrams, Inc., and president of World Jewish Congress.
Janet Brown, 1973, executive director of Commission on Presidential Debates.
Sterling Brown, 1922, poet.
William Cullen Bryant, 1814, poet.
Robert Buck, 1961, director, Brooklyn Museum.
James MacGregor Burns, 1939, political historian.
Arne Carlson, 1957, governor of Minnesota.
Henry Catto, 1952, U.S.I.A. director and former ambassador to Great Britain.
Allison Davis, 1924, sociologist.
E. Mandell de Windt, 1943, former CEO of Eaton Corp.
Sanford Dole, 1867, governor of Territory of Hawaii.
Alfred Driscoll, 1925, governor of New Jersey.
Dominick Dunne, 1949, writer.
Stephen Field, 1837, U.S. Supreme Court justice.
William Finn, 1974, composer.
Gary Fisketjon, 1976, editor.
Stanley Foster, M.D., 1955, led successful fight to rid world of small pox.
John Frankenheimer, 1951, film director.
Ulrich Franzen, 1942, architect.
Max Gail, 1965, actor.
James Garfield, 1856, U.S. president.
Keith Griffin, 1960, former president of Magdalen College, Oxford.
A.R. Gurney Jr., 1952, playwright.
G. Stanley Hall, 1867, father of American psychology.
Richard M. Helms, 1935, former C.I.A. director and ambassador to Iran.

Tao Ho, 1960, architect.
Mark Hopkins, 1824, educator.
Philip Hoff, 1948, former governor of Vermont.
Mark Hopkins, 1824, educator.
Henry Hoyt, 1849, governor of Pennsylvania.
Kristine Karlson, 1985, world rowing champion.
Elia Kazan, 1930, director and writer.
Takayuki Kimura, 1964, director of cultural affairs, Japanese Ministry of Foreign Affairs.
William Klopman, 1943, former CEO of Burlington Industries.
Thomas Krens, 1969, director of Guggenheim Museum.
John Lane, 1966, director of San Francisco Museum of Modern Art.
Bernard Lanvin, 1958, president of Lanvin Perfumes.
Herbert Lehman, 1899, New York State governor and U.S. senator.
Arthur Levitt, 1952, former chairman of American Stock Exchange.
Stephen Lewis, 1960 president of Carleton College.
Roger Mandle, 1963, deputy director of National Gallery.
David Marash, 1964, Nightline correspondent.
John McCoy, 1965, CEO of Bank One.
Jay McInerney, 1976, writer.
Charlotte Neuville, 1973, clothes designer.
Leigh Perkins, 1950, president of Orvis Co.
Earl (Rusty) Powell, 1966, director of National Gallery.
Richard Repp, 1957, master of St. Cross College, Oxford.
T. Hedley Reynolds, 1942, president of University of New England.
Robert Rich, 1963, president of Rich Products Corp.
David Ruder, 1951, former chairman of Securities and Exchange Commission.
John Sayles, 1972, film director and writer.
Michael Scanlan, 1953, president of University of Steubenville.
Charles Seymour, 1890, governor New York.
Walter Shipley, 1957, president of Chemical Bank.
Joseph Sly, 1902, governor of Massachusetts.
Hedrick Smith, 1955, author, columnist, television commentator.
Stephen Sondheim, 1950, composer.
Edson Spencer, 1948, former chairman of Honeywell, Inc.
Herbert Stein, 1935, economist.
George Steinbrenner, 1952, New York Yankees owner.
Bruce Sundlun, 1942, governor of Rhode Island.
Nathanial Tallmadge, 1814, governor of Wisconsin.
Telford Taylor, 1928, chief prosecutor at Nuremburg Trials.
Lester Thurow, 1960, economist, writer.
John Toland, 1936, writer.
J. Kirk Varnedoe, 1967, director of painting and sculpture, Musuem of Modern Art.
Francis T. Vincent, 1960, former baseball commissioner.
Gilbert Walker, 1854, governor of Virginia.
Sydney Walsh, 1983, actress.
Richard Warch, 1961, president of Lawrence University.
Preston Washington, pastor, Memorial Baptist Church, Harlem.
Emory Washburne, 1817, governor of Massachusetts.
Charles Webb, 1961, author of The Graduate.
Charles Williams, 1800, governor of Vermont.
William Williamson, 1804, governor of Maine.
Fred Wiseman, 1951, producer of film documentaries.
James Wood, 1963, director of Art Institute of Chicago.

REPORT BY THE NATIONAL COMMISSION TO ENSURE A STRONG, COMPETITIVE AIRLINE INDUSTRY

Mr. PRESSLER. Mr. President, I rise today to discuss the August 19 report issued by the National Commission to Ensure a Strong, Competitive Airline Industry. As my colleagues know, this 15 member Commission appointed by the President and Congress earlier this year, was asked to study the financial health and competitiveness of our Nation's airline and aerospace industries. The Commission has offered a reasonable, fair-minded report. Most important, the Commission's report contains a number of compelling proposals for innovative policy and systemic changes, all intended to make our country's air transportation system more efficient and better able to serve the flying public. I have looked forward to the Commission's report, as have many of my congressional colleagues.

With only 90 days in which to work, this bipartisan Commission was well served by its chairman, former Virginia Governor Gerald Baliles. The testimony of hundreds of witnesses was heard, bringing before the Commission wide ranging and detailed perspectives of the unique and dire problems faced by the aviation industry. I commend the Commission for their efforts in consolidating these diverse viewpoints in a balanced report.

In light of the concerns raised by the President and Congress regarding the challenges faced by the airline industry, the appointment of this Commission was welcomed by nearly all. So, too, are its findings. Congress and the Clinton administration owe it to the American people to take a look at what the experts and concerned citizens are telling us about the problems faced by the industry and, most important, how those problems can be best resolved. I have urged the chairmen of both the Commerce Committee and the Aviation Subcommittee to immediately schedule hearings designed to review the Commission's findings. The Aviation Subcommittee chairman has informed me that hearings will be scheduled in the next few weeks. I commend him for his action and look forward to working with him on these hearings. I have also learned that President Clinton, recently, met with members of the Commission to discuss the administration's view of the report. I am hopeful that the administration will quickly package their own set of proposals, based on the Commission's report, so that the Aviation Subcommittee can begin to consider legislative solutions to the many problems affecting our airline industry.

Mr. President, we cannot afford to let the Commission's valuable insights slip by, lost in a sea of discarded studies. The issue addressed in the report affect not just the airline industry but the airline consumer, in communities large and small. In fact, an issue of great concern to South Dakota's air travelers is the Essential Air Service [EAS] program, which provides funding assistance for commercial flights to small cities and towns. The EAS program ensures that citizens in these areas have access to quality service. The EAS program has come under attack recently in the Vice President's report on reinventing government. The report concluded that the subsidization of commercial flights to rural areas of our country is wasteful and should be discontinued. I wholeheartedly disagree with such a misguided conclusion. Interestingly, this recommendation comes in stark contrast to the best wisdom of Governor Baliles and his fellow Commissioners who, after studying the issue closely for 3 months, concluded that the EAS system is a necessary component of nationwide air service. The Commission called for full funding of the EAS program so that it can fulfill its mission for citizens in States like South Dakota.

Mr. President, the EAS issue and the others raised by the Commission are critical. I urge my colleagues not to ignore this extremely significant report.

Toward that goal, I would like to speak briefly about a few issues other than the EAS program that are ripe for debate. The report contains many sound ideas. However, to be fair, there also are flaws in this report, flaws that I fear could adversely affect the safety of our skies. Those flaws arise out of the Commission's well-intentioned but faulty economic and technological study that was conducted, in my judgment, to the exclusion of safety issues.

For example, the Commission has proposed that the Federal Aviation Administration review possible increases in operational limitations in high density airports, raising them to what is described in the report as the "highest practicable limits." However, there is virtually no mention of the effect this and similar action would have on our Nation's already strained air traffic control system. Frankly, Mr. President, I get nervous when talk of increased airport capacity is not coupled with a discussion on the need for increased hiring, training, and supervision of air traffic controllers. Yes, the Commission does indirectly address this need when it calls for full funding of our Nation's airport system. However, as we all know, money is not always the answer. We must look beyond simply increasing the FAA's budget as the answer to any safety implications that result from changes in our Nation's aviation industry. I say we owe

at least that much to the American people.

Additionally, Mr. President, we must look at how the Commission's recommendations would impact service to small cities and towns, like those in my home State of South Dakota. I have already discussed the importance of EAS. Yet even with the EAS, small communities are often underserved by commercial aviation. In fact, just last month, American Airlines informed me they would be discontinuing service to Sioux Falls, thereby contributing to what I fear to be the slow but inexorable decline of service to rural areas of the country. This announcement was particularly frustrating. Not long ago, the members of the South and North Dakota delegations assisted in obtaining additional slots for flights out of Chicago's O'Hare to destinations in the Dakotas. Now they are pulling out. Yet, they still hold those valuable slots that were to be used for the express purpose of servicing a region of the country that can ill-afford any loss of vital air routes. I have written to Mr. Robert Crandall, chief executive officer of American Airlines, expressing my concerns about his airlines's pullout. Mr. Crandall has written back and stated his willingness to make the slots at O'Hare available to any carrier interested in serving the Sioux Falls community. I ask unanimous consent that immediately following my remarks, the letter be entered into the RECORD. When the Aviation Subcommittee holds hearings, I hope that the chairman will invite Mr. Crandall so that he may offer suggestions on how the airlines can meet the long-term air transportation needs in my State and other rural States across the country. (See exhibit 1.)

That issue aside, the paramount issue as we consider ways to improve the health of the airline industry is air transportation safety. Commenting on what the Commission perceived as excessive safety regulations in the airline industry the report states "The U.S. air transportation system is the safest in the world—so safe that it can be extremely expensive to achieve even small, incremental improvement in safety through the imposition of new rules and procedures." It is just this attitude that I was struck with when, early this year, the Aviation Subcommittee held a hearing on the relationship between the FAA and the National Transportation Safety Board [NTSB] and the FAA's responsiveness to the latter's safety recommendations. At that hearing specific attention was focused on the FAA's response to known failures of the Hartzell propeller, a type of propeller commonly used in general aviation. As my colleagues know, it was that propeller that is thought to be the key cause of the crash that recently took the life of South Dakota's governor and several of its leading citizens.

The explicit premise of the Commission's statement is that commercial aviation is as safe as it can be and that anyone calling for increased regulatory vigilance would be doing so on the already weakened backs of the struggling and overburdened domestic airlines. I do not agree with this premise. I am not suggesting that overregulation is nonexistent. I believe there are regulations that impose unnecessary costs on the industry. But frankly we must recognize that this country's air transportation system can and must be made safer. Mr. President, I and other concerned Members of Congress, can be regulatory nitpickers or safety nuts and, at the same time, still be sensitive to the costs of regulations on the industry.

Unfortunately, the Commission gives the opposite impression when it states: "Neither Congress nor Federal agencies know the magnitude of the total costs they impose on airlines and, indirectly, on travelers. Ad hoc and organized special interest groups create pressure to craft regulatory measures which may be driven purely by the perceived 'crisis du jour' without regard for the cumulative impact of such costs." It is also unfortunate that agencies like the National Transportation Safety Board, a congressionally created watchdog agency with decades worth of distinguished service, is implicated by the Commission's language as being yet another group responding to and promoting whatever is the crisis of the day.

Mr. President, let me point out that I am the first person to understand the value of reduced government regulation. Small and large businesses in this country struggle to survive the onslaught of mandates and regulations that come from Congress. In my view, it is the role of government to guide and lend a hand occasionally, not to dictate to an individual struggling to make a go of it in their chosen business. But I draw the line when it comes to transportation safety initiatives. It is with regard to aviation security and safety that I will be one of the most zealous advocates of government oversight, intervention and, especially, regulation to the extent necessary. Just as it is the role of the Federal Government to provide for national security, so too it is incumbent upon all of us in the Congress, along with the President, to be ever vigilant with regard to the safety of our traveling public.

Just as in a natural disaster, an airplane crash can take in an instant the lives of hundreds of people, all of whom relied on the industry and the government to ensure that their flight was as safe as possible. I am not suggesting, Mr. President, that such oversight be conducted in an economic vacuum. Cost benefit analysis is a necessary tool with which to review the imposition of safety regulations. Such review, however, is fruitless in the face of such a stunning lack of regard for those of us who actually believe that the skies and airports of our country can be made safer.

Consequently, while admonishing the Commission's members to rethink their views on the need for increased safety measures, I would like to be among the first to embrace many of their ideas and call for immediate hearings to address each and every one of the proposals contained in the report. Through hearings, we can best determine how to proceed with legislation to deal with the numerous problems hindering the aviation industry, all the while never forgetting safety. I look forward to working with my colleagues, the administration, and the industry in this critical endeavor.

EXHIBIT 1

AMERICAN AIRLINES,
DALLAS/FORT WORTH AIRPORT, TX,
September 15, 1993.

Hon. LARRY PRESSLER,
U.S. Senate, Washington, DC.

DEAR LARRY: I can certainly understand your concern about the loss of American's service to Sioux Falls. I can assure you that there are few decisions more troubling for me than to close stations, lay off employees and reduce the reach of our system. Unfortunately, the economics of our service of Sioux Falls have been simply dreadful.

During the 15 months which have elapsed since we initiated service, we have lost approximately $5 million and we see little that can be done to make the route profitable. As you know, we are in direct competition with United in the Sioux Falls-Chicago market; more importantly, Northwest offers eight roundtrips a day between Sioux Falls and Minneapolis. Since Sioux Falls-Minneapolis is a shorter distance than Sioux Falls-Chicago, Northwest can better afford low load factors on flights feeding its Minneapolis hub than can we on the much longer stage length we must fly to feed our Chicago hub.

More to the point, despite continuing efforts we have not been able to shift significant amounts of traffic from either Northwest or United nor do we think the market is large enough to support service by three carriers. In that respect, it is clear we made an error by entering the market in the first instance.

The economics of this particular route unfortunately mirror our system operating results. During the last three years, we have lost more than $1 billion. As a consequence, we have cut our capital spending by about $9 billion, grounded approximately 40 aircraft and laid off thousands of employees. Although we had originally hoped to purchase 150 Fokker-100s—the small jets we use in our converted Chicago slots—we will now take no more than 75 and if we could reduce that number further we would.

Worst of all, perhaps, the outlook for the future is not bright. I am attaching a copy of a letter we sent all our employees last week, in response to a rather apocalyptic article which appeared in The New York Times Sunday magazine. The unhappy truth is that in today's airline industry, only the low-cost provider can succeed and to date, at least, our employees have not seen fit to acknowledge that reality. Thus, we must go about the business of withdrawing from those markets in which some combination of low

prices, weak demand, and high costs make us non-competitive.

As you have quite properly reminded me, you were most helpful to us in helping to persuade the DOT to a more effective use of Chicago slots. Thus, it seems to us that we have a clear obligation to you and your constituents and in recognition of that obligation, we stand willing to provide slots to any other carrier—exclusive of Northwest or United—who might wish to serve Sioux Falls-Chicago. Of course, we shall expect that carrier, whoever it might be, to work with us to use times which are reasonably convenient for both companies; the important point, however, is that we do feel a sense of obligation to you and the constituents you represent and we wish to honor that obligation.

Larry, once again, I am sorry that we cannot continue serving Sioux Falls—we'd like to, but just can't afford it!

Kindest regards,

R.L. CRANDALL,
Chairman and President.

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, the Federal debt stood at $4,403,484,617,386.01 as of the close of business yesterday, Wednesday, October 13. Averaged out, every man, woman, and child in America owes a part of this massive debt, and that per capita share is $16,452.12.

PRESIDENT CLINTON'S HELPFUL CLARIFICATION OF U.S. PEACEKEEPING OBJECTIVES

Mr. PELL. Mr. President, this morning, President Clinton held a press conference to discuss United States objectives in Somalia and Haiti. In the process, he also provided a very helpful clarification of what the administration's approach is to U.N. peacekeeping in general in light of the Somalia experience.

In Somalia, the President said:

> We have to maintain our commitment to finishing the job we started. It's not our job to rebuild Somalia as a society or its political structure. The Somalis have to do that for themselves * * * but we have to give them enough time to have a chance to do that, to have a chance not to see the situation revert to the way it was before the United States and the United Nations intervened to prevent the tragedy late last year.

I share that view, and I also welcome the President's statement that enforcement of the U.N. resolution calling for the arrest of people suspected of being involved in the June 6 assassination of 24 Pakistani peacekeepers should never have been allowed to supplant the political process that was ongoing before the United States transferred effective control of operations in Somalia to the United Nations in May.

President Clinton correctly observed that the administration's initiative over the past week to revitalize the diplomatic aspect of the U.N.'s mission in Somalia has already paid dividends: Attacks on United States and other U.N. peacekeepers have ceased and today U.S. CWO Michael Durant and a Nigerian peacekeeper were released.

At the same time, President Clinton made it clear that there was no deal with Aideed and that the U.N. resolution on the assignment of responsibility for the June 6 murders must be enforced. He cautioned, however, that:

> We cannot afford to have any police work that we were asked to do as part of the U.N. mission be transformed into a military endeavor that, in effect, made many people believe that there was no longer a diplomatic initiative going on in Somalia.

I applaud President Clinton for taking the necessary actions to redirect a peackeeping operation that had lost its way.

As some who worked on peacekeeping issues at the 1945 San Francisco Conference, I was pleased by President Clinton's statement that "U.N. peacekeeping is important and I still believe that America can play a role in that." He then went on to cite the U.N. operation in Cambodia as a model for future operations—"they worked through the politics of Cambodia by, in effect, creating a process in which the local people had to take responsibility for their future. If we are going to do that kind of work, we ought to take the Cambodian model in Somalia and every place else." That is sound advice.

On Haiti, President Clinton made it clear that the 200 Seabees that he called back from Haiti were not sent as peacekeepers or peacemakers. Instead, they were sent to train Haitian military officers to rebuild the country. In that mission, the Seabees were helping to implement the Governors Island agreement that the Haitian military signed. The Haitian military then reneged on that agreement, and President Clinton said "I pulled the boat out of the harbor to emphasize that the Haitian parties themselves who were still there in Haiti are responsible for violating the Governors Island agreement." So this was by no means a cut-and-run action.

President Clinton emphasized that it is U.S. policy to insist on the implementation of the Governors Island agreement. He pointed out that when he took office Haitians wanted to come to the United States because they thought nobody would stick up for the democratic process in Haiti. "We have made an effort to try to change that, and I assure you that my determination there is as strong as ever."

Finally, the President was asked to comment on criticism that U.S. foreign policy has been run in a naive and disorganized way. President Clinton responded very persuasively, stating that "on the biggest issues affecting the future and the security of the United States, we have a good record." He cited, in this connection, policy regarding Russia, the Middle East, Asia, nonproliferation and the G–7 meeting. President Clinton was correct when he said:

> We are living in a new world. It's easy for people who don't have responsibilities to use words like "naive." * * * I think that in this new world we make a pretty good beginning and clearly on the things that affect us most.

I would agree, and I believe that if the President makes more appearances like the one today, he will silence the critics. It was an excellent performance, and I commend the President for his frankness, clarity, and sense of commitment.

CELEBRATING BICENTENNIAL OF INDUSTRIAL REVOLUTION

Mr. PELL. Mr. President, on October 14 through October 17, representatives of the Amber Valley Borough Council of England will be visiting the Blackstone Valley in Rhode Island to celebrate the 200th anniversary of the successful operation of a textile factory that started our industrial revolution.

To all those involved in this celebration I extend my sincere greetings. I also would like to encourage my colleagues in the Senate and, in fact, citizens throughout the Nation to reflect on what is being celebrated.

Samuel Slater emigrated from the Amber Valley during the later part of the 1700's. He was an able and dedicated apprentice in the fledgling textile manufacturing concerns of that region. A solid career was doubtless before him, but he had an adventurous spirit as well as confidence in his talent, and he came to a new but weak nation.

He was invited to Rhode Island by Moses Brown, a prominent Quaker leader, who wanted to invest his capital in a manner that would benefit his fellow citizens. Their efforts succeeded, and that success marked the beginning of the industrial revolution in the United States.

In 1973 they began operations in a new building, a structure elegant in its modesty, which is still standing on the banks of the Blackstone River in Pawtucket, RI. That building is now the Slater Mill Museum.

Thus, 1993 is the 200th anniversary of industrial manufacturing in a factory building in the United States.

Today the United States is the world's greatest industrial power, but that leadership is being challenged. The Blackstone Valley, again, is in the forefront—exploring the means to maintain excellence and to provide the sound economic base on which people depend.

The watchword and the theme in the Blackstone Valley is cooperation and people working together. The goal is a second industrial revolution.

The people of the Blackstone Valley recognize the beauty of their environment and the importance of their history. They are justly proud to be a

manufacturing region, and they see manufacturing in their future.

They prove that the values of environmental protection, historical preservation, and manufacturing are not necessarily antithetical—that doing one thing does not preclude the other.

There is a grave tendency in the United States to pit one value against another, to regulate manufacturing to protect the environment, to limit new building to preserve historic resources. The Blackstone Valley suggests that synergy rather than enervating conflict is possible.

In the Blackstone Valley, community leaders are bringing work force training, industrial development, historical preservation, and environmental protection into concert. Tourism in the valley is based on seeing where manufacturing has thrived.

We in Congress have recognized the historical importance of the Blackstone Valley by creating a national heritage corridor there. One of the beauties of the Corridor Commission is that it establishes a means of coordination among Federal agencies and between levels of government. It, too, is a model which others are following.

So in congratulating those involved in this bicentennial celebration in the Blackstone Valley, we should welcome their appropriate veneration for the past, their enthusiasm for the present, and their optimism for the future.

TIBET, MALAYSIA SINGAPORE, HONG KONG, CHINA (SICHUAN PROVINCE, XIAN, SHAANXI PROVINCE, BEIJING, AND SHANGHAI) AND CINCPAC

Mr. PRESSLER. Mr. President, for 3 weeks in August 1993, I traveled to Malaysia, Singapore, Hong Kong, Tibet and four cities in China, and visited with the Commander in Chief of American Forces in the Pacific [CINCPAC].

The principal purpose of this trip was to examine the economic miracles of East Asia. Economic miracles is an apt description. Even in the hinterland of China, more than 1,000 miles from Shanghai, it is difficult to sleep because the arc lights from the all-night construction projects shine in the windows. Airline tickets are almost impossible to obtain on short notice. Highway traffic congestion doubles the time it takes to get anywhere over just a few years ago. Infrastructure, from transportation to communications, is stretched to the maximum. An annual economic growth rate of 13 percent spread over 1.2 billion Chinese cannot be adequately described; it must be experienced.

Unfortunately, the United States runs a trade deficit with every country I visited in Asia. Officials of those countries suggested that American businessmen are not selling hard enough or that the United States is somehow in decline. American businessmen point to trade barriers and outright theft of intellectual property. For example, American entertainment firms won't receive any royalties from the pirated videos of "Jurassic Park" openly on sale in the capital of Malaysia. An American lawyer in China complained that Chinese authorities pursue policies that discourage foreign imports.

Some farsighted companies established their presence in the East Asia region decades ago and are reaping the benefits now. However, if the United States is going to reduce its trade deficits with the countries of the region, it must be through participation in major infrastructure projects, including telecommunications, road construction and airport design, and export of more agricultural products.

I also covered the issues of national defense and human rights. The Chinese military build-up, the threat of a resumption of nuclear testing, and arms proliferation to anti-democratic regimes are of wide concern to the United States.

Human rights issues appeared most prominently in Tibet, a country occupied by the Chinese army and controlled by the Chinese police. Even the most casual observer can feel the oppression and resentment in the air. I asked an old Bhuddist monk if there should be a free and independent Tibet. With little to lose, he gave a long, undoubtedly eloquent answer which the Chinese police translator reduced to one word: "No." Yet the Tibetans remain undaunted. Pictures of His Holiness, the Dalai Lama, Tibet's spiritual and temporal leader, adorn every temple and monastery I visited in Tibet, even though the Nobel Laureate is in exile in India and has not seen his native country in over 30 years.

Undoubtedly, the United States remains the preeminent nation of interest for the people of East Asia. It is the country they most wish to visit, and where they want their children to be educated. I detected a widespread affection for the American people as well as an appreciation for the role we have played in ensuring regional peace and stability.

COMMANDER IN CHIEF PACIFIC

Adm. Charles R. Larsen, Commander in Chief of American Forces in the Pacific [CINCPAC] gave a briefing on the role and mission of the U.S. Pacific Fleet, explaining that the fleet is responsible for the area from Hawaii to the Persian Gulf. It is composed of 235 ships, 1,900 Navy and Marine Corps aircraft, 38 shore installations and 280,000 personnel. While the United States intends to reduce troop strength in Western Europe by about 100,000, the Asia-Pacific region will be relatively unscathed. This reflects the perceived need for a forward deployed military presence in the Western Pacific in the face of threats from North Korea and other anti-democratic regimes. Admiral Larsen, who had appeared on my statewide cable TV show when he was Superintendent of the United States Naval Academy, is originally from Sioux Falls, SD and a graduate of Washington High School.

MALAYSIA

In Kuala Lumpur I met with Prime Minister Dato' Seri Dr. Mahathir Mohamad, Finance Minister Dato' Seri Anwar Ibrahim, Minister of International Trade and Industry Datuk Seri Rafidah Aziz, Defense Minister Datuk Seri Najib Tun Razak, Foreign Minister YB Datuk Abdullah bin Haji Ahmad Badawi, and Bank Negara Governor Tan Sri Jaafar Hussein. Most of our discussions centered on the Asia Pacific Economic Cooperation and the East Asia Economic Caucus, both designed to promote increased trade among Pacific rim nations. Mr. Shannon Garry of my Aberdeen, SD office, who accompanied me on this trip, met with Chris Langholz, Regional Director of the U.S. Feed Grain Council, to discuss increasing sales to the region.

The Malaysians also are concerned about the Chinese military buildup on two groups of potentially oil-rich islands in the South China Sea called the Spratley and Paracel Islands. A number of countries in the region have staked territorial claims to the islands and there already have been several naval clashes between the Chinese and the Vietnamese.

SINGAPORE

The high point of the visit was a meeting with former Prime Minister Lee Kuan Yew. A world class statesman and highly respected for his role in the creation of modern Singapore, the former Prime Minister's talk ranged from the past to the distant future. He was just 19 when the Japanese invaded and occupied Singapore in 1942. He said, "You cannot describe the total darkness which fell over us." He indicated that this searing experience markedly shaped his political thinking and he contrasted the "brutal, ruthless actions" of Imperial Japanese forces of the times with the restraint of American military power today. "You are different," he said repeatedly.

While in Singapore I also met with Prime Minister Goh Chok Tong, Minister of Information and the Arts George Yong-Boon Yeo, Minister of Foreign Affairs Wong Kan Seng and Minister of Defense Yeo Ning Hong for discussions of economic and security affairs.

Singapore has one of the largest contingent of resident American businessmen in Southeast Asia. I met with the US–ASEAN [Association of South East Asian Nations] Business Council. I also met with Mr. David P. Conner, Country Corporate Officer for Citibank to discuss his firm's business in Singapore and its credit card operations in South Dakota.

HONG KONG

I met twice with Mr. Gordon Wu, Managing Director of Hopewell Holdings. Mr. Wu, a Princeton-trained architect and property developer, is now the biggest investor in China. His current project is the construction of a six lane toll road from Hong Kong to the city of Guangzhou [better known as "Canton"] in China 65 miles away. Eventually the toll road will link Canton with Macao to the southeast and Wuhan in Central China. He also is bidding for a number of coal-fired power plants to serve the booming South China coast. While in Hong Kong I also met with Mr. William Warwick, Chairman of AT&T China and Mr. Arthur Kobler, International Public Affairs Director-Asia/Pacific for AT&T Hong Kong regarding their firm's China business.

July 1, 1997, the day Hong Kong reverts to Chinese control, was on everyone's mind and I met with Acting Governor David Ford and Legislative Councillor Martin Lee regarding China's commitments to the British Government and the people of Hong Kong.

CHENGDU, SICHUAN PROVINCE, CHINA

Sichuan, at more than 100 million persons, is China's most populous province and is located in Western China. I participated in economic discussions with Governor Xiao Yang, visited an irrigation project in the countryside, and attended the swearing in ceremony of the first American Peace Corps Volunteers in China.

The swearing in ceremony was one of the most moving events of my entire trip. Not only was the enthusiasm of the volunteers evident, it was equally clear that their Chinese hosts were very pleased to have them. The eighteen volunteers will be teaching English at prinvincial-level colleges and technical schools throughout the province.

TIBET

The Chinese military occupation of Tibet has been the subject of increasingly serious international debate since at least 1987. However, perhaps reflecting its remoteness, there have been few Congressional visitors. My purpose in visiting Tibet was to get a first hand understanding on the daily life of the people. Given the importance of religion in the lives of the Tibetan people, I visited the principal temples and monasteries and spoke to officials and religious leaders. I went to the biggest market in Lhasa, the capital, to see what the average person would buy or sell. I went into the countryside. Since the Chinese police were unwilling or unable to arrange for a visit to any farm or village, at one point I stopped the car and walked out into a field to watch a Tibetan farmer do his fall plowing. As yaks are only semi-domesticated, the Tibetans use a cross between a yak and cow called a "dzo" as we would have used oxen in times gone by.

My impressions were mixed. The mountainous countryside is beautiful. The physical monuments built by the Tibetan people over centuries are impressive, although many still showed the destruction made by rampaging Chinese mobs during the Cultural Revolution of 1966 to 1976. The country is clearly run by the Chinese, for the Chinese. The telephone and electric lines run for miles alongside the roads skipping over Tibetan villages but carefully servicing the cinder-block housing where the Chinese military and civilian authorities live and work.

XIAN, SHAANXI PROVINCE, CHINA

Xian, formerly known as Changan, was the old imperial capital of China before it was moved to Beijing. It is the capital of Shaanxi province and an industrial city in its own right. I met with Vice Governor Xu Shan Lin to discuss aircraft production and development. One of China's largest aircraft plants is in Xian and American aircraft manufacturers are deeply engaged in various coproduction deals with the Chinese.

BEIJING, CHINA

While I was in China, the Clinton Administration announced sanctions against a number of Chinese defense trading companies for exporting ballistic missile parts to Pakistan. Since control of weapons of mass destruction and their means of delivery is a particular concern of mine, I stopped in Beijing to hold a news conference on the subject. It was carried by the AP, UPI, Reuters, and the Voice of America. TV clips of the interview were widely shown in Hong Kong and other parts of Asia.

SHANGHAI, CHINA

Shanghai is China's largest city and its leading commercial center. I visited the Pudong development area across the river from the main downtown area and met with Vice Mayor Sha Lin. According to the United States Consulate in Shanghai, investment in Shanghai has skyrocketed. More projects were approved in the first ten months of 1992 than in the previous twelve years combined. The pace is quickening and 1993 may see a 100% increase in new project approvals over 1992. This was confirmed by American businessmen I met in Shanghai. I also met with officials of the American Studies Center at Fudan University. In the wake of the Tienanmen massacre in 1989 American financial support for their new building was halted and it stands half completed.

WARNINGS FROM TIJUANA ON NAFTA

Mr. HOLLINGS. Mr. President, I have just returned from a working visit to Tijuana, Mexico, where I spent a full day on Monday visiting working class neighborhoods surrounding the foreign-owned assembly plants—the well-known maquiladoras. I was frankly shocked by the pervasive, abject poverty in the vast colonias I visited. These colonias, or slums, are home to men, women, and children who labor in the nearby plants. The juxtaposition is striking: impressive, modern, first-world factories scattered like islands amidst a sea of thrown-together, third-world hovels and houses.

I had the honor of talking to many of the workers who live in these colonias. They are good people—hard-working and proud. I will say it plainly, that I felt ashamed as an American to see the many American plants in Tijuana and to witness the brazen exploitation which is at the root of the maquiladora system: exploitation of desperate Mexican workers and gross exploitation of the Mexican environment.

I have not seen such abject poverty since I exposed malnutrition in South Carolina a quarter century ago in a series of what came to be known as "hunger tours." The difference is that the poverty and squalor I saw in Mexico were far worse than what I saw in South Carolina in the late 1960s. In Tijuana, scarcely half the living quarters have plumbing, only one third have fresh water, and one fourth lack electricity. Sewerage is all but non-existent. Human waste flows in gutters in the streets.

For some two decades, foreign companies have offered Tijuana and other Mexican border cities a false promise. They have said, let us build our plants in your city, let us pock-mark your landscape with toxic waste dumps, let us hire your people for disgracefully low wages, and in return we will give you jobs and, in time, a middle class and the basis for democratic government.

Mr. President, that promise of rising wages and growing middle class has proved utterly false. Far from rising, wages in the maquiladoras are significantly lower than they were a decade ago. The sprawling slums of Tijuana, Cuidad Juarez and Nogales make a mockery of this promise of middle-class prosperity.

Yet, now, the North American Free-Trade Agreement dares to peddle the very same false promises, only on a broader scale. Again, there is the promise of a growing middle class and democratic reform. But it is a lie. In truth, what NAFTA would accomplish—at best—is to turn all of Mexico into one big duty-free maquiladora zone. It would produce the same exploitation of Mexican labor, the same environmental rape, the same cementing of the corrupt political status quo in Mexico.

I spoke with City Counselman Gonzales of Tijuana, who sees nothing to be hopeful about in NAFTA. Well acquainted with the false promises of the maquiladoras, he has no truck with the

similar promises now used to sell NAFTA. And ordinary people I talked to are no less skeptical and realistic about what NAFTA really means for their country. As they see it, NAFTA would further enrich the governing oligarchy while perpetuating and reinforcing the wage slavery of ordinary Mexicans.

Of course, it is not just the Mexican people who are being sold false promises about NAFTA. The American people, too, are being misled. Supporters of NAFTA claim that it will create a large middle class in Mexico that will, in turn, be a rich consumer market for United States products. The bitter realities of today's Tijuana put the lie to these bloated claims. How is a Mexican laborer earning $60 a week in a foreign-owned plant going to purchase an American refrigerator, much less an American automobile? Under NAFTA, the United States will export jobs, not consumer goods, to Mexico.

And, with 2 million teenage Mexicans entering the work force each year, there will be an inexhaustible supply of desperate people seeking low-wage employment in the foreign-owned factories. Initially they are grateful for $60-per-week employment in the modern plants. But they quickly see the dead-end, exploitative realities of their jobs. Not surprisingly, these workers soon flee the maquiladoras in search of higher paying jobs in the United States.

A Johns Hopkins study determined that the average length of employment in maquiladoras is a mere 18 months. This exposes one more false claim of the pro-NAFTA crowd—the idea that NAFTA will create jobs south of the border which, in turn, will keep Mexicans in Mexico. Nonsense. Foreign plants in Mexico give workers skills and rising expectations which, combined with extremely low wages, give Mexicans powerful new incentives to head northward illegally in search of higher wages.

Visitors to southern California are keenly aware of the pressures pushing Mexicans northward out of the maquiladora zone. Ninety percent of illegal Mexican immigrants to the United States cross the border just south of San Diego. The highways south of San Diego are marked with yellow signs warning motorists to watch out for illegal immigrants crossing the road. Here in the east we have deer crossing signs. In the Midwest they have cow crossing signs. In southern California they have yellow signs with black silhouettes of immigrant families on the run. This, too, is the future of the United States if NAFTA becomes law.

Mr. President, I spoke of the maquiladora plants in Tijuana as glistening islands amidst a sea of human poverty and squalor. There are other islands dotting Tijuana's landscape—an archipelago of toxic waste dumps that blight the city and its surroundings. I visited one such site—chock full of waste lead and zinc—near a residential neighborhood, but I left quickly as my eyes watered and my nostrils burned. These are Superfund sites without the Superfund. They are lethal slag heaps and cesspools of toxic chemicals that will stand as the maquiladoras' permanent legacy in Tijuana.

Mr. President, this is the shameful reality in Tijuana today. And there are profound lessons in Tijuana for the Senate as we consider the North American Free Trade Agreement. NAFTA is, in essence, the maquiladora system writ large. It will spawn the same exploitation of labor, the same destruction of the Mexican environment. As under the maquiladora system, investment spurred by NAFTA will reward and enrich the current political and economic elites—the ruling oligarchies in Mexico City and in the provinces—while leaving the Mexican masses in a state of wage bondage and poverty. NAFTA will simply broaden and expand the maquiladora status quo. At the same time, it will bolster the anti-democratic political status quo in Mexico—the PRI's hammerlock grip on the government and electoral process.

Mr. President, the United States does indeed have a profound responsibility vis-a-vis Mexico. We have a national interest and a humanitarian interest in spurring economic growth and opportunity south of our border. However, I return from Tijuana more convinced than ever that NAFTA is the dead wrong approach. I am more convinced than ever that genuine change—change toward free markets and free elections in Mexico—can best be achieved through creation of a Common Market of the Americas.

Unlike the narrowly drawn NAFTA—which seeks an immediate shotgun marriage of two radically clashing economies—the Common Market of the Americas would be premised on a broad vision for the United States and our neighbors that encompasses not just economics and trade, but also political and social reform. We must seek a partnership of equal democratic nations sharing a common commitment to political freedom and free markets.

Pointing to the European experience, Lester Thurow of MIT argues that free trade agreements don't work but common markets do. From the 1960s through the 1980s, rich nations of northern Europe faced a similar challenge in integrating three undemocratic, underdeveloped nations—Spain, Portugal and Greece—into the Common Market. As a precondition to Common Market membership, the Council of Europe required these nations to adopt fundamental reforms to their political and economic systems. All three countries succeeded in shucking off their authoritarian governments and liberalizing their economies.

This is precisely the course we must follow with Mexico prior to consummation of a Common Market for the Americas. Let us not create more Tijuanas. Let us insist on fundamental democratic and economic reforms aimed at narrowing the gross disparity in income levels, labor standards, environmental safeguards and civil liberties north and south of the border. This will create the conditions for a United States-Mexican marriage that all of us can be proud of.

