bill of the Senate Armed Services Committee which proudly bears his name as chairman.

Let me address two specifics. I was concerned about references to the submarine panel. This was not an idea that originated in the Senate. Together with Senator LIEBERMAN, Senator ROBB, and Senator COHEN, I worked on the provisions relating to submarines in this bill and we recognize there was no need for this panel. But the House did. The House even wanted stronger measures.

Negotiations related to submarines were perhaps one of the most difficult part of the negotiations with the House of Representatives and the Senate. Out of it came the concept to have a panel to consist of three members from each committee, appointed by their respective chairmen on a bipartisan basis and reporting back to their respective committees. I, therefore, do not believe there is any invasion of the authority of the two committees on the armed services in the two bodies. In fact, I view some positive aspects in this concept. Because, as one looks at the former Soviet Union today, and most particularly Russia, that is where a disproportionate amount of their annual investment in national security goes—right into research and development and production of first-line submarines, submarines that challenge our finest submarines in the seven seas of the world today.

So I think every bit of intellect, every bit of wisdom that we can incorporate on behalf of our Nation into future submarine production is time and effort well spent. That, I think, will be a positive contribution. I hope I will be considered to be a part of this special panel on submarines, since in my State we are proud to have a shipyard which for many years has built some of the finest submarines, not only for our Navy, but anywhere in the world.

Then, Mr. President, turning to a second item, the Guard and Reserve, this has been a debate through the years. The Senator from Michigan tried, I think, to convince our committee—subsequently tried to convince the floor—of his desire to have a different approach to the Guard and Reserve. He is a very valued member of our committee. He understands the subject of the Guard and Reserve. And, like so many of us, we express our best judgment and seek to try to be convincing among our colleagues. He did that on two occasions and the majority of the Senate in the committee and on the floor decided on a different means to address the Guard and Reserve. So the battle was fought. The battle was decided. We go on with our business.

Of course, he has a perfect right to come and express such disappointment as may remain on this subject. But nevertheless, we have a solid provision in this bill for the Guard and Reserve and it reflects the majority views of the Armed Services Committee as well as the Senate as a whole.

These are just two examples of where there are differences between Members on the other side of the aisle and Members on this side, but I plead with my colleagues to think, in the spirit of reconciliation, as we do so frequently in this Chamber, and particularly as it relates to the men and women of the Armed Forces and sending that message. When, from the Chair, that vote is announced, we want to send a positive message all across the world and on the high seas. I urge my colleagues to support this conference report.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the able Senator from Virginia for the excellent remarks he has made on this bill. The Senator from Virginia was once Secretary of the Navy. He served in the Marines. He is a valuable member of the Armed Services Committee. He has rendered long service here and with great distinction to country and I want to commend him.

Mr. WARNER. Mr. President, I thank my distinguished senior colleague. My career both in the Senate and, indeed, in the uniform of the United States, falls far short of that of the senior Senator from South Carolina.

## RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:38 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAMS).

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I believe 15 minutes of time has been allotted to the Senator from Nebraska under the unanimous-consent request. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. EXON. I will take that time at this moment.

Mr. President, if the average American was to read the 1996 Defense Authorization Act conference report now before the Senate, he or she might believe that there was a mistake in the printing of the bill's title. The content of the conference agreement, the rhetoric in the report, and the pork add-ons contained in the legislation are more in keeping with the cold war environment of 1986, not the post-cold-war world of 1996.

I voted against the Senate version of the authorization bill earlier this year based on my belief that the $7 billion increase in spending authority contained in the bill was extravagant and that the bill's spending priorities and legislative restrictions were harmful, yes harmful, to our national security interests. I am dismayed to report that the conference report is even more objectionable on these counts than the Senate-passed version. As a result, I will vote against the National Defense authorization conference report for the first time in my 17 years as a U.S. Senator, a decision I do not come to lightly.

With very little participation solicited from the minority, the majority in the Senate and House have finally reached an agreement on a bill that will be greeted with cheers from the multibillion-dollar defense corporations in America. At a time when much of the Federal Government has run out of money and is shut down, at a time when the Congress is cutting domestic programs to the bone and the majority party is trying to push through an unwise $245 billion tax cut, we are considering a bill that adds $7.1 billion to the defense budget that the President did not ask for and our military leaders do not want.

This bill writes checks for unneeded weapons systems that will have defense corporations popping champagne corks around the country. Christmas has indeed come early for these multibillion-dollar corporations, and their gifts are beyond their wildest hopes. I implore every American that is asked to do with less this coming year due to the Republican budget-cutting ax to keep in mind the following glittering, gilded ornaments hung with care by the majority on the defense corporate tree:

$700 million in unrequested funds for an accelerated star wars program, a mere down payment on a system which has already cost the American taxpayers $35 billion and will likely cost another $48 billion to build;

$493 million in unrequested funds to restart the B–2 bomber program beyond the 20 planes already bought, again a mere down payment on a $30 billion procurement plan;

$23 million in unrequested funds for 4 additional medium range army aircraft;

$76 million in unrequested funds for Longbow helicopter modifications;

$140 million in unrequested funds for Kiowa helicopter modifications;

$32 million in unrequested funds for ground support avionics;

$37 million in unrequested funds to buy 750 additional Hellfire missiles;

$36 million in unrequested funds to buy 450 additional Javelin missiles;

$43 million in unrequested funds to buy 1,500 additional MLRS missiles;

$50 million in unrequested funds to buy MLRS launchers;

$18 million in unrequested funds to buy 29 additional Army tactical missiles;

$14 million in unrequested funds to buy Army tracked vehicles;

$82 million in unrequested funds to buy Howitzers;

$34 million in unrequested funds for improved Army recovery vehicles

$110 million in unrequested funds for M–1 modifications;

$44 million in unrequested funds for Army regional maintenance training sites;

$29 million in unrequested funds to buy 10,000 additional machine guns;

$33 million in unrequested funds to buy 2,100 additional grenade launchers;

$14 million in unrequested funds to buy 28,000 additional M–16 rifles;

$50 million in unrequested funds for small caliber ammunition;

$47 million in unrequested funds for mortar ammunition;

$80 million in unrequested funds for tank ammunition;

$33 million in unrequested funds for artillery ammunition;

$30 million in unrequested funds for mines;

$49 million in unrequested funds for ammunition production support;

$327 million in unrequested funds to buy Army trucks;

$136 million in unrequested funds for Army communications;