NAFTA or a common market. The choice is ours. And we do have a choice.

NATIONAL BIBLE WEEK

Mr. ROTH. Mr. President, November 21–28, 1993 marks the 53d anniversary of the nonsectarian observance of National Bible Week, sponsored by the Laymen's National Bible Association. I am proud to serve as Congressional Co-Chairman of National Bible Week this year, along with Representative EARL HUTTO of Florida. I am pleased to follow in a long tradition of Congressional support for National Bible Week.

In 1940, the founders of the Laymen's National Bible Association were spurred into action by the rise of godless ideologies of the far right and the far left in Europe and Asia. They felt that if these notions were accepted in the United States of America, they would threaten to undermine the very fabric of our national life. The founders of the Laymen's National Bible Association reasoned that an awareness of America's heritage and a renewed commitment to the religious qualities that are at the core of the American way of life were needed in the fight to counter such ungodly values. They organized a committee which later became the Laymen's National Bible Association, the group responsible for the first National Bible Week in 1941. That year, and each year since, the observance of National Bible Week has served to remind Americans of the importance of Bible reading and study. National Bible Week also heightens awareness of the Bible's role in the building of our great country.

The year, as every year, it is important to remind all Americans of the Bible's significance to individuals and to the history, life and culture of our nation. We too soon forget the influence of the Bible on the development of our nation's values and institutions. Millions of Americans have sought and continue to seek comfort, hope and guidance from the Bible.

The sponsors of National Bible Week ask that all Senators alert their constituents to observe National Bible Week and to encourage the reading of the Bible. I ask all my Senate colleagues and the American people for a renewed commitment to helping the

nation regain a sense of moral awareness and spiritual identity through personal daily reading of the Bible.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FORD. Mr. President, I ask unanimous consent that the Senate proceed to Executive Session to consider the following nominations:

Calendar 376. James T. Laney, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

Calendar 425. James E. Hall, to be a member of the National Transportation Safety Board;

Calendar 429. Diane Blair, to be a member of the Board of Directors of the Corporation for Public Broadcasting;

Calendar 451. Jean C. Nelson, to be an Assistant Administrator of the Environmental Protection Agency;

Calendar 452. Robert W. Perciasepe, to be an Assistant Administrator of the Environmental Protection Agency;

Calendar 453. Elliott Pearson Laws, to be Assistant Administrator, Office of Solid Waste, of the Environmental Protection Agency;

Calendar 454. Lynn R. Goldman, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency;

Calendar 455. Doris Meissner, to be Commissioner of Immigration and Naturalization;

Calendar 456. Donald Richard Wurtz, to be Chief Financial Officer, Department of Education; and

Calendar 457. Eli J. Segal, to be Chief Executive Officer of the Corporation for National and Community Service.

I further ask unanimous consent that the nominees be confirmed, en bloc, that any statements appear in the RECORD as if read, that upon confirmation, the motions to reconsider be laid upon the table, en bloc, that the President be immediately notified of the Senate's action, and that the Senate return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF STATE

James T. Laney, of Georgia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Korea.

NATIONAL TRANSPORTATION SAFETY BOARD

James E. Hall, of Tennessee, to be a member of the National Transportation Safety Board for the term expiring December 31, 1997.

CORPORATION FOR PUBLIC BROADCASTING

Diane Blair, of Arkansas, to be a member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 1998.

ENVIRONMENTAL PROTECTION AGENCY

Jean C. Nelson, of Tennessee, to be an Assistant Administrator of the Environmental Protection Agency.

Robert W. Perciasepe, of Maryland, to be an Assistant Administrator of the Environmental Protection Agency.

Elliott Pearson Laws, of Virginia, to be Assistant Administrator, Office of Solid Waste, of the Environmental Protection Agency.

Lynn R. Goldman, of California, to be Assistant Administrator for Toxic Substances of the Environmental Protection Agency.

DEPARTMENT OF JUSTICE

Doris Meissner, of Maryland, to be Commissioner of Immigration and Naturalization.

DEPARTMENT OF EDUCATION

Donald Richard Wurtz, of California, to be Chief Financial Officer, Department of Education.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Eli J. Segal, of Massachusetts, to be Chief Executive Officer of the Corporation for National and Community Service. (New position)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Edwin R. Thomas, 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.)

MESSAGE FROM THE HOUSE

At 12:30 p.m., a message from the House of Representatives, announced that the House has passed the following joint resolutions, in which it requests the concurrence of the Senate:

H.J. Res. 218. Joint Resolution designating October 16, 1993, and October 16, 1994, each as "World Food Day."

H.J. Res. 265. Joint Resolution to designate October 19, 1993, as "National Mammography Day."

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 92. Joint Resolution to designate the month of October 1993 and the month of October 1994 as "National Down Syndrome Awareness Month."

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

H.R. 2517. An Act to enable the Secretary of Housing and Urban Development to demonstrate innovative strategies for assisting homeless individuals, to develop the capacity of community development corporations and community housing development organizations to undertake community development and affordable housing projects and programs, to encourage pension fund investment in affordable housing, and for other purposes.

At 3:59 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2632. An Act to authorize appropriations for the Patent and Trademark Office in the Department of Commerce for fiscal year 1994.

The message further announced that the House has passed the following joint resolution, with amendments, in which it requests the concurrence of the Senate:

S.J. Res. 21. Joint Resolution to designate the week beginning September 19, 1993 as "National Historically Black Colleges and Universities Week".

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on October 14, 1993 he had presented to the President of the United States, the following enrolled bill:

S. 1508. An Act to amend the definition of a rural community for eligibility for economic recovery funds, and for other purposes.

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–1631. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–115 adopted by the Council on September 21, 1993; to the Committee on Governmental Affairs.

EC–1632. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–117 adopted by the Council on September 21, 1993; to the Committee on Governmental Affairs.

EC–1633. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–119 adopted by the Council on September 21, 1993; to the Committee on Governmental Affairs.

EC–1634. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–120 adopted by the Council on September 21, 1993; to the Committee on Governmental Affairs.

EC–1635. A communication from the Board Members of the Railroad Retirement Board, transmitting, pursuant to law, a report for fiscal year 1993; to the Committee on Governmental Affairs.

EC–1636. A communiciation from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to

law, a report relative to properties to be transferred to the Republic of Panama; to the Committee on Armed Services.

EC–1637. A communication from the Board of Directors of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of the Philippines; to the Committee on Banking, Housing and Urban Affairs.

EC–1638. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–1639. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–1640. A communication from the Deputy Associate Director for Compliance (Royalty Management Program), Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1641. A communication from the Chief Financial Officer of the Nuclear Regulatory Commission, transmitting, notice relative to the mixed waste that has been generated at NRC facilities during the period October 6, 1992 through October 5, 1993; to the Committee on Environment and Public Works.

EC–1642. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report on the Clean Lakes Demonstration Program; to the Committee on Environment and Public Works.

EC–1643. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report of certification relative to the Board for International Broadcasting; to the Committee on Appropriations.

EC–1644. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the Aircraft Deicing Study; to the Committee on Commerce, Science and Transportation.

EC–1645. A communication from the Deputy Associate Director for Compliance (Royalty Management Program), Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1646. A communication from the Deputy Associate Director for Compliance (Royalty Management Program), Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1647. A communication from the Deputy Associate Director for Compliance (Royalty Management Program), Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1648. A communication from the Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, notice of a Presidential Determination relative to the Loan Guarantees to Israel Program; to the Committee on Foreign Relations.

EC–1649. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, a report of the texts of international agreements and background statements; to the Committee on Foreign Relations.

EC–1650. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 10–121 adopted by the Council on September 21, 1993; to the Committee on Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MOYNIHAN, from the Committee on Finance:

George Munoz, of Illinois, to be an Assistant Secretary of the Treasury.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

The following executive reports of committees were submitted:

By Mr. BIDEN, from the Committee on the Judiciary:

Deborah K. Chasanow, of Maryland, to be United States District Judge for the District of Maryland;

Pierre N. Leval, of New York, to be United States Circuit Judge for the Second Circuit;

Christopher Droney, of Connecticut, to be United States Attorney for the District of Connecticut for a term of four years;

Peter J. Messitte, of Maryland, to be United States District Judge for the District of Maryland;

Leonie M. Brinkema, of Virginia, to be United States District Judge for the Eastern District of Virginia;

Paul Edward Coggins, of Texas, to be United States Attorney for the Northern District of Texas for the term of four years;

Henry Lawrence Solano, of Colorado, to be United States Attorney for the District of Colorado for the term of four years;

Jon Ernest DeGuilio, of Indiana, to be United States Attorney for the Northern District of Indiana for the term of four years;

Peggy A. Lautenschlager, of Wisconsin, to be United States Attorney for the Western District of Wisconsin for the term of four years;

Thomas Paul Schneider, of Wisconsin, to be United States Attorney for the Eastern District of Wisconsin for the term of four years;

Emily Margaret Sweeney, of Ohio, to be United States Attorney for the Northern District of Ohio for the term of four years; and

Michael Rankin Stiles, of Pennsylvania, to be United States Attorney for the Eastern District of Pennsylvania for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. BINGAMAN:

S. 1542. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to award grants to improve wastewater treatment for certain unincorporated communities, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MACK (for himself, Mr. BREAUX, Mr. INOUYE, Mr. D'AMATO, Mr. STEVENS, Mr. LOTT, Mr. LIEBERMAN, Mr. MCCAIN, Mr. JEFFORDS, Mr. COATS, Mr. NICKLES, Mr. THURMOND, Mr. JOHNSTON, Mr. SHELBY, Mr. SIMON, Mr. DECONCINI, Mr. SMITH, Mr. HATCH, Mr. KERRY, Mr. CAMPBELL, Mrs. FEINSTEIN, and Mrs. HUTCHISON):

S. 1543. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for qualified cancer screening tests; to the Committee on Finance.

By Mr. DODD (for himself, Mr. JEFFORDS, Mr. SARBANES, Mr. MOYNIHAN, Mr. BRADLEY, and Mr. RIEGLE):

S. 1544. A bill to assist in implementing the Plan of Action adopted by the World Summit for Children; to the Committee on Foreign Relations.

By Mr. REID (for himself and Mr. LIEBERMAN):

S. 1545. A bill to authorize appropriations for environmental research, development, and demonstration for fiscal years 1994 through 1996, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER (for himself, Mr. DECONCINI, Mr. GRAHAM, and Mr. DASCHLE):

S. 1546. A bill to amend title 38, United States Code, to revise certain administrative provisions relating to the United States Court of Appeals, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BAUCUS:

S. 1547. A bill to reauthorize and amend title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act"), and for other purposes; to the Committee on Environment and Public Works.

By Mr. LEAHY (for himself, Mr. LUGAR, and Mr. FEINGOLD):

S. 1548. A bill to amend the National Wool Act of 1954 to reduce the subsidies that wool and mohair producers receive for the 1994 and 1995 marketing years and to eliminate the wool and mohair programs for the 1996 and subsequent marketing years, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SASSER (for himself, Mr. WARNER, and Mr. MOYNIHAN):

S.J. Res. 143. A joint resolution providing for the appointment of Frank Anderson Shrontz as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

By Mr. SASSER (for himself, Mr. WARNER, and Mr. MOYNIHAN):

S.J. Res. 144. A joint resolution providing for the appointment of Manuel Luis Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 1542. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to award grants to improve wastewater treatment for certain unincorporated communities, and for other purposes; to the Committee on Environment and Public Works.

UNINCORPORATED COMMUNITY WASTEWATER TREATMENT ACT OF 1993

• Mr. BINGAMAN. Mr. President, today I am introducing along with Congressman STEVEN SCHIFF, a bill which would help meet the needs of certain small, semirural communities. These are communities that are slightly too large to qualify for existing Federal rural water grants for construction of wastewater facilities, but are too small, too poor, and unable to finance these projects through loans or other alternative financing mechanisms.

I am particularly concerned about unincorporated communities near urban centers which face a unique combination of environmental, financial, and governmental problems. Households in these areas traditionally have relied on septic systems to meet sewage needs. With urban growth these communities have expanded. Septic systems which once were adequate can no longer accommodate the increasing density. Yet these communities lack the tax base and governmental structure needed to fund needed infrastructure improvements. They face high system costs per household due to their relatively low density, a high percentage of residents with lower incomes, and lack of access to grant programs intended for very small, rural communities.

The South Valley, an unincorporated area in Bernalillo County adjacent to Albuquerque, NM, is an example of a community I am concerned about. It is a semirural community of 4,100 households experiencing recent growth. Original homes were constructed with onsite water wells and septic tanks. However, increasing density, a combination of soil characteristics, and a very shallow water table now make the area susceptible to ground water contamination.

State and local governments are already contributing to finding solutions to problems such as in the South Valley. But these funds alone cannot meet all needs. Moreover, homeowners in the area have already borne the costs of constructing and operating the existing septic systems. I believe that the Clean Water Act must be amended to include a special grant program for small, unincorporated communities facing extreme hardship in treating their sewage.

I ask unanimous consent that the full text of the bill be printed in the CONGRESSIONAL RECORD.

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

S. 1542

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Unincorporated Community Wastewater Treatment Act of 1993".

SEC. 2. FINDINGS.

Congress finds that—

(1) as of the date of enactment of this Act, there is a severe lack of wastewater treatment facilities in small, semi-rural, unincorporated communities in the United States;

(2) the lack of facilities is leading to the pollution of rivers and ground water in the area; and

(3) the pollution presents a potential threat to the public health of the communities referred to in paragraph (1).

SEC. 3. GRANTS TO UNINCORPORATED COMMUNITIES.

Title V of the Federal Water Pollution Control Act (33 U.S.C. 1361 et seq.) is amended—

(1) by redesignating section 519 as section 520; and

(2) by inserting after section 518 following new section:

"SEC. 519. GRANTS TO UNINCORPORATED COMMUNITIES.

"(a) DEFINITIONS.—As used in this section:

"(1) CONSTRUCTION.—The term 'construction' has the same meaning provided in section 212(1).

"(2) NON-METROPOLITAN AREA.—The term 'non-metropolitan area' means an area no part of which is within an area designated as a metropolitan statistical area by the Office of Management and Budget.

"(3) TREATMENT WORKS.—The term 'treatment works' has the same meaning provided in section 212(2).

"(b) AUTHORIZATION FOR GRANT AWARDS.—Notwithstanding any other provision of law, the Administrator is authorized to award a grant for wastewater treatment to an unincorporated community (without regard to whether the community is located in a metropolitan statistical area) for a wastewater treatment project that serves a population—

"(1) of 20,000 or fewer residents; and

"(2) with a median household income that is less than or equal to 110 percent of the median household income for non-metropolitan areas of the State in which the community is located.

"(c) USE OF GRANT.—A grant awarded under this section may be used for 1 or more of the following activities:

"(1) The acquisition or construction (including planning, design, repair, extension, improvement, alteration, or reconstruction) of a treatment works or any portion or any associated structure of a treatment works (including any associated collection line or interceptor sewer, notwithstanding any limitation otherwise imposed with respect to the provision of assistance for the line or sewer).

"(2) The acquisition of land, or any easement or other right-of-way, with respect to which the recipient of the grant is not the owner at the time of the acquisition, that is necessary to carry out the construction or operation of the treatment works referred to in paragraph (1).

"(3) The final disposal of residues resulting from the treatment of water or waste.

"(4) The disposal of wastewater by surface or underground methods (or both).

"(5) The disposal of wastewater through recycling or reclamation (or both).

"(d) COST-SHARING.—

"(1) FEDERAL SHARE.—The Federal share of a grant described in subsection (a) shall not exceed 75 percent of the total cost of the project that is the subject of the grant.

"(2) NON-FEDERAL SHARE.—Payment of the non-Federal share of a grant described in subsection (a) may be satisfied by any combination of public or private funds or in-kind services. The non-Federal share may include public funds authorized or expended for the project that is the subject of the grant during the period beginning on the date that is 3 years before the date of enactment of the Unincorporated Community Wastewater Treatment Act of 1993.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Environmental Protection Agency, to carry out this section, such sums as may be necessary for each of fiscal years 1994 through 2000.".•

By Mr. MACK (for himself, Mr. BREAUX, Mr. INOUYE, Mr. D'AMATO, Mr. STEVENS, Mr. LOTT, Mr. LIEBERMAN, Mr. MCCAIN, Mr. JEFFORDS, Mr. COATS, Mr. NICKLES, Mr. THURMOND, Mr. JOHNSTON, Mr. SHELBY, Mr. SIMON, Mr. DECONCINI, Mr. SMITH, Mr. HATCH, Mr. KERRY, Mr. CAMPBELL, Mrs. FEINSTEIN, and Mrs. HUTCHISON):

S. 1543. A bill to amend the Internal Revenue Code of 1986 to provide a refundable credit for qualified cancer screening tests; to the Committee on Finance.

CANCER SCREENING INCENTIVE ACT OF 1993

• Mr. MACK. Mr. President, for years Members of Congress have called for a health care strategy based upon preventive medicine. It's time we stop talking and do something about it.

Along with my friend and colleague, Senator BREAUX, and 21 bipartisan cosponsors, I am today introducing legislation to assist all Americans in the fight to prevent the 526,000 deaths which will occur in this year alone from complications associated with cancer. The American Cancer Society estimates that of the 1.1 million Americans diagnosed with cancer this year, approximately 100,000 deaths could be avoided through early detection and prompt treatment.

Our bill, the Cancer Screening Incentive Act of 1993, provides a tax incentive for all Americans, and particularly low-income, uninsured, and underinsured Americans, to take advantage of early detection procedures available, thereby saving lives and reducing the long-term private and Federal health care costs associated with treating cancer.

The key element of this legislation is to provide a refundable tax credit of up to $250—depending upon income level—for each taxpayer, their spouse and dependents. For taxpayers whose income exceeds the 15-percent marginal tax rate, the credit would be up to $200 per eligible individual.

Certain qualifying procedures such as mammograms, Pap tests, and colon screening examinations have been identified. The Secretary of Health and Human Services, in consultation with cancer research and prevention organizations, would develop the guidelines by which taxpayers may utilize the cancer screening tax credit. This will include other qualifying procedures, as well as any appropriate age and frequency restrictions.

As you know, Mr. President, cancer knows no socioeconomic boundary. Studies show that low-income Americans are at a greater risk for developing cancer and dying from cancer than middle- and upper-income Americans. These individuals are also least likely to have health insurance which covers early detection tests. Under our bill, individuals whose household income is no more than 150 percent of the Federal poverty threshold would receive early detection exams at no cost to the patient. Medical providers would be eligible for tax credits at a reimbursement rate to be determined by the Health Care Financing Administration.

The need for Americans to take advantage of the medical technology to detect cancer at an early stage is irrefutable. For example, in the time it takes me to complete this statement, at least one American will die from complications associated with cancer. One in nine women will develop breast cancer.

This year, approximately 1.1. million people will be diagnosed with cancer. Of these, 78,000 will come from my home State of Florida. As a matter of fact, Florida has the highest per capita rate of new cancer cases in the United States. It is also a grim fact that Florida has the third highest rate of death from cancer of all States and U.S. territories.

Mr. President, we are making significant progress. At the beginning of this century, few cancer patients had any hope of survival. In the 1930's, fewer than one in five Americans was alive 5 years after treatment. Today, 468,000, or about 40 percent of all patients who get cancer this year will be alive 5 years after diagnosis. Even more significantly, the American Cancer Society estimates that approximately 100,000 lives could be saved this year through early detection and prompt treatment.

Mr. President, this bill recognizes that early detection is the key to saving lives. In saving lives, it will also save the catastrophic costs to individuals and families associated with treatment of cancer. On an individual basis, the few dollars spent on prevention will save the thousands required to treat cancer in later stages. It is indeed tragic when any life is lost, but it is even more tragic when the death could have been prevented.

This bill is not a panacea. Research education, early detection, and prompt treatment are the keys to saving lives. But I believe this legislation sends a clear signal to all Americans that Congress believes in the importance of preventive health care and that we want to encourage them to take health care into their own hands.

Cancer touches each of our lives in a very different, personal way. Most of us, I would venture to say, have either had a relative die of cancer or have had a close family friend die of cancer.

For me, the motivation to become involved in the fight against cancer is a very personal one. In my family, my mother, my wife, our daughter, my brother, and I have all had cancer. It was the death of my brother Michael in 1979 which first motivated me to become involved.

I come from a large family of eight children, and we were all very close. Michael and I were close in age, and we attended grade school, high school, and college together. We were fraternity brothers at the University of Florida. Following undergraduate school, Michael attended the University of Florida School of Law.

During the last year of law school, Michael noticed a mole on his head one day as he was combing his hair. He went to the doctor, and it was diagnosed as a malignant melanoma. But the cancer did not stop him. He want on to graduate No. 1 in his class with high honors. He want on for the next 12 years making his own special mark in Florida.

My brother Dennis and I spent the last 30 days of Michael's life in his hospital room in Atlanta. That experience had a major impact upon my life in two very significant ways. First, it made me ask myself what life is all about. What's my purpose in life? In what areas should I be involved to make my life more meaningful? For me, it turned out to be my involvement in politics, where I could make an impact and do something to help my fellow man. And I would suggest that each of my colleagues is here with that same kind of feeling, that same kind of motivation.

The other thing which happened as a result of Michael's death was trying to find a way to have an impact in America's fight against cancer. Naturally, the first thing I did was to try to better educate myself about this disease. I've had the opportunity to travel throughout my State to meet with cancer experts.

I've been to Shands Teaching Hospital at the University of Florida in Gainesville, Jackson Memorial Hospital in Miami, the H. Lee Moffitt Cancer Center in Tampa, the All Childrens' Hospital in St. Petersburg, and many other outstanding facilities throughout the State. I've met with researchers at the National Cancer Institute, the Lombardi Cancer Center here in Washington, and Harlem Hospital Center in New York, where Dr. Harold Freeman is making remarkable progress in the African-American community. It has been a remarkable experience to meet these dedicated men and women.

It was during one of those trips to Florida that I receive a telephone call from my physician who asked me to come back to Washington. They had discovered that a mole they had recently removed was, in fact, a melanoma which may be malignant. On my flight back to Washington, my thoughts were of my younger brother and what he had gone through. It brought home the recognition of the problems that families face in dealing with cancer. I knew something had to be done. I raise that story to make a point—a point that is clear to all of us—the importance of early detection and prompt treatment.

Had it not been for my personal experience and the experience of meeting with cancer experts, I might not have noticed the spot on my side. I might not have detected it early. And I, too, might have been a victim of this horrible disease. But, because of early detection and prompt treatment, I don't have to worry about it any longer. I am living proof that early detection saves lives.

It was just 2 years later when I returned from a rafting trip in Colorado that my wife, Priscilla, came to me and said, "Sit down, Connie, we need to talk." When she told me she had discovered a lump in her breast through self-examination, the first thought that went through my mind was, "I am going to lose her."

I thought of Michael. I thought of what life would be like to live without Priscilla by my side. But because she knew the importance of early detection and the proper way to administer a breast self-exam, she is alive today. She underwent a mastectomy, chemotherapy, and reconstruction surgery. And, today, she spends a great deal of her personal time educating women about the importance of breast cancer prevention and early detection.

Mr. President, early detection is the heart of this legislation. By providing a tax incentive for Americans to take advantage of early detection procedures, tens of thousands of lives can be saved each year. The American Cancer Society supports this legislation as "* * * a new and promising approach to making cancer early detection tests more available to all Americans." It also has the support of the American Medical Association, the Susan G. Komen

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Breast Cancer Foundation, and a variety of professional, business, and labor organizations.

Congress has long advocated early detection and preventive medicine. It's time to quit talking and do something about it.

Mr. President, I ask unanimous consent that the following Senators be added as original cosponsors of the bill: Messrs. BREAUX, INOUYE, D'AMATO, STEVENS, LOTT, LIEBERMAN, MCCAIN, JEFFORDS, COATS, NICKLES, THURMOND, JOHNSTON, SHELBY, SIMON, DECONCINI, SMITH, HATCH, KERRY, Mrs. FEINSTEIN, Mr. NIGHTHORSE-CAMPBELL, and Mrs. HUTCHISON.

I further ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cancer Screening Incentive Act of 1993".

SEC. 2. FINDINGS.

The Congress finds:

(1) Studies have shown that early detection and screening for cancer can reduce cancer morbidity by as much as 50 percent for certain types of cancer.

(2) Of the 1.17 million Americans diagnosed with cancer in 1993, the American Cancer Society estimates that 100,000 deaths could be avoided through early detection and prompt treatment.

(3) Physicians report that concern about the costs of early detection procedures is one of the main reasons for hesitating to order such procedures.

(4) Many low-income Americans lack comprehensive health insurance coverage and the majority of existing health insurance policies do not adequately cover the costs of cancer early detection and screening procedures.

(5) Socioeconomically disadvantaged Americans are disproportionately affected by cancer in terms of incidence and mortality.

(6) Demographic forecasts predict that the elderly population will double by the year 2020. Since cancer mortality and incidence rates rise dramatically with age, cancer prevention in the elderly population will become increasingly important.

SEC. 3. CANCER SCREENING CREDIT.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 35 as section 36 and by inserting after section 34 the following new section:

"SEC. 35. CANCER SCREENING TEST CREDIT.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year expenditures paid or incurred during the taxable year for any qualified cancer screening test which is included in the list under subsection (c) and which is not compensated by insurance or otherwise, as follows:

"(1) ELIGIBLE INDIVIDUAL.—In the case of an eligible individual, the amount of the credit allowable under this subsection shall not exceed—

"(A) $250, or

"(B) $200 in the case of a taxpayer with taxable income for the taxable year in excess of the maximum rate of taxable income to which the 15-percent rate applies under the applicable table under section 1.

"(2) QUALIFIED CANCER SCREENING PROVIDER.—In the case of a qualified cancer screening provider, the amount of the credit allowable under this subsection shall be an amount equal to the product of—

"(A) the lower of—

"(i) the usual and customary charges for qualified cancer screening tests, or

"(ii) the rate of payment established by the Health Care Financing Administration for qualified cancer screening tests,

multiplied by—

"(B) the number of qualified cancer screening tests provided without charge during the taxable year to qualifying low-income individuals.

"(b) DEFINITIONS.—For purposes of subsection (a)—

"(1) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who is—

"(A) the taxpayer,

"(B) the taxpayer's spouse, or

"(C) any individual for whom the taxpayer is allowed an exemption under section 151.

"(2) QUALIFIED CANCER SCREENING PROVIDER.—The term 'qualified cancer screening provider' means a medical practitioner, facility, hospital, laboratory, or similar institution licensed under State law to provide 1 or more qualified cancer screening tests.

"(3) QUALIFYING LOW-INCOME INDIVIDUAL.—The term 'qualifying low-income individual' means an individual—

"(A) whose income level does not exceed 150 percent of the official poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved, and

"(B) with respect to whom identifying information is maintained.

"(c) QUALIFIED CANCER SCREENING TESTS.—

"(1) IN GENERAL.—For purposes of this section, the Secretary, after consultation with the Secretary of Health and Human Services and cancer research and prevention organizations, shall publish, not later than December 31, 1993, and annually thereafter, a list of cancer screening tests which qualify for the credit allowable under this section.

"(2) CANCER SCREENING TESTS.—The list of cancer screening tests which qualify under this section shall include at least the following tests:

"(A) Physical breast examination and mammogram for female breast cancer.

"(B) Digital rectal examination, proctosigmoidoscopy, and blood stool test for colon and rectum cancer.

"(C) Rectal examination for prostate cancer.

"(D) Pap test for uterine cancer.

"(E) Pelvic examination for ovarian cancer.

"(d) IDENTIFYING INFORMATION.—No credit shall be allowed under this section unless the qualified cancer screening provider maintains, to the satisfaction of the Secretary, adequate records regarding the name and address, date of testing, and type of test provided with respect to each qualifying low-income individual with respect to whom a credit is claimed."

"(b) COORDINATION WITH DEDUCTIONS FOR MEDICAL EXPENSES.—Section 213(f) of such Code (relating to coordination with health insurance credit under section 32) is amended—

"(1) by inserting "and the amount (if any) of the cancer screening test credit allowable to the taxpayer for the taxable year under section 35(a)(1)" before the end period; and

"(2) by inserting "AND CANCER SCREENING TEST CREDIT UNDER SECTION 35" in the heading after "SECTION 32".

"(c) CLERICAL AMENDMENT.—The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by striking the item relating to section 35 and inserting:

"Sec. 35. Cancer screening test credit.
"Sec. 36. Overpayments of tax."

"(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.●

● Mr. JEFFORDS. Mr. President, breast cancer is characterized as an epidemic. Indeed, as we observe Breast Cancer Awareness Month, we have to look at the figures straight on. One hundred and eighty thousand women in the United States will be diagnosed as new breast cancer cases this year alone. Forty-six thousand will die.

In my small State of Vermont, 1,000 women will be diagnosed as new breast cancer patients this year, and of these 125 will die. I have recently heard from 10,882 Vermont citizens who have signed a petition to President Clinton calling on him to take the lead in finding a comprehensive cure for the deadly affliction.

The Cancer Screening Incentive Act of 1993, which I am pleased to cosponsor today with Senator MACK, won't provide a comprehensive cure. But it should greatly enhance access to precautionary screening procedures to detect cancers early, breast cancer among them. I cosponsored this bill in 1991, and I understand it now has 26 cosponsors. This is progress—albeit too slow.

The tax credit provisions of the Cancer Screening Incentive Act of 1993 might not be necessary when we get our act together and pass comprehensive health care reform. Until then, however, action on the cancer front is imperative.●

By Mr. DODD (for himself, Mr. JEFFORDS, Mr. SARBANES, Mr. BRADLEY, and Mr. RIEGLE):

S. 1544. A bill to assist in implementing the plan of action adopted by the World Summit for Children; to the Committee on Foreign Relations.

WORLD SUMMIT FOR CHILDREN IMPLEMENTATION ACT OF 1993

● Mr. DODD. Mr. President, I reintroduce legislation that I first introduced in the last Congress—the World Summit for Children Implemention Act of 1993—legislation that is long overdue. This urgent appeal can no longer be ignored. It is time for the United States to aggressively address the plight of children in this country and around the world.

This singularly important act enables the United States to join with the majority of countries that have already ratified the international convention on the rights of the child, and

work together to implement a plan of action to enhance the lives of children.

Children on every continent are victims of poverty, disease, war, abuse or neglect—and are unable to protect themselves. Thirty-five thousand children die each day from malnutrition and easily preventable diseases. If access to vitamin A is not increased, an estimated 2,000,000 children face blindness in the 1990's and tens of millions more face increased risk of infection and death.

The sad plight of children has caught the attention of communities around the world. In 1990, heads of state convened at an extraordinary world summit on behalf of children. The summit adopted a plan that called for international cooperation and commitment in a heroic effort to protect the lives of children, diminish their suffering, and enhance their futures. The World Summit for Children targeted specific goals to be met through global commitment by the year 2000. These goals include cutting child deaths by at least one-third, halving mortality and child malnutrition, providing all families access to clean water, safe sanitation, and family planning services.

The U.S. Government participated in the World Summit for Children and signed the declaration and plan of action adopted at the summit. However, as a nation we have not yet fulfilled our pledge to the world's children. This act, which I now introduce, addresses the specific goals of the world summit and implements a U.S. plan of action of behalf of children both home and abroad. This legislation supports our commitment and helps to secure for children the long overdue level of protection and security which is essential to their survival and healthy development as they grow into the next generation of nations.

Children must be a high priority on our agendas, especially when it comes to allocating our Nation's resources. The World Summit on Children Implementation Act authorizes additional funding for programs essential for decreasing child illness and mortality around the world by the year 2000. The goals of this implementation act include the child survival fund, mainly for low-cost, high-yield measures such as oral rehydration therapy.

The plan of action adopted at the world summit aims to reduce mortality rates for children under 5 years of age by at least one-third. This goal can be attained simply by consolidating gains that have already been made, and by pursuing new goals and effective programs. New efforts should be focused on community based primary health care and health education services which directly benefit the poorest of the poor, rather than large scale infrastructure projects whose direct effects are lost on those who would benefit from them the most.

Malnutrition, which is currently the underlying cause of death in a large majority of childhood diseases, is preventable at low cost. Child survival activities, such as vitamin A costs only a few cents; yet its deficiency has resulted in widespread blindness and mortality in children around the world.

As of 1992, nearly 5 million women of childbearing age and over 1 million children were infected with HIV. This tragic number will continue to increase dramatically until prevention and control efforts are successfully implemented. This legislation permanently authorizes the International AIDS Prevention and Control Fund, and requires the President to promote, encourage, and undertake community-based prevention, care and control programs related to HIV and AIDS.

Basic primary education, early childhood development activities, and programs to achieve literacy are essential to increasing children's potential both at home and abroad. In this country, the Head Start Program have established an impressive record in providing preschool-age children from low-income families access to services that address fundamental educational, social, nutritional and health needs. The potential of these programs remains largely untapped, however. Presently, Head Start programs serve only about one-third of eligible children between 3 and 5 years of age. The Federal Government should continue its commitment made in the 1990 Head Start reauthorization to the goal of serving all eligible children.

The bill also recognizes the plight of child refugees world wide. Refugee assistance programs are desperately needed to curb the rampant growth of the number of refugees and displaced persons that has grown dramatically over the last decade. Sadly, more than half of all refugees are children.

The sad plight of children is a tragedy and it is also a very real and growing problem. Clearly, all of us in this chamber face significant challenges if we are to secure the protection and basic care that are these children's rights. But we must rise to this challenge. it is time for us to go beyond the easy pro-child rhetoric that has been a poor substitute for action to improve the lives of our children. In a time of fiscal constraint we need to act with utmost consideration and comprehension. But help delayed for a developing child, is often help too late; the consequences of child neglect and abuse are unforgiving. Children are the defenseless victims. We in this Chamber have the responsibility and the means to act on their behalf. It is time for aggressive action on our part.

The welfare of our children represents a crucial legacy for the future. Yet our legacy is dying before our eyes. The United States must not pass up this opportunity to join the world community in saving and improving the lives of millions of children across the globe. We all need to dedicate ourselves to this issue with utmost compassion, urgency and determination.

• Mr. JEFFORDS. Mr. President, it is my distinct honor to join Senator DODD as an original cosponsor of the World Summit for Children Implementation Act of 1993.

We all know we face daunting challenges today on both the domestic and international fronts. Domestically, we must come to grips with comprehensive health care reform, with renewed education and retraining opportunities for people of all ages, with the effort to provide our people with appropriate jobs and to improve standards of living. Internationally we find ourselves facing a whole new political order of nations, global competition, and growing disparities in wealth and health that threaten world stability.

As the world, and the United States, try to cope with these challenges we must keep in mind that our children will be the primary benefactors if we are successful and the principle victims if we fail. Children are the only real promise of the world and whatever else we accomplish or attempt to accomplish they must be our first priority. The well-being, safety, and education of the world's children come first. What does reforming the world matter if we lose our children in the process?

The World Summit for Children, convened in September 1990 with 159 nations participating, including our own, set the ground rules for nations to follow to rally the world to the aid of children. The WSCIA–1993 represents a blueprint of the United States to use to achieve the goals of the Summit.

Internationally, the WSCIA–1993 would shift funds within the U.S. foreign assistance budget to meet the needs of children without an overall increase in foreign aid spending. Specifically it would increase allocations for child survival, basic education, vitamin A and other micronutrients, UNICEF, AIDS prevention and care, refugee assistance, and family planning.

Domestically, the bill will once again support funding for WIC, a program I have always felt critical to our long-term health reform efforts, and for Head Start, a program of proven success in improving the education of our very young learners.

Clearly WSCIA–1993 has the priorities straight. I call upon all our colleagues to get their priorities straight and vote for it. The children need and deserve no less. Our children and the world's children.•

• Mr. MOYNIHAN. Mr. President, each effort we make to ensure that children enjoy good health and education is an investment in the future. The plan of action adopted by the World Summit for Children in 1990 outlines specific

goals that the summit participants agreed to try to achieve by the year 2000. These include reducing child deaths by at least one-third, halving maternal mortality and child malnutrition, providing all children access to a basic education, and providing all families access to clean water, safe sanitation, and family planning services.

These goals are most worthy but implementing these goals requires international cooperation. It also requires a special commitment at home. We need to work to ensure the health of children in this country. We need to reduce the U.S. infant mortality rate and the incidence of low birthweight.●

By Mr. ROCKEFELLER (for himself, Mr. DECONCINI, Mr. GRAHAM, and Mr. DASCHLE):

S. 1546. A bill to amend title 38, United States Code, to revise certain administrative provisions relating to the U.S. Court of Appeals, and for other purposes; to the Committee on Veterans' Affairs.

COURT OF VETERANS APPEALS IMPROVEMENT ACT OF 1993

● Mr. ROCKEFELLER. Mr. President, as chairman of the Committee on Veterans' Affairs, I am introducing today S. 1546, the proposed Court of Veterans Appeals Improvement Act of 1993, a bill to revise certain provisions relating to the U.S. Court of Veterans Appeals. I am enormously pleased that three of my colleagues on the committee have joined me as original cosponsors of this important measure—Senators DENNIS DECONCINI, BOB GRAHAM, and TOM DASCHLE. This bill would make improvements in the Veterans' Judicial Review Act, the legislation that created the Court of Veterans Appeals in 1988.

BACKGROUND

Mr. President, the Veterans' Judicial Review Act of 1988 [VJRA] was the culmination of the tireless work of many individuals in Congress for over a decade. Since the passage of the VJRA at the end of the 100th Congress, the Committee on Veterans' Affairs has continued its legislative efforts to ensure that the court is able to operate under its mandate as efficiently as possible, and in a manner that is fair to veterans and other appellants.

Mr. President, legislation enacted to improve the operation of the Court of Veterans Appeals includes the Court of Veterans Appeals Judges Retirement Act, Public Law 101–94, which created a retirement system for Court of Veterans Appeals judges comparable to the plans available to other Federal judges; Public Law 102–82, which made miscellaneous administrative and technical improvements in the operation of the court; section 502 of the Federal Courts Administration Act of 1992, Public Law 102–572, which allowed the application of the Equal Access to Justice Act to cases before the Court of Veterans Appeals; and section 801 of the Veterans Health Care Act of 1992, Public law 102–585, which allows the Judicial Conference of the United States to review judicial conduct or disability actions taken by the court with respect to the judges of the court.