$81 million in unrequested funds to buy 4 additional AV–8 Harrier planes;

$213 million in unrequested funds to buy 6 additional F–18 planes;

$65 million in unrequested funds to buy 6 additional Sea Cobra helicopters;

$45 million in unrequested funds to buy 17 additional T–39 trainer aircraft;

$165 million in unrequested funds for EA–6 modifications;

$42 million in unrequested funds for F–14 modifications;

$32 million in unrequested funds for P–3 modifications;

$30 million in unrequested funds for ECM modifications;

$40 million in unrequested funds to buy 45 additional Harpoon missiles;

$49 million in unrequested funds for Tomahawk missile modifications;

$30 million in unrequested funds for Navy support equipment;

$1.4 billion in unrequested funds to buy a LHD–1 assault ship;

$974 million in unrequested funds to buy a LPD–17 amphibious ship;

$430 million in unrequested funds for Navy ammunition;

$15 million in unrequested funds for C–3 countermeasures;

$14 million in unrequested funds for Satcom ship terminals;

$17 million in unrequested funds for sonobuoys;

$30 million in unrequested funds for intelligence support equipment;

$34 million in unrequested for Marine Corps training devices;

$361 million in unrequested funds for F–15 Advance procurement and modifications;

$159 million in unrequested funds for F–16 procurement;

$133 million in unrequested funds to buy 3 WC–130 aircraft;

$96 million in unrequested funds for C–135 modifications;

$63 million in unrequested funds for Air Force aircraft modifications;

$40 million in unrequested funds to buy 100 additional GBU–15 missiles;

$38 million in unrequested funds to buy 54 additional Have Nap missiles;

$15 million in unrequested funds to 100 additional cruise missiles;

$344 million in unrequested funds for Air Force ammunition;

$20 million in unrequested funds for *Cyclone* class ships;

$17 million in unrequested funds for 2 additional special operations craft;

$777 million in unrequested National Guard and Reserve equipment specifically ear-marked for weapons systems such as 10 new C–139 aircraft and 2 new C–26 operational aircraft.

The list I have just recited is a lengthy one indeed, but it only scratches the surface; there are dozens of other programs where the majority has increased the administration's request and provided money for programs the Pentagon has said they do not need while cutting programs it says it does need.

The decorations that the majority have hung on the corporate tree are numerous and expensive. Defense lobbyists have had a banner year to be sure. In addition to the $7 billion in unjustified spending, this conference report contains a number of provisions which will make for a profitable 1996 for some of the biggest American corporations, including:

A taxpayer-financed loan program to export weapons to the third world;

An earmarked noncompetitive ship maintenance contract for a specific shipyard;

Numerous earmarked Energy Department projects and programs;

Authorization allowing a waiver of research and development funds owed the Government by defense contractors; and

Costly buy-American requirements which will drive up the cost to taxpayers of future procurements.

As I said at the beginning of my speech, this Defense authorization is not forward looking, it is backward looking. If the Senate had to meet truth-in-advertising requirements, the clerk would be obliged to change the year ''1996''on the cover of this report to ''1986.'' However, the cold war flavor of this bill goes beyond the inflated, parochial spending I have discussed up to this point. The legislative requirements of the conference report are equally extreme. The most troublesome is the missile defense language that commits our Nation to deploying a national missile defense system within the next 8 years at a likely cost of $48 billion against a threat that does not and will not exist. The son of star wars system mandated in this bill would be ineffective against terrorist threats, abrogate the ABM Treaty and likely take with it Russian implementation of START I and START II, not to mention endangering prospects of ratifying next year the chemical weapons convention and a comprehensive nuclear test ban treaty.

With logic right out of Lewis Carroll's ''Alice in Wonderland,'' the majority wants the American taxpayer to spend $48 billion to defend against a threat which does not exist, the very course of action which will prompt the Russians to renege on their commitment to destroy two-thirds of their nuclear weapons, thereby reviving the threat that never would have existed had we not pursued the system in the first place. As that famous cartoon Bayou Alligator might have said: ''We have met the enemy and he is us.''

In closing, Mr. President, I would just like to offer at this time for printing at the conclusion of my remarks an article that appeared in the Sunday Washington Post of December 17.

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

(See exhibit 1.)

Mr. EXON. I would just comment briefly on the fact that this starts out ''Off to a bad Start II. In both the United States and Russia, Hopes for Strategic Arms Pact Are Fading.'' It goes on to describe the delays that we have caused. The concern of the Russians that we are about to break the ABM Treaty was one of the causes I suggest for the return of the Communist Party to a measure of strength in the elections over the last week, because they are feeding on the situation that we do not care and we are going to break out of the ABM Treaty.

In conclusion then, Mr. President, the Clinton administration has said that it would veto this bill if it reaches his desk. I support the President in this decision and believe that the Senate should save him the trouble by defeating this conference report.

The American taxpayer cannot afford this expensive gilded Christmas tree of unneeded weapons and corporate earmarks. Likewise, the American national security interests can ill-afford this self-defeating policy embodied in this bill, forcing us back to the chill of the cold war.

Mr. President, I yield the floor and yield back any time remaining assigned to this Senator.

EXHIBIT 1

[From the Washington Post, Dec. 17, 1995]

OFF TO A BAD START II

(By Rodney W. Jones and Yuri K. Nazarkin)

After months of delay, the Senate Foreign Relations Committee moved last week to bring the START II treaty up for a vote on the Senate floor. The pact would reduce U.S. and Russian strategic nuclear weapons to 70 percent of Cold War levels and also eliminate land-based multiple-warhead missiles, the most threatening of Russia's weapons. Unfortunately, while a favorable Senate vote on the treaty is virtually assured, ratification of the pact by Russia has become increasingly uncertain in recent months. As Russians go to the polls today, many will be voting for politicians who question whether START II is still in Russia's best interest.

The prime cause of Russian second thoughts, according to parliamentarians and

defense experts in Moscow, is the Republican-led effort that began this summer to mandate the deployment of a multi-site strategic anti-ballistic missile, or ABM, system by the year 2003. This system was called for originally in the Senate version of the defense authorization bill and endorsed last week by a House-Senate conference committee. Yet it would violate the 1972 ABM Treaty, which for more than two decades has helped curtail a costly buildup of defensive nuclear weapons and countervailing offensive weapons.