Three of the four provisions in the bill being introduced—sections 2 through 4—were included in S. 2974 in the 102d Congress, which was reported by the Committee on Veterans' Affairs on September 15, 1992, and passed by the full Senate on October 1, 1992.

CONFIRMATION OF CHIEF JUDGE OF THE COURT

Mr. President, section 2 of the bill would clarify the process for filling the position of chief judge of the court. Currently, under section 7254(d) of title 38, United States Code, when the position of chief judge is vacant, the associate judge senior in service assumes the role of acting chief judge, unless the President designates another associate judge to serve in that position. This provision was enacted in Public Law 101–94 for the purpose of avoiding any unnecessary disruption when the chief judge position becomes vacant.

Section 2 of the bill acknowledges the importance of the position of chief judge by clarifying that the appointment of any individual by the President to serve in the position of chief judge, including any sitting associate judge, must only be with the advice and consent of the Senate. Under current law, it is clear that if the President appoints an individual not on the court to be chief judge, that the appointment would be subject to Senate confirmation. However, current law does not address directly the question of whether the President's appointment of an associate judge—who has been confirmed by the Senate for that position—to be the chief judge requires Senate confirmation. I believe that in this situation the Senate should have the opportunity to consider the nominee's qualifications specifically with respect to the position of chief judge. The position carries with it responsibilities other than judicial responsibilities—duties that concern the administration of the court's budget and personnel system, as well as public representation of the court. I believe these special, additional responsibilities expected of the chief judge and the importance of the position warrant Senate approval of the President's appointment. Therefore, section 2 would require Senate confirmation of any individual selected by the President to serve as chief judge of the Court of Veterans Appeals.

FILING DATE FOR NOTICE OF APPEAL TO THE COURT

Mr. President, section 3 of the bill would provide that an appeal to the Court of Veterans Appeals is timely filed if it is postmarked—rather than actually received by the court—by the statutory deadline. Currently, section 7266(a) of title 38 requires that an appeal to the court must be filed within 120 days after the date on which the Board of Veterans' Appeals mails its decision. Under rule 4 of the court's rules of practice and procedure, the court must receive the notice of appeal by the 120th day of that filing period. The court has issued a series of decisions dismissing the appeal in cases in which the notice of appeal was postmarked within the 120-day time limit, but the court did not receive the notice of appeal within that period.

I believe that the court's interpretation of the statutory requirement is unduly restrictive and complicated. In effect, rule 4 gives those individuals who live closer to Washington, DC, where the court is located, more time to perfect their appeals than those who do not. Not only is the claimant who lives at a greater distance likely to receive the BVA decision later, but that claimant will also be forced to mail his or her notice of appeal earlier than the claimant who lives in closer proximity to Washington, DC. Problems inevitably occur with mail delivery; even when the claimant mails the notice of appeal well in advance of the 120th day, delays in the mail can cause the notice to arrive at the court after the 120-day deadline has expired. The court's rule makes the appellant's preparation of the appeal more difficult than is necessary; the appellant must take into consideration and anticipate possible mail delays. Particularly in light of the fact that the majority of the appellants do not have representation before the court, this rule seems unnecessarily complicated and restrictive.

Mr. President, the rules of the Tax Court, also an article I court located in Washington, DC, require that the appeal be postmarked by the statutory filing deadline set forth in section 7502 of title 26, United States Code. Also, under section 4005(b)(1) of title 38, VA's internal appellate procedure requires that a notice of disagreement initiating an appeal to the Board of Veterans' Appeals be postmarked within the 1-year filing period.

Mr. President, the Court of Veterans' Appeals acted appropriately and within the scope of its authority when it adopted rule 4. However, I believe that in order to be fair to all appellants, the postmark date on the notice of appeal must be considered the filing date for purposes of determining whether or not an appeal was filed in a timely manner. Therefore, section 3 of the bill would amend section 7266(a) of title 38 to require that a notice of appeal be deemed received by the court on the date of receipt by the court if it is delivered, or on the date it is postmarked if it is mailed.

MODIFICATION OF COURT OF VETERANS' APPEALS JURISDICTION

Mr. President, section 4 of the bill would amend section 402 of the VJRA

to modify the basis of the jurisdiction of the Court of Veterans' Appeals. Under current law, the court's jurisdiction is limited to cases in which a notice of disagreement [NOD] was filed on or after the date of enactment of the VJRA, November 18, 1988. A notice of disagreement is a written communication filed by a claimant expressing dissatisfaction or disagreement with a decision made by a VA regional office, medical center, or clinic, and initiates an appeal to the Board of Veterans' Appeals. Section 4 would modify the court's jurisdiction to cover cases in which the NOD was filed prior to November 18, 1988, and the BVA issued a final decision on or after that date. This change would ensure that all cases decided by the BVA on or after the date of the VJRA's enactment could be reviewed by the court.

At the time the VJRA was enacted, the reason for using the date of the NOD for jurisdictional purposes was to avoid immediately overburdening the court—before the court began functioning—with cases that already had been decided by the BVA. However, the court now has been operating for 4 years and has had a full complement of seven judges for nearly 3 years. Therefore, the possibility of overloading the court's docket before it was fully functioning is no longer a concern. Accordingly, I believe that it now makes sense to expand the jurisdiction of the court to include the authority to review all cases in which the BVA issued a final decision on or after the date of enactment of the VJRA. This slight modification of the court's jurisdiction would be consistent with the VJRA's original intent to prohibit old cases from being brought before the court. It also is consistent with the logical expectations of many veterans that all BVA decisions issued after the enactment date of the VJRA could be appealed to the court. Many veterans were left disappointed and disillusioned when, after the final passage of the VJRA, they realized that the provisions of the law did not allow them to receive court review of their BVA decisions.

Under the amendment, appellants who would become eligible to appeal under this change would be allowed 6 months to file an appeal with the court following notification by VA of this opportunity. This provision is necessary because the claimants now eligible for court review of their cases under this amendment would not have been able to file a notice of appeal with the court within the 120-day filing period.

ATTORNEYS' FEES PAID DIRECTLY BY VA OUT OF PAST-DUE BENEFITS

Mr. President, section 5 of the bill would overrule a Court of Veterans Appeals decision in *Matter of Fee Agreement of Smith*, 4 Vet. App. 487 (1993), on the issue of attorneys' fees paid directly to the attorney by VA from past-due benefits awarded to the appellant. Under current law, section 5904(d) of title 38, an attorney can receive payment for representation before the court directly from VA out of a retroactive benefit award. However, for this provision to apply, two requirements must be met: First, the total fee may not exceed 20 percent of the total amount of any past-due benefits awarded to the appellant; and second, under the fee agreement, the fee must be contingent upon whether or not the claim is ultimately resolved in favor of the appellant. Section 5 would clarify that the statute allows payment of attorneys' fees directly by VA only in cases where the total amount of the fee is contingent upon the appellant prevailing.

Under section 5904(d), an attorney has the distinct benefit of receiving the fee for representation directly from VA out of any retroactive benefit award the appellant receives. In a successful case, the attorney is assured of actually receiving payment of the fee, and relieved of having to confront any collection difficulties. However, the benefit comes with a price; the statute requires that any agreement calling for this direct payment must provide that the fee is to be paid on a contingency basis. In other words, the appellant must prevail in order for the attorney to receive payment.

In the Smith case, however, the court held that the statutory provision applied even though the fee agreement in that case required the appellant to pay a fixed fee and also provided that an amount would be paid directly by VA out of any retroactive award the appellant might receive. Thus, the agreement did not provide for a true contingency fee, but rather a hybrid fee—a partially fixed, partially contingent fee. A true contingency fee agreement does not require payment of any fixed fee.

Mr. President, section 5 would amend section 5904(d) to clarify that if a fee agreement requires direct payment to the attorney from VA, the total amount of the fee must be contingent upon whether or not the appellant's claim is successfully resolved.

CONCLUSION

Mr. President, this legislation would allow the Court of Veterans Appeals to fulfill more effectively its responsibility under the VJRA and ease certain unnecessary restrictions on potential appellants. I intend to bring this legislation before the committee at a mark up later this month and look forward to working with my colleagues on the Senate and House Veterans' Affairs Committees on this measure. I pledge to do all I can to see it enacted as soon as possible. I urge all of my Senate colleagues to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this point.

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

S. 1546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Court of Veterans Appeals Improvement Act of 1993".

SEC. 2. CONFIRMATION OF CHIEF JUDGE.

Section 7253(b) of title 38, United States Code, is amended by striking out "The judges" and inserting in lieu thereof "The chief judge and the associate judges".

SEC. 3. MAILING OF NOTICES OF APPEAL TO THE COURT OF VETERANS APPEALS.

(a) IN GENERAL.—Section 7266(a) of title 38, United States Code, is amended to read as follows:

"(a)(1) In order to obtain review by the Court of Veterans Appeals of a final decision of the Board of Veterans' Appeals, a person adversely affected by such decision shall file a notice of appeal with the Court within 120 days after the date on which notice of the decision is mailed pursuant to section 7104(e) of this title.

"(2) An appellant shall file a notice of appeal under this section by delivering or mailing the notice to the Court.

"(3) A notice of appeal shall be deemed to be received by the Court as follows:

"(A) On the date of receipt by the Court, if the notice is delivered.

"(B) On the date of the United States Post Service postmark stamped on the cover in which the notice is posted, if the notice is mailed.

"(4) For a notice of appeal mailed to the Court to be deemed to be received under paragraph (3)(B) on a particular date, the United States Postal Service postmark on the cover in which the notice is posted must be legible. The Court shall determine the legibility of any such postmark and the Court's determination as to legibility shall be final and not subject to review by any other Court.".

(b) APPLICATION.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to notices of appeal that are delivered or mailed to the United States Court of Veterans Appeals on or after that date.

SEC. 4. AVAILABILITY OF REVIEW BY COURT OF VETERANS APPEALS.

(a) AVAILABILITY.—Section 402 of the Veterans' Judicial Review Act (38 U.S.C. 7251 note) is amended by striking out "in which a notice of disagreement" and all that follows through the end of the section and inserting in lieu thereof "in which the Board of Veterans' Appeals makes a final decision under section 7104 of title 38, United States Code, on or after November 18, 1988.".

(b) EFFECTIVE DATE.—(1) The amendment made by subsection (a) shall take effect as of November 18, 1988, and apply to cases in which the Board of Veterans' Appeals makes a final decision under section 7104 of title 38, United States Code, on or after that date.

(2)(A) Notwithstanding paragraph (1), a person referred to in subparagraph (B) shall be entitled to obtain review by the Court of Veterans Appeals of a final decision referred to in clause (ii) of that subparagraph if the person files a notice of appeal with the Court of Veterans Appeals with respect to that decision not later than 180 days after the notification date referred to in subparagraph (C).

(B) Subparagraph (A) applies to a person who—

(i) filed a notice of disagreement with the Board of Veterans' Appeals before November 18, 1988; and

(ii) received a final decision by the Board on the matter subject to the notice of disagreement on or after such date.

(C) The Secretary of Veterans Affairs shall, to the maximum extent practicable, notify each person referred to in subparagraph (B) of the eligibility of the person to file a notice of appeal with the Court under subparagraph (A). The date of such notification shall be deemed to be—

(i) the date of such notification, in the case of actual notification; or

(ii) the date of the postmark stamped on the cover in which the notification is posted, if the notice is mailed.

SEC. 5. CLARIFICATION OF PAYMENT OF ATTORNEY FEES UNDER CONTINGENT FEE AGREEMENTS.

Section 5904(d)(2)(A) of title 38, United States Code, is amended to read as follows:

"(A) A fee agreement referred to in paragraph (1) of this subsection is one under which the total amount of the fee payable to the attorney (i) is to be paid to the attorney by the Secretary directly from any past-due benefits awarded on the basis of the claim, and (ii) is contingent on whether or not the matter is resolved in a manner favorable to the claimant.".●

By Mr. BAUCUS:

S. 1547. A bill to reauthorize and amend title XIV of the Public Health Service Act, commonly known as the Safe Drinking Water Act, and for other purposes; to the Committee on Environment and Public Works.

SAFE DRINKING WATER ACT AMENDMENTS OF 1993

Mr. BAUCUS. Mr. President, today I introduce legislation that will revise and improve the Safe Drinking Water Act.

Safe drinking water is a fundamental right. For nearly two decades, the Safe Drinking Water Act has guaranteed this right to the people, while guiding Federal, State, and local officials in their efforts to provide clean and pure water.

PROBLEMS WITH SAFE DRINKING WATER ACT

In the past several years, however, serious problems with the law have surfaced. On one hand, it is not effective enough in guaranteeing water safety. People continue to get sick from unsanitary water. This occurs in both small rural towns and large cities, like Milwaukee.

At the same time, it is imposing a regulatory burden on State and local officials that many find overwhelms their financial and technical resources. And compounding this problem, the Safe Drinking Water Act does not provide Federal financial aid to communities.

COMPLIANCE PROBLEMS IN SMALL COMMUNITIES

The horns of the dilemma are sharpest for small drinking water systems. While systems serving under 3,300 people serve only a small proportion of our people, they make up about 87 percent of the 58,000 community water systems in our country.

For example, of the roughly 900 community water systems in Montana, some 400 serve fewer than 125 people. Small systems usually cannot take advantage of the economies of scale in treatment technology. And since there is no Federal financial assistance to go with the regulations, improvements in small systems make household water rates rocket skyward like Old Faithful.

Further, many State and local officials argue that on top of the financial burden the Safe Drinking Water Act imposes, the drinking water program has become a regulatory and administrative quagmire. Monitoring standards are too complicated for many system operators. States lack the money and trained personnel to effectively manage the program.

And unnecessary requirements, such as the stipulation that EPA regulate 25 new contaminants every 3 years, means that EPA, the States, and the water systems cannot always devote their money and people to the problems they know are the worst.

Mr. President, we have ignored these problems for so long that the drinking water program is threatened with collapse. We cannot let that happen. We must have a truly effective way to protect our drinking water supply, and the bill I am introducing today is an effort to give us one.

REFORMS TO EASE COMPLIANCE AND REDUCE REGULATORY BURDEN

First, we will reduce the regulatory burden the law has created, paying special attention to small communities.

For example, the bill eliminates the requirement that EPA set drinking water standards for 25 new contaminants every 3 years. Instead, it directs EPA to review the health effects of a limited number of unregulated contaminants in drinking water, and regulate them only when they pose a public health problem. And it will reduce monitoring requirements for many systems that do not detect contaminants.

Second, the bill makes the States true working partners with EPA, and gives them the resources and the authority to do the job. It also puts more emphasis on preventing contamination of drinking water in the first place, and makes enforcement more effective and consistent with other environmental laws.

Third, a financial base for drinking water projects is critical. Safe drinking water will never be a reality for many communities unless there is adequate Federal funding. Thus, my bill establishes drinking water loan funds, building on the administration's request and our experience with the Clean Water Act's revolving loan funds. It authorizes $600 million in fiscal year 1994 and $1 billion annually in future years.

The bill also includes a new element to let States forgive repayment of loans where that is necessary to assure that household costs do not exceed 1.5 percent of median household income.

SPECIAL PROVISIONS FOR SMALL COMMUNITIES

The bill also has provisions that will help small communities provide safe drinking water. It gives States the authority and resources to work with small water systems on their unique problems. States would prepare overall plans to manage drinking water systems serving fewer than 3,000 people.

Each State would then work with the small system on specific compliance program to help them develop ways to consolidate with neighboring systems or find better sources of raw water. If those actions are not practical, the program would let them use treatment technology geared to small system needs.

The ultimate objective is to provide safe drinking water for all communities, even if financial or management limitations mean that it may take a little longer for some systems.

RADON PILOT PROGRAM

Finally, the bill proposes a new approach to radon in drinking water. This can pose a serious health threat. But most radon comes into a home from soil gas, not drinking water. Therefore, it seems well suited to integrated risk management.

The bill sets two standards for radon. The first is as close to the no-health-effect level as possible. The second is equivalent to exposure from outside air. A State drinking water system could choose to meet the second standard if it implemented a program to reduce radon in indoor air.

This proposal will be the starting point for a constructive discussion of alternative approaches to public health regulation. It is a good faith effort to respond to the special public health challenge posed by radon gas. It will test whether flexibility to attain the greatest degree of public health protection at the lowest cost will work on the ground.

CONCLUSION

The current Safe Drinking Water Act has problems which demand immediate attention. It does not allow for needed flexibility and does not provide any financial assistance to those whose job it is to supply safe water.

The result is that communities are falling out of compliance and citizens are not guaranteed that their water is safe to drink. These problems are too important for business as usual. Therefore, I plan to hold hearings on this bill later this month. And I will do all I can to report it to the full Senate this fall.

This effort must be based on consensus. That is the only way to achieve timely changes in the law and the financial aid many systems need to assure safe drinking water. I look forward to working with my colleagues, in particular Senator CHAFEE as ranking Republican on the Environment and Public Works Committee, and the administration, as the bill moves ahead.

Mr. President, I ask unanimous consent that a detailed summary of the

bill and a copy of the bill be included in the RECORD.

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

S. 1547

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Safe Drinking Water Act Amendments of 1993".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references.
Sec. 2. Findings.
Sec. 3. State revolving loan funds.
Sec. 4. National drinking water regulations.
Sec. 5. Small public water systems.
Sec. 6. Enforcement of drinking water regulations.
Sec. 7. Control of lead in drinking water.
Sec. 8. Radon in drinking water and indoor air.
Sec. 9. Point of use devices.
Sec. 10. Drinking water supply protection.
Sec. 11. Emergency powers.
Sec. 12. Tampering with public water systems.
Sec. 13. Drinking water research, education, and certification.
Sec. 14. State drinking water program funding.
Sec. 15. Records and inspections.
Sec. 16. Federal agencies.
Sec. 17. Citizen's civil action.
Sec. 18. Other amendments.

(c) REFERENCES TO TITLE XIV OF THE PUBLIC HEALTH SERVICE ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.).

SEC. 2. FINDINGS.

Congress finds that—

(1) safe drinking water is essential to the protection of public health;

(2) the Federal Government needs to assist communities in the financing of drinking water treatment and related projects;

(3) small drinking water systems need additional technical assistance and information from State and Federal agencies in the development and implementation of coordinated plans for the provision of safe and affordable drinking water;

(4) the existing process for the assessment and regulation of additional drinking water contaminants needs to be improved and revised to provide for more extensive participation from interested parties;

(5) States play a central role in the implementation of safe drinking water programs and States need increased financial resources to ensure the prompt and effective development and implementation of drinking water programs; and

(6) there is substantial noncompliance with requirements of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300f et seq.) and Federal and State agencies need additional authorities to ensure the implementation of the Act.

SEC. 3. STATE REVOLVING LOAN FUNDS.

(a) ESTABLISHMENT OF STATE LOAN FUNDS.—The title is amended by adding at the end the following:

"PART G—RESERVED

"PART H—STATE REVOLVING LOAN FUNDS

"SEC. 1481. GENERAL AUTHORITY.

"(a) CAPITALIZATION GRANT AGREEMENTS.—The Administrator shall offer to enter into an agreement with each State to make capitalization grants to the State pursuant to section 1482 (referred to in this part as a 'capitalization grants') to establish a drinking water treatment State revolving loan fund (referred to in this part as a 'State loan fund').

"(b) REQUIREMENTS OF AGREEMENTS.—An agreement entered into pursuant to this section shall establish, to the satisfaction of the Administrator, that—

"(1) the State has established a State loan fund that complies with the requirements of this part;

"(2) the State loan fund will be administered by an instrumentality of the State that has the powers and authorities that are required to operate the State loan fund in accordance with this part;

"(3) the State will deposit the capitalization grants into the State loan fund;

"(4) the State will deposit all loan repayments received, and interest earned on the amounts deposited into the State loan fund under this part, into the State loan fund;

"(5) the State will deposit into the State loan fund an amount equal to at least 20 percent of the total amount of each capitalization grant to be made to the State on or before the date on which the grant is made to the State;

"(6) the State will use funds in the State loan fund in accordance with an intended use plan prepared pursuant to section 1484(b);

"(7) the State has in effect legal authority adequate to prevent the formation of nonviable public water systems beginning not later than January 1, 1996; and

"(8) the State and loan recipients that receive funds that the State makes available from the State loan fund will use accounting, audit, and fiscal procedures that conform to generally accepted accounting standards, as determined by the Administrator.

"(c) ADMINISTRATION OF STATE LOAN FUNDS.—

"(1) IN GENERAL.—The authority to establish assistance priorities and carry out oversight and related activities (other than financial administration) with respect to financial assistance provided with amounts deposited into the State loan fund shall remain with the State agency that has primary responsibility for the administration of the State program pursuant to section 1413(a).

"(2) FINANCIAL ADMINISTRATION.—A State may combine the financial administration of the State loan fund pursuant to this part with the financial administration of a State water pollution control revolving fund established by the State pursuant to title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.) if the Administrator determines that the grants to be provided to the State under this part, together with loan repayments and interest deposited into the State loan fund pursuant to this part, will be segregated and used solely for the purposes specified in this part.

"SEC. 1482. CAPITALIZATION GRANTS.

"(a) GENERAL AUTHORITY.—The Administrator may make grants to capitalize State loan funds to a State that has entered into an agreement pursuant to section 1481.

"(b) FORMULA FOR ALLOTMENT OF FUNDS.—

"(1) IN GENERAL.—Subject to subsection (c), funds made available to carry out this part shall be allotted to States that have entered into an agreement pursuant to section 1481 in accordance with a formula that is the same as the formula used to distribute public water system supervision grant funds under section 1443 for fiscal year 1994.

"(2) OTHER JURISDICTIONS.—Each formula established pursuant to paragraph (1) shall reserve not less than 0.5 percent of the amounts made available to carry out this part for a fiscal year for providing capitalization grants to jurisdictions, other than Indian Tribes, referred to in subsection (e).

"(c) RESERVATION OF FUNDS.—

"(1) INDIAN TRIBES.—

"(A) IN GENERAL.—For each fiscal year, prior to the allotment of funds made available to carry out this part, the Administrator shall reserve 1 percent of the funds for providing financial assistance to Indian Tribes pursuant to subsection (e).

"(B) USE OF FUNDS.—Funds reserved pursuant to subparagraph (A) shall be used to address the most significant threats to public health associated with public water systems that serve Indian Tribes, as determined by the Administrator in consultation with the Commissioner of Indian Affairs.

"(C) NEEDS ASSESSMENT.—The Administrator, in consultation with the Commissioner of Indian Affairs, shall, in accordance with a schedule that is consistent with the needs survey for assessments conducted pursuant to section 1485(c), prepare a biennial survey and assess the needs of drinking water treatment facilities to serve Indian Tribes, including an evaluation of the public water systems that pose the most significant threats to public health.

"(2) PUBLIC HEALTH EMERGENCIES.—

"(A) IN GENERAL.—For each fiscal year, prior to the allotment of funds made available to carry out this part pursuant to subsection (b), the Administrator shall reserve 1 percent of the funds to provide financial assistance to respond to public health emergencies under section 1442(b).

"(B) ALLOTMENT OF UNUSED FUNDS.—On the last day of each fiscal year, the Administrator shall allot any funds that were reserved pursuant to subparagraph (A) but not expended in the fiscal year to the States on the basis of the same ratio as is applicable to sums allotted under subsection (b).

"(d) ALLOTMENT PERIOD.—

"(1) PERIOD OF AVAILABILITY FOR FINANCIAL ASSISTANCE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the sums allotted to a State pursuant to subsection (b) for a fiscal year shall be available to the State for obligation during the fiscal year for which the sums are authorized and during the following fiscal year.

"(B) FUNDS MADE AVAILABLE FOR FISCAL YEAR 1994.—The sums allotted to a State pursuant to subsection (b) from funds that are made available by appropriations for fiscal year 1994 shall be available to the State for obligation during each of fiscal years 1994 through 1996.

"(2) REALLOTMENT OF UNOBLIGATED FUNDS.—The amount of any allotment that is not obligated by a State by the last day of the period of availability established by paragraph (1) shall be immediately reallotted by the Administrator on the basis of the same ratio as is applicable to sums allotted

under subsection (b). None of the funds reallotted by the Administrator shall be reallotted to any State that has not obligated all sums allotted to the State pursuant to this section during the period that the sums were available for obligation.

"(e) DIRECT GRANTS.—The Administrator is authorized to make grants for the improvement of public water systems of Indian Tribes, the District of Columbia, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Republic of Palau, pending ratification of the Compact of Free Association (formerly part of the Trust Territory of the Pacific Islands).

"SEC. 1483. ELIGIBLE ASSISTANCE.

"(a) IN GENERAL.—The amounts deposited into a State loan fund, including any amounts equal to the amounts of loan repayments and interest earned on the amounts deposited, may be used by the State to carry out projects that are consistent with this section.

"(b) PROJECTS ELIGIBLE FOR ASSISTANCE.—The amounts deposited into a State loan fund shall be used only for providing financial assistance for—

"(1) capital expenditures for a project that will facilitate compliance with national primary drinking water regulations issued pursuant to section 1412;

"(2) capital expenditures for a project that will facilitate the consolidation of public water systems or the use of an alternative source of water supply;

"(3) capital expenditures for a project that will upgrade drinking water supply, treatment, and distribution systems;

"(4) capital expenditures for a project that will facilitate water conservation;

"(5) capital expenditures for a project that will implement a local or State source water protection program under section 1427 or 1428;

"(6) providing capital for loans by a drinking water system or State to low-income customers of a drinking water system for mitigation of radon in the air indoors;

"(7) the purchase of land that is necessary for a treatment facility; and

"(8) capital expenditures for the development of a drinking water system to replace a private drinking water supply if the water poses a significant threat to public health.

"(c) ELIGIBLE PUBLIC WATER SYSTEMS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a State loan fund may provide financial assistance only to community water systems and public and nonprofit noncommunity water systems.

"(2) PRIVATELY OWNED SYSTEMS.—Before providing financial assistance to a privately owned system pursuant to this paragraph, the State shall ensure that the assistance is secured with an appropriate amount and type of financial collateral.

"(d) TYPES OF ASSISTANCE.—Except as otherwise limited by State law, the amounts deposited into a State loan fund under this section may be used only—

"(1) to make loans, on the condition that—

"(A) the interest rate for each loan is less than or equal to the market interest rate, including an interest free loan;

"(B) annual principal and interest payments on each loan will commence not later than 1 year after the completion of the project for which the loan was made and each loan will be fully amortized not later than 20 years after the completion of the project;

"(C) the recipient of each loan will establish a dedicated source of revenue for the repayment of the loan; and

"(D) the State loan fund will be credited with all payments of principal and interest on each loan;

"(2) to buy or refinance the debt obligation of a municipality or an intermunicipal or interstate agency within the State at an interest rate that is less than or equal to the market interest rate;

"(3) to guarantee, or purchase insurance for, a local obligation if the guarantee or purchase would improve credit market access or reduce the interest rate applicable to the obligation;

"(4) as a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State if the proceeds of the sale of the bonds will be deposited into the State loan fund;

"(5) as a source of revenue or security for the payment of interest on a local obligation, if the payment from the State loan fund does not reduce the effective interest rate of the obligation by more than 2.5 percentage points; and

"(6) to earn interest on the amounts deposited into the State loan fund.

"(e) CONSISTENCY WITH PLANNING REQUIREMENTS.—

"(1) IN GENERAL.—Beginning with fiscal year 1998, no loan or other financial assistance shall be provided from a State loan fund for any project that serves a public water system serving fewer than 3,300 individuals and that is not recommended in a State drinking water supply plan for small drinking water systems approved pursuant to section 1415(a).

"(2) CONSISTENCY WITH COMPLIANCE PROGRAM.—No loan or other financial assistance shall be provided from a State loan fund for a project that serves a public water system that serves fewer than 3,300 individuals if the project is not consistent with a small system compliance program developed pursuant to section 1415(b), if any.

"(f) ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—

"(1) DEFINITION OF DISADVANTAGED COMMUNITY.—As used in this subsection, the term 'disadvantaged community' means the service area of a public water system with respect to which the average annual residential drinking water charges for a user of the system (referred to in this subsection as 'average annual residential user charges') is an amount greater than 1.5 percent of the median household income for the service area or will be an amount greater than 1.5 percent of the median household income for the service area if no subsidy is provided to the system pursuant to this subsection.

"(2) LOAN SUBSIDY.—Notwithstanding subsection (d)(1), in any case in which the State makes a loan pursuant to subsection (d)(1) to a disadvantaged community or to a community that the State expects to become a disadvantaged community as the result of a proposed project, the State may forgive an amount of the principal of the loan not to exceed the amount of forgiveness required to ensure that the average annual residential drinking water user charges for the service area of the public water system that is the subject of the loan do not exceed 1.5 percent of the median household income for the service area.

"(3) TOTAL AMOUNT OF SUBSIDIES.—For each fiscal year, the total amount of loan subsidies made by a State pursuant to paragraph (2) may not exceed 20 percent of the balance of the fund, calculated on the first day of the fiscal year.

"SEC. 1484. STATE LOAN FUND ADMINISTRATION.

"(a) ADMINISTRATION, PLANNING, AND TECHNICAL ASSISTANCE.—Each State that has a State loan fund is authorized to expend from the State loan fund a reasonable amount—

"(1) not to exceed 4 percent of the capitalization grant made to the State, for the costs of the administration of the State loan fund; and

"(2) not to exceed the greater of $500,000 or 10 percent of the capitalization grant made to the State, for technical and financial management assistance to public water systems that serve fewer than 3,300 individuals, including assistance for—

"(A) the development of small public water system management plans pursuant to section 1415(a); and

"(B) the development of small system compliance programs under section 1415(b).

"(b) INTENDED USE PLANS.—

"(1) IN GENERAL.—After providing for public review and comment, each State that has entered into a capitalization agreement pursuant to this part shall, prior to receiving a capitalization grant under section 1482, prepare a plan that identifies the intended uses of the amounts deposited into the State loan fund of the State.

"(2) CONTENTS.—An intended use plan shall include—

"(A) a list of the projects to be assisted in the first fiscal year that begins after the date of the plan, including a description of the project, the terms of financial assistance, and the size of the community served;

"(B) a description of all projects for which a public water system sought financial assistance for the fiscal year and the annual user charges of the system;

"(C) the criteria and methods established for the distribution of funds;

"(D) a description of projects expected to be assisted in the 2 fiscal years following the fiscal year for which a list was prepared under subparagraph (A); and

"(E) a description of the financial status of the State loan fund and the short-term and long-term goals of the State loan fund.

"(3) USE OF FUNDS.—An intended use plan shall provide, to the extent practicable, that first priority for the use of funds be given to public water systems that are in violation of a national primary drinking water regulation and in which residential water system rates are the highest percentage of median household income.

"(4) CONSOLIDATION.—An intended use plan shall ensure that no assistance under this part for a project other than the consolidation of public water systems is provided to a public water system for which consolidation is identified as a goal in a small public water system management plan developed pursuant to section 1415(a) or otherwise determined by the Administrator to be appropriate.

"SEC. 1485. STATE LOAN FUND MANAGEMENT.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this part, and annually thereafter, the Administrator shall conduct such reviews and audits as the Administrator considers appropriate, or require each State to have the reviews and audits independently conducted, in accordance with the single audit requirements of chapter 75 of title 31, United States Code.

"(b) STATE REPORTS.—Not later than 1 year after the date of enactment of this part, and annually thereafter, each State that administers a State loan fund shall publish and submit to the Administrator a report on the activities of the State under this part, including the findings of the most recent audit of the State loan fund.

"(c) DRINKING WATER NEEDS SURVEY AND ASSESSMENT.—Not later than 2 years after the date of enactment of this part, and every 4 years thereafter, the Administrator shall submit to Congress a survey and assessment of the needs for facilities in each State eligible for assistance under this part. The survey and assessment conducted pursuant to this subsection shall—

"(1) identify the needs for projects or facilities eligible for assistance under this part on the date of the assessment (other than refinancing for a project pursuant to section 1483(d)(2));

"(2) identify the needs for eligible facilities over the 20-year period following the date of the assessment;

"(3) identify the population served by each public water system that has a project eligible for assistance; and

"(4) include such other information as the Administrator determines to be appropriate.

"(d) EVALUATION.—The Administrator shall conduct an evaluation of the effectiveness of the State loan funds through fiscal year 1996. The evaluation shall be submitted to Congress at the same time as the President submits to Congress, pursuant to section 1108 of title 31, United States Code, an appropriations request for fiscal year 1998 relating to the budget of the Environmental Protection Agency.

"SEC. 1486. ENFORCEMENT.

"The failure or inability of any public water system to receive funds under this part or any other loan or grant program, or any delay in obtaining the funds, shall not alter the obligation of the system to comply in a timely manner with all applicable drinking water standards and requirements of this Act.

"SEC. 1487. LABOR STANDARDS.

"(a) IN GENERAL.—The Administrator shall take such action as is necessary to ensure that all laborers and mechanics employed by contractors or subcontractors of treatment works for which financial assistance is provided under this part shall be paid wages at rates not less than the prevailing rates for the same type of work on similar construction in the immediate locality, as determined by the Secretary of Labor in accordance with the Act entitled 'An Act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes', approved March 3, 1931 (commonly known as the 'Davis-Bacon Act') (40 U.S.C. 276a et seq.).

"(b) AUTHORITY AND FUNCTIONS.—With respect to the labor standards described in subsection (a), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 Fed. Reg. 3176) and section 2 of the Act of June 13, 1934 (48 Stat. 948, chapter 482; 40 U.S.C. 276c).

"SEC. 1488. REGULATIONS AND GUIDANCE.

"The Administrator shall publish such guidance and issue such regulations as are necessary to carry out this part, including guidance and regulations to ensure that—

"(1) each State commits and expends funds from State loan funds in accordance with the requirements of this part and applicable Federal and State laws; and

"(2) the States and eligible public water systems that receive funds under this part use accounting, audit, and fiscal procedures that conform to generally accepted accounting standards.

"SEC. 1489. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Environmental Protection Agency to carry out this part $600,000,000 for fiscal year 1994 and $1,000,000,000 for each of fiscal years 1995 through 2000.".

(b) DEFINITIONS.—Section 1401 (42 U.S.C. 300f) is amended—

(1) in paragraph (14), by adding at the end the following new sentence: "The term includes any Native village, as defined in section 3(c) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(c)).''; and

(2) by adding at the end the following new paragraphs:

"(15) The term 'community water system' means a public water system that—

"(A) serves at least 15 service connections used by year-round residents of the area served by the system; or

"(B) regularly serves at least 25 year-round residents.

"(16) The term 'noncommunity water system' means a public water system that is not a community water system.

"(17) The term 'nonviable public water system'—

"(A) means a public water system that the Governor of a State determines is unlikely to attain compliance with the requirements of this Act on a sustained basis; but

"(B) does not include a public water system that the Governor determines will substantially improve existing conditions that pose a threat to public health.".

SEC. 4. NATIONAL DRINKING WATER REGULATIONS.

(a) IDENTIFICATION OF CONTAMINANTS.—Paragraph (3) of section 1412(b) (42 U.S.C. 300g–1(b)(3)) is amended to read as follows:

"(3)(A) The Administrator may publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for any contaminant that the Administrator determines may have any adverse effect on human health and that is known or anticipated to occur in public water systems in a concentration or frequency that indicates a public health concern. The Administrator shall not be required to complete action under subparagraph (B), (C), or (D) prior to promulgating a national primary drinking water regulation for a contaminant.

"(B)(i) Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1993, the Administrator shall publish in the Federal Register a list and assessment of not fewer than 15 unregulated contaminants that, on the basis of the adverse health effects that may result from the contaminants and the occurrence of the contaminants in public water systems, the Administrator determines present the greatest public health concern. Not later than 3 years after the date of publication of an initial list pursuant to this clause, and every 3 years thereafter, the Administrator shall publish, pursuant to this clause, a list and assessment of not fewer than 7 contaminants. At the time of the identification of any contaminant pursuant to this subparagraph, the Administrator shall identify such additional research concerning health effects as is necessary to ensure appropriate control of the contaminant.

"(ii) Not later than 1 year prior to publication of a list pursuant to this subparagraph, the Administrator shall publish in the Federal Register a proposed list and a summary of information concerning the health effects and occurrence of contaminants proposed to be listed pursuant to this subparagraph and any contaminants considered for inclusion on the list established under this subparagraph that the Administrator has not proposed to be listed.

"(iii) Not later than 180 days after publishing a proposed list pursuant to clause (ii), the Administrator, in conjunction with the National Drinking Water Advisory Council, shall hold a public hearing to hear comments on the list of contaminants proposed pursuant to clause (ii). The Council shall submit to the Administrator a report recommending any changes to the proposed list along with any dissenting views of members of the Council. Each hearing conducted pursuant to this clause shall be open to the public and each person submitting comments on the list proposed pursuant to clause (ii) shall be invited to attend the hearing.

"(C)(i) Not later than 2 years after a contaminant has been listed pursuant to subparagraph (B), the Administrator shall publish a health assessment for the contaminant that contains a summary of the research on the adverse health effects that are likely as a result of the occurrence of the contaminant in public water systems.

"(ii) The Administrator may, after providing notice in the Federal Register, delay the date of publication of the health assessment required under clause (i) for a period not to exceed 2 years, if the Administrator determines that additional research is necessary to fully determine the adverse health effects that may result from the contaminant.

"(iii) Each health assessment required under clause (i) shall be reviewed by the Science Advisory Board established under section 8 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4365) prior to publication.

"(D)(i) At the time a health assessment for a contaminant is published under subparagraph (C), the Administrator shall—

"(I) propose a maximum contaminant level goal and a national primary drinking water regulation for the contaminant; or

"(II) publish a determination that the contaminant does not meet the criteria established in subparagraph (A) and a national primary drinking water regulation for the contaminant will not be proposed.