It first became clear that START II was in serious trouble last month when parliamentary leaders in Moscow who had supported START II hearings in July concluded that a ratification vote in the waning months of 1995 would fail. To avoid a foreign policy crisis over a negative vote, they postponed further action on the treaty.

Regrettably, the prospect for unconditional Russian ratification of START II next year is no more promising. Following today's election, the State Duma, Russia's lower house of parliament, is expected to be even more critical of START II and of the United States than its predecessor. Russian political parties and factions opposed to the treaty will probably gain seats at the expense of the reformist and democratic parties that generally support it. President Boris Yeltsin's poor health and the growth of assertive nationalism in Russia further clouds START II's chances.

Even the Russian military leadership, which had steadfastly supported START II, shows signs of cooling toward the treaty in the wake of U.S. congressional action threatening the ABM Treaty. The Russian military fears the United States' real intent is to gain strategic superiority over Russia. The Russian military dismisses as preposterous U.S. assertions that the legislation is aimed at protecting American soil from the threat of a handful of long-range missiles from North Korea and other small countries. In effect, Russian military leaders argue, the United States would be deploying new defense missiles just as Russian was completing the reduction of its offensive missiles under START II's requirements. Russian would be more vulnerable and the United States less so.

Ivan Rybkin, the Duma speaker, expressed the growing disenchantment with START II in the newspaper Nezavissimaya Gazeta on Nov. 5: ''We cannot be bothered any longer, given this situation that propels plans for NATO enlargement and reveals our U.S. congressional colleagues' intentions to begin a process that threatens the ABM Treaty—the cornerstone of the existing arms control regime.''

Russian misgivings about START II haven't come overnight. Initially Yeltsin and the Russian military leadership firmly believed that START II was in Russia's interest. They recognized benefits for Russia—the fact that START II's deep reductions would enhance stability, reduce future defense costs, ensure formal strategic parity with the United States and contribute to long-term cooperation between the two powers. The Clinton administration also worked to alleviate Russian uneasiness over U.S. national missile defense activities. But the ABM developments of late have changed Russian feelings toward START II.

If Clinton vetoes the defense authorization bill as he has promised, a direct conflict over the ABM Treaty will be avoided. Congressional direction of the U.S. military might then be provided exclusively in the defense appropraitons bill. That legislation, which the president approved earlier this month, says nothing about deploying an ABM system.

This silence, however, is unlikely to assuage Russian concerns, since Russian must worry that the ABM issue will return in the next congressional session. Moreover, the appropriations bill mandates completion of the Navy's ''Upper Tier'' system, a defense initiative to produce shorter-range missiles that Russia also finds objectionable because of its potential for use against long-range weapons.

Russian arms control experts are also troubled by the thinking of some U.S. lawmakers who believe that the AMB Treaty is an obsolete Cold War measure. The Russians point out that if the ABM Treaty is to be revised in light of the post-Cold War situation, they see it as equally reasonable to amend and adapt the START treaties. After all, they argue, the cumbersome and intrusive START verification provisions were elaborated in a climate of mutual suspicion and mistrust and were based on worst-case scenarios about the other side's intentions.

These Russian critics suggest that Moscow's obligations under START II are largely irrelevant to current realities. The Russians are required by the treaty to alter the structure of their strategic triad by 2003. This will entail sizable expenditures both to eliminate all multiple-warhead land-based ICBMs (intercontinental ballistic missiles) and to replace them with single warhead missiles. Given the current U.S.-Russian partnership, Russian START II critics argue, such measures are not essential to the strategic security of both nations and should be open to revision.

The Russians are completely uninterested in negotiating amendments to fundamental provisions of the ABM Treaty. This apparently was well understood by those pushing the antiballistic missile initiative in Congress, for they also included the possible alternative of U.S. withdrawal from the ABM Treaty. Russia might consider changes to the ABM Treaty—but only along with parallel changes in START II.

Would this be acceptable to U.S. officials, legislators and 1996 Republican presidential candidates? Renegotiating current nuclear treaties with the purpose of adapting them to new realities—as instruments for regulating the nuclear forces of both nations—would mean embarking on a long and formidable process.

If the United States is not prepared to enter such a process, yet withdraws from the ABM Treaty or takes steps in that direction, if would mean the end of START II—the end of real, dramatic reductions in the numbers of the world's most destructive weapons.

Is it still possible to resuscitate START II in Russia? Right now, it seems unlikely. If Clinton vetoes the defense authorization, with its ABM mandate, the prospects for saving START II would improve, but only slightly.

Russian opponents of START II may now insist on delaying Russian ratification until the results of the 1996 U.S. presidential (and congressional) elections can be evaluated. Repairing the growing damage to U.S.-Russian relations and U.S. interests in nuclear threat reduction will become steadily more difficult unless Congress revives the tradition of bipartisan statesmanship on nuclear weapons issues that has prevailed since the end of the Cold War.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. LEAHY. Will the Senator from Maine yield for a question?

Mr. COHEN. Certainly.

Mr. LEAHY. Mr. President, I understand under the prior UC that the Senator from Vermont at some appropriate time—not now, the Senator from Maine has the floor—but the Senator from Vermont would be recognized for not to exceed 20 minutes on the landmines issue. I wonder if it would be appropriate—I see the distinguished chairman on the floor—that I ask unanimous consent that upon completion of the comments of the Senator from Maine that I be recognized for my time? If there is somebody else who wants it, I am perfectly willing to do a different time. I wonder if that would be satisfactory.

Mr. THURMOND. Mr. President, we have no objection.

Mr. LEAHY. I so ask unanimous consent.

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

Mr. COHEN. Can I inquire as to whether my 20 minutes starts now?

The PRESIDING OFFICER. Who yields time to the Senator from Maine?

Mr. THURMOND. Mr. President, I yield 20 minutes to the distinguished Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 20 minutes.

Mr. COHEN. Mr. President, we just heard a standard display of Democratic rhetoric from our colleague from Nebraska. According to my colleague from Nebraska, whatever the Pentagon sends up here, Congress is duty bound to oblige. If they send up a bill requesting certain systems, we either have to accept them or reject them, but no discretion is left for us to exercise, I gather from the statement of my colleague from Nebraska.

Mr. President, I recall when they were in the majority. Whenever the President sent a bill up here, it was standard Democratic rhetoric: ''Whatever the President proposes, forget about it, Congress disposes. It's the congressional responsibility to formulate a budget, not the President's. He submits it, but we dispose of it.''