"(ii) A determination published pursuant to clause (i)(II) shall be considered to be a final agency action for purposes of section 1448.

"(E) Not later than 18 months after the date on which the Administrator proposes a national primary drinking water regulation for a contaminant pursuant to subparagraph (D), the Administrator shall publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for the contaminant.

"(F) The Administrator shall publish a health advisory pursuant to subsection (f) for any contaminant listed under subparagraph (B) for which the Administrator determines, pursuant to subparagraph (D)(i)(II), that a national primary drinking water regulation is not necessary not later than 1 year after the date of the determination.

"(G) To ensure adequate occurrence data for purposes of this paragraph, the Administrator shall establish a data base on the occurrence of unregulated contaminants in public water systems and shall ensure that the data base is available to the public in readily accessible form. Information in the data base shall include—

"(i) such monitoring information on unregulated contaminants collected by public water systems that serve more than 10,000 individuals as is required by the Administrator;

"(ii) monitoring information from representative sampling among public water systems that serve fewer than 10,000 individuals collected by the Administrator or by the States; and

"(iii) such other monitoring information collected from public water systems as the Administrator shall require.

"(H)(i) Except as provided in clause (ii), if in a petition signed by 7 or more Governors of States, the Governors request the Administrator to publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for a contaminant, the Administrator shall publish the goal and promulgate the regulation not later than the date that is 2 years after the receipt of the petition.

"(ii) The Administrator shall not be required to carry out clause (i) with respect to a contaminant if, prior to the date specified in clause (i), the Administrator publishes a determination in the Federal Register that—

"(I) the contaminant does not result in adverse effects on human health as the result of the presence of the contaminant in public water systems; or

"(II) the concentration or frequency of occurrence of the contaminant in public water systems does not constitute a public health concern.

"(iii) A determination by the Administrator not to promulgate a national primary drinking water regulation for a contaminant pursuant to clause (ii) shall be considered to be a final agency action for purposes of section 1448.".

(b) DRINKING WATER STANDARD REVIEW AND COMPLIANCE PERIODS.—

(1) REVIEW PERIOD.—The first and second sentences of section 1412(b)(9) (42 U.S.C. 300g–1(b)(9)) are each amended by striking "3" each place it appears and inserting "6".

(2) COMPLIANCE PERIOD.—The first sentence of section 1412(b)(10) (42 U.S.C. 300g–1(b)(10)) is amended by striking all after "effect" and inserting "on a date to be determined by the Administrator that shall be not later than 3 years after the date of promulgation of the regulations.".

(3) EXTENSION.—Section 1416(b)(2) (42 U.S.C. 300g–5(b)(2)) is amended—

(A) in subparagraph (A), by striking all after "but" and inserting the following: "not later than 2 years after the date of granting of the exemption if the appropriate official of the public water system establishes, to the satisfaction of the State, that—

"(i)(I) the system cannot meet the standard without capital improvements and the improvements cannot be completed within the compliance period specified in section 1412(b)(10);

"(II) in the case of a system that needs financial assistance for the necessary improvements, the system has obtained the assistance, or the needed financial assistance is identified in an intended use plan developed pursuant to section 1484(b) and the assistance is reasonably likely to be available within the period of the exemption; or

"(III) the appropriate official of the system has entered into an enforceable agreement to consolidate with another public water system or the system is scheduled to be consolidated with another system pursuant to a small system compliance program developed pursuant to section 1415(b) within the period of the exemption; and

"(ii) the appropriate officials of the system are taking all practicable steps to meet the standard."; and

(B) by striking subparagraphs (B) and (C).

(4) SMALL SYSTEM COMPLIANCE PROGRAMS.—

(A) Subsections (a) and (b) of section 1416 (42 U.S.C. 300g–5 (a) and (b)) are amended by inserting "or an approved small system compliance program requirement" after "treatment technique requirement" each place it appears.

(B) Section 1416(a) (42 U.S.C. 300g–5(a)) is amended by striking "or from both".

(c) MONITORING REQUIREMENTS.—

(1) IN GENERAL.—Section 1412(b) (42 U.S.C. 300g–1(b)) is amended by adding at the end the following new paragraph:

"(12)(A) The Administrator may modify a national primary drinking water regulation promulgated under this section to remove the monitoring requirements for public water systems that have not detected the contaminant that is the subject of the regulation if the systems subject to the requirements have completed at least 2 rounds of monitoring and—

"(i) the contaminant has been detected in fewer than 5 percent of all of the public water systems and the contaminant level exceeds the maximum contaminant level for the contaminant in fewer than 0.5 percent of all of the public water systems; or

"(ii) the contaminant has not been detected at a level exceeding 75 percent of the maximum contaminant level for the contaminant in any of the public water systems.

"(B) The Administrator may modify a national primary drinking water regulation to remove the monitoring requirements applicable to public water systems with surface water supplies or to systems with ground water supplies, if the systems meet the conditions described in subparagraph (A).

"(C) Nothing in this paragraph is intended to be interpreted, construed, or applied to limit the authority of the Administrator or a State to maintain drinking water monitoring requirements for a specific public water system or to take enforcement action with respect to the elements of a national primary drinking water regulation other than the monitoring requirements.".

(2) SMALL SYSTEM MONITORING.—Section 1445(a)(1) (42 U.S.C. 300j–4(a)(1)) is amended—

(A) by designating the first and second sentences as subparagraphs (A) and (B), respectively; and

(B) by adding at the end the following new subparagraph:

"(C) With respect to monitoring requirements for cancer causing contaminants, the Administrator or a State that has primary enforcement responsibility pursuant to section 1413(a) may modify the requirements to provide that any public water system that serves a population of fewer than 10,000 individuals shall not be required to conduct additional quarterly monitoring for a specific contaminant if monitoring for any 1 quarter conducted after the date of enactment of this subparagraph for the contaminant fails to detect the presence of the contaminant in the water supplied by the public water system.".

(d) HEALTH ADVISORIES.—Section 1412 (42 U.S.C. 300g–1) is amended by adding at the end the following new subsection:

"(f)(1) The Administrator may publish a health advisory consisting of scientific documents describing the probable health effects of a contaminant for which no maximum contaminant level or treatment technique has been established under a primary drinking water standard.

"(2) A health advisory published under this subsection shall provide background and related information to drinking water professionals in a form that will assist the professionals in the safe and effective operation of public water systems.

"(3) A health advisory published under this subsection shall not be enforceable under this Act.

"(4) Subsection (e) shall not apply to a health advisory published under this subsection.

"(5) A health advisory published under this subsection shall not be subject to review by the Office of Management and Budget.".

(e) SUBSTITUTION OF SULFATE.—Section 1412(b)(2) (42 U.S.C. 300g–1(b)(2)) is amended by adding at the end the following new subparagraph:

"(E) Notwithstanding any requirement for the Administrator to take action by the date specified in subparagraph (B), the Administrator may, not later than 1 year after the date of enactment of this subparagraph, publish regulations pursuant to this paragraph for a contaminant in lieu of sulfate if the Administrator determines that the regulation of the contaminant in lieu of sulfate will result in greater protection of public health.".

SEC. 5. SMALL PUBLIC WATER SYSTEMS.

(a) IN GENERAL.—

(1) SMALL SYSTEM MANAGEMENT.—Section 1415 (42 U.S.C. 300g–4) is amended to read as follows:

"SEC. 1415. SMALL PUBLIC WATER SYSTEMS.

"(a) SMALL SYSTEM MANAGEMENT PLANS.—

"(1) IN GENERAL.—Each State with primary enforcement responsibility pursuant to section 1413 shall, not later than October 1, 1997, and every 3 years thereafter, submit to the Administrator a State drinking water supply plan for the effective and coordinated management of public water systems that serve fewer than 3,300 individuals.

"(2) REQUIREMENTS FOR PLANS.—Each plan submitted pursuant to this subsection shall, with respect to public water systems that serve fewer than 3,300 individuals—

"(A) identify each system and describe the characteristics of the system, including the treatment provided to drinking water and any protection of the drinking water source;

"(B) identify each system that has an exemption granted pursuant to section 1416;

"(C) describe projected population changes in the service area of each system during the 20-year period beginning on the date of submission of the plan and identify each system for which a substantially increased supply of water or treatment of water will be needed;

"(D) establish criteria for identifying a nonviable system and identify each system that meets the criteria;

"(E) identify opportunities for physical and administrative consolidation of systems to improve drinking water quality and reduce user cost, including a ranking of systems giving the highest priority to the consolidation of nonviable public water systems;

"(F) identify opportunities for the development of alternative supplies of raw water;

"(G) establish criteria for assessing the financial capability of systems for the purposes of determining management options under paragraph (6);

"(H) identify financing needs of systems and assess the extent to which these needs will be met by State loan funds established under part H; and

"(I) identify opportunities for more cost-effective monitoring of drinking water, including compositing of samples and testing by a State laboratory.

"(3) IDENTIFICATION BY STATE.—On the basis of the review and assessment of the status and condition of small water systems pursuant to paragraph (2), the State shall as part of the plan identify, for each system that is in violation of (or is expected to violate) a maximum contaminant level, 1 of the following management approaches:

"(A) Compliance with the maximum contaminant level, based on a finding that the system has the financial and management capacity to comply with the maximum contaminant level, taking into account the availability of financial assistance through a State drinking water loan fund or the Rural Development Administration.

"(B) The development of an individualized compliance program that implements consolidation, alternative water supply, alternative small system technology, or other system restructuring pursuant to subsection (b).

"(4) RANK AND SCHEDULE FOR COMPLIANCE PROGRAMS.—With respect to systems for which a compliance program is to be developed, each State plan shall—

"(A) rank systems, giving priority to systems with respect to which drinking water poses the greatest threat to public health;

"(B) specify a schedule for the development of not less than ⅓ of compliance programs not later than the date that is 5 years after the date of submittal of the plan; and

"(C) specify a schedule for the development of all compliance programs not later than the date that is 10 years after the date of submittal of the plan.

"(5) COMPLIANCE WITH MAXIMUM CONTAMINANT LEVELS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each system that is required to comply with a maximum contaminant level shall comply by the date that is 3 years after the date of approval of the plan submitted pursuant to this subsection.

"(B) REDUCED PERIOD OF COMPLIANCE.—If the period of compliance established under a drinking water regulation is less than 3 years, the period of compliance under subparagraph (A) shall be the period specified in the drinking water regulation.

"(6) PUBLIC HEARINGS CONCERNING PLANS.—Each State shall provide for public review and comment on plans submitted pursuant to this subsection and shall, at a minimum, provide for a public hearing on the plan not later than 90 days prior to the submission of the plan to the Administrator.

"(7) REVIEW OF PLANS.—

"(A) IN GENERAL.—The Administrator shall review each plan submitted pursuant to this subsection. Not later than 90 days after receipt of the plan, the Administrator shall approve or disapprove the plan.

"(B) PLAN APPROVAL.—The Administrator shall approve a plan if the plan is consistent with the requirements of the subsection. If the Administrator disapproves a plan, the disapproval shall specify necessary modifications or revisions to the plan. The State shall make the modifications or revisions not later than 30 days after receipt of notice of the disapproval.

"(C) FAILURE TO MODIFY PLAN.—If a State fails to make modifications or revisions to a plan pursuant to subparagraph (B), the Administrator may withhold from the State from funds made available to the State pursuant to section 1484(a)(2), such sums as the Administrator determines to be appropriate.

"(D) The approval of a plan pursuant to this paragraph shall not constitute a necessary condition for consolidation of public water systems.

"(b) SMALL SYSTEM COMPLIANCE PROGRAMS.—

"(1) IN GENERAL.—Each State shall, in cooperation with small public water systems identified pursuant to subsection (a)(3)(B), develop compliance programs for the systems to ensure the effective management and operation of the systems.

"(2) GOALS FOR COMPLIANCE PROGRAMS.—

"(A) IN GENERAL.—Each compliance program referred to in paragraph (1) shall provide for compliance with maximum contaminant levels to the maximum extent practicable.

"(B) SMALL SYSTEM TECHNOLOGY.—A compliance program may provide for small system technology identified in guidance issued pursuant to section 1412(b)(13) if the technology provides the greatest degree of public health protection consistent with the financial and management capability of the system. In determining the financial and management capability of a system, the appropriate official of a State shall take into consideration the expected availability of financial assistance through a State drinking water loan fund or the Rural Development Administration and the cost savings associated with reasonably available opportunities for physical or administrative consultation.

"(C) PROHIBITION.—A compliance program may not provide for small system technology that would result in an unreasonable risk to public health.

"(3) REQUIREMENTS FOR COMPLIANCE PROGRAMS.—Each compliance program developed by a State for a small public water system pursuant to this subsection shall—

"(A) describe the system characteristics, source of raw water, service area, compliance history, and financial condition;

"(B) identify options for the effective management and operation of the system including—

"(i) the consolidation of the system in physical or administrative terms;

"(ii) the development of alternative sources of raw water; and

"(iii) the treatment of an existing or alternative source of raw water, including a treatment identified in small system technology guidance;

"(C) identify measures needed to ensure the long-term quality of a source of raw water;

"(D) identify administrative and management requirements necessary to ensure the effective operation of the system;

"(E) select a final option from among options identified in subparagraph (B);

"(F) include a financial plan that is sufficient to ensure the implementation of the compliance program; and

"(G) include such engineering designs and specifications as are necessary to commence the implementation of the compliance program.

"(4) SCHEDULE FOR IMPLEMENTATION.—Each compliance program developed pursuant to this subsection shall be implemented as expeditiously as practicable, but not later than 3 years after the date of submittal of the compliance program to the Administrator.

"(5) PUBLIC PARTICIPATION.—Each State or public water system shall provide for public participation in the development of a compliance program under this subsection and shall, at a minimum, provide for a public hearing to hear comments on any option selected pursuant to paragraph (3)(E).

"(6) REVIEW BY ADMINISTRATOR.—Each State shall provide a copy of each compliance program to the Administrator on completion of the program. The Administrator may disapprove a compliance program if the program is not consistent with the requirements of this Act or poses an unreasonable risk to public health. If the Administrator disapproves a compliance program for a public water system, the system shall comply with maximum contaminant levels not later than 3 years after the date of the disapproval.".

(2) CONFORMING AMENDMENTS.—

(A) Section 1411 (42 U.S.C. 300g) is amended by striking "sections 1415 and 1416" and inserting "section 1416".

(B) Section 1412(b) (42 U.S.C. 300g–1(b)) is amended—

(i) in paragraph (7)(A), by striking ", but the Administrator may grant a variance from any specified treatment technique in accordance with section 1415(a)(3)";

(ii) in paragraph (7)(C)(ii), by striking "In lieu of the provisions of section 1415 the" and inserting "The"; and

(iii) in paragraph (8), by striking the second and third sentences.

(C) Section 1448(b) (42 U.S.C. 300j–7(b)) is amended by striking "a variance or exemption under section 1415 or 1416" and inserting "an exemption under section 1416".

(b) SMALL SYSTEM TECHNOLOGY GUIDANCE.—

(1) IN GENERAL.—Section 1412(b) (42 U.S.C. 300g1(b), as amended by section 4(c), is further amended by adding at the end the following new paragraph:

"(13)(A) At the same time as the Administrator publishes a national primary drinking water regulation pursuant to this section, the Administrator shall publish guidance describing various treatment technologies associated with the contaminant that is the subject of regulations and that are appropriate for systems serving fewer than 3,300 individuals.

"(B) The guidance published pursuant to this paragraph shall identify the effectiveness of the technology, the cost of the technology, and any other characteristics of the technology that the Administrator determines to be relevant. The Administrator shall include in the guidance low-cost technologies and may include technologies that may not result in attainment of a maximum contaminant level.

"(C) The Administrator may not include in the guidance published under this paragraph any technology that would pose an unreasonable risk to public health.".

(2) EXISTING REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall issue small system technology guidance for contaminants regulated by drinking water regulations published at 54 Fed. Reg. 27486 on June 29, 1989, 56 Fed. Reg. 3526 on January 30, 1991, 56 Fed. Reg. 30266 on July 1, 1991, and 57 Fed. Reg. 31776 on July 17, 1992, under title XIV of the Public Health Service Act (42 U.S.C. 300f et seq.).

(3) EXTENSIONS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, no public water system serving fewer than 3,300 individuals shall be required to comply with any maximum contaminant level or treatment technology specified in a regulation identified in paragraph (2) until the date that is—

(i) the termination date of the compliance period established in State small system management plan developed pursuant to section 1415(a)(5) of title XIV of the Public Health Service Act (as amended by section 5); or

(ii) the end of the compliance period established in a small system compliance program pursuant to section 1415(b)(4) of such title (as amended by section 5).

(B) EXCEPTION TO EXTENSION.—The extension provided by subparagraph (A) shall not apply to any public water system that—

(i) is in compliance with a maximum contaminant level;

(ii) has installed treatment technology to comply with a maximum contaminant level; or

(iii) is subject to a court order to comply with a maximum contaminant level.

(C) ADDITIONAL EXCEPTION.—The extension provided by subparagraph (A) shall not apply to any contaminant addressed in the regulations referred to in paragraph (2) (except for the regulations referred to in subparagraph (D)) if the contaminant was regulated prior to 1986.

(D) APPLICABILITY OF REGULATIONS.—In the case of regulations published at 54 Fed. Reg. 27486 on June 29, 1989, the extension provided by subparagraph (A) shall only apply to noncommunity public water systems.

SEC. 6. ENFORCEMENT OF DRINKING WATER REGULATIONS.

(a) IN GENERAL.—Part G of the title (as amended by section 3) is further amended to read as follows:

"PART G—ENFORCEMENT

"SEC. 1471. PROTECTION OF PUBLIC WATER SYSTEMS AND GENERAL PROHIBITION OF CONTAMINATION OF DRINKING WATER SOURCES.

"(a) GENERAL PROHIBITION ON CONTAMINATION.—Notwithstanding any other provision of this title, the failure to comply with any applicable requirement of this title, any regulation promulgated pursuant to part B or E, or any requirement imposed pursuant to part B or E shall be unlawful.

"(b) DEFINITION.—As used in this part, the term 'applicable requirement of this title' means—

"(1) a requirement of section 1412, 1414, 1415, 1416, 1417, 1419, 1428, 1445, 1447, 1463, 1464, or 1471;

"(2) a regulation promulgated pursuant to a section referred to in clause (i);

"(3) a requirement imposed pursuant to a section referred to in clause (i); or

"(4) any requirement of, or permit issued, under—

"(A) an applicable State program for which the Administrator has made a determination that the requirements of section 1413 have been satisfied; or

"(B) an applicable State program approved pursuant to any other provision of part B.

"SEC. 1472. CIVIL ENFORCEMENT.

"(a) IN GENERAL.—

"(1) ACTIONS BY THE ADMINISTRATOR.—Whenever, on the basis of any information available to the Administrator, the Administrator finds that any person—

"(A) has violated any applicable requirement of this title; or

"(B) has failed to comply with any order issued under part B by the Administrator or by a State with primary enforcement authority pursuant to section 1413 or by a State pursuant to a program approved pursuant to any other provision of part B,

the Administrator shall issue an order requiring the person to comply with the requirement, regulation, schedule, permit or State order pursuant to this subsection, issue a penalty order assessing an administrative penalty pursuant to subsection (c), commence a civil action in accordance with subsection (d), or notify the person and the State of the finding.

"(2) ORDERS.—If, during the period beginning on the date that is 31 days after the Administrator provides notice to the State of the finding the State has not commenced appropriate enforcement action, the Administrator shall—

"(A) issue an order requiring the person to comply with the requirement, regulation, schedule, or permit pursuant to this subsection;

"(B) issue a penalty order proposing an administrative penalty pursuant to subsection (c); or

"(C) or commence a civil action in accordance with subsection (d).

"(3) COMPLIANCE.—Compliance with a requirement of a small system compliance program carried out pursuant to section 1415(b), an exemption issued pursuant to section 1416, or any schedule or requirement imposed pursuant to section 1415(b) or 1416 shall, for the purposes of this section, be considered as compliance with section 1412.

"(b) ADMINISTRATIVE COMPLIANCE ORDERS.—

"(1) SERVICE.—If a compliance order or notice under subsection (a) is issued to a corporation, a copy of the compliance order or notice shall be served on any appropriate corporate officers.

"(2) REQUIREMENTS.—A compliance order issued under subsection (a) shall—

"(A) be served by personal service;

"(B) state with reasonable specificity the nature of the violation; and

"(C) specify a reasonable time for compliance that takes into account the nature of the violation.

"(c) ADMINISTRATIVE PENALTY ORDERS.—

"(1) VIOLATIONS.—

"(A) IN GENERAL.—If the Administrator makes a finding pursuant to subsection (a) that a person (other than a Federal agency) has violated a requirement referred to in subsection (a)(1)(A) or has failed to comply with an order referred to in subsection (a)(1)(B), the Administrator may issue a penalty order assessing a class I civil penalty or a class II civil penalty under this subsection against the person.

"(B) CLASS II CIVIL PENALTY.—If the Administrator makes a finding pursuant to subsection (a), that a Federal agency has violated a requirement referred to in subsection (a)(1)(A) or has failed to comply with an order referred to in subsection (a)(1)(B), the Administrator may issue a penalty order assessing a class II civil penalty under this subsection against the Federal agency.

"(C) CLASS I ASSESSMENT PROCEDURES.—Before issuing an order assessing a class I civil penalty under this subsection, the Administrator shall provide the person to be assessed the penalty with written notice of the proposal of the Administrator to issue the order and the opportunity to, not later than 30 days after the date of receipt of the notice, request a hearing on the proposed order. The hearing shall not be subject to sections 555 and 556 of title 5, United States Code. The hearing shall provide a reasonable opportunity for the person to be heard and present evidence.

"(D) CLASS II assessment procedures.—

"(i) IN GENERAL.—Before issuing an order assessing a class II civil penalty under this subsection, the Administrator shall—

"(I) act in the same manner for, and in accordance with the same provisions of law applicable to, the assessment and collection of civil penalties after notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code;

"(II) provide public notice of, and reasonable opportunity to comment on, the proposal to issue the order; and

"(III) in the case of a request for a hearing by the appropriate official of a Federal agency that is the subject of a proposed penalty order, give prompt public notice of the request.

"(ii) PROCEDURES.—The Administrator may issue rules for discovery procedures in class II hearings under this subsection. Any person who comments on a proposed assessment of a class II penalty under this subsection shall be given notice of any hearing held under this section and of the order assessing the penalty. In any hearing concerning a class II penalty held pursuant to this subsection, the person shall be provided a reasonable opportunity to be heard and present evidence.

"(2) CLASSES OF PENALTIES.—

"(A) CLASS I.—A class I civil penalty assessed under paragraph (1) shall be in an amount not to exceed $10,000 per day per violation, except that the maximum amount of a class I civil penalty referred to in the preceding sentence shall not exceed $25,000. A class I penalty order issued pursuant to subsection (c), other than an order issued upon consent, shall become final not later than 30 days after the order is issued. An order issued upon consent pursuant to this subsection shall become final on the issuance of the order.

"(B) CLASS II.—A class II civil penalty assessed under paragraph (1) shall be in an amount not to exceed $10,000 per day per violation, except that the maximum amount of a class II civil penalty assessed under paragraph (1) shall not exceed $200,000. A class II penalty order issued pursuant to subsection (c), other than an order issued upon consent, shall become final unless, not later than 30 days after the order is issued along with written notice of an opportunity to request a hearing, the person who is the subject of the order requests a hearing.

"(3) DETERMINING AMOUNT.—In determining the amount of a penalty assessed under this subsection, the Administrator shall take into account the seriousness of each violation, the economic benefit (if any) resulting from the violation, any history of similar violations including violations that are not part of the then current action, any good-faith efforts to comply with applicable requirements before the initiation of the action, the economic impact of the penalty on the violator, and such other matters as justice may require.

"(4) EFFECT OF ORDER.—

"(A) LIMITATION ON ACTIONS UNDER OTHER SECTIONS.—An action taken by the Administrator under this subsection shall not affect or limit the authority of the Administrator to carry out the enforcement of this title; except that any violation—

"(i) with respect to which the Administrator has commenced and is diligently prosecuting a penalty action under this subsection; or

"(ii) for which the Administrator has issued a final order not subject to further judicial review and the violator has paid a penalty assessed under this subsection,

shall not also be the subject of a civil penalty action under subsection (d) or, in the case of a class II civil penalty, under section 1449.

"(B) APPLICABILITY OF LIMITATION WITH RESPECT TO CITIZEN SUITS.—The limitations described in subparagraph (A) concerning civil penalty actions carried out pursuant to section 1449 shall not apply with respect to any violation with respect to which—

"(i) a civil action under section 1449 has been filed prior to commencement of a penalty action under this subsection, or

"(ii) notice of an alleged violation of this title has been given in accordance with section 1449 prior to the commencement of an action carried out pursuant to this subsection and an action is filed pursuant to

section 1449 with respect to the alleged violation before the date that is 120 days after the date that the notice is given.

"(5) EFFECT OF ACTION ON COMPLIANCE.—No action by the Administrator under this subsection shall affect the obligation of any person to comply with—

"(A) any requirement of section 1471 or any other provision of this title;

"(B) any regulation promulgated pursuant to this title;

"(C) any schedule or other requirement imposed pursuant to this title; and

"(D) any requirement of or permit issued under—

"(i) an applicable State program for which the Administrator has made a determination that the requirements of section 1413 are satisfied; or

"(ii) an applicable State program approved pursuant to any other provision of this title or any order issued by the Administrator pursuant to this title.

"(6) JUDICIAL REVIEW.—

"(A) IN GENERAL.—Any person against whom a penalty order is issued under this subsection, except upon consent, may obtain review of the order—

"(i) in the case of the assessment of a class I civil penalty, in the United States District Court for the District of Columbia Circuit or in the district court in the district in which the violation is alleged to have occurred; or

"(ii) in the case of the assessment of a class II civil penalty, in the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business,

by filing a notice of appeal with the court during the 30-day period beginning on the date the penalty order becomes final and simultaneously sending a copy of the notice by certified mail to the Administrator and the Attorney General. The Administrator shall promptly file in such court a certified copy of the record on which the order was issued. The court shall not set aside or remand the order unless the court finds that there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or that the assessment by the Administrator of the penalty constitutes an abuse of discretion. The court may not impose an additional civil penalty for the violation that is the subject of the assessment by the Administrator unless the court finds that the assessment constitutes an abuse of discretion by the Administrator.

"(B) JUDICIAL REVIEW.—Notwithstanding section 1448(a)(2), a class I penalty order issued under subsection (c) shall be subject to judicial review only under subparagraph (A)(i).

"(7) COLLECTION.—If any person fails to pay an assessment of a civil penalty—

"(A) after the order making the assessment has become final, or

"(B) after an action brought under paragraph (6) a court has entered a final judgment in favor of the Administrator,

the Administrator shall request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). In the action, the validity, amount, and appropriateness of the penalty shall not be subject to judicial review.

"(8) SUBPOENAS.—The Administrator may, in connection with administrative proceedings under this subsection or in connection with investigations conducted pursuant to this title, issue subpoenas for the attendance and testimony of witnesses and the production of relevant papers, books, or documents. In case of contumacy or refusal to obey a subpoena issued pursuant to this paragraph and served to any person, the district court of the United States for any district in which the person is found, resides, or transacts business, on application by the United States and after notice to the person, shall have jurisdiction to issue an order requiring the person to appear and give testimony before an administrative law judge or the Administrator or to appear and produce documents before an administrative law judge or the Administrator (or both). A failure to obey an order of the court issued pursuant to the preceding sentence may be punished by the court as a contempt of the court.

"(d) CIVIL ACTIONS.—

"(1) IN GENERAL.—A civil action commenced by the Administrator pursuant to this section shall be for appropriate relief, including a permanent or temporary injunction against any person who—

"(A) has violated any applicable requirement of this title; or

"(B) has failed to comply with any order issued under this title by the Administrator or by a State with primary enforcement authority pursuant to section 1413.

"(2) JURISDICTION.—An action under this subsection may be brought in the district court of the United States for the district in which the defendant is located, resides, or is doing business, and the court shall have jurisdiction to restrain any applicable violation and to require compliance with a requirement referred to in subparagraph (A). The court may enter such judgment as the protection of public health requires.

"(3) PENALTIES.—Any person who—

"(A) has violated any applicable requirement of this title; or

"(B) has failed to comply with any order issued under this title by the Administrator or by a State with primary enforcement authority pursuant to section 1413,

shall be subject to a civil judicial penalty in an amount not to exceed $25,000 per day for each violation.

"(4) DETERMINATION OF AMOUNT OF PENALTY.—In determining the amount of a civil penalty assessed pursuant to paragraph (3), the court shall consider the seriousness of each violation, the economic benefit (if any) resulting from the violation, any history of similar violations including violations that are not part of the then current action, any good-faith efforts to comply with applicable requirements before the initiation of the civil action, the economic impact of the penalty on the violator, and such other matters as justice may require.

"(e) STATUTORY CONSTRUCTION.—Nothing in this section is intended to be construed to limit the authority of the Administrator to take enforcement action against a Federal agency under any other provision of this title.

"SEC. 1473. CRIMINAL ENFORCEMENT.

"(a) NEGLIGENT VIOLATIONS.—Any person who negligently violates any applicable requirement of this title shall, upon conviction, be punished by a fine or imprisonment for a period of not more than 1 year (or both), as provided in title 18, United States Code.

"(b) KNOWING VIOLATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any person who knowingly—

"(A) violates any applicable requirement of this title; or

"(B) has failed to comply with any order issued pursuant to section 1431,

shall, upon conviction, be punished by a fine or imprisonment for a period of not more than 5 years (or both), as provided in title 18, United States Code.

"(2) MULTIPLE CONVICTIONS.—With respect to a violation committed by a person after a first conviction of the person for any violation specified in paragraph (1), the maximum punishment for the person upon conviction shall be doubled with respect the amount of a fine and the length of imprisonment.

"(c) KNOWING ENDANGERMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a person who knowingly—

"(A) violates any applicable requirement of this title;

"(B) fails to comply with any order issued pursuant to section 1431; and

"(C) in the course or connection with the act of the violation places any other person in imminent danger of death or serious bodily injury,

shall, upon conviction, be punished by a fine or imprisonment for a period of not more than 15 years (or both), as provided in title 18, United States Code.

"(2) ADDITIONAL PROVISIONS.—

"(A) KNOWING CONDUCT.—For the purposes of this subsection—

"(i) in determining whether a defendant who is an individual knew that the conduct of the defendant placed another person in imminent danger of death or serious bodily injury—

"(I) the defendant is responsible only for actual awareness or actual belief that the defendant possessed; and

"(II) knowledge possessed by a person other than the defendant but not by the defendant may not be attributed to the defendant,

except that in proving the possession by the defendant of actual knowledge, circumstantial evidence may be used, including evidence that the defendant took affirmative steps to shield the defendant from relevant information; and

"(ii) it is an affirmative defense to prosecution that the conduct charged was consented to by the person endangered and that the danger and conduct charged were reasonably foreseeable hazards of—

"(I) an occupation, a business, or a profession; or

"(II) medical treatment or medical or scientific experimentation conducted by professionally approved methods and such other person had been made aware of the risks involved prior to giving consent.

"(B) PREPONDERANCE OF EVIDENCE.—A defense referred to in subparagraph (A)(ii) may be established pursuant to subparagraph (A) by a preponderance of the evidence.

"(C) DEFINITIONS.—As used in this subsection:

"(i) IMMINENT DANGER.—The term 'imminent danger' means the existence of a condition or combination of conditions that could reasonably be expected to cause death or serious bodily injury unless the condition (or combination of conditions) is remedied.

"(ii) SERIOUS BODILY INJURY.—The term 'serious bodily injury' means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

"(d) FALSE STATEMENTS; MONITORING.—

"(1) IN GENERAL.—Any person who knowingly—

"(A) makes any false material statement, representation, or certification in, or omits

material information from, or knowingly alters, conceals, or fails to file any notice, application, record, report, plan, or other document filed or required to be maintained pursuant to part B or E (regardless of whether the Administrator or a State enforces the requirements);

"(B) fails to make a report required under part B or E; or

"(C) falsifies, tampers with, renders inaccurate, fails to install, maintain, or utilize any monitoring device or monitoring or treatment method required to be maintained or carried under part B or E (including any regulation or order issued by the Administrator or any State pursuant to this title),

shall, upon conviction, be punished by a fine or imprisonment for a period of not more than 2 years (or both), as provided in title 18, United States Code.

"(2) MULTIPLE CONVICTIONS.—With respect to a violation committed by a person after a first conviction of the person for any violation of part B or E, the maximum punishment specified in paragraph (1) shall be doubled with respect to the amount of a fine and the length of imprisonment. With respect to a violation committed by a person who carries out an illegal activity that is punishable under this section with respect to which the purpose is to conceal or cover up a violation of part B or E, the maximum punishment specified in paragraph (1) shall be doubled with respect to the amount of a fine and the length of imprisonment.

"SEC. 1474. EFFECT OF ENFORCEMENT ACTION ON COMPLIANCE WITH OTHER APPLICABLE LAWS AND REGULATIONS.

"No action by the Administrator or any other official of the Federal Government pursuant to this title is intended to have any effect on the obligation of any person to comply with each law (including each regulation), permit term, or other requirement that applies to the person pursuant to Federal law.

"SEC. 1475. STATE AUTHORITY TO ADOPT OR ENFORCE LAWS.

"Nothing in this title is intended to diminish any authority of a State or political subdivision of a State to adopt or enforce any law (including any regulation) concerning drinking water regulation or public water systems, except that no State or local law referred to in this section may relieve any person of any requirement that is applicable to the person under this title.

"SEC. 1476. CONSOLIDATION INCENTIVE.

"(a) IN GENERAL.—An owner or operator of a public water system may submit to the State in which the system is located (if the State has primary enforcement responsibility pursuant to section 1413) or to the Administrator (if the State does not have primary enforcement responsibility) a plan for—

"(1) the physical consolidation of the system with 1 or more other systems;

"(2) the consolidation of significant management and administrative functions of the system with 1 or more other systems; or

"(3) the transfer of ownership of the system to a private entity that may reasonably be expected to improve drinking water quality.

"(b) REQUIREMENTS FOR PLANS.—A plan submitted pursuant to this subsection shall—

"(1) specify a schedule of steps related to the consolidation or transfer of ownership that shall be completed not later than 2 years after the date of submission of the plan;

"(2) describe such measures as are necessary to ensure that the public water system will consistently meet the requirements of this Act; and

"(3) describe any then current violation or any anticipated future violation of this Act.

"(c) REVIEW OF PLAN.—

"(1) IN GENERAL.—The State shall review a plan submitted pursuant to this subsection and shall approve each plan that is consistent with the requirements of this Act.

"(2) APPROVAL BY ADMINISTRATOR.—The State shall provide an approved plan to the Administrator. The plan shall be considered to be approved by the Administrator unless the Administrator disapproves the plan not later than 90 days after receiving the plan.

"(3) WITHDRAWAL OF APPROVAL.—The State or the Administrator may withdraw the approval of a plan on the basis of a substantial failure by an owner or operator to comply with a schedule established under para graph (2).

"(d) CONSEQUENCES OF APPROVAL.—If the State and the Administrator have approved a plan pursuant to subsection (c)—

"(1) no enforcement action conducted pursuant to this part shall be commenced prior to the completion date specified in the schedule established pursuant to subsection (b)(1); and

"(2) any violation identified in the approved plan shall not be the subject of an enforcement action conducted pursuant to this part prior to termination of the schedule.".

(b) PUBLIC NOTICE AND NOTICE TO STATE.—Section 1414 (42 U.S.C. 300g–3) is amended—

(1) by striking subsections (a) and (b);

(2) by redesignating subsection (c) as subsection (a);

(3) in subsection (a) (as so redesignated)—

(A) in the first sentence—

(i) in paragraph (1), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(ii) in paragraph (2), by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(iii) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(iv) by inserting "(1)" after "(c)"; and

(B) by striking the second sentence and all that follows through the end of the subsection and inserting the following new paragraph:

"(2)(A) The Administrator shall, by regulation, prescribe the form, manner, and frequency for giving notice under this subsection.

"(B) Regulations issued under this subsection shall specify notification procedures for each violation that has the potential to cause serious adverse effects on human health. Each notice of a violation provided under this subparagraph shall—

"(i) be distributed as soon as practicable after the violation, but not later than 24 hours after the violation;

"(ii) be provided to appropriate broadcast media;

"(iii) be published in a newspaper of general circulation serving the area not later than 1 day after the distribution of a notice pursuant to clause (i), or the date of publication of the next issue of the newspaper;

"(iv) provide a clear and readily understandable explanation of—

"(I) the violation;

"(II) any potential adverse effects on human health;

"(III) the steps that the public water system is taking to correct the violation; and

"(IV) the necessity of seeking alternative water supplies until the violation is corrected; and

"(v) be provided to the State agency that has primary enforcement responsibility pursuant to section 1413 and to the Administrator.

"(C) Notice of violations other than violations identified under subparagraph (B) shall be—

"(i) provided not less frequently than annually and published in a newspaper of general circulation serving the area; and

"(ii) provided to the State agency that has primary enforcement responsibility pursuant to section 1413 and to the Administrator.

"(D) Not later than January 1, 1996, and annually thereafter, each State that has primary enforcement responsibility pursuant to section 1413 shall publish an annual report on public water system compliance in the State and submit the report to the Administrator.

"(E) Not later than July 1, 1996, and annually thereafter, the Administrator shall submit to Congress an annual report summarizing and evaluating reports submitted by States pursuant to subparagraph (D) and making recommendations concerning the resources needed to improve compliance with this title.";

(4) by redesignating subsection (d) as subsection (b); and

(5) by striking subsections (e) through (g).

(c) TECHNICAL AMENDMENTS.—

(1) Section 1416(b)(3) is amended by striking "1414" and inserting "1472 or 1473".