So now that they are in the minority, they are complaining that this exceeds the President's request. They did not have that particular concern when they were in the majority. So I think it is incumbent to point out, for example, that there was a certain land transfer, called the Corn Husker Army Ammunition Plant. It was not in the President's request. It was added somehow. So it has been historically the case that the Congress has the power and responsibility to decide which land transfers should be included and which should not, which systems should be built and which should not. When the Pentagon makes a request, it does not mean the Congress simply rolls over and either accepts it or eliminates it.

What my colleague failed to point out is that, as I believe Secretary Perry has noted, procurement has been cut back rather significantly, about 72 percent since the height of Ronald Reagan's defense budgets. A 72-percent cut in procurement, and Secretary Perry

said if there was going to be an increase over the President's request, as we provided, it should be put into procurement.

So that whole long litany of systems cited by my friend from Nebraska really ignores the fact that the Defense Department itself said if we had more money, we would spend it on procurement, and that is precisely what we have done.

I want to talk a little bit about the national missile defense system. I was really struck by the statement that the Communists are coming back into power because we are debating whether we are going to have a national missile defense system. I never heard anything so absurd in my life.

Whether the Communists come back into power has little to do with our debate right here. It has everything to do with what is taking place in Russia right now in terms of their troubled efforts in trying to democratize their country, to move to a capitalist system, to a democratic capitalist system.

I think it ironic they come to the floor and suggest that because we want a system to protect the American people, this is going to require the Russians to return to their old Communist ways.

A great deal has been said about the national missile defense system, but not a lot has been said about the immediate threat to our troops overseas as well as our allies, which are theater missiles. This bill makes great strides toward protecting our allies and our servicemen and women who are abroad from these kinds of theater missiles that can be targeted at them.

Did we not learn anything during the Persian Gulf war? Do we want our troops to again be in the situation they faced in Saudi Arabia and that Israel faced? A situation in which we had to depend upon Patriots to take down those Scud missiles?

The TMD programs accelerated by this bill are designed to protect our service men and women abroad and also our allies. It is something the administration also supports, by the way. This bill is a strong endorsement of the TMD systems.

With regard to national missile defense, a number of statements have been made about the conference report, that somehow it endangers the ABM Treaty. And, again, I found this somewhat ironic. It makes very little sense to me. We passed language by a vote of 84 to 15 that had been negotiated by Senator WARNER, myself, Senator NUNN and Senator LEVIN. And this Senate compromise language that was endorsed by an overwhelming vote was actually watered down in conference. That is what strikes me as being so ironic about this.

The Senate compromise we negotiated, for example, called for the development of a national missile defense system with multiple sites. Since the ABM Treaty, as amended, only allows one site, the Senate compromise language that we negotiated actually envisioned either amending the treaty or indicating we would withdraw from it, as the treaty permits.

In fact, the compromise called for negotiations to amend the treaty and stated that if we could not successfully negotiate amendments, we would actually consider withdrawing from it. It seems to me the language we have before us is actually much weaker than that. The Senate compromise language that we passed 84 to 15 called for a system that would actually go beyond the bounds of the ABM Treaty, but the conference report does not. The conference report does not even mention a multiple-site system. There is no mention at all of a multiple-site system. It does not say we cannot develop one, but there is no requirement that we do develop one.

The major change on national missile defense in this language is that under the Senate-passed compromise, we would ''develop for deployment'' in the future, and that language has been changed to ''deploy'' in the future. But we have actually written it in a way that would allow us to deploy a system consistent with the ABM Treaty. That is the irony involved, because you could have one site, theoretically, providing defense for the United States. That would be consistent with the ABM Treaty.

By the way, I want to point out, the Russians already have an ABM system. They have their one site. So we could, in fact, be consistent with the ABM Treaty developing one site that could, theoretically speaking, potentially protect all of the United States.

So I find it ironic that they are now saying this particular language is going to destroy the ABM Treaty; this language is causing the Russians to rethink their role in the world with respect to the United States; this conference report is going to cause them to turn to communism once again. That is clearly the most excessive rhetoric that I have heard to date.

The fact of the matter is that the administration is opposed to the deployment of a system of any kind to defend the American people. And during the conference negotiations, White House officials made it clear they would oppose any legislation that altered in any way the administration's so-called National Missile Defense Technology Readiness Program, what they call a rolling hedge, but I think is more accurately described as simply spinning our wheels. In other words, they threaten to veto any defense authorization bill that did anything other than rubberstamp their National Missile Defense Program.

Mr. President, we are the ones who control the power of the purse. We cannot accept the administration telling us: You cannot change under any circumstances the formulation of a program. They have the right to veto it, but we should not in any manner forego our power to try to define what we believe to be in the best interest of the American people.

So what this debate over missile defense is really all about, it is not about whether the conference report somehow endangers the ABM Treaty, because it clearly does not, but whether we are going to proceed toward the deployment of a national missile defense system as permitted by the ABM Treaty even today.

Frankly, I think it is unfortunate that some of the Members on the other side come forward to declare that this conference report constitutes an ''anticipatory breach'' of the ABM Treaty and warn the Russian Duma might kill the ABM Treaty in response.

There is nothing in this report that would cause the Russians to react in a negative manner, but the Russian Duma might be incited to react by, I think, careless remarks being made by some Members in this Chamber.

I was disturbed last weekend to read an opinion article in the Washington Post, coauthored by a Russian arms negotiator that followed this false line of reasoning.

The quote was, ''The prime cause of Russian second thoughts'' about the START II treaty, according to Yuri Nazarkin, ''is the Republican-led effort that began this summer to mandate the deployment of a multisite strategic antiballistic missile, or ABM, system by the year 2003. This system,'' Nazarkin writes, ''was called for originally in the Senate version of the defense authorization bill and endorsed last week by a House-Senate conference committee. Yet, it would violate the 1972 ABM Treaty,'' Nazarkin concludes.

That is simply not accurate.

The conference report, as written, does not violate the treaty. The fact is that we could deploy an ABM system, if necessary, from a single site, which would be consistent with the treaty. For those Members to come on to the floor and say this is an anticipatory breach is wrong. It sends precisely the wrong signal. If other Members are worried about the Russian Duma reacting negatively, they have their own words to point to in terms of why this is taking place.

We have to ask why is a Russian arms negotiator, who carries weight in Moscow, making erroneous statements? He is repeating the erroneous statements being made right here on the Senate floor. I urge my colleagues to read, very carefully, the language in this report.