(2) Section 1463 (42 U.S.C. 300j–23) is amended by striking subsections (c) and (d).

(3) Section 1441 (42 U.S.C. 300j) is amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (f) as subsection (e).

(d) STATUTORY CONSTRUCTION.—Nothing in this section is intended to alter any administrative proceedings for enforcement (including administrative proceedings for the issuance and enforcement of orders) initiated before the date of enactment of this section (including the procedures applicable to the enforcement proceedings in effect on the day before the date of enactment of this section).

SEC. 7. CONTROL OF LEAD IN DRINKING WATER.

(a) FITTINGS AND FIXTURES.—Section 1417 (42 U.S.C. 300g–6) is amended by adding at the end the following new subsection:

"(e) LEAD PLUMBING FITTINGS AND FIXTURES.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this subsection, the Administrator shall issue regulations to establish a health-effects based performance standard that establishes minimal leaching levels of lead from new plumbing pipes, fittings, and fixtures that convey drinking water.

"(2) CONSEQUENCES OF FAILURE TO MEET REQUIREMENTS.—If the requirements of paragraph (1) are not met—

"(A) by the date that is 4 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a plumbing fitting or fixture that contains more than 7 percent lead by dry weight;

"(B) by the date that is 5 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a plumbing fitting or fixture that contains more than 6 percent lead by dry weight;

"(C) by the date that is 6 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a plumbing fitting or fixture that contains more than 5 percent lead by dry weight; or

"(D) by the date that is 7 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a plumbing fitting or fixture that contains more than 4 percent lead by dry weight.".

(b) ENFORCEMENT.—Section 1417(a) (42 U.S.C. 300g–6(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "Any" and inserting "No person shall use any"; and

(ii) by striking "which is used"; and

(B) in the matter following subparagraph (B), by striking "shall be" and inserting "which is not"; and

(2) in paragraph (2)(A), by inserting after "Each" the following: "owner or operator of a".

SEC. 8. RADON IN DRINKING WATER AND INDOOR AIR.

(a) RADON IN DRINKING WATER.—Part B (42 U.S.C. 300g et seq.) is amended by adding at the end the following new section:

"SEC. 1418. RADON IN DRINKING WATER.

"(a) REGULATIONS FOR RADON IN DRINKING WATER.—Notwithstanding any other provision of this Act or any other Federal law, on the date that is 1 year after the date of enactment of this section, the Administrator shall promulgate national primary drinking water regulations for radon.

"(b) RADON STANDARD.—

"(1) MAXIMUM CONTAMINANT LEVEL.—The regulations promulgated pursuant to subsection (a) shall specify a maximum contaminant level goal and a maximum contaminant level determined pursuant to section 1412(b).

"(2) ALTERNATIVE PROGRAM.—Notwithstanding the requirements of section 1412(b), the regulations promulgated pursuant to subsection (a) shall—

"(A) specify an alternative contaminant level that poses a health risk that is equivalent to the health risk associated with the national average radon level in outdoor air, taking into consideration risks from inhalation, ingestion of radon in drinking water, and episodic uses of drinking water;

"(B) specify a period of compliance of 3 years; and

"(C) specify minimum conditions for alternative compliance programs carried out pursuant to subsection (c).

"(c) ALTERNATIVE COMPLIANCE PROGRAMS.—

"(1) IN GENERAL.—A public water system may comply with the alternative contaminant level specified in subsection (b)(2) if the system is—

"(A) implementing an alternative compliance program approved pursuant to this subsection; or

"(B) located in a State that is implementing a program to reduce radon in indoor air and is receiving State grant assistance for the program pursuant to section 306 of the Toxic Substances Control Act (15 U.S.C. 2666).

"(2) PROGRAM SUBMITTAL AND REVIEW.—

"(A) SUBMITTAL OF PROGRAM.—The appropriate official of a public water system referred to in paragraph (1) that proposes to carry out an alternative compliance program referred to in such paragraph shall submit a program to the State agency that has primary enforcement responsibility pursuant to section 1413 or another appropriate State agency designated by the Governor, not later than 18 months after the date of promulgation of the regulations under subsection (a).

"(B) PUBLIC REVIEW AND COMMENT.—The appropriate official of the public water system shall provide opportunity for public review and comment on the program prior to the submittal of the program to the State pursuant to subparagraph (A) and shall provide to the State a summary of public comments concerning the program.

"(C) REVIEW BY STATE.—

"(i) IN GENERAL.—Not later than 180 days after the date of submittal of the program, the appropriate official of the State shall review and approve the program if the program is consistent with the requirements of this section.

"(ii) REVIEW BY ADMINISTRATOR.—The Administrator shall, at the request of a State, review and approve a program submitted to the State pursuant to this subparagraph.

"(3) EDUCATIONAL MATERIAL.—Each alternative compliance program referred to in paragraph (1)(A) shall provide for the distribution to each residential customer, not later than 1 year after the approval by the State of the program and every 5 years thereafter, educational material concerning radon that describes—

"(A) the health threats posed by radon;

"(B) the sources of radon (including soil gas and drinking water);

"(C) the level of radon in the drinking water provided by the public water system that is the subject of the program;

"(D) measures to reduce the levels of radon in the air indoors; and

"(E) radon testing and mitigation services offered by—

"(i) the public water system; and

"(ii) persons who do business in the service area and who are certified by the Administrator as proficient in conducting radon testing or mitigation.

"(4) TESTING FOR RADON IN INDOOR AIR.—

"(A) IN GENERAL.—Each alternative compliance program referred to in paragraph (1)(A) shall provide for testing of radon in indoor air in not less than 50 percent of the residences of residential customers served by the public water system as expeditiously as practicable, but not later than 5 years after the date of approval of an alternative compliance program pursuant to this subsection.

"(B) REQUIREMENT FOR TESTING.—Testing for radon in indoor air conducted pursuant to this paragraph shall be conducted by a person certified as proficient in conducting testing for radon in air by the Administrator.

"(5) NOTIFICATION.—Each public water system with a program approved by a State under this subsection shall notify each person who is certified by the Administrator as proficient in radon mitigation and known to provide radon mitigation services in the service area of the system of the approval of the program, the service area of the system, and the obligation to report, pursuant to subsection (d), to the public water system any radon mitigation projects in the service area.

"(6) RADON NEW CONSTRUCTION STANDARDS.—Each program developed pursuant to this section shall include the adoption, prior to submittal of the program, of enforceable mechanisms requiring compliance with radon new home construction standards established by the Administrator pursuant to section 304 of the Toxic Substances Control Act (15 U.S.C. 2664) for each new home to be served by the public water system that is the subject of the program beginning on the date that is 2 years after the date of adoption of the mechanisms.

"(7) ASSESSMENT AND EVALUATION.—

"(A) SUBMITTAL OF ASSESSMENTS.—Each public water system with a program approved by a State pursuant to this subsection shall provide an assessment and evaluation of program implementation to the State not later than 5 years after the date of approval of the program, and every 5 years thereafter.

"(B) PROGRAM DISAPPROVAL.—In any case in which a State or the Administrator determines that a public water system has not fully complied with the requirements of this subsection, the State or the Administrator shall—

"(i) notify the public water system of the determination; and

"(ii) disapprove the alternative compliance program not later than 1 year after providing notice pursuant to clause (i), unless the system takes sufficient corrective action.

"(C) COMPLIANCE.—A public water system for which an alternative compliance program is disapproved shall comply with the maximum contaminant level for radon (as determined by the regulations promulgated under subsection (a)) not later than 3 years after the date of disapproval by the Administrator.

"(8) ROLE OF STATE.—

"(A) PROGRAM RESPONSIBILITIES.—A State may assume some or all of the responsibilities of carrying out an alternative compliance program approved pursuant to this subsection.

"(B) PROHIBITION.—No Federal grant assistance provided to a State pursuant to title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) may be used to carry out alternative compliance programs for public water systems.

"(d) NOTICE OF RADON MITIGATION.—

"(1) IN GENERAL.—Each person who is—

"(A) certified by the Administrator as proficient in radon mitigation; and

"(B) notified by a public water system pursuant to subsection (c)(7),

shall provide the public water system with a notice of any work conducted at a residence within the service area of the public water system.

"(2) SUSPENSION OF CERTIFICATION.—If the Administrator finds that a person who is certified by the Administrator as proficient in radon mitigation has failed to comply with this subsection, the Administrator may suspend the certification of the person.

"(e) REPORT.—

"(1) IN GENERAL.—Not later than 7 years after the date of enactment of this subsection, the Administrator shall submit a report to Congress that assesses and evaluates the implementation of the regulations promulgated pursuant to subsection (a).

"(2) CONTENTS OF REPORT.—The report shall—

"(A) identify the number of public water systems that are in violation of a maximum contaminant level or alternative contaminant level established pursuant to the regulations;

"(B) identify the number of programs of public water systems approved by a State pursuant to this subsection and the number of States receiving grant assistance under section 306 of the Toxic Substances Control Act (15 U.S.C. 2666);

"(C) evaluate the implementation of the public water system and State programs; and

"(D) estimate the overall change in radon exposure attained as a result of alternative compliance programs and State radon programs.

"(f) RESIDENTIAL CUSTOMER DEFINED.—As used in this section, the term 'residential customer' means a customer of a public water system that occupies a residence other

than an apartment located above the first story of a building.".

(b) RADON TESTING AT TIME OF HOME SALE.—

(1) IN GENERAL.—Title III of the Toxic Substances Control Act (15 U.S.C. 2661 et seq.) is amended by adding at the end the following new section:

"SEC. 312. RADON TESTING AT TIME OF HOME SALE.

"(a) PROHIBITION.—Notwithstanding any other provision of law, beginning on the date that is 60 days after the date on which the Administrator issues regulations pursuant to subsection (b), no Federal agency shall provide a loan, loan guarantee, or other financial assistance relating to the financing of a residence located in an area identified by the Administrator as a high-risk radon area unless the sale of the residence is conducted in compliance with the regulations issued pursuant to subsection (b).

"(b) REGULATIONS.—Not later than 2 years after the date of enactment of this section, the Administrator shall issue regulations requiring testing for radon in indoor air at the time of sale of a residence located in a high-risk radon area.

"(c) TESTING.—The regulations issued pursuant to subsection (b) shall specify minimum standards and methods for radon tests and shall require that individuals conducting testing and test devices be certified by the Administrator pursuant to section 305. The regulations shall identify procedures to prevent tampering with test devices.

"(d) REPORTING.—The regulations issued pursuant to subsection (b) shall require that, not later than 10 days prior to the date of purchase of a residence, a person who proposes to purchase the residence shall be provided with—

"(1) the results of any radon test of the residence; and

"(2) background information on the health threat posed by radon.

"(e) HIGH-RISK RADON AREAS.—The regulations promulgated pursuant to subsection (b) shall describe high-risk radon areas identified by the Administrator pursuant to this title.

"(f) RESIDENCES.—The regulations issued pursuant to subsection (b) shall define the types of residential structures for which tests for radon are required.

"(g) EXISTING TEST.—The regulations issued pursuant to subsection (b) shall provide that, in any case in which a radon test has been conducted for a residence pursuant to the regulations, no additional retesting is required.

"(h) PREEXISTING TESTS.—The regulations issued pursuant to subsection (b) shall provide that any radon test conducted prior to the date of promulgation of the regulations shall be considered to meet the requirements of a test for radon for the purposes of the regulations if the test was conducted in a manner that is substantially comparable to a test conducted in accordance with the requirements of subsection (c).

"(i) FEDERAL AGENCY DEFINED.—As used in this section, the term 'Federal agency' means an Executive agency, as defined in section 105 of title 5, United States Code, and includes the Postal Service and any agency of the legislative or judicial branch of the Federal Government, and any federally chartered secondary mortgage institution.".

(2) CONFORMING AMENDMENT.—The table of contents in section 1 of the Toxic Substances Control Act (15 U.S.C. prec. 2601) is amended by inserting after the item relating to section 311 the following new item:

"Sec. 312. Radon testing at time of home sale.".

SEC. 9. POINT OF USE DEVICES.

Part B (42 U.S.C. 300g et seq.), as amended by section 8, is further amended by adding at the end the following new section:

"SEC. 1419. POINT OF USE DEVICES.

"(a) IN GENERAL.—The Administrator shall establish a program to determine the effectiveness of water treatment devices designed to—

"(1) remove contaminants installed in a residence at the point of water use; and

"(2) ensure that consumers are provided with appropriate information about the devices at the time of sale.

"(b) SUBMISSION OF INFORMATION BY MANUFACTURERS.—Not later than 1 year after the date of enactment of this section, the Administrator shall issue regulations requiring each manufacturer of a water treatment device intended to be installed at the point of water use to submit to the Administrator such information on the effectiveness and functions of the device as the Administrator determines is necessary to carry out this section.

"(c) PROVISION OF INFORMATION TO CONSUMERS.—Not later than 3 years after the date of enactment of this section, the Administrator shall issue regulations establishing minimum requirements for information to be provided to consumers prior to the purchase of water treatment devices installed at the point of water use, including—

"(1) the efficiency of removal of contaminants or classes of contaminants, including the efficiency of a device compared to other comparable devices;

"(2) the period of effectiveness of the device and the rate of degradation of treatment efficiency, if any; and

"(3) those contaminants for which the Administrator has published a national drinking water standard under section 1412 that are not removed from drinking water by the device.".

SEC. 10. DRINKING WATER SUPPLY PROTECTION.

(a) IN GENERAL.—Section 1427 (42 U.S.C. 300h–6) is amended—

(1) by striking the section heading and inserting the following new section heading:

"SEC. 1427. DRINKING WATER SUPPLY PROTECTION AREAS.";

(2) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) PURPOSE.—The purpose of this section is to support and assist the establishment of programs for the protection of water supply areas.

"(b) DEFINITION OF SUPPLY PROTECTION AREA.—As used in this section, the term 'water supply protection area' means an area that contains ground water or surface water that—

"(1) is the principal source of supply to a public water system;

"(2) if contaminated, would create a significant hazard to public health; and

"(3) satisfies the criteria established pursuant to subsection (d).";

(3) in subsection (c)—

(A) in the first sentence—

(i) by striking "State";

(ii) by striking "critical aquifer" and inserting "water supply"; and

(iii) by striking "selection of such area for a demonstration program" and inserting "approval of an application for the designation of the area"; and

(B) by striking the last sentence;

(4) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "1986" and inserting "1993";

(B) by striking "critical aquifer" each place it appears and inserting "water supply";

(C) by striking "aquifer" each place it appears and inserting "water supply"; and

(D) by striking "ground" each place it appears;

(5) in subsection (e)—

(A) by striking "demonstration";

(B) in paragraph (1), by striking "critical aquifer" and inserting "water supply"; and

(C) by striking "critical" each place it appears;

(6) in subsection (f)—

(A) by striking "ground" each place it appears and inserting "drinking";

(B) by striking "underground" each place it appears;

(C) by striking "critical" each place it appears; and

(D) by adding at the end of the subsection the following new paragraph:

"(3) A comprehensive management plan developed pursuant to this subsection may also propose modifications of otherwise applicable monitoring requirements of national primary drinking water regulations. Any proposal made in the plan for alternative monitoring requirements shall identify specific pollution prevention measures to be implemented that allow for an alternative monitoring program.";

(7) by striking subsection (g) and inserting the following new subsection:

"(g) ACTIVITIES INVOLVING FEDERAL AGENCIES.—

"(1) FEDERAL AGENCY ACTIVITIES.—In the case of a water supply protection area within a State for which an application is approved pursuant to subsection (i), each activity or development project carried out by a Federal agency within the area shall be carried out in a manner that is, to the maximum extent practicable, consistent with the approved application and plan referred to in subsection (e)(2).

"(2) FEDERAL LICENSEE AND PERMITTEE ACTIVITIES.—In the case of a water supply protection area for which an application is approved pursuant to subsection (i), each applicant for a required Federal license or permit to conduct an activity within the area shall provide in the application to the licensing or permitting agency a certification from the planning entity that the proposed activity is consistent with the comprehensive management plan of the applicant.

"(3) PRESIDENTIAL EXEMPTION.—The President may exempt any Federal project or development project from the requirements of this subsection if the President determines that the exemption is in the paramount interest of the United States.";

(8) by striking subsections (i) and (j) and inserting the following new subsections:

"(i) APPROVAL OR DISAPPROVAL.—

"(1) IN GENERAL.—Not later than 120 days after the receipt of an application under this section, the Administrator shall approve or disapprove the application.

"(2) DETERMINATION BY THE ADMINISTRATOR.—The Administrator shall approve or disapprove an application on the basis of a determination that—

"(A) the water supply protection area meets the criteria established under subsection (d);

"(B) the application meets the requirements described in subsection (e); and

"(C) there are adequate legal authorities and financial resources to ensure effective implementation of the comprehensive management plan required under subsection (e)(5).

"(3) SUBMISSION TO THE GOVERNOR.—If the Administrator disapproves an application, the Administrator shall submit to the Governor a written explanation of the reasons for the disapproval of the application.

"(4) RESUBMISSION OF APPLICATIONS.—An applicant may modify and resubmit any application that is disapproved.

"(j) GRANTS.—

"(1) IN GENERAL.—The Administrator may make grants to applicants that propose to develop an application pursuant to subsection (c).

"(2) CONDITIONS FOR GRANTS.—A grant made pursuant to this subsection shall be made on the conditions that—

"(A) the applicant provides not less than 20 percent of the costs of developing the application; and

"(B) a grant to an applicant is made for not more than 3 consecutive years."; and

(9) in subsection (n)—

(A) in the first sentence—

(i) by striking "carry out this section" and inserting "make grants pursuant to subsection (j)"; and

(ii) by inserting after "$17,500,000" the following:

"1992-2000 ..... $20,000,000.";

and

(B) by striking the last sentence.

(b) CONFORMING AMENDMENT.—Section 1424 (42 U.S.C. 300h-3) is amended by striking subsection (e).

(c) STATE WATER SUPPLY PROTECTION PROGRAM.—Section 1428 (42 U.S.C. 300h-7) is amended—

(1) by striking the section heading and inserting the following new section heading:

"**SEC. 1428. STATE PROGRAMS TO PROTECT WATER SUPPLY AREAS.**";

(2) in subsection (a)—

(A) by striking "wellhead" each place it appears and inserting "water supply"; and

(B) by striking "well" each place it appears and inserting "source";

(3) in subsections (b) and (c), by striking "wellhead" each place it appears and inserting "water supply";

(4) by striking subsection (d) and inserting the following new subsection:

"(d) PROGRAM REVISION.—

"(1) SUBMISSION.—The Governor of a State may submit to the Administrator a new or revised program to protect water supply areas within the jurisdiction of the State from contaminants that may have adverse effects on human health.

"(2) APPROVAL BY THE ADMINISTRATOR.—The Administrator shall approve a new or revised water supply protection program submitted pursuant to this subsection if—

"(A) the program is consistent with the requirements of paragraphs (1) through (6) of subsection (a);

"(B) the program was developed in accordance with the public participation requirements of subsection (b);

"(C) the State has enacted such legal authority as is sufficient to protect drinking water within each water supply area in the State in accordance with this section; and

"(D) the legal authorities established under subparagraph (C) are reasonably likely to be implemented.

"(3) DEFINITION OF LEGAL AUTHORITY.—As used in this subsection, the term 'legal authority' means a State statute, county or municipal ordinance, or other enforceable authority that is sufficient to prevent the location of new sources of contaminants identified pursuant to subsection (a)(3) within each water supply area in the State and to control the release of contaminants from existing sources within the water supply area, including such penalties for violations of the authority as the Administrator determines to be adequate.";

(5) subsection (e) is amended to read as follows:

"(e) WATER SUPPLY PROTECTION AREA DEFINED.—As used in this section, the term 'water supply protection area' means the surface and subsurface area surrounding a water supply, including a surface water source or wellhead area, that supplies a public water system through which contaminants are reasonably likely to move toward and reach the water supply.";

(6) subsection (g) is amended by—

(A) striking the first sentence; and

(B) striking "wells" and inserting "supplies";

(7) in subsection (h)—

(A) by striking "(h) FEDERAL AGENCIES.—Each" and inserting the following:

"(h) ACTIVITIES INVOLVING FEDERAL AGENCIES.—

"(1) FEDERAL AGENCY ACTIVITIES.—Each";

(B) by striking "The President may" and inserting the following:

"(3) PRESIDENTIAL EXEMPTION.—The President may";

(C) by inserting after paragraph (1) (as so designated) the following new paragraph:

"(2) FEDERAL LICENSEE AND PERMITTEE ACTIVITIES.—In the case of a water supply area within a State for which a program is approved pursuant to subsection (d), each applicant for a required Federal license or permit to conduct an activity within the area shall provide in the application to the licensing or permitting agency a certification from the State that the proposed activity complies with the enforceable policies of the program of the State and that the activity will be conducted in accordance with the approved program."; and

(D) in paragraph (1) (as so designated) by inserting after "a State program" the following: "approved pursuant to subsection (d)"; and

(8) in subsection (k)—

(A) by striking the first sentence and inserting the following new sentence: "For each fiscal year, the Administrator may make a grant to a State with a program approved pursuant to subsection (d) to carry out the program. The amount of each grant may not exceed 50 percent of the costs of carrying out the program."; and

(B) by adding at the end the following:

"1992-2000 ..... $20,000,000.".

(d) FEDERAL WATER POLLUTION CONTROL ACT GRANT ELIGIBILITY.—Section 319(h) of the Federal Water Pollution Control Act (33 U.S.C. 1329(h)) is amended by adding at the end the following new paragraph:

"(13) WATER SUPPLY PROTECTION AREAS.—Notwithstanding any other provision of this section, funds made available to carry out this subsection may be used to carry out a project consistent with a water supply protection area comprehensive plan approved pursuant to section 1427(i) of title XIV of the Public Health Service Act (commonly known as the 'Safe Drinking Water Act') (42 U.S.C. 300h-6(i)) or a State water supply protection program approved pursuant to section 1428(d) of such Act. The funds shall be used in the same manner as provided for use of funds under this section, and be subject to the conditions that apply under this section.".

SEC. 11. EMERGENCY POWERS.

Section 1431 (42 U.S.C. 300i) is amended to read as follows:

"**SEC. 1431. ACTIONS AUTHORIZED AGAINST IMMINENT AND SUBSTANTIAL ENDANGERMENT TO HEALTH OR AN UNDERGROUND SOURCE OF DRINKING WATER.**

"Notwithstanding any other provision of this title, the Administrator, on receipt of information that a contaminant that is present in or is likely to enter a public water system or an underground source of drinking water may present an imminent and substantial endangerment to the health of individuals, and after providing notice to appropriate State and local officials, may take such actions as the Administrator may consider necessary in order to protect the health of the individuals. The actions that the Administrator may take may include—

"(1) issuing such orders as may be necessary to protect the health of individuals who are or may be users of the public water system (including travelers) or to restore or protect the public water system, including orders requiring the provision of alternative water supplies by persons who caused or contributed to the endangerment; and

"(2) commencing a civil action for appropriate relief, including a restraining order or permanent or temporary injunction.".

SEC. 12. TAMPERING WITH PUBLIC WATER SYSTEMS.

(a) TAMPERING.—Section 1432(a) (42 U.S.C. 300i-1(a)) is amended to read as follows:

"(a) TAMPERING.—No person shall tamper with, attempt to tamper with, or make a threat to tamper with a public water system.".

(b) TAMPER DEFINED.—Section 1432(d) (42 U.S.C. 300i-1(d)) is amended to read as follows:

"(d) TAMPER DEFINED.—As used in this section, the term 'tamper' means—

"(1) the introduction or addition of—

"(A) any element, compound, solution, or substance designated as a hazardous substance pursuant to section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9602);

"(B) any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act (42 U.S.C. 6921);

"(C) any toxic pollutant listed under section 307(a) of the Federal Water Pollution Control Act (33 U.S.C. 1317(a)); or

"(D) any imminently hazardous chemical substance or mixture, with respect to which the Administrator has taken action pursuant to section 7 of the Toxic Substances Control Act (15 U.S.C. 2606),

into a public water system so as to endanger public health except if the introduction is by an employee or authorized agent of a public water system and is carried out in conjunction with the normal duties of the employee or agent for the purposes of treatment of water or as a requirement for compliance with any Federal, State, or local law (including any regulation), or in response to a public health emergency; or

"(2) the interference with the proper operation or function of a public water system if the person who causes the interference is recklessly indifferent to the harm that the interference may cause to any person; or

"(3) removing water from a public water system through a pipe or device outside the public water system and returning water to the public water system, except in any case in which a pipe or device is totally within the control of 1 or more public water systems.".

SEC. 13. DRINKING WATER RESEARCH, EDUCATION, AND CERTIFICATION.

Section 1442 (42 U.S.C. 300j-1) is amended—

(1) by redesignating paragraph (3) of subsection (b) as paragraph (3) of subsection (d) and moving such paragraph to appear after paragraph (2) of subsection (d);

(2) by striking subsection (b) (as so amended);

(3) by redesignating subparagraph (B) of subsection (a)(2) as subsection (b) and moving such subsection to appear after subsection (a);

(4) in subsection (a)—

(A) by striking paragraph (2) (as so amended) and inserting the following new paragraph:

"(2) In carrying out this title, the Administrator is authorized to—

"(A) collect and make available information pertaining to research, investigations, and demonstrations with respect to providing a dependably safe supply of drinking water, together with appropriate recommendations in connection with the information; and

"(B) make available research facilities of the Agency to appropriate public authorities, institutions, and individuals engaged in studies and research relating to this title."; and

(B) by adding at the end the following new paragraph:

"(12) There are authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 1994 through 2000.";

(5) in the first sentence of subsection (c), by striking "eighteen months after the date of enactment of this subsection" and inserting "2 years after the date of enactment of the Safe Drinking Water Act Amendments of 1993, and every 5 years thereafter";

(6) in subsection (d) (as amended by paragraph (1))—

(A) in paragraph (1), by striking ", and" at the end and inserting a semicolon;

(B) in paragraph (2), by striking the period at the end and inserting "; and";

(C) by adding after paragraph (3) (as redesignated by paragraph (1)) the following new paragraph:

"(4) develop and maintain a system for forecasting the supply of, and demand for, various professional occupational categories and other occupational categories needed for the protection and treatment of drinking water in each region of the United States."; and

(D) by adding at the end the following new sentence: "There are authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 1994 through 2000.";

(7) by striking subsection (e) and inserting the following new subsection:

"(e)(1) The Chief Operator of a public water system and any laboratory conducting tests pursuant to this Act, and such additional personnel as may be designated by the Administrator, shall be required to be certified as proficient pursuant to this section by a State that has a certification program that is approved by the Administrator.

"(2) The requirement referred to in paragraph (1) shall become effective on the date that is 4 years after the date of enactment of the Safe Drinking Water Act Amendments of 1993, unless—

"(A) the State extends the effective date pursuant to paragraph (3); or

"(B) the State has proposed to develop a small system compliance program for the system, in which case the effective date shall be the date that is 3 years after the date of completion of the compliance program.

"(3) The State may extend the effective date of the requirement referred to in paragraph (1) for a period of not to exceed 3 years on a system-specific basis if the Administrator determines that, with respect to a system, adequate opportunity to seek certification did not exist during the period described in paragraph (2).

"(4) Each certification of proficiency issued by the appropriate official of a State under this section shall be granted to the individual that receives the certification and shall not be granted to the public water system where the individual is employed.

"(5) A certification of proficiency issued under this section shall be effective during the 5-year period beginning on the date of certification. An individual may be recertified on termination of the 5-year period (and on termination of each subsequent 5-year period) if the individual complies with inservice training and related education requirements for the certification.

"(6) Nothing in this section is intended to be construed to prevent a State from requiring more frequent certification than is specified in paragraph (5).

"(7) Not later than 1 year after the date of the Safe Drinking Water Act Amendments of 1993, the Administrator shall publish guidelines specifying minimum standards for certification of the proficiency of operators and other appropriate personnel by a State pursuant to this subsection.

"(8) Not later than 2 years after the date of enactment of the Safe Drinking Water Act Amendments of 1993, the Administrator shall publish a public water systems operator's manual that describes essential knowledge and skills of—

"(A) a Chief Operator; and

"(B) such additional personnel as the Administrator determines appropriate to receive operator proficiency certification.

"(9)(A) Beginning on the date of publication of the guidelines under paragraph (7), the Governor of a State may submit to the Administrator, in such form as the Administrator may require, a certification program under this section.

"(B) The Administrator shall review and approve or disapprove a program submitted pursuant to this paragraph not later than 90 days after the submittal of the application. The Administrator shall approve the application on the basis of a determination that—

"(i) the State certification program will be consistent with the guidelines published pursuant to subsection (b);

"(ii) the State has committed to implement the program by not later than 1 year after the date of approval of the application; and

"(iii) the State agrees to provide to the Administrator such information concerning the program as the Administrator may request.

"(C) In any case in which the Administrator disapproves a program, the Administrator shall provide to the State a written statement of the reasons for disapproval. The State may, not later than 90 days after receipt of the statement of the Administrator, submit to the Administrator such modifications to the application as may be necessary. Not later than 30 days after receipt of the revised application, the Administrator shall approve or disapprove the revised application.

"(D) A State may establish a certification requirement in addition to the requirements established pursuant to this section."; and

(8) in subsection (g) by amending the third sentence by striking "1987–1991" and inserting "1994–2000".

SEC. 14. STATE DRINKING WATER PROGRAM FUNDING.

(a) PUBLIC WATER SYSTEM SUPERVISION PROGRAM.—Section 1443(a) (42 U.S.C. 300j-2(a)) is amended—

(1) in paragraph (3)—

(A) by striking "A grant" and inserting "(A) Except as provided in subparagraph (B), a grant"; and

(B) by adding at the end the following new subparagraph:

"(B) For fiscal year 1997, and each fiscal year thereafter, a grant made under paragraph (1) shall cover not more than 50 percent of the costs of the grant recipient (as determined under regulations of the Administrator) in carrying out, during the 1-year period beginning on the date the grant is made, a public water system supervision program. A State may use funds collected as a result of a fee program established under section 1444(a) to match Federal assistance only to the extent that the funds are in excess of amounts provided by the State pursuant to subparagraph (A) for fiscal year 1994.";

(2) in paragraph (7), by adding at the end a period and the following new flush sentence: "For the purpose of making grants under paragraph (1), there are authorized to be appropriated such sums as are necessary for each of fiscal years 1992 and 1993 and $100,000,000 for each of fiscal years 1994 through 2000."; and

(3) by adding at the end the following new paragraph:

"(8) If the Administrator assumes the primary enforcement responsibility of a State water system supervision program, the Administrator may reserve from funds made available pursuant to this subsection, an amount equal to the amount that would otherwise have been provided to the State pursuant to this subsection. The Administrator shall use the funds reserved pursuant to this paragraph, in combination with fees collected pursuant to section 1444, in such manner as to ensure the full and effective administration of a public water system supervision program in the State.".

(b) STATE GROUND WATER PROTECTION GRANTS.—Section 1443 (42 U.S.C. 300j-2) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c)(1) The Administrator may make a grant to a State for the development and implementation of a State program to ensure the coordinated and comprehensive protection of ground water resources within the State.

"(2) Not later than 1 year after the date of enactment of the Safe Drinking Water Act Amendments of 1993, and annually thereafter, the Administrator shall publish guidance that establishes procedures for application for State ground water protection program assistance and that identifies key elements of State ground water protection programs.

"(3)(A) The Administrator shall award grants to States that submit an application that is approved by the Administrator. The Administrator shall determine the amount of a grant awarded pursuant to this paragraph on the basis of an assessment of the extent of ground water resources in the State and the likelihood that awarding the grant will result in sustained and reliable protection of ground water quality.

"(B) The Administrator may also award a grant pursuant to this paragraph for innovative programs for prevention of ground water contamination proposed by a State.

"(C) The Administrator shall, at a minimum, ensure that, for each fiscal year, not less than 1 percent of funds made available to the Administrator by appropriations to carry out this subsection are allocated to each State that submits an application that is approved by the Administrator pursuant to this subsection.

"(D) The Administrator may not award a grant under this subsection to a person who is not a State.

"(E) No grant awarded by the Administrator may be used for a project to remediate ground water contamination.

"(4) The awarding of grants by the Administrator pursuant to this paragraph shall be coordinated with the awarding of grants pursuant to section 319(i) of the Federal Water Pollution Control Act (33 U.S.C. 1329(i)) and the awarding of other Federal grant assistance that provides funding for programs related to ground water protection.

"(5) The amount of a grant awarded pursuant to paragraph (1) shall not exceed 50 percent of the eligible costs of carrying out the ground water protection program that is the subject of the grant (as determined by the Administrator) for the 1-year period beginning on the date that the grant is awarded. The State shall pay a State share to cover the costs of the ground water protection program from State funds in an amount not less than 50 percent of the cost of conducting the program.

"(6) Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1993, and every 3 years thereafter, the Administrator shall evaluate the State ground water protection programs that are the subject of grants awarded pursuant to this subsection and report to Congress on the status of ground water quality in the United States and the effectiveness of State programs for ground water protection.

"(7) There are authorized to be appropriated to the Environmental Protection Agency $20,000,000 for each of fiscal years 1994 through 2000.".

(c) STATE DRINKING WATER PROGRAM FUNDING.—Section 1413(a) (42 U.S.C. 300g-2(a)) is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(6) is providing funding that, in combination with Federal grant assistance received pursuant to section 1443(a), is sufficient to ensure the full and effective administration of the public water system supervision program of the State.".

(d) FEDERAL FEE PROGRAM.—Section 1444 (42 U.S.C. 300j-3) is amended to read as follows:

"SEC. 1444. FEDERAL DRINKING WATER PROGRAM FEE.

"(a) ESTABLISHMENT.—

"(1) GENERAL AUTHORITY.—The Administrator shall establish a Federal program for the collection of fees from public water systems in a State to support the costs of administration of the public water system supervision program in the State. Beginning on the first day of fiscal year 1997, the Administrator shall collect fees under this section with respect to a State if the State does not have primary enforcement responsibility for public water systems within the State pursuant to section 1413(a).

"(2) AMOUNT OF FEES.—If the Administrator is authorized to collect fees under paragraph (1), the Administrator shall assess each public water system of the State that serves more than 3,300 individuals. The amount of a fee collected pursuant to the preceding sentence shall be not greater than $0.005 per 100 gallons of water billed by a system, and shall, in combination with Federal grant funds reserved by the Administrator that otherwise would have been provided to the State, is sufficient to ensure the full and effective administration of the public water system supervision program of the State.

"(b) PUBLIC DRINKING WATER SYSTEM SUPERVISION FUND.—

"(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the 'Public Drinking Water System Supervision Fund' (referred to in this paragraph as the 'Fund'), consisting of—

"(A) such amounts as are appropriated to the Fund under paragraph (2); and

"(B) any interest earned on investment of amounts in the Fund under paragraph (4).

"(2) TRANSFERS TO FUND.—There are appropriated to the Fund amounts equivalent to amounts collected as fees, and interest on the fees, and received in the Treasury under this section.

"(3) EXPENDITURES FROM FUND.—On request by the Administrator, the Secretary of the Treasury shall transfer from the Fund to the Administrator such amounts as the Administrator determines are necessary to carry out the activities for which fees are collected under this section.

"(4) INVESTMENT OF FUNDS.—

"(A) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary, required to meet then current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

"(B) ACQUISITION OF OBLIGATIONS.—For the purpose of investments, obligations may be acquired—

"(i) on original issue at the issue price; or

"(ii) by purchase of outstanding obligations at the market price.

"(C) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

"(D) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

"(5) TRANSFERS OF AMOUNTS.—

"(A) IN GENERAL.—The amounts required to be transferred to the Fund under this paragraph shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

"(B) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(c) STATE LOAN FUNDS.—

"(1) IN GENERAL.—For any fiscal year for which the amounts made available to the Administrator from the Fund established under subsection (b) are less than the total amount deposited in the Fund during the preceding fiscal year, the Administrator may reserve from funds made available pursuant to section 1489 the difference between the amounts.

"(2) USE OF FUNDS.—The Administrator may use the amount reserved pursuant to paragraph (1) for the administration of the public water system supervision program of States for which fees were collected pursuant to subsection (a) during the preceding fiscal year.".

SEC. 15. RECORDS AND INSPECTIONS.

(a) IN GENERAL.—

(1) RECORDS.—Subparagraphs (A) and (B) of section 1445(a)(1) (42 U.S.C. 300j-4(a)(1)) are amended to read as follows:

"(A) Each person who (as determined by the Administrator)—

"(i) is a supplier of water;

"(ii) is or may be otherwise subject to a primary drinking water regulation prescribed pursuant to section 1412 or an order issued pursuant to section 1441;

"(iii) is or may be subject to any other provision of part B or this part; or

"(iv) is a grantee,

shall establish and maintain such records, make such reports, conduct such monitoring, and provide such information as the Administrator may reasonably require to assist the Administrator in carrying out the activities described in subparagraph (B).

"(B) The activities described in this subparagraph are as follows:

"(i) Issuing regulations pursuant to this title.

"(ii) Determining whether a person has acted or is acting in compliance with part B or this part.

"(iii) Determining the injunctive or penalty relief appropriate for any violation of part B or this part.

"(iv) Administering a program of financial assistance under this title.

"(v) Evaluating the health risks of unregulated contaminants and advising the public of the risks.

"(vi) Carrying out any other responsibility of the Administrator under this title."

(2) FACTORS FOR CONSIDERATION.—Section 1445(a)(1) (42 U.S.C. 300j-4(a)(1)), as amended by section 4(c)(2), is further amended by adding at the end the following new subparagraph:

"(D) In requiring the owner or operator of a public water system to conduct monitoring pursuant to this subsection, the Administrator may take into consideration the size of the population served by the public water system and the contaminants likely to be found in the drinking water of the public water system.".

(b) AUTHORIZATION.—Section 1445(a)(8) (42 U.S.C. 300j-4(a)(8)) is amended by striking "$30,000,000 in the fiscal year ending September 30, 1987" and inserting "$35,000,000 for each of fiscal years 1994 through 2000".