Mr. President, I want to spend a few moments in talking about the B–2 bomber. My colleague from Nebraska mentioned that this is a system which the Defense Department did not call for, and I agree. In fact, for many years I led the effort to terminate the B–2 program here on the floor with the Senator from Vermont, Senator LEAHY, and in the committee this year I led the successful effort to strike funding for the B–2. There were some Members

on the other side who support the B–2, and some on our side support it. It is not that I do not support the B–2 bomber; it is a fine aircraft. The fact of the matter is that I do not think we can afford to start building 20 new B–2 bombers, which is what Members of the House would like to do.

The conference report did provide $493 million above the administration's request for the B–2. But, again, contrary to what some have said, it in no way endorsed the production of additional B–2 bombers or bringing back the B–2 bomber production base. All of these funds, I point out, have been fenced until March 31. Hopefully, the administration will send up a rescission bill to take the funds out for the B–2 bomber.

The only statement in the conference report regarding this $493 million is the Senate conferees' statement that the funds can be spent—I want to emphasize these words—''only for procurement of B–2 components, upgrades, and modifications'' for the existing B–2 fleet. The House conferees have remained silent on this issue. They were insisting that they could put language in the manager's statement that would allow for the opening of a brand new production line, and we successfully resisted that. Our language is that it should be used for spare parts, upgrades and modifications of the existing fleet, and not to open a brand new line.

Second, because of our concern over the cost of the B–2, we called on the Secretary of Defense to explore what new technologies might be developed in the coming years for a new type of bomber that, hopefully, would be less expensive than the B–2.

Make this very clear, Mr. President. We are opposed to opening up a brandnew line of the production of B–2 bombers. Now, some of our Members want that. But, frankly, the conferees on the Senate side believe that that was simply not affordable, and the conference report reflects that view.

Mr. President, we asked the Secretary of Defense to make an examination of exactly what he would cut out if Congress were to direct him in the future to buy more B–2's. The Secretary of Defense has to come back and identify for us which programs he would cut because, clearly, it would exceed the President's budget and the 5-year defense plan. Because if any decision were ever made to buy more B–2's, we would have to then, at that time, start picking and choosing which systems would have to be deleted or defunded. That is something every Member ought to understand as to what we were able to achieve.

To recap, Mr. President, there is not a single word in the conference report about buying components for new B–2's or bringing back the B–2 production facilities that were closed. Everything in this conference report is focused on the high cost of the B–2 and the unacceptable trade-offs of other defense programs that would be required by any future decision to buy more B–2's. What the conference does talk about is using the authorized funds for supporting the existing B–2 fleet, not to open up a new B–2 line.

Mr. President, I will conclude by telling you what I think is going on here. The President's political advisers would like the President to veto this bill, so he could score points with certain constituencies by arguing that we are spending too much on defense. They wanted him to veto the DOD appropriations bill for the same reason, but he could not do so because he wanted to win over some of the Members of this body on the Bosnia resolution. Now they are saying that while we lost that particular battle—he signed the bill even though he did not want to and the funds have been appropriated—so let us please certain constituents by urging him to veto this measure.

But the President faces a real dilemma on this. He has deployed American troops to a war zone in Bosnia. Congress has adopted legislation supporting the troops in the field. If the President vetoes this conference report, he is going to be perceived by many soldiers and their families as withholding support for them—at the very time that he has dispatched them on a very dangerous mission.

If he vetoes this, he will be vetoing a pay raise for the troops in Bosnia and all of our troops. He will be vetoing an increase in the housing allowance that supports their families back in Germany, here in the United States, and around the world. He will be vetoing a new program to allow DOD to use the private sector to improve military housing, which is a program DOD desperately wants and our soldiers and their families desperately need.

In short, the President faces a dilemma. If he vetoes this bill, he will score some political points, but it will harm our troops and their families, including those now putting their lives on the line in Bosnia.

So the members of his party in the Senate are trying to save him from this dilemma by defeating this conference report on the Senate floor. That is what this debate is really all about. All this discussion about the ABM Treaty and the various programs and the add-ons is really a cover for this issue.

American troops are in the field. Their worried families are back in Germany and elsewhere, living in woefully substandard housing. We should be thinking about them and not the 1996 election season.

I urge my colleagues to look beyond the litany of excuses offered on the other side for opposing this bill and do the right thing and pass the conference report. If the President chooses to veto it, let that be his choice, not ours.

I yield the floor.

Mr. THURMOND. Mr. President, I want to take this opportunity to commend the able Senator from Maine on the excellent remarks he just made. He is a staunch member of the Armed Services Committee, and we are very proud of what he does for the defense of our Nation.

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I am pleased that the chairman of the Armed Services Committee, Senator THURMOND, and the ranking Democratic member, Senator NUNN, and I have reached an agreement that permits this bill to be voted on today and sent to the President. I intend to vote against the bill for a number of reasons—arms control and others. But I do not want to hold up any further action on it.

I am not going to take the Senate's time to repeat the contents of the agreement. It speaks for itself. It is of critical importance, because the provision that will be deleted from the bill, or reversed in the next Defense authorization bill, would have the effect of undermining an amendment that passed the Senate by a vote of 67–27. It is an amendment that has been agreed to by the House in the fiscal year 1996 foreign operations conference report.

I think this is only the first or second time in my 21 years here when I felt compelled to delay action on a piece of legislation. I did it in this instance because it is an issue I feel very, very strongly about.

For the past 3 years, I have been trying to get the U.S. Government, and other governments, to act to stop the proliferation and use of antipersonnel landmines. There has been remarkable progress. In the past 9 months, several NATO countries took steps far exceeding those called for in the Leahy amendment. Nineteen countries have urged an immediate, total ban on these weapons. This was unheard of, even unthought of, 10 years ago.

The Leahy amendment falls short of that, but it would be a step toward that goal, a goal I support and, in fact, a goal that President Clinton declared at the United Nations 1 year ago.

I want to respond briefly to something the chairman of the Armed Services Committee said yesterday. He said my amendment would ''impose a moratorium on the defensive use of antipersonnel landmines by U.S. Armed Forces,'' and that it would ''require the removal of minefields emplaced in demilitarized zones.'' I know some in the Pentagon who lobbied against my amendment may have said that, but that is not correct.

My amendment would impose a 1-year moratorium on the use of antipersonnel mines except along international borders and except in demilitarized zones, where, I stress, their use is obviously defensive. I included that exception after discussions with officials in the administration, including

the Pentagon, and with foreign governments. I concluded that in these limited instances—in fixed minefields along internationally recognized borders and in demilitarized zones where everyone knows where the mines are and where civilians can be effectively excluded and compliance monitored, an exception was warranted. I am talking about places like the demilitarized zone between North and South Korea, or the border between Finland and Russia. Again, my amendment does not require the removal of these landmines.

I do want to concur with the distinguished chairman of the Armed Services Committee when he said yesterday that the bill contains $20 million for humanitarian demining activities—to remove these mines. I am glad he agrees with me about the compelling need for these funds, something I have urged in the past, in the Appropriations Committee as well as the Armed Services Committee. These are funds used to train and equip foreign personnel to remove landmines, in countries that do not have the expertise or capability to do it themselves.

There are 100 million—100 million—unexploded landmines. They are in over 60 countries. If not one landmine was ever put down in the future, there would still be 100 million in 60 countries, waiting to explode. Bosnia has a small percentage of them, but that is 4 to 6 million landmines. The Defense Department has done an excellent job in getting the humanitarian demining program started. The regional CINCS have all expressed very strong support for it.

Mr. President, I was prepared to speak for as long as necessary if we had not been able to reach an agreement to delete this provision. I am very grateful to Senator THURMOND and Senator NUNN, for their willingness to do this. I also want to thank Senator WARNER, who I know cares a great deal about the landmine problem.

As we watch our troops land in Bosnia, the horror of landmines, and the serious impediment they pose to our forces, have become obvious to everyone. Look at this map. I ask my colleagues to take a moment to look at this map. Half of the former Yugoslavia is a minefield.

In many areas, our troops will have to crawl on their knees, probing every single inch of the ground, to be sure it is free of mines before they move on. Any step could be their last. It could be a landmine that was put there randomly, weeks, months or even years ago, and now lying hidden beneath mud or snow.

This is not an isolated problem. It is a plague that has infested almost every continent—Somalia, Rwanda, Bosnia, Central America—everywhere our troops are sent, either in combat or as peacekeepers, they will face landmines, millions and millions of them.

But the overwhelming majority of the victims are innocent civilians. In Bosnia, like so many countries, many of the mines are plastic. They are impossible to detect with metal detectors. They are the size of a can of shoe polish. Most are strewn randomly. What maps exist are unreliable.

In Bosnia already, 24 United Nations soldiers have been killed by mines, and 204 have been injured. Thousands of civilians have suffered similar fates. Mr. President, it is such a common occurrence that in Tuzla there is a place where you can buy one shoe—not a pair of shoes—but one shoe. Because so many people have lost a leg or a foot from the landmines.

I mention this not to add to the anxiety of the families of our troops. They will be as prepared as any can be to avoid the threat of landmines. But there is no way to totally eliminate that threat.

Last week, a United States sergeant in Bosnia was quoted as saying he wanted to be sure all the mines are gone before he led his men into an area. If my son was there I would want him under the command of a sergeant like that. The fact of the matter is that nobody can guarantee it. Even after our soldiers leave, the civilians and the refugees will go back to their land. When that time comes, the landmines will be there. Most countries that are littered with landmines, Bosnia included, cannot begin to afford the cost of clearing them. As one person told me from one of those countries, ''We clear the landmines an arm and a leg at a time.''

Last week, UNICEF called for a ban on these weapons because of the carnage they are causing among children, and they called for an international boycott of any company that manufactures them. The American Red Cross has called for a ban. The U.S. State Department estimates that every 22 minutes someone is killed or maimed by a landmine. In the time I am speaking here now at least one person somewhere will be killed or horribly crippled for life by a landmine.

We can debate all day about whether landmines have a military use. Of course they do. What weapon does not have some military use? But do they save lives? I challenge anyone in the Pentagon to prove that landmines save lives. One-third of our casualties—one-third—in Vietnam were from mines, including American mines. Our troops were casualties of their own minefields. That is up from 10 percent of what they were in World War II. A quarter of the Americans killed in the gulf war were from mines. Twenty-six percent of American casualties in Somalia were from mines. These are the Army's own statistics. It will be a miracle if Americans do not lose their limbs or lives from mines in Bosnia.

In October, an American nurse lost both legs and part of her face from a mine in Rwanda. In June, two Americans died from a mine while they were on their honeymoon in the Red Sea area. Another lost a leg and part of another foot on a humanitarian mission in Somalia. He considers himself lucky because he survived, unlike so many mine victims in that country.

These are the Saturday night specials of civil wars. We have a lot more to gain if we declare their use a war crime.

Since August 4 when my amendment passed the Senate, over 10,000 people have been killed or horribly maimed by these tiny explosives that are triggered by the pressure of a footstep. Think of that. In just the past 5 months.

My amendment is modeled after our 1992 law to halt U.S. exports of antipersonnel mines. Since we passed that law, 29 governments have stopped all or most of the exports, and others, including France, Belgium, Austria, and the Philippines have taken steps to ban their production or use of antipersonnel mines and even to destroy their stockpiles.

It is also totally consistent with what the President called for at the United Nations a year ago, when he declared the goal of the eventual elimination of antipersonnel landmines. Every day, 72 more people die or are mutilated by landmines. We need to stop talking about what we are going to do ''eventually,'' and start doing it today.

My amendment is a step toward that goal. I thank the 67 Senators, Republicans and Democrats alike, who voted for it.

The Pentagon says it did not create this problem and that halting our use of these weapons would not solve it. That kind of defeatist attitude does not belong in the Pentagon or anywhere else. Lest anyone forget, the moratorium in my amendment does not cover antitank mines or command detonated claymore mines that are used to guard a perimeter. It would not take effect for 3 years.

The purpose of delaying its implementation is to give us time to go to other governments and say ''we are prepared to stop this, and we want you to join us.'' It gives us the moral authority, and it shifts the responsibility to them. If the United States shows leadership, strong leadership, if we halt our use of these indiscriminate weapons even temporarily, it will give a tremendous boost to the global effort to ban them.