(c) INSPECTIONS.—Subsections (b) and (c) of section 1445 (42 U.S.C. 300j-4 (b) and (c)) are amended to read as follows:

"(b)(1) The Administrator, or the authorized representative of the Administrator (including an authorized contractor acting as a representative of the Administrator), on presentation of appropriate credentials to any person who is or may be subject to—

"(i) a national primary drinking water regulation prescribed pursuant to section 1412;

"(ii) any requirement to monitor an unregulated contaminant pursuant to subsection (a); or

"(iii) any other requirement of part B or E, or to a person in charge of any of the property of a person referred to in clause (i), (ii), or (iii) (or the senior employee present at the site), is authorized to enter any establishment, facility, or other property of a person referred to in clause (i), (ii), or (iii).

"(2) The Administrator or an authorized representative of the Administrator may enter an establishment, facility, or other property pursuant to paragraph (1)—

"(A) in order to determine whether a person has acted or is acting in compliance with part B or this part, including for this purpose, inspecting, at reasonable times, of

records, files, papers, processes, controls, and facilities; or

"(B) in order to test any feature of a public water system, including the raw water source of the system.

"(3) The Administrator or the Comptroller General of the United States (or any authorized representative designated by the Administrator or the Comptroller General of the United States) shall have access for the purpose of audit and examination of any record, report, or information of a person or grantee that—

"(A) is required to be maintained under subsection (a); or

"(B) is pertinent to any financial assistance provided pursuant to this title.

"(c) Any person, who is subject to any provision of part B or this part (including a person that the Administrator determines may be subject to a requirement of part B or this part), shall—

"(1) comply with the requirements of subsection (a);

"(2) allow the Administrator or the authorized representative of the Administrator to enter and make determinations and test and take samples pursuant to paragraphs (1) and (2) of subsection (b); and

"(3) allow the Administrator, the Comptroller General of the United States or authorized representative of the Administrator or the Comptroller General of the United States to have access to, audit, and examine records, reports, and information pursuant to subsection (b)(3).".

(d) DRINKING WATER COOLERS.—Section 1445 (42 U.S.C. 300j–4) is amended by adding at the end the following new subsection:

"(f) INFORMATION REGARDING DRINKING WATER COOLERS.—The Administrator may use the authorities of this section in carrying out part F. With respect to the application of this section to persons subject to part F, a person who manufactures, imports, sells, or distributes drinking water coolers or component parts of drinking water in interstate commerce shall be considered a supplier of water.".

SEC. 16. FEDERAL AGENCIES.

Subsections (a) and (b) of section 1447 (42 U.S.C. 300j–6 (a) and (b)) are amended to read as follows:

"(a)(1) Each Federal agency shall be subject to, and comply with, all Federal, State, interstate and local substantive and procedural requirements, administrative authorities, and process and sanctions respecting the provision of safe drinking water in the same manner, and to the same extent, as any nongovernmental entity is subject to, and shall comply with, the requirements, authorities, and process and sanctions.

"(2) The Federal, State, interstate, and local substantive and procedural requirements, administrative authority, and process and sanctions referred to in paragraph (1) include all administrative orders and all civil and administrative penalties or fines, regardless of whether the penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations.

"(3) The United States hereby expressly waives any immunity otherwise applicable to the United States with respect to any requirement, administrative authority, or process or sanction referred to in paragraph (2) (including any injunctive relief, administrative order or civil or administrative penalty or fine referred to in paragraph (2), or reasonable service charge). The reasonable service charges referred to in this paragraph include fees or charges assessed in connection with the processing, issuance, renewal or amendment of permits, variances, or exemptions, review of plans, studies, and other documents, and inspection and monitoring of facilities, as well as any other nondiscriminatory charges that are assessed in connection with a Federal, State, interstate, or local safe drinking water regulatory program.

"(4) No agent, employee, or officer of the United States shall be personally liable for any civil penalty under this subsection with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

"(5) An agent, employee, or officer of the United States shall be subject to a criminal sanction (including a fine or imprisonment under this subsection). No department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to a sanction referred to in the preceding sentence.

"(b)(1) The President may waive compliance with subsection (a) by any department, agency, or instrumentality in the executive branch if the President determines waiving compliance with such subsection to be in the paramount interest of the United States.

"(2) No waiver described in paragraph (1) shall be granted due to the lack of an appropriation unless the President has specifically requested the appropriation as part of the budgetary process and Congress has failed to make available the requested appropriation.

"(3) A waiver under this subsection shall be for a period of not to exceed 1 year, but an additional waiver may be granted for a period of not to exceed 1 year on the termination of a waiver if the President reviews the waiver and makes a determination that it is in the paramount interest of the United States to grant an additional waiver.

"(4) Not later than January 31 of each year, the President shall report to Congress on each waiver granted pursuant to this subsection during the preceding calendar year, together with the reason for granting the waiver.".

SEC. 17. CITIZEN'S CIVIL ACTION.

(a) IN GENERAL.—Subsections (a) through (c) of section 1449 (42 U.S.C. 300j–8 (a) through (c)) are amended to read as follows:

"(a)(1) Except as provided in subsection (b), any person may commence a civil action on behalf of the person—

"(A) against any person (including a Federal agency, to the extent permitted by sections 1447 and 1472) who is alleged to have violated (if there is evidence that the alleged violation has been repeated by the person) or to be in violation of any requirement of part B or this part (including any regulation issued pursuant to this title);

"(B) against any Federal agency that is alleged to have violated (if there is evidence that the alleged violation has been repeated by the person) or to be in violation of any order issued under this title by the Administrator;

"(C) against any Federal agency that fails to pay a penalty assessed by the Administrator pursuant to section 1472(c)(1)(B) within 1 year after the effective date of the final order; and

"(D) against the Administrator, if a failure of the Administrator to perform any act or duty under this title that is not discretionary with the Administrator is alleged.

"(2) Each United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce in an action brought under this subsection any requirement under this title (including any requirement under a regulation issued under this title) or any order issued under this title by the Administrator to a Federal agency. The enforcement by the court may include ordering—

"(A) the Federal agency to pay the penalty assessed pursuant to section 1472(c)(1)(B), or order relief pursuant to section 1428; and

"(B) the Administrator to perform an act or duty described in paragraph (1)(D), and to impose any appropriate civil penalties pursuant to section 1472.

"(b)(1) No civil action may be commenced—

"(A) under subsection (a)(1) concerning a violation of a requirement prescribed under this title (including any requirement under a regulation issued under this title)—

"(i) prior to the termination of the 60-day period beginning on the date the plaintiff gives notice of the violation to—

"(I) the Administrator;

"(II) any alleged violator of the requirement; and

"(III) the State in which the violation occurs, or has occurred;

"(ii) if the Administrator, or the Attorney General, has commenced and is diligently prosecuting, a civil action in a court of the United States to require compliance with the requirement, except that in any such action in a court of the United States any person may intervene as a matter of right;

"(iii) if a State has commenced prior to the notification required by this subsection, and is diligently prosecuting, a civil action in a court of the United States to require compliance with the requirement, except that in any such action in a court of the United States any person may intervene as a matter of right; or

"(iv) if the Administrator has commenced, and is diligently prosecuting, an action pursuant to section 1472(a) against a Federal agency, or with respect to which the Administrator has issued a final order and the violator has paid a penalty pursuant to section 1472(c); or

"(B) under subsection (a)(1)(D), before the termination of the 60-day period beginning on the date the plaintiff gives notice of the action to the Administrator.

"(2) The notice required by this subsection shall be given in such manner as the Administrator shall prescribe by regulation.

"(c) In any action under this section, the Administrator or the Attorney General, if not a party, may intervene as a matter of right at any time in the proceedings. A judgment in an action brought pursuant to this section to which the United States is not a party shall not have any binding effect upon the United States.".

(b) SERVICE OF COMPLAINT.—Section 1449 (42 U.S.C. 300j–8) is amended by adding at the end the following new subsection:

"(f) Whenever any action is brought under this section in a court of the United States, the plaintiff shall serve a copy of the complaint on the Attorney General and the Administrator. No consent judgment shall be entered in an action in which the United States is not a party during the 45-day period beginning on the date of receipt of a copy of a proposed consent judgment by the Attorney General and the Administrator. A judgment in an action under this section to which the United States is not a party shall not have a binding effect on the United States.".

SEC. 18. OTHER AMENDMENTS.

(a) DEFINITION OF PUBLIC WATER SYSTEM.—Section 1401(4) (42 U.S.C. 300f(4)) is amended

by adding at the end the following new sentence: "The term does not include any noncommunity water system that does not provide water for human consumption if bottled water is provided for human consumption, and there are posted such signs prohibiting the drinking of water from the system as the Administrator determines are appropriate.".

(b) ANNUAL REPORT.—Section 1450 (42 U.S.C. 300j–9) is amended by striking subsection (h).

(c) STATE PRIMARY ENFORCEMENT RESPONSIBILITY.—Section 1413(a) (42 U.S.C. 300g–2(a)), as amended by section 14(c), is further amended by striking paragraph (1) and inserting the following new paragraph:

"(1) has adopted drinking water regulations that are no less stringent than the national primary drinking water regulations promulgated by the Administrator under subsections (a) and (b) of section 1412 not later than 2 years after the promulgation of the national regulations by the Administrator;".

(d) JUDICIAL REVIEW.—Section 1448(a) (42 U.S.C. 300j–7(a)) is amended—

(1) in paragraph (2), by inserting "final" after "any other"; and

(2) in the second sentence, by striking "or issuance of the order" and inserting "or any other final Agency action".

(e) REPORT TO CONGRESS ON PRIVATE DRINKING WATER.—Section 1450 (42 U.S.C. 300j–9) is amended by adding at the end the following new subsection:

"(j) The Administrator shall conduct a study to determine the extent and seriousness of contamination of private sources of drinking water that are not regulated under this Act. Not later than 3 years after the date of enactment of this subsection, the Administrator shall submit to Congress a report that includes the findings of the study and recommendations by the Administrator concerning responses to any problems identified under the study.".

SUMMARY—SAFE DRINKING WATER ACT AMENDMENTS OF 1993

TITLE

This Act may be cited as the "Safe Drinking Water Act Amendments of 1993".

FINDINGS

The Congress finds that State and local governments need financial and technical assistance in complying with the requirements of the Safe Drinking Water Act and that the Act needs to be reviewed and revised to reduce the regulatory burden on drinking water systems, especially small systems, while assuring safe drinking water.

STATE LOAN FUNDS

(a) General Authority.—The Administrator may enter into a capitalization grant agreement with a State where a State establishes a loan fund and agrees to conditions including providing a 20% State match, use of loans in compliance with an intended use plan, enactment of authority to prevent the establishment of new nonviable systems, and proper financial management.

The authority to establish priorities for loans is to remain with the State agency implementing the drinking water program. A State may consolidate management of drinking water and clean water loan funds provided that funding remains separate.

(b) Capitalization Grants.—The Administrator may make capitalization grants to States with capitalization grant agreements starting in FY 1994. Funds are to be allocated pursuant to the PWSS grant formula. In addition, 1% is reserved for indian tribes and 1% is reserved for public health emergencies. Indian tribes, territories, and the District of Columbia may receive direct grants.

(c) Eligible Assistance.—Projects eligible to receive loan assistance are capital expenditures for:

Compliance with national primary drinking water regulations;

Consolidation of systems and use of an alternative source of water supply;

Water conservation;

Construction and restoration of drinking water supply, treatment, and distribution systems;

Projects to implement a plan for protection of water supplies;

Assistance to drinking water systems for providing loans to low income customers to mitigate radon in indoor air;

Purchase of land needed for a treatment facility but not land for source proection; and

Replacement of private wells where they present a significant health threat.

Drinking water systems eligible for assistance are community water systems (whether publicly or privately owned) and public and nonprofit noncommunity water systems. Types of assistance are:

Loans (provided that interest rates do not exceed market rates, that repayments start 1 year after project completion, that there will be a dedicated source of revenue, and that repayment is made in 20 years);

Refinancing of an obligation incurred before the date of enactment;

Guarantee of a market loan or purchase insurance for such a loan;

A source of revenue or security for a State obligation related to the loan fund; and

A source of revenue or security for the payment of interest on a local obligation provided that the payment from the fund does not reduce the effective interest rate of the obligation by more than 2.5%.

No loan or other assistance is to be made to a small system (i.e. under 3,300 persons) after 1998 unless it is consistent with a State plan for small drinking water systems and a small system compliance program if such a program has been developed.

The State may assist disadvantaged communities through forgiveness of loan principal. A disadvantaged community is any community where an average residential user is paying or is expected to pay rates greater than 1.5% of median household income. The amount of loan forgiveness is limited to the amount needed to keep drinking water rates below 1.5% of median household income. The total amount of the loan subsidy in a fiscal year may not exceed 20% of the balance of the fund.

(d) Administration.—Each State may reserve up to 4% of the capitalization grant for administration of the fund. A State may also reserve the greater of $500,000 or 10% of the State capitalization grant for technical and financial management assistance, including development of compliance programs, for systems serving fewer than 3,300 persons.

Each State is to develop an intended use plan for the fund on an annual basis. The plan is to establish a priority list for projects and assess the financial condition of the fund. The plan is to provide that first priority be given to systems needing to comply with national primary drinking water regulations and for which the residential user rates are the highest percentage of median household income. Also, no assistance is to be given to a system for which consolidation is expected except to facilitate the consolidation.

(e) Loan Fund Management.—The Administrator is to provide for annual audits of funds. States are to report activities of the fund on an annual basis. The Administrator is to conduct a drinking water needs assessment for all eligible projects within one year and every four years thereafter. The Administrator is to submit to Congress an evaluation of the loan funds in early 1998.

(f) Labor Standards.—The requirements of the Davis Bacon Act shall apply to any project funded by State loan funds.

(g) Authorization.—There is authorized to be appropriated $600 million in FY 94 and $1 billion in each fiscal year 1995–2000.

NATIONAL DRINKING WATER REGULATIONS

(a) Identification of Contaminants.—General authority is established to promulgate drinking water standards for contaminants that may have any adverse effect on human health and that are known or anticipated to occur in public water systems in a concentration or frequency that indicates a public health concern.

Within three years of the date of enactment, the Administrator is to identify not fewer than 15 unregulated contaminants which pose the greatest threat to public health and for which a drinking water standard may be developed. Within three years of the initial identification, and every three years thereafter, the Administrator is to identify an additional seven contaminants.

The Administrator is to propose contaminants for identification one year prior to identification. Six months after proposal of contaminants, the Administrator and the National Drinking Water Advisory Council are to hold a public hearing on the proposed contaminants. The Council is to submit recommended changes to the Administrator.

Two years after the identification of a contaminant the Administrator is to publish a health assessment of the contaminant. A health assessment may be delayed 2 years if additional health effects research is needed and shall be reviewed by the Science Advisory Board.

At the time the health assessment is published, the Administrator shall either propose a drinking water standard or determine not to propose a standard. If a standard is proposed, a final standard is to be promulgated within 18 months of the health assessment/proposed standard. A nonenforceable health advisory is to be published for any contaminant for which no standard is promulgated.

The Administrator is to develop a data base of information on the occurrence of unregulated contaminants in drinking water. To reduce monitoring burdens, the Administrator is to collect monitoring information from only a representative sample of such systems.

In response to a petition from 7 Governors for the development of a standard for a contaminant, the Administrator shall publish a drinking water standard for a contaminant not considered in the listing process unless the Administrator determines that the standard does not meet the criteria for establishment of a standard.

(b) Drinking Water Standard Compliance and Review.—The Administrator is to set compliance deadlines in each drinking water regulation at a period of not more than 36 months, rather than 18 months as in current law.

In addition, authority for exemptions/extensions of compliance schedules is clarified and the period of an exemption is changed from 3 to 2 years.

The Administrator is to review existing drinking water standards not less than every 6 years, rather than 3 years as in current law.

(c) Monitoring Requirements.—The Administrator may modify a drinking water regulation to remove monitoring requirements for systems not detecting a contaminant if the contaminant is detected in less than 5% of systems and exceeds the standard in less than 0.5% of systems or the contaminant has not been found at a level exceeding 75% of the standard.

For systems serving less than 10,000 persons, the Administrator or the State may waive the requirement to conduct quarterly monitoring if a contaminant is not detected in an initial test.

(d) Health Advisories.—The Administrator is authorized to publish health advisories on contaminants not subject to a drinking water standard in order to provide timely information to assure the safe and effective operation of a public water system.

(e) Sulfate.—The Administrator is authorized not to regulate sulfate if another contaminant is regulated in place of sulfate.

SMALL PUBLIC WATER SYSTEMS

(a) State Small System Management Plans.—Each State is to develop a plan by October 1997 and every three years thereafter for the coordinated management of public water systems serving less than 3,300 persons.

States may use up to $500,000 or 10% of drinking water loan funds each year to develop State small system plans and individual compliance programs called for in the plans.

Key elements of plans include:

Establish criteria for determining when systems are not viable and identify nonviable systems;

Identify opportunities for physical and management consolidation of systems;

Identify alternative sources of water supply; and

Identify financing needs of small systems.

Based on review and assessment of the status and condition of small water systems, the State is to include in the plan the assignment of each system not expected to comply with drinking water regulations to one of two groups:

Systems with which the State will work to develop an individualized compliance program implementing consolidation, alternative water supply, alternative small system technology, or other system restructuring;

Systems which are to comply with the maximum contaminant level for a specific regulation (e.g. do not need a compliance program because they have the financial and management capacity to meet the maximum contaminant level, taking into account funding from State loan funds and the Rural Development Administration).

The plan is to list systems in priority order based on the public health risk caused by drinking water contaminants found in each system. The plan is also to include a schedule for the development of the first one-third of all compliance programs over the following five year period and development of all compliance programs within 10 years.

In the case of systems which are to meet a maximum contaminant level, the system is to be in compliance within the compliance period established in the regulation beginning from the date of final approval of the plan.

States are to provide for public review and comment on the plans and the Administrator shall review and approve the plans.

(b) Small System Compliance Program.—States are to work with individual systems to develop small system compliance programs.

A compliance program is to determine and design a specific program for system consolidation or development of raw water supply (including a financial plan and engineering designs and plans) and may also identify measures needed to assure the long-term effective management of the system.

Programs are to provide for compliance with maximum contaminant levels to the extent practicable and may provide for the implementation of small system technology identified in guidance published by the Administrator. A compliance program is to provide for small system technology which provides the greatest protection of public health consistent with the financial and management capability of the system, taking into account funding from the State loan funds and the Rural Development Administration. A compliance program shall not provide for small systems technology which would result in an unreasonable risk to public health.

Compliance programs are to be implemented not less than three years after the date of approval of the program. States may grant a 2 year extension to finish implementation of a program.

Compliance programs are to be considered at a public hearing and the Administrator may disapprove a program which is not consistent with the Act or which poses a threat to public health.

(c) Small System Technology Guidance.—The Administrator is to publish small system technology guidance in conjunction with any drinking water regulation. Guidance is to identify various small system technologies and the effectiveness and cost of each technology.

In addition, within two years of the date of enactment, the Administrator is to publish guidance on small system technology for compliance with Phase II, Phase V, or Surface Water Treatment regulations. In the case of a small system not in compliance with such regulations, compliance is stayed until the date which is:

No more than three years after the date of submittal of a State small system plan; or

The compliance date established in a compliance program.

The extended compliance period applies only to noncommunity systems in the case of the Surface Water Treatment Rule.

ENFORCEMENT

A new Part is added to the Act consolidating and streamlining enforcement functions and creating the following enforcement powers consistent with other environmental statutes.

(a) General Prohibition of Contamination.—A failure to comply with any provision of this title is unlawful. This authority is consistent with authority of the Clean Water Act.

(b) Civil Enforcement.—The amendment would provide consistent administrative enforcement authority for violations of the Act. Administrative enforcement authority is similar to that provided in the Clean Water Act and includes compliance only orders and administrative penalty authority of up to $10,000 per day with a cap of $200,000. In addition, consistent civil judicial enforcement authority for key provisions of the Act is provided at $25,000 per day per violation.

(c) Criminal Enforcement.—The amendment would provide consistent penalties for criminal violations of key provisions of the Act and make the provisions consistent with the criminal enforcement provisions of the Clean Water Act.

(d) Consolidation Initiative.—In order to encourage the physical and administrative consolidation of systems, a system may seek protection from penalties for an existing compliance problems or expected problems for a period of 2 years after consolidation or sale. The consolidation or sale must be outlined in a plan approved by the State and the Administrator.

(e) Public Notice and Notice to State.—The requirements for public notice of violations of drinking water regulations with the potential to have an adverse effect on health are strengthened. Reporting of violations which are less significant is reduced from quarterly to annually. States are to provide annual reports on compliance to the Administrator and the Administrator is to provide a summary of the State reports to the Congress.

CONTROL OF LEAD IN DRINKING WATER

Within two years of the date of enactment of this Act, the Administrator is to issue regulations to establish performance standards for maximum leaching levels of lead from new pipes and fixtures that convey drinking water. Lead leaching levels are to be reduced from 7% four years after the date of enactment to 4% seven years after the date of enactment. In addition, a violation of the ban on use of lead solder is made an enforceable violation of the Act.

RADON IN DRINKING WATER

The Administrator is to promulgate a drinking water regulation for radon not later than 12 months after the date of enactment. The regulation is to specify a maximum contaminant level goal and maximum contaminant level based on existing authorities of the Act.

In addition, the regulation is to specify an alternative contaminant level for radon in drinking water at a level at which the risks equal to the risk associated with radon in outdoor air, after consideration of the risks of ingestion and episodic uses of drinking water. A drinking water system may comply with the alternative contaminant level if;

The system implements an alternative compliance program to reduce radon in the air indoors; or

The system is located in a State with is implementing an indoor air radon program and is receiving grant assistance under the Indoor Radon Abatement Act.

Minimum radon reduction measures to be implemented under an alternative compliance program are;

Distribution of radon educational material to all customers;

Testing of radon in indoor air for not less than 50% of residential dwellings within five years of program approval;

A commitment to require that new homes connected to the water system comply with new construction radon prevention standards beginning two years after program approval.

Alternative compliance programs are to be approved by the State. Systems are to provide assessments to program implementation to the State every five years and the State may withdraw approval of a program not being implemented. The Administrator is to submit a report to Congress evaluating radon programs not later than 7 years after the date of enactment.

Beginning two years after the date of enactment, no Federal agency or other entity is to assist in the financing of a residence located in a high risk radon area, as determined by the Administrator, unless a radon test has been completed for the residence and the prospective buyer has been notified

of the results of the test. Retesting of residences is not required.

POINT OF USE DEVICES

The Administrator is to establish a program to determine the effectiveness of point of use drinking water treatment devices. The Administrator is provided with authority to request data on treatment of devices and to require provision of information to consumers on device effectiveness.

DRINKING WATER SUPPLY PROTECTION

The existing sole source aquifer and wellhead protection programs are expanded to provide protection of sources of drinking water, including surface water sources.

Drinking water systems are authorized to develop applications for the designation of a water supply protection area. The application is to describe the area, designate a planning entity, include a hydrological assessment, and provide a comprehensive plan for the management of the area, including a schedule for implementation of protection measures.

A State may develop a statewide program of measures to complement local efforts to protect water supplies. The existing authority for development of State wellhead protection plans (which expired in 1989) is renewed and expanded to cover surface water sources. State programs are to include specific, new legal authority for protection of water supplies in State.

Public water systems and States are given several incentives to develop water supply protection programs.

A public water system or State source protection plan may propose modifications to drinking water monitoring requirements. Proposed monitoring modifications are to be justified by pollution prevention measures called for in source protection programs.

Once a public water system or State source protection program is approved, all Federal agency activities and other activities requiring a license or permit are to be carried out in a manner consistent with the program. A Presidential exemption is provided.

In addition, State drinking water loan funds and funds made available for implementation of State nonpoint pollution control plans under section 319 of the Clean Water Act may be used to support implementation of source protection programs.

An authorization of $20 million is provided for grants to drinking water systems for development of source protection programs; a 20% match is required. An authorization of $20 million is provided for grants to States for development of State source protection programs; a 50% match is required.

EMERGENCY POWERS

The requirement that the Administrator find that a State or local authority has not acted to protect the health of persons and the requirement to consult with State and local authorities prior to emergency action are eliminated. The Administrator is required to notify State and local authorities prior to emergency action are eliminated. The Administrator is required to notify State and local official before taking emergency action.

TAMPERING WITH PUBLIC WATER SYSTEMS

Existing prohibitions on tampering with public water systems are revised to reflect consolidated enforcement authority. In addition, the definition of tampering is expanded to clarify contaminants and the circumstances under which addition of pollutants to drinking water constitutes tampering and to provide that use of drinking water in other devices (i.e., "cross-connections") is tampering.

DRINKING WATER RESEARCH, EDUCATION, AND CERTIFICATION

The general research authorities are clarified and an authorization of $20 million is provided.

Existing authority for making grants to assist in emergency situations relating to water systems is retained but the funding authorization is deleted and replaced by authority for the Administration to reserve 1% of loan funds for emergencies. Funds are to be reallotted to State loan funds if not used.

A report to Congress on the long term availability of drinking water supply, submitted in 1988, is to be revised two years after enactment of these amendments and every five years thereafter.

Various authorities relating to education and training are consolidated and a new authorization of $10 million per year is added for this purpose.

New authority is established for the approval by the Administrator of State programs for certification of operators of public water systems. Each year is to have a certified operator 4 years after the date of enactment or 3 years after the date of completion of a small system compliance program, whichever is later. EPA is to publish guidelines setting minimum standards for certification within one year of enactment.

The existing authority for assistance to small public water systems is retained and the authorization is extended to the year 2000 at the existing level of $10 million.

STATE DRINKING WATER PROGRAM FUNDING

The authorization for State grants for management of drinking water programs is increased from $40 million to $100 million for each year to the year 2000 and the State match for Federal grant funds is increased in FY 97 and thereafter from 25% to 50%.

In addition, new authority is established for grants to States for development of ground water protection programs. The Administrator is to establish application procedures and key elements of State programs in annual guidance. States are to provide a 50% match for grant funds. An authorization of $20 million per year is provided.

Each State implementing a drinking water program is to ensure sufficient funding for the effective administration of the program. Where grant funds are not sufficient to administer the program effectively, the State is to provide additional funds from State fees or other sources.

Beginning in fiscal year 1997, the Administrator is to assume implementation of a drinking water program in any State where the program is not effectively implemented or adequately funded. The Administrator may use State grant funds to implement the program in a State and may collect fees from drinking water system in the State to provide additional funds as are needed. A Federal fee shall apply to each drinking water systems in the State serving more than 3,300 persons and shall not exceed one-half cent per hundred gallons of water provided.

Federal fees are to be deposited into a special fund in the Treasury. In any year in which sufficient funds for Federal program implementation are not appropriated from the fund, the Administrator may use up to 5% of the funds appropriated for the State drinking water loan funds for program implementation.

RECORDS AND INSPECTIONS

Existing authority for monitoring and inspections is clarified. Existing authorization of $30 million to carry out monitoring is extended to the year 2000. Authorities related to inspections are revised to eliminate the requirement to provide written notice to a system and to a primacy State of an inspection, to indicate that contractors may be authorized representatives of the Administrator, and to clarify the requirement that a person in charge of a water system be present at an inspection.

FEDERAL AGENCIES

The Federal facilities provision of the Act is amended to clearly waive the United States' sovereign immunity and to allow citizens and States to seek penalties for all violations of the Act by Federal facilities.

Existing authority for a Presidential exemption to compliance is expanded to cover any Federal agency, rather than just the Department of Defense. A waiver is limited to one year with a one year extension. Lack of appropriation is not a basis for a waiver unless the President requested the funding. The Administrator is to provide annual reports to the Congress.

CITIZEN'S CIVIL ACTION

The existing authority for citizen suits for violations of the Act is expanded to include penalties and strengthened. The prohibition against suits in the case of past violations is revised to allow suits where there is evidence that the violation has been repeated.

Citizens are authorized to bring suit in cases where a Federal agency is not complying with the Act or fails to pay a penalty under the Act and where the Administrator fails to perform a nondiscretionary duty. Conditions for commencement of citizen's actions are specified.

OTHER AMENDMENTS

The definition of public water systems is amended to clarify that the term does not include noncommunity water systems which do not provide water for human consumption if bottled water is provided for human consumption and signs are posted prohibiting the drinking of water from the system.

A requirement in section 1450 for an annual report on the activities of the Administrator to implement the Act is deleted.

States are allowed 2 years, rather than 18 months as under current law, to adopt drinking water regulations no less stringent than those established by the Administrator.

Judicial review authorities are clarified to eliminate pre-enforcement review of administrative orders.

The Administrator is to conduct a study of the extent and seriousness of contamination of private sources of drinking water not regulated under this Act and, within 3 years of the date of enactment, provide a report to the Congress describing the findings of the study and recommendations for needed actions.

ADDITIONAL COSPONSORS

S. 289

At the request of Mr. REID, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 289, a bill to amend section 118 of the Internal Revenue Code of 1986 to provide for certain exceptions from rules for determining contributions in aid of construction, and for other purposes.

S. 297

At the request of Mr. STEVENS, the name of the Senator from Utah [Mr.

BENNETT] was added as a cosponsor of S. 297, a bill to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

S. 368

At the request of Mr. BUMPERS, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 368, a bill to amend the Internal Revenue Code of 1986 to provide a capital gains tax differential for individual and corporate taxpayers who make high-risk, long-term, growth-oriented venture and seed capital investments in startup and other small enterprises.

S. 455

At the request of Mr. HATFIELD, the names of the Senator from Colorado [Mr. CAMPBELL] and the Senator from Washington [Mr. GORTON] were added as cosponsors of S. 455, a bill to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 482

At the request of Mr. BOREN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 482, a bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to furnish outpatient medical services for any disability of a former prisoner of war.

S. 732

At the request of Mr. KENNEDY, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 732, a bill to provide for the immunization of all children in the United States against vaccine-preventable diseases, and for other purposes.

S. 1111

At the request of Mr. KERREY, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 1111, a bill to authorize the minting of coins to commemorate the Vietnam Veterans' Memorial in Washington, D.C.

S. 1191

At the request of Mr. MACK, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1191, a bill to provide a fair, nonpolitical process that will achieve $65,000,000,000 in budget outlay reductions each fiscal year until a balanced budget is reached.

S. 1287

At the request of Mr. BENNETT, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 1287, a bill to reform the operations of Congress.

S. 1350

At the request of Mr. INOUYE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1350, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1408

At the request of Mr. MCCAIN, his name was added as a cosponsor of S. 1408, a bill to repeal the increase in tax on Social Security benefits.

S. 1415

At the request of Mr. PRYOR, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 1415, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 1439

At the request of Mr. LIEBERMAN, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1439, a bill to provide for the application of certain employment protection laws to the Congress, and for other purposes.

SENATE JOINT RESOLUTION 91

At the request of Mr. SPECTER, the names of the Senator from Indiana [Mr. COATS], the Senator from Nevada [Mr. REID], and the Senator from California [Mrs. BOXER] were added as cosponsors of Senate Joint Resolution 91, a joint resolution designating October 1993 and October 1994 as "National Domestic Violence Awareness Month."

SENATE JOINT RESOLUTION 132

At the request of Mr. BURNS, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of Senate Joint Resolution 132, a joint resolution designating the week of October 17, 1993, through October 23, 1993, as "National School Bus Drivers Safety Week."

SENATE JOINT RESOLUTION 134

At the request of Mr. BIDEN, the names of the Senator from Virginia [Mr. WARNER], the Senator from Texas [Mrs. HUTCHISON], the Senator from Vermont [Mr. LEAHY], the Senator from Kansas [Mr. DOLE], the Senator from Maine [Mr. MITCHELL], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Joint Resolution 134, a joint resolution to designate October 19, 1993, as "National Mammography Day."

SENATE JOINT RESOLUTION 137

At the request of Mr. LEAHY, the names of the Senator from Maine [Mr. COHEN], the Senator from Idaho [Mr. CRAIG], the Senator from California [Mrs. FEINSTEIN], the Senator from Hawaii [Mr. INOUYE], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Tennessee [Mr. MATHEWS], the Senator from Michigan [Mr. RIEGLE], the Senator from Alabama [Mr. SHELBY], the Senator from South Carolina [Mr. THURMOND], the Senator from Utah [Mr. HATCH], the Senator from Montana [Mr. BURNS], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Joint Resolution 137, a joint resolution designating October 16, 1993, and October 16, 1994, each as "World Food Day."

SENATE JOINT RESOLUTION 140

At the request of Mr. LAUTENBERG, the names of the Senator from Vermont [Mr. JEFFORDS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Montana [Mr. BAUCUS], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of Senate Joint Resolution 140, a joint resolution to designate December 7, 1993, as "National Pearl Harbor Remembrance Day."

SENATE JOINT RESOLUTION 141

At the request of Mr. SARBANES, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Pennsylvania [Mr. WOFFORD], and the Senator from Washington [Mrs. MURRAY] were added as cosponsors of Senate Joint Resolution 141, a joint resolution designating October 29, 1993, as "National Firefighters Day."

AMENDMENTS SUBMITTED

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT OF 1994

BUMPERS (AND OTHERS) AMENDMENT NO. 1027

Mr. BUMPERS (for himself, Mr. SASSER, Mr. DORGAN, Mr. WOFFORD, and Mr. FEINGOLD) proposed an amendment to the bill (H.R. 3116) making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes; as follows:

On page 27, strike lines 13–14 and insert in lieu thereof the following: "$2,972,906,000, to remain available for obligation until September 30, 1996: *Provided*, That of the funds appropriated in this paragraph, $1,028,596,000 shall not be obligated or expended for procurement or advance procurement of Trident II missiles unless the President has certified to Congress that the other signatories to the START treaty have rejected a United States proposal to the Joint Compliance and Inspection Commission that "detubing" be accepted as an option for eliminating SLBM launchers under START II.

INOUYE AMENDMENT NO. 1028

Mr. INOUYE proposed an amendment to amendment No. 1027 proposed by Mr. BUMPERS to the bill H.R. 3116, supra; as follows:

Before the period add the following: "or until the President had certified to Congress that such course of action would not be in the national interest".

INOUYE AMENDMENT NO. 1029

Mr. INOUYE proposed an amendment to the bill H.R. 3116, supra; as follows:

On page 91, beginning on line 11, delete the text of section 8051 and insert in lieu thereof the following: "Notwithstanding any other provision of law, a qualified Indian tribal or Alaska Native Corporation which enters into a joint venture with a qualified small business concern shall not be denied the opportunity to compete for and be awarded a procurement contract to supply a product under the program provided for by section 2323 of title 10, United States Code, solely because the Indian tribal or Alaska Native Corporation is not the actual manufacturer or processor of the product to be supplied.".

McCAIN (AND OTHERS) AMENDMENT NO. 1030

Mr. McCAIN (for himself, Mr. D'AMATO, Mr. SMITH, and Mr. LAUTENBERG) proposed an amendment to the bill H.R. 3116, supra; as follows:

On page 157, between lines 9 and 10, insert the following:

SEC. 8142. Notwithstanding any other provision of this or any other Act, the total amount obligated or expended for procurement under the SSN-21 attack submarine program may not exceed $4,673,371,000.

McCAIN (AND ROTH) AMENDMENT NO. 1031

Mr. McCAIN (for himself and Mr. ROTH) proposed an amendment to the bill H.R. 3116, supra; as follows:

On page 157, between lines 9 and 10, insert the following:

SEC. 8142. (a) None of the funds appropriated by this or any other Act may be obligated for procurement of a third submarine under the SSN-21 attack submarine program or for advance procurement for such submarine.

(b) None of the $540,200,000 available to the Department of Defense for preservation of the industrial base for submarine construction in accordance with Public Law 102-298 may be obligated or expended for any purpose until—

(1) the Secretary of Defense submits to Congress a report containing—

(A) the funding requirements for each of fiscal years 1995, 1996, 1997, 1998, 1999, and 2000 for the proposed third submarine under the SSN-21 attack submarine program and the proposed New Attack Submarine and a statement regarding whether the necessary funding is provided for in the future-years defense program required by section 221(a) of title 10, United States Code, to be submitted to Congress in 1994;

(B) the acquisition objective, mission requirements, projected total program cost, projected total development cost, projected total procurement cost, and estimated total per-unit cost for the New Attack Submarine (all such costs to be computed and expressed on the basis of the actual dollar amount to be expended at the time expended);

(C) a comparison (with each other) of—

(i) the costs associated with procuring an additional SSN-688 submarine as the production bridge at Electric Boat Division of General Dynamics Corporation;

(ii) the costs associated with procuring an additional SSN-688 submarine as the production bridge at Newport News Shipbuilding and Drydock, Incorporated;

(iii) the costs associated with procuring a third submarine under the SSN-21 attack submarine program as the production bridge at Electric Boat Division of General Dynamics Corporation; and

(iv) the costs associated with procuring a third submarine under the SSN-21 attack submarine program as the production bridge at Newport News Shipbuilding and Drydock, Incorporated;

(D) an assessment of the costs associated with delaying procurement of an additional submarine until 1998 without providing a production bridge at either Electric Boat Division of General Dynamics Corporation or Newport News Shipbuilding and Drydock, Incorporated; and

(E) an assessment of the costs and feasibility of meeting operational requirements and sustaining the industrial base for submarine construction by carrying out either a program that combines overhaul and upgrade of existing SSN-688 submarines or a program for development and production of the New Attack Submarine instead of procuring a third submarine under the SSN-21 attack submarine program; and

(2) the Congress, in an Act, other than an appropriations Act, enacted after the date of receipt of the report referred to in paragraph (1), has specifically authorized the expenditure of the $540,200,000 made available to the Department of Defense for preservation of the industrial base for submarine construction in accordance with Public Law 102-298.

LEAHY AMENDMENT NO. 1032

Mr. INOUYE (for Mr. LEAHY) proposed an amendment to the bill H.R. 3116, supra; as follows:

On page 32, line 21, before the period at the end insert the following: ": *Provided*, That of the funds appropriated under this paragraph, $4,500,000 shall be available for replacement of the TER-9A ejection rack for F-16 fighter aircraft".

WOFFORD (AND SPECTER) AMENDMENT NO. 1033

Mr. INOUYE (for Mr. WOFFORD for himself and Mr. SPECTER) proposed an amendment to the bill H.R. 3116, supra; as follows:

On page 157, below line 9, insert the following:

SEC. 8142. (a) No funds appropriated under this Act may be obligated or expended for the purpose of establishing the Antler Military Operations Area, Pennsylvania, for the purpose of conducting aerial combat training operations until the date of the submittal to congressional defense committees of the report referred to in subsection (b).

(b)(1)(A) The Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency and the Administrator of the Federal Aviation Administration, shall submit to the congressional defense committees a report on the effect of low-level aircraft training operations of the Department of Defense on the proposed Antler Military Operations Area, Pennsylvania.

(B) The Secretary shall submit the report not later than 6 months after the date of the enactment of this Act.

(2) The report under this subsection shall include the following:

(A) An assessment of the effect of the training operations referred to in paragraph (1) on—

(i) the environment of the areas of, and in the vicinity of, the proposed Antler Military Operations Area, including a detailed assessment of the effects of the noise generated by such operations on the environment of such areas;

(ii) the economy of such areas; and

(iii) the health and safety of persons living in and around such areas.

(B) A description of the number of aircraft flights per month that the Secretary anticipates will occur in the proposed Antler Military Operations Area.

(C) A description of the number and duration of such flights per month that the Secretary anticipates will occur at or below a level that is 500 feet above the highest ground level of the proposed Antler Military Operations Area.

(c) In this section, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

INOUYE AMENDMENT NO. 1034

Mr. INOUYE proposed an amendment to the bill H.R. 3116, supra; as follows:

At the appropriate place in the bill, insert:

SEC. . Notwithstanding any other provision of law, within 30 days from the enactment of this Act, the Department of the Navy shall select and take possession of either LCU-1540 or LCU-1549 from the General Services Administration: *Provided*, That the Navy shall modify or have modified the selected vessel utilizing commercial standards that meet United States Coast Guard certification requirements as safe to operate in open ocean as a cargo vessel: *Provided further*, That upon completion of all modifications and certification by the United States Coast Guard, the Navy shall immediately transfer title of the vessel, at no cost, to the government of American Samoa: *Provided further*, That of the funds appropriated in this Act in title II, Operation and Maintenance, Navy, $1,500,000 shall be available for this purpose: *Provided further*, That notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa.

DOMENICI AMENDMENT NO. 1035

Mr. INOUYE (for Mr. DOMENICI) proposed an amendment to the bill H.R. 3116, supra; as follows:

On page 48, line 22, after Kentucky, add the following: ": and that one multistate region shall include the State of New Mexico:".

SASSER (AND OTHERS) AMENDMENT NO. 1036

Mr. SASSER (for himself, Mr. LEAHY, Mr. SIMON, Mr. WOFFORD, Mr. CONRAD, Mr. FEINGOLD, and Mrs. BOXER) proposed an amendment to the bill H.R. 3116, supra; as follows:

At the end of the title of general provisions, insert the following:

SEC. . Not later than January 1, 1994, the Secretary of Defense shall submit to Congress a report on steps that can be taken by the United States to achieve greater cooperation from allies of the United States and international organizations for the support of the costs involved in development and production of Theater Missile Defense systems.

(b) The Congress shall establish by law for each fiscal year (beginning with fiscal year

1995) the level of new obligational authority (stated as a single dollar amount) for research, development, test, and evaluation and for procurement for Theater Missile Defense programs of the Department of Defense for that fiscal year.

(c)(1) Not more than 80 percent of the amount established pursuant to subsection (b) for any fiscal year may be provided from amounts appropriated to the Department of Defense from the general fund of the Treasury, and no appropriation may be made to the Department of Defense for any fiscal year which would cause the total amount appropriated for that fiscal year for research, development, test, and evaluation and for procurement for Theater Missile Defense programs of the Department of Defense to exceed 80 percent of such amount.

(2) Any additional funds for research, development, test, and evaluation and for procurement for Theater Missile Defense programs for any fiscal year for which an amount has been established pursuant to subsection (b) shall be derived from the Theater Missile Defense Cooperation Account under section 2609 of title 10, United States Code, as added by subsection (e).

(3) The President may waive the limitation in paragraph (1) and the requirement in paragraph (2) to the extent that the President determines appropriate in the national security interest of the United States.

(d) It is the intent of Congress that, except as provided in subsection (e), the percentage of the cost of development and production of Theater Missile Defense systems that is borne by the United States, and the percentage that is borne by allied nations and international organizations, should incrementally shift over the fiscal years after fiscal year 1995 so that the percentage actually borne by the United States in later fiscal years is significantly less than the maximum of 80 percent provided for under subsection (c).

(e) The financial contribution requirements established for allied nations in the administration of this section shall not apply to any foreign nation that, as of the date of the enactment of this Act, is paying at least 20 percent of the total cost of the contracts in existence under a theater missile defense interceptor system program being carried out on such date in cooperation between that foreign nation and the United States.

(f)(1) Chapter 155 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2609. Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account

"(a) ACCEPTANCE AUTHORITY.—The Secretary of Defense may accept from any allied foreign government or any international organization any contribution of money made by such foreign government or international organization for use by the Department of Defense for Theater Missile Defense programs.

"(b) ESTABLISHMENT OF THEATER MISSILE DEFENSE COOPERATION ACCOUNT.—(1) There is established in the Treasury a special account to be known as the 'Theater Missile Defense Cooperation Account'.

"(2) Contributions accepted by the Secretary of Defense under subsection (a) shall be credited to the Account.

"(c) USE OF THE ACCOUNT.—(1) Funds in the Account are hereby made available for obligation for research, development, test, and evaluation, and for procurement, for Theater Missile Defense programs of the Department of Defense, subject to annual limitations provided by law in total obligations for such purpose.

"(d) INVESTMENT OF MONEY.—(1) Upon request by the Secretary of Defense, the Secretary of the Treasury may invest money in the Account in securities of the United States or in securities guaranteed as to principal and interest by the United States.

"(2) Any interest or other income that accrues from investment in securities referred to in paragraph (1) shall be deposited to the credit of the Account.

"(e) NOTIFICATION OF CONDITIONS.—The Secretary of Defense shall notify Congress of any condition imposed by the donor on the use of any contribution accepted by the Secretary under the authority of this section.

"(f) REPORTING REQUIREMENT.—Not later than 30 days after the end of each quarter of each fiscal year, the Secretary of Defense shall submit to Congress a report on the contributions accepted by the Secretary under this section during the preceding quarter.

"(g) ANNUAL AUDIT BY GAO.—The Comptroller General of the United States shall conduct an annual audit of money accepted by the Secretary of Defense under this section and shall submit a copy of the results of each such audit to Congress.

"(h) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2609. Theater Missile Defense: acceptance of contributions from allies; Theater Missile Defense Cooperation Account.".

(g) Section 2609 of title 10, United States Code, as added by subsection (f), shall take effect as of October 1, 1993.

SPECTER (AND OTHERS) AMENDMENT NO. 1037

Mr. SPECTER (for himself, Mr. WOFFORD, and Mr. LAUTENBERG) proposed an amendment to the bill H.R. 3116, supra; as follows:

On page 157, between lines 9 and 10, insert the following:

SEC. 8142. (a)(1) The Comptroller General shall carry out a study of the cost-effectiveness to the Navy of the utilization of nuclear-powered aircraft carriers and nuclear-powered submarines.

(2) The study shall include—

(A) a comparison of the life-cycle cost of nuclear-powered aircraft carriers and nuclear-powered submarines with the life-cycle cost of conventionally powered aircraft carriers and conventionally powered submarines, as the case may be;

(B) a comparison of the cost of procuring nuclear-powered aircraft carriers with the cost of carrying out the service-life extension or complex overhaul of existing conventionally powered aircraft carriers;

(C) a comparison of the projected cost to the Navy of operating a fleet of aircraft carriers utilizing no homeports located at foreign overseas installations with the projected cost of operating such a fleet utilizing both foreign overseas homeports and homeports located in the United States;

(D) an assessment of the effect on the projected costs referred to in subparagraph (C) of—

(i) the plan, if any, of the Navy for the location of a homeport for a nuclear-powered aircraft carrier in the Western Pacific region in the event of the retirement of all conventionally powered aircraft carriers in the fleet; and

(ii) restrictions imposed by foreign nations on utilizing installations located in such nations as homeports for nuclear-powered aircraft carriers, and on the operation of such carriers in the waters of such nations;

(E) an assessment of the number of aircraft carriers required by the Navy in order to meet operational requirements for a continuous presence of aircraft carriers in three overseas regions simultaneously in the event that foreign nations prohibit the utilization of locations in such nations as homeports for nuclear-powered aircraft carriers;

(F) an assessment of the refueling including any complex overhaul of the fueling system and nuclear propulsion system required for the nuclear-powered aircraft carriers of the fleet through 2010, including—

(i) a schedule for such refueling;

(ii) the cost of such refueling; and

(iii) the cost of disposing of the waste generated by such refueling;

(G) a detailed description of all programs of the Department of Defense and of the Department of Energy relating to nuclear propulsion systems for naval ships (including surface ships and submarines) that utilize such systems; and

(H) a detailed estimate of the costs associated with processing or otherwise disposing of nuclear fuel and other nuclear material (including nuclear waste) from the existing nuclear-powered fleet of ships (including surface ships and submarines) of the Navy.

(3) In determining the life-cycle costs associated with nuclear-powered aircraft carriers and nuclear-powered submarines for the purposes of the study under this subsection, the Comptroller General shall take into account the cost of processing or otherwise disposing of nuclear fuel and other nuclear material (including nuclear waste) removed from such aircraft carriers and submarines.

(b) The Comptroller General shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a report on a study carried out under subsection (a) not later than 6 months after the date of the enactment of this Act.

SPECTER (AND OTHERS) AMENDMENTS NOS. 1038–1039

Mr. SPECTER (for himself, Mr. WOFFORD, and Mr. LAUTENBERG) proposed two amendments to the bill H.R. 3116, supra; as follows:

AMENDMENT NO. 1038

At the end of the title of general provisions, insert the following:

SEC. . (a) It is the sense of Congress that—

(1) the Secretary of Defense should not prohibit any military installation described in subsection (b) from bidding on or performing Department of Defense contracts for overhaul services or for depot-level maintenance of material for the Armed Forces that are awarded using competitive procedures;

(2) performance of such a contract by such a military installation should not affect the schedule for closure of the installation;

(3) such a contract should not be entered into for the performance of work at such an installation if the time necessary for performance of the contract extends beyond the date established for closure of the installation or if the performance of the contract at the installation would otherwise affect the schedule for closure of the installation; and

(4) such a contract awarded to a military installation should be terminated for default

if the contract is not completed on or before the completion date provided in the contract.

(b) A military installation referred to in subsection (a) is a military installation that (1) has been approved for closure subject to the provisions of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510), (2) is in the process of implementing a conversion or reuse strategy for the installation to take effect upon closure, and (3) has received some funds from the Department of Defense for the purpose of implementing the conversion or reuse strategy.

AMENDMENT NO. 1039

At the end of the title of general provisions, insert the following:

SEC. . It is the sense of the Congress that operators of industrial facilities at military installations closed after the date of the enactment of this Act should be permitted to qualify as offerors for (1) proposed Department of Defense contracts for overhaul services for the Armed Forces, and (2) proposed Department of Defense contracts for depot-level maintenance of material for the Armed Forces.

SPECTER (AND WOFFORD) AMENDMENT NO. 1040

Mr. SPECTER (for himself and Mr. WOFFORD) proposed an amendment to the bill H.R. 3116, supra; as follows:

On page 157, below line 9, insert the following:

SEC. 8142. (a) No funds appropriated under this Act may be obligated or expended for the purpose of carrying out low-level aircraft training operations with respect to the Antler Military Operations Area, Pennsylvania, until the date of the submittal to congressional defense committees of the report referred to in subsection (b).

(b)(1)(A) The Secretary of Defense, acting through the Deputy Under Secretary of Defense for Environmental Security and in consultation with the Administrator of the Environmental Protection Agency and the Administrator of the Federal Aviation Administration, shall submit to the congressional defense committees a report on the effect of low-level aircraft training operations of the Department of Defense on the proposed Antler Military Operations Area, Pennsylvania.

(B) The Secretary shall submit the report not later than 6 months after the date of the enactment of this Act.

(2) The report under this subsection shall include the following:

(A) An assessment of the effect of the training operations referred to in paragraph (1) on—

(i) the environment of the areas of, and in the vicinity of, the proposed Antler Military Operations Area, including a detailed assessment of the effects of the noise generated by such operations on the environment of such areas;

(ii) the economy of such areas; and

(iii) the health and safety of persons living in and around such areas.

(B) A description of the number of aircraft flights per month that the Secretary anticipates will occur in the proposed Antler Military Operations Area.

(C) A description of the number and duration of such flights per month that the Secretary anticipates will occur at or below a level that is 500 feet above the highest ground level of the proposed Antler Military Operations Area.

(c) In this section, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

BUMPERS (AND OTHERS) AMENDMENT NO. 1041

Mr. BUMPERS (for himself, Mr. SASSER, Mr. METZENBAUM, Mr. WOFFORD, and Mr. FEINGOLD) proposed an amendment to the bill H.R. 3116, supra; as follows:

At the end of line 9 on page 157, insert the following new section:

"Notwithstanding any other provision of this bill, the amounts appropriated for the program in support of the intelligence community of the Federal Government for the National Foreign Intelligence Program shall be reduced by $300,000,000; and the amounts appropriated for the programs in support of the intelligence community of the Federal Government for the Tactical Intelligence and Related Activities Program shall be reduced by $100,000,000."

BYRD (AND OTHERS) AMENDMENT NO. 1042

Mr. BYRD (for himself, Mr. MITCHELL, Mr. DOLE, Mr. PELL, Mr. LUGAR, Mr. NUNN, Mr. THURMOND, Mr. WARNER, Mr. STEVENS, Mr. BROWN, Mr. LEAHY, Ms. MOSELEY-BRAUN, and Mr. EXON) proposed an amendment to the bill H.R. 3116, supra; as follows:

At the end of the Committee amendment which appears on page 8, lines 12 through 17, strike "environment" and insert the following: "environment: *Provided further*, That the Senate finds that—

"(1) the United States entered into Operation Restore Hope in December of 1992 for the purpose of relieving mass starvation in Somalia;

"(2) the original humanitarian relief mission in Somalia had the unanimous support of the Senate, expressed in Senate Joint Resolution 45, passed on February 4, 1993;

"(3) the original humanitarian mission was being successfully accomplished by United States forces, working with forces of other nations, and an expanded mission was assumed by the United Nations on May 4, 1993 pursuant to United Nations Resolution 814, of March 26, 1993;

"(4) neither the expanded United Nations mission of national reconciliation, nor the broad mission of disarming the clans, nor any other mission not essential to the performance of the humanitarian mission has been endorsed or approved by the Senate;

"(5) the expanded mission of the United Nations was, subsequent to an attack upon United Nations forces, diverted into a mission aimed primarily at capturing certain persons, pursuant to United Nations Security Council Resolution 837, of June 6, 1993;

"(6) the actions of hostile elements in Mogadishu, and the United Nations mission to subdue those elements, have resulted in open conflict in the city of Mogadishu and the deaths of 29 Americans, at least 159 wounded, and the capture of American personnel; and

"(7) during fiscal years 1992 and 1993, the United States incurred expenses in excess of $1.1 billion to support operations in Somalia: *Provided further*, That the Senate approves the use of United States Armed Forces in Somalia for the following purposes—

"(i) The protection of United States personnel and bases; and

"(ii) The provision of assistance in securing open lines of communication for the free flow of supplies and relief operations through the provision of—

"(I) United States military logistical support services to United Nations forces; and

"(II) United States combat forces in a security role and as an interim force protection supplement to United Nations units; *Provided further*, That funds appropriated, or otherwise made available, in this or any other Act to the Department of Defense may be obligated for expenses incurred only through March 31, 1994, for the operations of United States Armed Forces in Somalia: *Provided further*, That such date may be extended if so requested by the President and authorized by the Congress: *Provided further*, That funds may be obligated beyond March 31, 1994 to support a limited number of United States military personnel sufficient only to protect American diplomatic facilities and American citizens, and noncombat personnel to advise the United Nations commander in Somalia: *Provided further*, That United States combat forces in Somalia shall be under the command and control of United States commanders under the ultimate direction of the President of the United States: *Provided further*, That the President should intensify efforts to have United Nations member countries immediately deploy additional troops to Somalia to fulfill previous force commitments made to the United Nations and to deploy additional forces to assume the security missions of United States Armed Forces: *Provided further*, That—

"(A) captured United States personnel in Somalia should be treated humanely and fairly; and

"(B) the United States and the United Nations should make all appropriate efforts to ensure the immediate and safe return of any future captured United States personnel: *Provided further*, That the President should ensure that, at all times, United States military personnel in Somalia have the capacity to defend themselves, and American citizens: *Provided further*, That the United States Armed Forces should remain deployed in or around Somalia until such time as all American service personnel missing in action in Somalia are accounted for, and all American service personnel held prisoner in Somalia are released".

MCCAIN (AND OTHERS) AMENDMENT NO. 1043

Mr. MCCAIN (for himself, Mr. GRAMM, Mr. GORTON, Mr. SMITH, Mr. D'AMATO, Mr. ROTH, Mrs. HUTCHISON, Mr. WALLOP, Mr. COATS, Mr. FAIRCLOTH, Mr. PRESSLER, Mr. CRAIG, Mr. MACK, Mr. BROWN, Mr. HATCH, Mr. KEMPTHORNE, Mr. NICKLES, Mr. BURNS, and Mr. MURKOWSKI) proposed an amendment to the bill H.R. 3116, supra; as follows:

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

SEC. . PROHIBITION ON THE USE OF FUNDS FOR UNITED STATES MILITARY OPERATIONS IN SOMALIA.

(a) PROHIBITION.—No funds appropriated or otherwise made available in this or any other Act to the Department of Defense may be obligated for support of operations of United States Armed Forces in Somalia except as provided for in subsection (b).

(b) EXCEPTIONS.—

(1) funds may be appropriated or otherwise made available for continued operations of United States Armed Forces in Somalia to support the prompt and orderly withdrawal of all United States Armed Forces from Somalia in a manner most consistent with the safety of United States personnel.

(2) funds may be appropriated or otherwise made available for continued operations of United States Armed Forces in Somalia in the event that American prisoners of war have not been returned to United States authorities and Americans missing in action have not been accounted for.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Tuesday, October 19, 1993, at 9:30 a.m. in room 366 of the Senate Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony from Corlis Moody, nominee to be Director of the Department of Energy's Office of Economic Impact and Diversity, and Richard Stallings, nominee to be the Nuclear Waste Negotiator, Office of Nuclear Waste Negotiator.

For further information, please contact Rebecca Murphy at (202) 224–7562.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place on Wednesday, October 27, 1993, beginning at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills currently pending before the Subcommittee:

S. 589 and H.R. 1348, to establish the Quinebaug and Shetucket Rivers Valley National Heritage Corridor, and for other purposes;

S. 1332, to designate a portion of the Farmington River in Connecticut as a component of the National Wild and Scenic Rivers System, and for other purposes; and

S. 1380 and H.R. 2650, to designate portions of the Maurice River and its tributaries in the State of New Jersey as components of the National Wild and Scenic Rivers System.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact Dionne Thompson of the subcommittee staff at (202) 224–5925.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BUMPERS. Mr. President, I would like to announce that a hearing has been scheduled before the Subcommittee on Public Lands, National Parks and Forests.

The hearing will take place on Wednesday, November 3, 1993, beginning at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills currently pending before the Subcommittee:

S. 297, to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs;

S. 455, to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes;

S. 761, to amend the "unit of general local government" definition for Federal Payments in lieu of taxes to include unorganized boroughs in Alaska;

S. 1047, to convey certain real property located in Tongass National Forest to Daniel J. Gross, Sr., and Douglas K. Gross, and for other purposes; and

H.R. 1134, to provide for the transfer of certain public lands located in Clear Creek County, Colorado, to the United States Forest Service, the State of Colorado, and certain local governments in the State of Colorado, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, anyone wishing to submit a written statement is welcome to do so by sending two copies to the Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC 20510.

For further information regarding the hearing, please contact Kira Finkler of the subcommittee staff at (202) 224–7933.

SUBCOMMITTEE ON WATER AND POWER

Mr. BRADLEY. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources to receive testimony on the contemporary needs and management of the Newlands project in Nevada, a Bureau of Reclamation project.

The hearing will take place Monday, November 8, 1993, beginning at 8 a.m., in the Reno-Sparks Convention Center, 4590 S. Virginia Street, Reno, NV.

Due to the limited time available at the hearing, witnesses may testify by invitation only. However, anyone wishing to submit written testimony to be included in the printed hearing record is welcome to do so. Those persons wishing to submit written testimony should mail five copies of the statement to the Subcommittee on Water and Power, U.S. Senate, 304 Dirksen Senate Office Building, Washington, DC, 20510–6150.

For further information, please contact Dana Sebren Cooper, counsel for the subcommittee at (202) 224–4531 or Ann Goshorn at (202) 224–6836.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce that the Committee on Energy and Natural Resources' hearing on nuclear safety assistance to Russia and Eastern Europe has been rescheduled.

The hearing, originally scheduled for Tuesday, November 2, 1993, at 9:30, will now take place on Thursday, October 28, 1993, at 2. It will be held in room SD–366 of the Dirksen Senate Office Building, First and C Streets, NE., Washington, DC.

For further information, please contact Sam Fowler of the committee staff at 202–224–7569.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, October 14, 1993, at 5 p.m. to receive a closed briefing on the situation in Haiti.

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

COMMITTEE ON FINANCE

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet today at 10 a.m. in executive session to consider agenda items.

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

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, October 14, 1993.

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

COMMITTEE ON THE JUDICIARY

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, October 14, 1993, to hold a hearing on the nominations of Jo Ann Harris to be Assistant Attorney General and Eduardo Gonzalez to be Director of the U.S. Marshal Service.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, October 14, 1993, at 3:30 p.m. to receive a closed briefing on the situation in Russia.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, be authorized to meet during the session of the Senate on Thursday, October 14, 1993, at 3 p.m. to hold ambassadorial nomination hearings on: Mr. Leslie M. Alexander, of Florida, to be Ambassador to Mauritius, and to serve concurrently as ambassador to the Federal and Islamic Republic of the Comoros; Mr. Robert Gordon Houdek, of Illinois, to be Ambassador to Eritrea; and Mr. David P. Rawson, of Michigan, to be Ambassador to the Republic of Rwanda.

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

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources' Subcommittee on Employment and Productivity be authorized to meet for a hearing on S. 1361, School-to-work Opportunities Act, during the session of the Senate on Wednesday, October 14, 1993, at 10 a.m.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. FORD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on biomedical ethics in U.S. public policy, during the session of the Senate on Wednesday, October 14, 1993, at 2:30 p.m.

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

SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT

Mr. FORD. Mr. President, I ask unanimous consent that the subcommittee on Mineral Resources Development and Production of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, 9:30 a.m., October 14, 1993, to receive testimony on S. 1170, a bill to amend the Mineral Leasing Act to provide for leasing of certain lands for oil and gas purposes.

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

ADDITIONAL STATEMENTS

DAVID CLARKE INAUGURAL COMMENTS

• Mr. HARKIN. Mr. President, I recently had the opportunity to attend the inauguration of the new chairman of the District of Columbia Council, Dave Clarke. As my colleagues know, Dave Clarke was elected to fill the term left vacant by the tragic death of the previous chairman, John Wilson. The election of Dave Clarke will, I think, help this city heal from the loss of John Wilson, and bring a new burst of leadership for the District of Columbia, a city that has suffered too long from crime, poverty, and the interference of Congress in its internal affairs.

In his inaugural statement, Dave Clarke challenged us all to do better. His inaugural statement was very powerful, and I would commend it to my colleagues. I would therefore ask that his statement appear in the RECORD.

The statement follows:

INAUGURAL COMMENTS OF CHAIRMAN DAVID A. CLARKE, SEPTEMBER 27, 1993

To my colleagues, Mayor Kelly and former Mayor Washington, Delegate Norton, my friend whom I met when I was Chairman before, Senator Tom Harkin, Senator Pendleton, former chairs Arrington Dixon and Sterling Tucker, and my friends and fellow citizens, I thank you for being here.

I want to especially thank Chairman John Ray for the leadership he gave as Chair during this difficult period.

Today is not an occasion for celebration; it is unfortunately an occasion of regret. None of us wanted to be here today, but life goes on and so do our problems.

In fact, we are facing many serious problems. Our expenditures are exceeding our revenues. Our debt is so large that we are spending over $300 million a year to pay it off. Our unfunded pension liability is now over $4 billion and will, at current rates, grow to over $9 billion in 11 years.

To those who are dodging bullets in their neighborhoods like we read about in the paper this morning, the budget means little. Their very lives are at stake. While the rate of many crimes has gone down, homicides have gone up.

I am reminded of Isaiah's vision of his beloved Jerusalem. He wrote early:

"How the faithful city has become a harlot, she that was full of justice.

"Righteousness lodged in her, but now murderers.

"Your silver has become dross, your wine mixed with water.

"Your princes are revels and companions of thieves.

"Everyone loves a bribe and runs after gifts.

"They do not defend the fatherless, and the widow's cause does not come to them."

But Isaiah later wrote of a vision of hope:

"If you take away the midst of you the yoke, the pointing of the finger, and speaking wickedness.

"If you pour yourself out for the hungry and satisfy the desire of the afflicted.

"Then shall your light rise in the darkness and your gloom be as the noonday.

"And the Lord will guide you continually, and satisfy your desire with good things and make your bones strong.

"And you shall be liked a watered garden, like a spring of waters whose waters fail not.

"And your ancient ruins shall be rebuilt.

"You shall raise up the foundations of many generations and shall be called the repairer of the breach, the restorer of streets to live in."

How do we like Isaiah get from the gloom of the problems which beset us to the hope of which he spoke.

In my campaign, I laid out some proposals.

I spoke of the need for fair downsizing through a process to identify that which is essential and that which is not essential and moving personnel from nonessential positions into essential positions.

I spoke of the need to involve the public more in the decisions to engage new debt.

I spoke of a formula to share the responsibility for resolving the unfunded pension liability although its creation was chiefly the responsibility of the Congress when it ran the city.

I spoke of the need to enforce the Assault Weapons Manufacturing Strict Liability Act to hold the merchants of death responsible for the death and destruction which their products are causing in our city.

I spoke of encouraging economic development programs to be coordinated with the development of educational curricula so that we can produce graduates for jobs and jobs for graduates.

I am ready to get started. I could offer you a lot of detail, but I did that during the campaign. Some said an excruciating amount of detail. This is not the occasion for a rerun of a stump speech.

I can say this. All that I have promised and can do and all that any of these people on the Council or the Mayor can do alone will not be enough. We must cooperate if anything substantial is to be done.

Further, it cannot be done without the soul of our people.

Crises can be the occasion of falling apart. They can result in divisiveness, in scapegoatism, in NIMBYism—all efforts to blame somebody else for our problems.

However, our crises can be the occasion of people coming together. Our city has done it before; we can do it again. We survived the colonial days of the last part of the 18th century and the first part of the 19th century when human beings were chattels to be bought and sold. We survived the reconstruction period when Boss Shepherd drove the city into bankruptcy. We survived the Jim Crowism which used Boss Shepherd's excesses to put us under a three-commissioner form of government which we endured for a century.

We have it within ourselves to conquer our current problems as well. Take a moment, stop looking at me, and look around the room at each other. We are black. We are white. We are yellow. We are brown. We are old. We are young. We are rich and not so rich. We are male. We are female. We are straight. We are gay. We are African, European, Latin, and Asian. We are from every corner of the world.

Yet in this most political of cities, our goals are similar, and, if we are all given and take a part, we can realize those goals together. In our own city, we have the capacity to realize the American dream.

To do that, we must look beyond this chamber and the halls of government which they represent. We must look to the very soul of our city and of our people.

We cannot just pay our taxes and vote. That is not enough. We must do more.

As businesses, we cannot just buy our licenses and pay our fees. We must seek to hire the unemployed, and particularly those from the District of Columbia where our businesses are operating.

In the face of crime, we cannot just board up our houses, and we definitely cannot resort to arming ourselves as has happened in other jurisdictions. We must put on the orange and red hats, be courageous, go outside and join our neighbors and the police and reclaim our streets.

We must be parents to our own children, but we must be willing to reach out and touch someone else's child who may be without the benefit of the parents that we are.

We must be a good neighbor, but we must welcome to our neighborhoods new people who may be different than what we have been used to.

Throughout history, it has been shown that people have within their souls the resources to respond to crises far more than their governments.

Moses stood up to Pharoh. Daniel stood up to Darius and was put into the den of lions. Meshach, Shadrach, and Abednego stood up to Nebuchadnezzar and were put into a furnace of fire. And Jesus stood up to Pilate and was nailed to a cross. In our own time, Mahatma Ghandi stood up to the British crown, Martin Luther King stood up to the United States, and just this week Nelson Mandela proved victorious over the apartheid government of South Africa.

Each of these persons drew on resources beyond government and their victories were far greater than those which could be achieved by any government. Many of them were in conflict or contrast with government and we live in a democracy where cooperation with government may be more possible. But the important thing is that they brought forth resources from their very souls which were needed to resolve the problems they faced.

I accept the challenge to do that myself. I challenge each of my colleagues, I challenge the Mayor, and yes, Senator HARKIN, I even challenge the United States to do so too.

Thank you.●

IRRESPONSIBLE CONGRESS? HERE IS TODAY'S BOXSCORE

Mr. HELMS. Mr. President, as of the close of business Wednesday, October 6, the Federal debt stood at $4,404,063,184,112.24, meaning that on a per capita basis, every man, woman, and child in America owes $17,145.84 as his or her share of that debt.

CANCER SCREENING INCENTIVE ACT OF 1993

● Mr. D'AMATO. Mr. President, I rise today to join my colleagues, Senators MACK and BREAUX, in introducing the Cancer Screening Incentive Act of 1993. This life-giving legislation will make early cancer detection tests available to every American.

Despite recent advances in our war against cancer, this horrible disease remains the second leading cause of death in the United States. The American Cancer Society estimates that, in 1993, 46,300 women will die of breast cancer and 183,000 new cases will be diagnosed. Of the 248 million Americans now living, approximately 85 million—or 1 in 3—will eventually have some form of cancer.

These figures underscore the vital importance of early cancer detection and treatment. Procedures such as mammography, the Pap test, and fecal occult blood tests make it possible to identify and treat cancers before they spread. The American Cancer Society estimates that, through expanded early detection and treatment, 84,000 cancer deaths could be avoided in 1993 alone.

Unfortunately, far too few Americans receive appropriate early cancer detection tests. In 1987, only 25 percent of women over 50 reported having a mammogram within the preceding 2 years. The Healthy People 2000 Report, issued in 1990 by the Public Health Service, urges increased use of mammogram screening so that at least 60 percent of women over 50 receive such tests every 2 years by the year 2000. In addition, the report calls for a 13-percent increase in the use of Pap tests, and an 85-percent increase in fecal occult blood testing by the year 2000.

The Cancer Screening Incentive Act of 1993 will help us reach these goals by offering a refundable tax credit of up to $250 against the costs of certain cancer screening procedures. For those who fall outside the 15-percent marginal tax rate, our bill provides a credit of up to $200. Our bill will also increase access to cancer screening among low-income Americans by ensuring that individuals whose family income is below 150 percent of the poverty level receive cancer screening procedures at no cost. Medical providers who offer tests to these individuals would be eligible for a modest tax credit at a rate to be determined by the Health Care Financing Administration.

No American should be denied access to early cancer screening procedures simply due to their cost, or because of lack of adequate health insurance. The enactment of the Cancer Screening Incentive Act of 1993 will remove, for all Americans, the barriers to these lifesaving procedures. I encourage my colleagues to join in the support of this important legislation, and I urge its immediate passage.●

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

BIOMEDICAL RESEARCH DAY

Mr. FORD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from and the Senate proceed to the immediate consideration of House Joint Resolution 111, a joint resolution relating to Biomedical Research Day; that the joint resolution be read a third time, passed; that the preamble be agreed to; that the motion to reconsider be laid upon the table and any statements relative to the passage of this item appear at the appropriate place in the RECORD.

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

The joint resolution (H.J. Res. 111) was ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

MIDDLE EAST PEACE FACILITATION ACT OF 1993

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on (S. 1487) a bill entitled "Middle East Peace Facilitation Act of 1993."

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Middle East Peace Facilitation Act of 1993".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Palestine Liberation Organization has recognized the State of Israel's right to exist in peace and security; accepted United Nations Security Council resolutions 242 and 338; committed itself to the peace process and peaceful coexistence with Israel, free from violence and all other acts which endanger peace and stability; and assumed responsibility over all Palestine Liberation Organization elements and personnel in order to assure their compliance, prevent violations, and discipline violators;

(2) Israel has recognized the Palestine Liberation Organization as the representative of the Palestinian people;

(3) Israel and the Palestine Liberation Organization signed a Declaration of Principles on Interim Self-Government Arrangements on September 13, 1993, at the White House;

(4) the United States has resumed a bilateral dialogue with the Palestine Liberation Organization; and

(5) in order to implement the Declaration of Principles on Interim Self-Government Arrangements and facilitate the Middle East peace process, the President has requested flexibility to suspend certain provisions of law pertaining to the Palestine Liberation Organization.

SEC. 3. AUTHORITY TO SUSPEND CERTAIN PROVISIONS.

(a) IN GENERAL.—Subject to subsection (b), the President may suspend any provision of law specified in subsection (d). Any such suspension shall cease to be effective on January 1, 1994, or such earlier date as the President may specify.

(b) CONDITIONS.—

(1) CONSULTATION.—The President may exercise the authority provided in subsection (a) only if the President certifies to the relevant congressional committees.

(2) PRESIDENTIAL CERTIFICATION.—The President may exercise the authority provided in subsection (a) only if the President certifies to the relevant congressional committees that—

(A) it is in the national interest of the United States to exercise such authority; and

(B) the Palestine Liberation Organization continues to abide by all the commitments described in paragraph (4).

(3) REQUIREMENT FOR CONTINUING PLO COMPLIANCE.—Any suspension under subsection (a) of a provision of law specified in subsection (d) shall cease to be effective if the President certifies to the relevant congressional committees that the Palestine Liberation Organization has not continued to abide by all the commitments described in paragraph (4).

(4) PLO COMMITMENTS DESCRIBED.—The commitments referred to in paragraphs (2) and (3) are the commitments made by the Palestine Liberation Organization—

(A) in its letter of September 9, 1993, to the Prime Minister of Israel;

(B) in its letter of September 9, 1993, to the Foreign Minister of Norway; and

(C) in, and resulting from the implementation of, the Declaration of Principles on Interim Self-Government Arrangements signed on September 13, 1993.

(c) EXPECTATION OF CONGRESS REGARDING ANY EXTENSION OF PRESIDENTIAL AUTHORITY.—The Congress expects that any extension of the authority provided to the President in subsection (a) will be conditional on the Palestine Liberation Organization—

(1) renouncing the Arab League boycott of Israel;

(2) urging the nations of the Arab League to end the Arab League boycott of Israel; and

(3) cooperating with efforts undertaken by the President of the United States to end the Arab League boycott of Israel.

(d) PROVISIONS THAT MAY BE SUSPENDED.—The provisions that may be suspended under the authority of subsection (a) are the following:

(1) Section 307 of the Foreign Assistance Act of 1961 (22 U.S.C. 2227) as it applies with respect to the Palestine Liberation Organization or entities associated with it.

(2) Section 114 of the Department of State Authorization Act, Fiscal Years 1984 and 1985 (22 U.S.C. 287e note) as it applies with respect to the Palestine Liberation Organization or entities associated with it.

(3) Section 1003 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 5202).

(4) Section 37 of the Bretton Woods Agreement Act (22 U.S.C. 286w) as it applies to the granting to the Palestine Liberation Organization of observer status or other official status at any meeting sponsored by or associated with the International Monetary Fund. As used in this paragraph, the term "other official status" does not include membership in the International Monetary Fund.

(e) RELATION TO OTHER AUTHORITIES.—This section supersedes section 578 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1994 (Public Law 103-87).

(f) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—As used in this section, the term "relevant congressional committees" means—

(1) the Committee on Foreign Affairs, the Committee on Banking, Finance and Urban Affairs, and the Committee on Appropriations of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

Mr. FORD. Mr. President, I move the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDING THE NATIONAL WOOL ACT OF 1954

Mr. FORD. Mr. President, I ask unanimous consent that the Agriculture Committee be discharged from further consideration of S. 1548, a bill relating to a 2-year phaseout of the wool and mohair program, and that the Senate then proceed to its immediate consideration, that the bill be deemed read three times, passed and the motion to reconsider laid upon the table.

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

So the bill (S. 1548) was deemed read the third time and passed, as follows:

S. 1548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SUPPORT PRICE FOR WOOL AND MOHAIR.

Section 703 of the National Wool Act of 1954 (7 U.S.C. 1782) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) Subject to subsection (b)(3), the Secretary of Agriculture shall, through the Commodity Credit Corporation, make loans and payments to producers of wool and mohair through December 31, 1995.";

(2) in subsection (b)—

(A) in paragraph (2), by striking "1997" and inserting "1995"; and

(B) by striking paragraph (3) and inserting the following new paragraph:

"(3) No loans, purchases, or payments shall be made for the 1996 and subsequent marketing years, except that loans and payments for the 1995 marketing year shall be paid in 1996."; and

(3) by adding at the end the following new paragraph:

"(4)(A) Through December 31, 1995, the Secretary shall offer to wool and mohair producers recourse loans under terms and conditions that are prescribed by the Secretary, except that the loans shall be administered at no net cost to the Federal Government.