The certification in this bill, which was never debated or approved by either body, sounded innocent enough. But its effect would have been to prevent the moratorium from ever taking effect. It would have given the Pentagon a veto. Some have asked why wouldn't I want to know if the moratorium would endanger the lives of United States Armed Forces. Of course I am interested in the Pentagon's opinion. The conference report already asks for it. Even after the certification provision is deleted, per our agreement, the conference report will still contain a requirement that the Chairman of the Joint Chiefs of Staff submit a report to the congressional defense committees

containing his responses to seven questions concerning a moratorium on the use of landmines. I have discussed this with Senator THURMOND, and he agrees that he will join with me in submitting some additional questions I have to the Chairman of the Joint Chiefs, for inclusion in that same report.

Mr. President, the Pentagon wants an exception for mines that automatically self-deactivate. I wish that were the solution, but it is not. Those mines are just as indiscriminate. There is no way to limit how many can be used. There is no way to get governments or rebel groups that have millions of the $2 variety, which do not self-deactivate, to destroy them so they can replace them with more expensive, modern mines. The only way is to ban all indiscriminate, antipersonnel landmines.

Mr. President, we have seen photographs of our soldiers crawling on their stomachs, with sticks in their hands, trying to find where the landmines are, never knowing when they put their hand out just to brace themselves whether their arm will be blown off. That is terrible enough. But this picture is what you see in most countries. That is not a combatant. This is the typical landmine victim, a young girl with one leg gone. Her life changed forever.

Mr. President, during the Civil War, General Sherman—no great humanitarian, called landmines ''a violation of civilized warfare.'' If President Clinton can restrain the Pentagon and my amendment becomes law, the United States will be able to show strong, moral leadership to rally others to put an end to this hideous, global curse. It will not be in time to prevent casualties of Americans or others in Bosnia, but it will save countless lives in the future.

Mr. President, I know of no Member of the Senate, Republican or Democrat, who feels any affection for landmines. Certainly those who served in combat know how terrifying it is to know that there may be landmines under foot. Where we diverge, some of us, is how to get rid of them.

I believe that as the greatest military power, we must set an example. There were negotiations in Vienna in September on proposals to deal with the landmine problem. It ended without agreement, partly because the United States did not exercise as strong leadership as it should have, and could have, on this issue, but also because of resistance by the armed forces of other countries. We did not push for what the President of the United States called for at the United Nations, the eventual elimination of landmines.

I have been to Vienna. It is a beautiful city with luxurious accommodations. I could not help but think, if those same diplomats were to meet in a field in Cambodia and were pointed to a table several hundred yards out in the field, and told to walk out to that table—''Work your way out. We will give you a probe to search for mines. Work your way out through that mine-infested field and negotiate an agreement on these perfidious weapons. And when you are done, work your way back.

''If you have not reached agreement on the first day, the table will be in a different field on the second day. And in a different one on the third day.''

Mr. President, I think we probably would have an international ban on the use of indiscriminate antipersonnel landmines very, very quickly.

I am not so naive to think that there would not be some pariahs who would continue to use them. But, like chemical weapons and nerve gas and anthrax and dum dum bullets and so on, those who use them are so much the exception to the rule that they would be branded international pariahs and war criminals.

Maybe then a child like this can walk in a field without losing her leg. Maybe people could put their country back together after a war. Maybe American men and women who go on humanitarian or peacekeeping missions would go with one less danger.

Mr. President, I ask unanimous consent that a copy of a letter to me from Senator THURMOND, describing our agreement, be printed in the RECORD, along with a newspaper article from the Washington Post, dated December 17, 1995.

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
*Washington, DC, December 18, 1995.*

Senator PATRICK J. LEAHY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LEAHY: Pursuant to our discussion on the floor this morning concerning consideration of the National Defense Authorization Act for Fiscal Year 1996, I would like to recap our agreement.

We have agreed that:

1. You will control 20 minutes of debate on the landmine provision and I will control the same mount of time;

2. You will not filibuster the defense authorization conference report and will not object to a unanimous consent for a time certain to vote on the defense authorization conference report and;

3. If the current version of the FY 96 Defense Authorization bill does not become law, I will do everything in my power to ensure that section 1402(b) (concerning a certification in relation to the moratorium on landmine use) is deleted from any subsequent version of the bill. If the current version of the FY 96 Defense Authorization bill is signed into law, I will do everything in my power to ensure that section 1402(b) is reversed in the next Defense Authorization bill.

Sincerely,

STROM THURMOND,
*Chairman.*

---

[From the Washington Post, Dec. 17, 1995]

THE PENTAGON'S MINE GAMES

(By Mary McGrory)

It's ''PEACE on earth'' time. But peace in earth is of more concern. The Pentagon is worried sick about the death buried under the mud and snow of Bosnia, where thousands of U.S. troops will be spending Christmas.

Every day, we hear about the hidden threat that is more dreaded than the weather, more feared than the snipers and the hatred that infect the area. The number of land mines is estimated at between 4 and 6 million. Sen. Patrick Leahy (D-Vt.) calls these $2 weapons ''the Saturday Night special of civil wars.'' There are an appalling 100 million of them scattered around the world, many of them planted in countries to which our troops may be sent. The prospects make the heart sink. One-third of our Vietnam casualties were caused by land mines, although the majority of land mine victims are civilians.

The Pentagon, while wringing its hands and beefing up anti-mine training, is pressing its campaign against the anti-land mine legislation introduced by Leahy. The chief lobbyist for keeping the world safe for land mines is none other than the chairman of the Joint Chiefs of Staff, Gen. John Shalikashvili. He says we need land mines to ''protect our troops,'' an ironic formulation in view of the clear and present danger they present in Bosnia.

''While I wholeheartedly support U.S. leadership in the long-term goal of anti-personnel land mine elimination,'' he wrote in a letter to one congressman, ''unilateral actions which needlessly place our forces at risk now will not induce good behavior from irresponsible combatants.''

The Pentagon is pushing a high-tech solution: a land mine that expires within a given period of time. The hope would be that the 60 countries that have planted the cheap mines will dig them up and replace them with the more expensive version. Translation, according to Leahy: The Pentagon will decide what weapons to get rid of—no civilian on Capitol Hill is going to tell them.

The commander-in-chief generally makes such decisions. Bill Clinton is an instinctive opponent of an indiscriminate killer like the land mine. A year ago, he told the United Nations General Assembly that the U.S. goal is the ''eventual elimination of anti-personnel land mines.'' Since then, however, he has fallen silent. He seems to have retreated in the face of pentagon opposition. Lately, he has been somewhat more assertive in his role of chief of the armed forces, but he still tends to defer to the chairman of the joint Chiefs. The rest of the administration is deeply divided.