"(B) A producer who fails to repay a loan made under subparagraph (A) by the end of the following marketing year shall be ineligible for a loan under this Act for that marketing year and subsequent marketing years.".

SEC. 2. REDUCTION IN PAYMENTS.

Section 704(a) of the National Wool Act of 1954 (7 U.S.C. 1783(a)) is amended by inserting after the first sentence the following new sentence: "In the case of each of the 1994 and 1995 marketing years, the payments shall be 75 and 50 percent, respectively, of the amount otherwise determined under the preceding sentence.".

SEC. 3. ELIMINATION OF WOOL AND MOHAIR PROGRAMS.

(a) IN GENERAL.—Effective December 31, 1995, the National Wool Act of 1954 (7 U.S.C. 1781 et seq.) is repealed.

(b) APPLICATION.—The repeal made by subsection (a) shall apply to both the wool and mohair programs.

(c) PROHIBITION.—Effective beginning December 31, 1995, the Secretary of Agriculture may not provide loans or payments for wool or mohair by using the funds of the Commodity Credit Corporation or under the authority of any law.

SEC. 4. REMOVAL OF PRICE SUPPORT REFERENCES.

(a) Section 702 of the National Wool Act of 1954 (7 U.S.C. 1781) is repealed.

(b) Section 703 of such Act (7 U.S.C. 1782) is amended—

(1) by striking the section heading and inserting the following new section heading:

"SUPPORT PRICE FOR WOOL OR MOHAIR";

(2) in subsection (b)(1)(i), by striking "such price support" and inserting "the support price"; and

(3) in subsection (d), by striking "price support" and inserting "support under this section".

(c) section 704 of such Act (7 U.S.C. 1783) is amended—

(1) by striking the section heading and inserting the following new section heading:

SEC. "SEC. 704. PAYMENTS.";

and

(2) in subsection (a), by striking "If payments are utilized as a means of price support, the" and inserting "The".

(d) The first sentence of section 706 of such Act (7 U.S.C. 1785) is amended by striking "price support operations" and inserting "operations under this Act".

SEC. 5. LIABILITIES OF PRODUCERS.

A provision of this Act may not affect the liability of any person under any provisions of law as in effect before the effective date of the provision.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1994

Mr. FORD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on (H.R. 2493) a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1994, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 164 to the bill (H.R. 2493) entitled "An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 1994, and for the other purposes.".

Resolved, That the House agree to the amendment of the Senate to the amendment of the House to the amendment of the Senate numbered 29 to the aforesaid bill, with an amendment as follows:

In the matter proposed by the Senate amendment, insert after "operations" the following: ", except for marketing year 1993".

Mr. FORD. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House to the Senate amendment to the House amendment to the Senate amendment No. 29, to the bill, H.R. 2493, with the above occurring without intervening action or debate.

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

ELIMINATING THE WOOL AND MOHAIR SUBSIDY

Mr. KERRY. Mr. President, I am here today both to declare satisfaction that we have prevailed over at least one special interest and to express my frustration that our victory could not be secured immediately.

Just over 2 months ago Congress and the President enacted an historic bill that will cut $500 billion from the deficit—the largest deficit reduction in the history of our Nation—through a program of shared sacrifice. Senators who voted for that package—which contained some features that all of us dislike—risked their political futures in

order to do right by future generations. And we were roundly attacked by those who refused to join us in his historic effort but—from the sidelines—accused us of not doing enough. These critics hide behind the rhetoric of tough choices in order to avoid actually doing anything that might offend their parochial interests.

For me, the wool and mohair subsidy has come to symbolize this allegiance to vested interests. Many of the most vociferous critics of President Clinton's plan—who claim he has not cut enough—are the ones who have worked behind the scenes to ensure that sheep, goats, and a few of their owners do not have to sacrifice as much as the remainder of the Nation to bring down our mammoth deficit.

And although we—not they—have won, they have succeeded in delaying the will of the American people and the majority of the Senate. Senator BRYAN and I offered an amendment to the budget reconciliation bill in August. Our amendment was supported by the majority of Senators but failed on a technicality. Then, an amendment we offered to the Agriculture appropriations bill won—in two separate votes. When the Senate-House conference committee stripped the amendment and reinstated the subsidy, we followed with an amendment to an amendment that the conference had reported in disagreement—an unusual move—which won again. But in the House, in response to pleas from the wool and mohair industries, the subsidy was reinstated yet again! Finally tonight, Mr. President, we believe the Senate once again will terminate the program. But in order to assure that we will do so, we have had to agree to a phase-out of the program over the next 3 years.

I am extremely proud of the fact that, as a result of our efforts, the taxpayers will be saved $500 million over the next 5 years. But I am extremely frustrated that they are not saved the full $900 million that would have been saved if our initial amendment had become law.

The wool and mohair subsidy, despite being ridiculed in the New York Times, the Washington Post, and other editorial pages across the Nation; despite being cited by Vice President GORE's Reinventing Government Task Force as a wasteful program; despite four votes in the Senate to eliminate it; despite the fact that its stated purpose is to maintain a supply of wool and mohair for strategic purposes which no longer exist; despite the fact that mohair is now used only for the decorative braids on military uniforms—the wool and mohair subsidy almost survived. And, despite all our efforts, the best that can be accomplished will find ranchers continuing to receive some taxpayer dollars through fiscal year 1996 to raise goats.

Mr. President, I guess you might say that the American taxpayer has been fleeced yet again by the special interests.

Mr. President, most Americans know that there is much, much more that must be done to eliminate the colossal deficit which places a huge tax, without representation, on our children and their children. They are tremendously frustrated with what they see as our inability to eliminate even the smallest and least defensible programs.

Even if they are aware of the $250 billion in specific cuts which were included in the President's budget, they know that his budget necessarily included only those cuts the administration was able to identify in its early days in office, when the budget was developed, and—more important—which survived the Byzantine wheeling and dealing that takes place during the congressional budget process.

They know—and they are absolutely right—that there are many programs beyond those cut in the President's budget that have outlived their original purposes but which are staunchly defended by the entrenched interests that benefit from the programs. There are many others that never served a legitimate national interest but were initiated only to satisfy powerful political constituencies.

That is the reality, Mr. President, and when we deny it we succeed only in making people cynical about their elected officials. Our constituents see these programs ridiculed on "Sixty Minutes" and on the evening news. And they feel ridiculed themselves—because it is their hard-earned money that pays for these programs. The amounts may not matter as much as the idea that the Government is careless with tax dollars.

We owe it to the American people to rout out these programs as a logical follow-on to the President's budget.

Mr. President we thought we had taken a modest step forward when we first won a majority vote in the Senate to kill this program. But we underestimated the ability of the special interests to work the system—even in the case of a subsidy which is indefensible except from a narrow parochial perspective.

I am stumped. If it is so difficult to kill this program, Mr. President, how do we take on the really tough ones? How do we control entitlement programs? How do we reorient defense priorities? How do we discontinue failed research projects?

And what am I to make of my colleagues who say that the President hasn't done enough but who fight to protect the rights of goats?

Our political system is structured to make change difficult. The Founding Fathers wanted to avoid swings in policy. As long as the economy was growing, perhaps it was not too destructive to ignore failed programs and simply add programs that we hoped would work better. However, in these times of climbing deficits and strangling interest rates, we cannot afford to continue to fund wasteful programs when we have so many current priorities and our resources are so inadequate to fund them.

This subsidy illustrates this problem plainly. Children in our inner cities go without health care and decent education while the Federal Government pays ranchers liberally to grow goats.

Obviously, we cannot ask others to make sacrifices and refuse to make them ourselves. I introduced a bill that would make cuts in a variety of programs including several important to Massachusetts. Senator BRYAN introduced the amendment to terminate the Wool and Mohair Program although there are wool producers in his State. The madness must end. And to end it, we each must be willing to vote to eliminate programs that we know are not in the national interest.

Mr. President, I have accepted the proposal contained in the bills on which the Senate is about to act tonight. But I want my colleagues to be on notice: If for some reason this compromise does not succeed in terminating this wasteful program—if the House does not accept our compromise or if it somehow is liberalized at a later date—then I will do everything in my power to eliminate the subsidy immediately and finally. Every bill before the Senate will be a potential target.

I also want to urge my colleagues to reflect on the long, slow death of the wool and mohair subsidy and take this opportunity to resolve that together we will change the system that makes responsible budgeting so difficult. Mr. President, for the sake of the taxpayers of this Nation, we can overcome the special interests to cleanse our Federal budget of programs and expenditures that can no longer be justified. It will not be easy, but it is necessary—and, each time I see another of my colleagues take a stand to cut yet another wasteful program, I know that it is possible.

WOOL AND MOHAIR PRICE SUPPORT PROGRAM

Mr. PRESSLER. Mr. President, I strongly oppose efforts to abolish the Wool Act. I urge my colleagues not to be misled. The Wool and Mohair Price Support Program is not costing the taxpayers money. I find it difficult to understand the purpose of pursuing legislation that would deprive thousands of Americans of their means of living. That would be the result should this bill pass.

The Wool and Mohair Price Support Program is vital to the survival of 4,000 South Dakota sheep growers. Without the Wool Act, South Dakota could lose up to one-third of its sheep producers. Nationally, loss of the Wool Act would force up to 30 percent of sheep producers out of business in just 12 months. That is 25,000 farm families.

And, that is just the immediate impact. Such a loss of family farmers, would result in the unprecedented sale of sheep and lambs. Producers still in business would see prices plummet. Their collateral base would shrink and possibly jeopardize their financial standing. Few producers can afford such a loss with the currently depressed sheep and lamb prices.

Mr. President, just look at what has happened to the market prices since the Bryan amendment passed the Senate on September 23, 1993. Market lamb prices have dropped as much as $3 and bids are unavailable on cull ewes in most of the country. Breeding ewe prices have dropped $10. Flock dispersal in the next few months will further drive down the price of stock ewes. Anticipated losses could exceed $150 million.

The effects in South Dakota, should the Wool Act be abolished, would be devastating. Butte County would lose $1.9 million. Harding County would lose nearly $1 million. Meade County would lose nearly $500 thousand. The livelihoods of the 1,500 sheep and lamb producers in these counties could be ruined.

The livelihoods of more than 4,000 South Dakota sheep and lamb producers would be ruined. Nearly $9 million would disappear from the agricultural economy. Small businesses would be put in jeopardy. In some cases the safety and soundness of rural banks would be put at risk. This lost income likely could lead to higher taxes to pay for education and community services. The $9 million could easily reach $50 million as lost farm dollars ripple through my State's economy. One can just imagine the effects nationwide. The U.S. sheep industry contributes $6.7 billion to the national economy. This would be put at risk should we abolish the Wool Act.

The hardest hit would be our young farmers and ranchers. There are many producers who have just started ranching on their own. They lack the collateral base and credit history of those who have ranched for 20 or more years. These young ranchers are more dependent on the incentive payments under the Wool Act. For many of them, the incentive payments account for 30 percent of some of their income. Take the payments away and these young farmers do not cash-flow. Without the ability to cash flow, these ranchers would be denied the credit necessary to continue ranching. They are agriculture's future. Yet they are the ones this body is forcing off the land. And for what? Absolutely nothing.

Mr. President, this is just another example of the antirural bias that is becoming more obvious in Congress. This bias is beginning to gain attention throughout the country. It is getting very obvious and disturbing in South Dakota. I ask unanimous consent for an article from the Yankton Press and Dakotan be inserted in the RECORD at this point.

ANTI-RURAL BIASES ARE GROWING MORE OBVIOUS IN CONGRESS

Some of the anti-rural sentiment in Washington is finally being called what it is. And it should concern everybody in South Dakota and Nebraska as urban-oriented lawmakers squeeze our agricultural sector.

After a recent Senate vote to kill wool and price supports, Sen. Larry Pressler said that the vote is "anti-west," and, "will hurt the livelihood of 4,000 sheep and lamb producers in our state alone."

Many "town" people and a few farmers might say that it's just too bad if subsidized farmers are in trouble without price supports. But the problem is deeper.

Worldwide—and we are in a worldwide market—ag products are subject to varying government supports. It's not a free market. Examples could easily fill this page.

There may be reasons for dumping this particular program, although it's doubtful that our urban cousins looked into the economics. After all, it only affects a few farmers.

Pressler noted that this one vote could take nearly $9 million from South Dakota alone, and have as much as $50 million in total economic impact on the state.

But anti-rural and anti-west sentiments in Congress are only a part of what South Dakotans should be noticing.

Cable television's "Discovery Channel," trusted by viewers for its documentaries has "Green" ads to promote itself. In a current one, it notes that cattle grazing on otherwise unused public lands is evil since ranchers are damaging the grass while paying tiny grazing fees.

Says who? Well, somebody. It's never mentioned, of course, The evil of cattle grazing is shown as a fact—a fact like the sun will rise tomorrow.

Again, most South Dakotans don't think much about grazing fees in the boondocks of our state. Relatively few ranches are affected. And who cares if a few more farmers and ranchers sell out this year because the Clinton White House and Washington urban bureaucrats add fees against a specific Senate vote on the issue?

If a Republican administration had imposed higher fees contrary to the declared will of Congress, newspapers nationwide would be raising cain. Yet even in South Dakota, Nebraska, Wyoming and other states where the economy is affected, there has scarcely been a peep.

Pressler's comments on wool probably are seen by urban-oriented media people as politics for home folks.

But catch Democrats Senator Tom Daschle or Representative Tim Johnson and others on an off day. You just may hear the same comments, with perhaps a different political spin, but the same foundation.

Eastern and "town" South Dakotans may think they're immune, or they don't even see an economic threat.

But folks on the coasts think we're all raping the beauty of "Dances with Wolves Dakota," their potential summer vacation playground of land diseased by farming.

As eastern South Dakota has helped to kill jogging, mid-summer vacation spots, so urban America is working to "save" the rest of the state and region, one step at a time.

Think not? Ask affected farmers about "wetlands" laws Missouri and Niobrara River federal projects.

And watch the big squeeze as the state's tax revenues shrink along with our ag sector.

$6.7 BILLION

From ranch to retail, that's the amount the U.S. sheep industry contributes annually to the national economy. $6.7 billion—that's about $53 for every man, woman and child in the civilian work force today. Here's how the sheep industry makes its contributions:

Jobs: 350,000 people work in sheep and sheep-related industries.

Lamb production: $619.6 million is generated by the purchase of lamb in grocery stores and other retail outlets; $1.12 billion is generated by the purchase of lamb in hotels, restaurants and institutions; $78.8 million is generated by the processing and sale of pelts and other lamb products such as sausage casings.

People who truck, feed and process lambs earn money along the way.

Wool production: $2.86 billion comes from the production and sale of wool clothing and other types of apparel such as mittens and socks.

Wool processing generates income for truckers, people who work in textile and apparel plants and others who handle the wool as it moves from the sheep to the final fabric or clothing product.

Lamb and wool exports: $25.2 million is generated by the export of live sheep from the U.S. to other countries; $22.4 million is generated by the export of wool and wool products; $137.2 million comes from the export of wool fabric; $437.6 million is generated by the export of wool clothing and other types of apparel.

Exports generate income for people who work for U.S. manufacturers, people who load ships in U.S. ports and other people involved in the shipping business. In addition, economists say exports have a multiplier effect on the economy which generates an additional $1.43 billion for the U.S. economy from the above exports.

Lanolin production: Lanolin is an important product taken from the wool when it is processed. Lanolin is used in everything from hand lotion to shampoo and hair conditioner to shaving cream and makeup.

$12.8 million is generated annually by the processing and sale of lanolin at the wholesale level.

You can find evidence of the sheep industry everywhere. Baseballs are stuffed with wool. Medicines are made from sheep byproducts. Stearic acid from sheep can be found in antifreeze, and other sheep products are used in asphalt. And that's just a few of the items that come from sheep.

The sheep industry and $6.7 billion. Where would we be without it?

Mr. President, the Wool Act enables American farmers to compete in the international marketplace on a level playing field. The European Community pays major subsidies to its sheep producers. Consider the following: United Kingdom subsidies total $30 per sheep and French subsidies total $25 per sheep. Australia subsidizes its sheep industry with a program that costs more than $1 billion. Canada also subsidizes its sheep producers. Abolishing the Wool Act would leave the U.S. sheep industry unable to compete in the heavily subsidized world market. This should not be permitted to happen.

Mr. President, the benefits of the Wool and Mohair Price Support Program are many. In the West, sheep are

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raised on land that would not otherwise be economically productive. Sheep and goat grazing helps control noxious weed problems without the use of expensive and damaging chemicals. The program also supports surrounding communities and is vitally important for rural development.

Mr. President, those of us who live in the West are being attacked on all fronts. Burdensome restrictions and higher costs are being placed on users of Federal lands. Private property rights are under attack. Higher grazing fees are being proposed. Thousands of jobs are at risk due to timber cutting reductions. Ranchers are unable to protect their income source—livestock—from predators. And now we are considering abolishing the Wool Act.

We should not pull the rug out from under our sheep producers. For what purpose? No money would be saved. The deficit would not be reduced. Farm families would be destroyed. Young ranchers would be denied an income. Jobs would be lost. Not one beneficial result would be achieved.

Mr. President, if reforms are to be made in this program, let us hold hearings and receive the input of those who would be most affected. Listen to producers on how to improve the current program—don't abruptly throw them out.

I urge my colleagues not to abolish the Wool Act.

Mr. CRAIG. Mr. President, today the Senate is taking important action on a significant agricultural program, the Wool and Mohair Program. As we all know, there has been much discussion over the years regarding this and other agricultural programs and the Wool and Mohair Program has been singled out for discussion during these past few weeks.

It is very easy for some of us to take the sharp knife and cut individual programs in the name of fiscal responsibility. I have worked continually since I have come to the Congress supporting cutting a broad spectrum of programs. This is the right thing to do. It is essential if we are to address the excessive budget deficit.

However, when discussing the total elimination of a program there are several aspects that must be considered. What will the impact be on the lives of those involved directly in the program and can we find a way to lessen that impact? If money is saved, where will the savings go?

Those of us representing wool and mohair producing States have attempted, over the past few weeks, to address the human and animal concerns of the participants in the Wool and Mohair Program while also speaking to the budget responsibility we all share. I believe, Mr. President, we have achieved such a compromise.

Having said that, I believe it is important all Senators understand what will be the impact of our action here today.

The money that was going to wool and mohair producers will not be saved. The budget deficit will not be reduced as a result of our action today on the Wool and Mohair Program. The money, and I might add it is not directly appropriated money but excise tax money, will go to another Federal program. For example the Congress is in the process of increasing spending in fiscal year 1994 by $81 billion over the fiscal year 1993 expenditures.

I must remind my colleagues that when we view the agricultural programs of the United States we must also consider what American agriculture is providing our people in relation to the rest of the world. No other country in the world spends as little on food as does the United States, 9.8 percent of disposable income. All other countries spend more than 10 percent: In France, for example, it is 15.9 percent; Germany 20.2 percent; Italy 18.8 percent; and Greece 31.3 percent.

The wool and mohair amendment to the Department of Agriculture appropriations bill that passed the Senate on July 26, 1993, would not only have eliminated the program this year but would have made that action retroactive to eliminate the 1993 payment. This action did not consider the potential impact either on animals or on humans. By retroactive elimination of this program, it left many wool growers with the potential of being unable to feed animals or recover them from the range before winter. This was unreasonably harsh in its impact. Even the most severe critic of the program would not promote such a vindictive approach to dealing with the budget deficit. Even the base closing process allows for orderly phaseout. The compromise we have accepted today allows that for our wool and mohair producers.

This does not mean that there will not be a negative impact on agriculture by our action here today. There will be a serious disruption in this segment of American agriculture. And make no mistake about it, lives will be irretrievably disrupted. This is unfortunate, but apparently unavoidable.

Mr. President, much has been said and much more could be said regarding this issue. I believe it is important to caution the Senate regarding such actions. It is imperative that we carefully examine all the impacts on the lives of our citizens before taking such drastic actions.

NATIONAL WOOL ACT OF 1954

Mr. SIMPSON. Mr. President, those of us from States whose economies depend heavily on a strong domestic wool industry know about the cost-efficiency of this program. We know that unlike other agriculture subsidy programs, this program pays for itself. We also know that this is not some dinosaur from the cold war era. Yes, it is an agriculture subsidy program no different from the rest of the many other programs which subsidize American agriculture. The only great difference is that the payments here are generated from a tariff on imported goods.

Therefore, it is naive to argue that funds from this program could be used to reduce the deficit when that same argument is not used against other agriculture programs which do not even have an independent funding source from import tariffs. This Senator is ready to take a good cold hard look at all of these programs, and not just the ones that are targeted by opponents whose arguments sound pretty good on the surface, and generate good press about fiscal responsibility, but cannot withstand closer scrutiny.

However, the arguments that I would make on the merits of the program have already been heard in this Chamber. They have also been heard in the House. If there is one thing that we in this arena know, it is political reality. Unfortunately, the political reality here is that this particular program has been targeted, and the program as it now exists does not have the support of a majority in either Chamber of Congress. Therefore, as a matter of basic fairness to those people whose livelihoods depend on this program, we have to try to achieve some manner of equity and fairness in view of that political reality. Equity and fairness does not mean eliminating this program retroactively. Equity and fairness does not mean killing this program by a harsh amendment to an appropriations bill. We know that the Senator from Nevada has notified all of us of his intention to offer an amendment to the Agriculture appropriations conference report which would eliminate this program in its entirety. So those of us who support the program have limited options.

When the House considered this conference report, they looked at what the Senate had done—a retroactive termination of the program. As a matter of fairness, the House unanimously reinstated the payments for this fiscal year. They did it on the basis of my friend, Chairman DE LA GARZA's promise to immediately introduce legislation which would drastically reform this program.

On the floor, Chairman DE LA GARZA said that Members could look at his legislation, and if they were not satisfied with the changes, they could seek to reject them or eliminate the program in its entirety. He is a special warrior in this cause. He is great to work with, and I have always admired him. He is also an excellent vote counter and more than anyone else, understands the political realities facing this program. He knows that unless it is radically altered, there are not sufficient votes to ensure its survival.

It is only fair that the authorizing committees of both Houses have the opportunity to examine this program first. In very rapid time, the Senate Agriculture Committee has come up with a bill which would provide for a phaseout of the program. It also provides for recourse loans. I have had the opportunity to work on and examine this legislation and to learn how Wyoming producers feel about it. I certainly know for a fact that they are not thrilled or excited about this particular legislative language. It is a dagger to the heart. However, I do believe that they understand that this may be the last chance at a legislative product this year.

Chairman DE LA GARZA will have a great deal to say about future legislation in this industry. I think the best thing that can be said about this particular resulting legislation is that it reflects a concept which accurately reflects the total realities of the current political climate. Furthermore, it ensures that those producers who depended on this fiscal year's payments and borrowed money in anticipation of those payments will not be harmed. Most importantly, it eliminates the hanging threat of an amendment by the Nevada Senator to simply kill off this program in its entirety.

I want to assure Chairman DE LA GARZA that I will work with him and other interested Members of both parties to enact wool program legislation that is fair, equitable, and affordable and I greatly look forward to that opportunity.

Mr. DASCHLE. Mr. President, I support S. 1548, to reinstate incentive payments to wool and mohair producers for the 1993 marketing year, and to continue a limited wool incentive program through the 1995 marketing year. While I disagree with many of my colleagues who think the Wool Act is an antiquated program that should be eliminated, I do commend them for agreeing to allow a gradual phaseout of the program, which should give producers some time to adjust for the changes.

As you know, last month during consideration of the fiscal year 1994 Agriculture appropriations bill, the Senate passed an amendment authored by Senators DICK BRYAN and JOHN KERRY that would have repealed the National Wool Act, and retroactively eliminated payments already owed to producers for this year's production. The amendment would have unfairly eliminated incentive payments for wool already grown, shorn, and sold in 1993, and totally eliminated the wool program in future years.

I feel strongly that, at a minimum, Congress has a responsibility to follow through the price support commitment we have already made to producers for their 1993 production of wool. This bill adequately addresses that problem. It also allows producers to continue to receive payments for the 1994 and 1995 marketing years, albeit at a reduced level. In 1994 producers will be eligible to receive 75 percent of their normal incentive payments, and in 1995 the payments will be reduced to 50 percent.

Unfortunately, beginning in 1996 the wool incentive payments will be prohibited. I oppose this part of the legislation because I think the decision to eliminate the Wool Act is based upon misconceptions about the cost and operation of the program, and not its merits. However, I will support this bill because it is the best alternative available, and it gives those of us who represent wool and mohair producers time to fashion a workable program that is acceptable to a majority of Congress.

NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK

Mr. FORD. Mr. President, on behalf of the majority leader, I ask that the Chair lay before the Senate a message from the House on Senate Joint Resolution 21, a joint resolution relating to the National Historically Black Colleges Week.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Amendments:

Page 1, line 3, strike out "September 19, 1993" and insert: "September 18, 1994.".

Amend the title so as to read: "Joint resolution designating the week beginning September 18, 1994, as 'National Historically Black Colleges and Universities Week'.".

Mr. FORD. Mr. President, I move that the Senate concur en bloc in the amendments of the House.

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

WORLD FOOD DAY

NATIONAL MAMMOGRAPHY DAY

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of House Joint Resolution 218 and House Joint Resolution 265, just received from the House; that the resolutions be read a third time, passed; that the preambles be agreed to en bloc; that the motion to reconsider be laid upon the table en bloc; and that any statements relative to the passage of these items appear at the appropriate place in the RECORD.

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

So the joint resolutions (H.J. Res. 218 and H.J. Res. 265) were deemed read the third time and passed.

INTERNATIONAL RESCUE COMMITTEE

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of Senate Concurrent Resolution 47, a concurrent resolution to recognize the International Rescue Committee for its humanitarian work; that the resolution be agreed to; that the motion to reconsider be laid upon the table; and that any statements thereon appear in the RECORD at the appropriate place.

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

So the concurrent resolution (S. Con. Res. 47) was agreed to, as follows:

S. CON. RES. 47

Whereas the International Rescue Committee, which this year is marking the sixtieth anniversary of its founding, is a beacon of hope for the world's refugees, displaced by war, civil insurrection, ethnic conflict, political and religious persecution and famine;

Whereas in crisis after crisis—in Europe, Central America, Africa, and Asia—the field staff of the International Rescue Committee is often the first relief support on site to ease the suffering of refugees by stablizing health conditions with critically needed sanitation, health care, and medical assistance;

Whereas the programs of the International Rescue Committee are also concerned with improving the quality of life for refugees by preparing them for a productive future through educating children and building new skills among adults;

Whereas often and whenever possible, programs implemented by the International Rescue Committee are ultimately turned over to the refugees themselves after they have been well trained by International Rescue Committee staff and volunteers;

Whereas the International Rescue Committee was founded in 1933 as a nonsectarian response to the increasing horrors of Nazi Germany;

Whereas as the need for humanitarian assistance expanded, so has the International Rescue Committee's commitment to refugees;

Whereas throughout the world, from Bosnia to Somalia, from Cambodia to El Salvador, the International Rescue Committee continues to aid refugees with medical assistance, shelter, food, skills-training;

Whereas the International Rescue Committee also helps in repatriation or resettlement to assist refugees in starting their life anew;

Whereas in its sixty years of service, the International Rescue Committee has not only provided for victims of brutality and for those suffering from natural disasters with services essential for survival and the means to rebuild their lives, but also has given them reason to have renewed optimism in the compassion and goodwill of their fellow human beings; and

Whereas October 15, 1993, the sixtieth anniversary of the founding of the International Rescue Committee, is an appropriate day on which to give recognition to the International Rescue Committee for its great humanitarian endeavors: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That on the occasion of the sixtieth anniversary of the founding of the International Rescue Committee, the Congress hereby recognizes the International Rescue Committee for its great humanitarian endeavors.

The PRESIDING OFFICER. If there is no objection, the preamble is agreed to.

COMMENDING THE MAJORITY LEADER AND REPUBLICAN LEADER

Mr. SIMPSON. Mr. President, as we wait just a moment here, let me thank the majority leader and our leader for the work on the issue of the Somalian situation. I believe they exhibited remarkable patience. And I commend also Senator BYRD for his work, Senator THURMOND, Senator WARNER, and Senator MCCAIN for his energy. I thought it was a very thoughtful and serious debate. I commend those who have worked so long and hard to get their positions stated, and I am pleased we were able to resolve it in that fashion.

I thank my friend from Kentucky.

Mr. FORD. I thank my friend from Wyoming. Let me associate myself with his remarks. This has been one of those days, hopefully, we will look back on with distinction where we debated and debated forthrightly, I believe. The Senate worked its will. The two leaders came together, as the Senator says, with patience and hard work and now we go forward to be sure that America stays strong and we do those things that are necessary in the best interests of the future of this great Nation.

SCHEDULE

Mr. MITCHELL. Mr. President, and Members of the Senate, I have discussed the schedule for the next several days with the distinguished Republican leader and the managers of the bill, the Senators from Hawaii and Alaska, and I believe that we can make the most progress on the bill and accommodate the largest number of Senators by the following schedule.

The Senate will be in session and on this bill tomorrow, Friday, beginning at 10:30 a.m. We expect several amendments to be offered and debated, but there will be no rollcall votes tomorrow. The votes on those amendments which are offered and debated tomorrow will be scheduled to occur beginning at 6 p.m. on Monday.

Then, on Monday the Senate will come in and return to this bill at 10:30 a.m., and we expect several amendments to be offered that day. Several Senators have indicated they will be here to offer their amendments. Those votes will be scheduled to occur on Monday immediately following the votes on those amendments to be debated tomorrow.

So, Senators should be aware that the Senate will be in session considering amendments to the pending bill tomorrow, beginning at 10:30, and through the day, and Monday, from 10:30 a.m. until 6.

At 6, the Senate will vote on all amendments for which votes have then been ordered. That is likely to be several votes beginning at 6 p.m. on Monday. Then, after those votes occur, the Senate will remain in session on Monday evening to make further progress on this bill. It is my hope, and that of the managers, that we will be able to complete action on this bill on Tuesday.

Mr. President, I also want to say that there may be some conference reports on other appropriations bills that will be available. If we have a series of rollcall votes on Monday we may attempt to have those votes included in the list of votes that will occur on Monday.

We have several conference reports which I am advised will not take a lengthy time for consideration, but on which one or more Members have requested rollcall votes. So Senators should be aware that votes on those conference reports are also possible on Monday evening, beginning at 6.

So, while there will be no votes tomorrow or during the day on Monday, it is likely that there will be several votes beginning at 6 p.m. on Monday and the Senate will stay in session after those votes to try to make progress to put us in position to finish this bill on Tuesday.

I thank all my colleagues for their patience. It has been a very long day and we had what I think was a very informative debate on an important matter. We have disposed of a large number of amendments today. I hope that sets the stage for completion of action on this bill by Tuesday.

Mr. President, I yield the floor.

ORDERS FOR FRIDAY, OCTOBER 15, 1993

Mr. FORD. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business, it stand in recess until 10:30 Friday, October 15; that following the prayer the Journal of proceedings be deemed approved to date; the time for the two leaders reserved for their use later in the day; that the Senate then resume consideration of H.R. 3116, the Department of Defense appropriations bill.

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

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. FORD. Mr. President, if there is no further business to come before the Senate today, I ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 1:21 a.m., recessed until Friday, October 15, 1993, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 14, 1993:

U.S. ARMS CONTROL AND DISARMAMENT AGENCY

JOHN DAVID HOLUM, OF SOUTH DAKOTA, TO BE DIRECTOR OF THE U.S. ARMS CONTROL AND DISARMAMENT AGENCY, VICE RONALD FRANK LEHMAN II, RESIGNED.

GOVERNMENT PRINTING OFFICE

MICHAEL F. DIMARIO, OF MARYLAND, TO BE PUBLIC PRINTER, VICE ROBERT WILLIAM HOUK, RESIGNED.

DEPARTMENT OF LABOR

BERNARD E. ANDERSON, OF PENNSYLVANIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE CARI M. DOMINQUEZ, RESIGNED.

DEPARTMENT OF STATE

K. TERRY DORNBUSH, OF GEORGIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS.

EDWARD ELLIOTT ELSON, OF GEORGIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO DENMARK.

MARC CHARLES GINSBERG, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE MOROCCO.

THOMAS L. SIEBERT, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWEDEN.

SIDNEY WILLIAMS, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE COMMONWEALTH OF THE BAHAMAS.

DEPARTMENT OF LABOR

J. DAVITT MCATEER, OF WEST VIRGINIA, TO BE ASSISTANT SECRETARY OF LABOR FOR MINE SAFETY AND HEALTH, VICE WILLIAM JAMES TATTERSALL, RESIGNED.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

REAR ADMIRAL WILLIAM L. STUBBLEFIELD FOR APPOINTMENT IN THE GRADE OF REAR ADMIRAL (LOWER HALF), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY AS DEPUTY DIRECTOR, OFFICE OF NOAA CORPS OPERATIONS, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

REAR ADMIRAL JOHN C. ALBRIGHT FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (LOWER HALF), WHILE SERVING IN A POSITION OF IMPORTANCE AND RESPONSIBILITY AS DIRECTOR, PACIFIC MARINE CENTER, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, UNDER THE PROVISIONS OF TITLE 33, UNITED STATES CODE, SECTION 853U.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF SECTION 593, 8218, 8351, AND 8374, TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. JOHN R. HAACK xxx-xx-xxxx AIR NATIONAL GUARD OF THE UNITED STATES.

IN THE ARMY

THE FOLLOWING NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. WILLIAM G. PAGONIS xxx-xx-x... U.S. ARMY.

IN THE COAST GUARD

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL:

RUDY K. PESCHEL
GERALD F. WOOLEVER
RICHARD D. HERR
JOHN W. LOCKWOOD
NORMAN T. SAUNDERS
JAMES C. CARD

THE FOLLOWING OFFICERS OF THE U.S. COAST GUARD FOR APPOINTMENT TO THE GRADE OF REAR ADMIRAL (LOWER HALF):

JOHN D. SPADE
DOUGLAS H. TEESON II
EDWARD J. BARRETT
ROBERT C. NORTH
TIMOTHY W. JOSIAH

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE

GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 611(A) AND 624:

To be permanent brigadier general

COL. EDWIN P. SMITH xxx-xx-x...
COL. NEIL N. SNYDER II xxx-xx-x...
COL. MARK R. HAMILTON xxx-xx-x...
COL. EMMITT E. GIBSON xxx-xx-x...
COL. ROBERT D. SHADLEY xxx-xx-x...
COL. CHARLES R. VIALL xxx-xx-x...
COL. GEORGE F. CLOSE, JR xxx-xx-x...
COL. DALE R. NELSON xxx-xx-x...
COL. JOSEPH E. ODER xxx-xx-x...
COL. MICHAEL W. ACKERMAN xxx-xx-x...
COL. BOYD E. KING, JR xxx-xx-x...
COL. JOHN M. LE MOYNE xxx-xx-x...
COL. MICHAEL L. DODSON xxx-xx-x...
COL. JOHN J. RYNESKA xxx-xx-x...
COL. ROY E. BEAUCHAMP xxx-xx-x...
COL. RICHARD A. BLACK xxx-xx-x...
COL. JOHN B. SYLVESTER xxx-xx-x...
COL. JAMES P. O'NEAL xxx-xx-x...
COL. THOMAS W. GARRETT xxx-xx-x...
COL. JOHN D. THOMAS, JR xxx-xx-x...
COL. JAMES E. SHANE, JR xxx-xx-x...
COL. JOHN G. MEYER, JR xxx-xx-x...
COL. JOSEPH M. COSUMANO, JR xxx-xx-x...
COL. ROBERT B. FLOWERS xxx-xx-x...
COL. ROBERT R. IVANY xxx-xx-x...
COL. MICHAEL T. BYRNES xxx-xx-x...
COL. DAVID S. WEISMAN xxx-xx-x...
COL. RALPH G. WOOTEN xxx-xx-x...
COL. JULIAN H. BURNS, JR xxx-xx-x...
COL. ROBERT T. CLARK xxx-xx-x...
COL. CHRISTOPHER C. SHOEMAKER xxx-xx-x...
COL. KEVIN P. BYRNES xxx-xx-x...
COL. JOHN M. MCDUFFIE xxx-xx-x...
COL. GREGORY A. ROUNTREE xxx-xx-x...
COL. LARRY J. LUST xxx-xx-x...
COL. PETER C. FRANKLIN xxx-xx-x...
COL. DAVID L. GRANGE xxx-xx-x...
COL. KENNETH R. BOWRA xxx-xx-x...

CONFIRMATIONS

Executive nominations confirmed by the Senate October 15, 1993:

NATIONAL TRANSPORTATION SAFETY BOARD

JAMES E. HALL, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL TRANSPORTATION SAFETY BOARD FOR THE TERM EXPIRING DECEMBER 31, 1997.

DEPARTMENT OF STATE

JAMES T. LANEY, OF GEORGIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOREA.

CORPORATION FOR PUBLIC BROADCASTING

DIANE BLAIR, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 1998.

DEPARTMENT OF EDUCATION

DONALD RICHARD WURTZ, OF CALIFORNIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF EDUCATION.

ENVIRONMENTAL PROTECTION AGENCY

JEAN C. NELSON, OF TENNESSEE, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

ROBERT W. PERCIASEPE, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

ELLIOTT PEARSON LAWS, OF VIRGINIA, TO BE ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE, OF THE ENVIRONMENTAL PROTECTION AGENCY.

LYNN R. GOLDMAN, OF CALIFORNIA, TO BE ASSISTANT ADMINISTRATOR FOR TOXIC SUBSTANCES OF THE ENVIRONMENTAL PROTECTION AGENCY.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

ELI J. SEGAL, OF MASSACHUSETTS, TO BE CHIEF EXECUTIVE OFFICER OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

DORIS MEISSNER, OF MARYLAND, TO BE COMMISSIONER OF IMMIGRATION AND NATURALIZATION.