Leahy has been the leader of the opposition to land mines since 1989. He was haunted by the sight of a handsome 10-year old boy at the Nicaraguan-Honduran border who was limping around on a home-made crutch. A land mine had taken one leg and had ''ruined his life.'' Leahy established a $5 million annual fund to help victims. Three years later he got a one-year moratorium on the U.S. export of land mines. Legislation banning land mine use passed the Senate by a two-thirds vote this fall and the House by a voice vote. It is currently stuck in conference.

Leahy knows his colleagues sigh and roll their eyes when he gets up for yet another land mine speech and shows photographs of the hideous consequences to the causalities, who, incidentally, are often children. On the coffee table of his office, he keeps a small round green object made of plastic and rubber that looks like a shoe-polish container. It is the mine of choice for most of the countries whose land is sown with them. He says that if U.N. negotiators were required to sit around a table in the middle of a field in Cambodia—now ''a land of amputees,'' in Leahy's words—they would agree on a ban in a matter of two days at the most.

The cheap plastic mines of Bosnia are difficult to detect, Leahy notes. An aide gets

down on his knees to show how soldiers must pass a hand-held detector inch by inch over a suspect area. The Leahy ban would do nothing in Bosnia. But the Army's dilemma has spotlighted the issue, which Leahy says stirs the same powerful reaction in audiences of all persuasions—the VFW, NRA and the League of Women Voters. Nineteen countries are for the ban.

But in the Senate Armed Services Committee, men like Strom Thurmond, Sam Nunn and John Warner, inveterate defenders of the Defense Department, support the Pentagon's attempts to gut Leahy's bill, even though it wouldn't take effect for three years and permits mining of border and demilitarized areas.

Only the president can lead the way out of the world's mine fields.

Mr. LEAHY. I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I do not believe that I will use the 20 minutes allotted for me to respond to Senator LEAHY, as I spoke about my concerns with his landmine provision yesterday. I will, however, reiterate a number of concerns expressed by myself, and other members of the committee, as well as the Department of Defense, the Chairman of the Joint Chiefs of Staff, and the Department of Justice, with regard to the landmine provision which is no longer in the defense authorization bill, and the reporting and certification provision.

The Senator from Vermont has been a strong proponent of legislation that would eliminate anti-personnel landmines. I applaud the Senator for his efforts to make the world safer for innocent women and children who fall victim to these weapons of war used in many civil wars in the Third World.

I cannot, however, support legislative efforts that would needlessly place U.S. Armed Forces at risk. In my view, and the view of a number of my colleagues on the committee, that would be the effect of the provision that was incorporated in Senator LEAHY's landmine moratorium—which I emphasize is not in the Defense authorization conference report, pursuant to Senator LEAHY's request, but is in fact in the Fiscal Year 1996 Foreign Appropriations Conference Report.

Mr. President, the provision currently in the Defense authorization conference report would require the Chairman of the Joint Chiefs of Staff to submit a report to the congressional defense committees each April 30 for 3 years, that would include the following information:

The extent to which the defensive use of anti-personnel landmines by U.S. Armed Forces adheres to international law;

The effects that a landmine moratorium on the defensive use of the current U.S. inventory of remotely delivered, self-destructing antitank systems, antipersonnel landmines, and antitank mines;

The reliability of self-destructing antipersonnel and antitank mines in the U.S. inventory;

The cost of clearing the antipersonnel currently protecting our naval station in Guantanamo Bay, Cuba and other United States installations;

The cost of replacing those antipersonnel mines with substitutes and the level of protection provided by the substitutes;

The extent to which the defensive use of antipersonnel and antitank landmines are a source of civilian casualties around the world and the extent to which the United States and the Department of Defense have contributed to alleviating the illegal and indiscriminate use of these munitions;

The impact or effect of the moratorium on U.S. Armed Forces during operations other than war.

Last, the provision would require the Secretary of Defense to certify that a legislated moratorium would not adversely affect U.S. Armed Forces defensive capabilities and that they have adequate substitutes.

The Department of Defense, the Joint Chiefs of Staff, and the Department of Justice have raised objections to the Senator's provision, and particularly to the implementation of a moratorium on the use of antipersonnel landmines by the U.S. Armed Forces for defensive purposes because of its detrimental impact on the ability of the military forces to protect themselves. The Department of Justice also believes that the provision would seriously infringe on the President's constitutional authority as Commander in Chief on how weapons are to be used in military operations.

Mr. President, as I stated yesterday, I do not understand why the Senator from Vermont would not want this information.

Certainly, he would want to know that the moratorium would not seriously risk or endanger the lives the U.S. Armed Forces who are to be sent out in to situations where their very lives are at stake, with the necessary munitions and weapons to defend themselves.

Mr. President, I yield 10 minutes to the able Senator from Alaska, Senator STEVENS.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, earlier this year I joined a bipartisan majority that voted in favor of the Senate version of the 1996 National Defense Authorization Act. I had hoped to be able to provide unqualified support for this conference report. I want the Senate to know I will vote for this bill, but I do have some serious reservations that I have voiced to my good friend from South Carolina, the chairman of the committee. I really have the expectation that we may have the opportunity to reconsider some of the elements of this legislation in the future.

But I do want to say the bill sets the right course on the development of key national and theater missile defense systems. These projects were fully funded earlier this year in the Defense appropriations bill, which became the Defense Appropriations Act when signed by the President.

Under the leadership of Senator THURMOND, this bill provides many critically needed increases for the quality of life for the military. Military pay, benefits, and allowances were again fully funded in the Defense appropriations bill. These initiatives reflect not only the Appropriations Committee's priorities but also those of Senator THURMOND and the Armed Services Committee members, their longstanding efforts. We have joined together to provide for the needs of the men and women who served in the Armed Forces and their families.

I want to, once again, commend Senator THURMOND for sustaining these quality of life items in the bill he has now presented to the Senate as a conference report. These priorities enable me to support the bill generally while, as I said, I do find it flawed in instances compared to the same bill as it passed the Senate in September.

There are initiatives that are not supported by the Department of Defense, not funded in the defense appropriations bill, and in some instances they directly conflict with provisions of legislation that has already been enacted by this Congress and approved by the President after bipartisan support in the House and the Senate.

I do regret this dispute. We do have disputes from time to time between the Armed Services Committee and the Appropriations Committee. I hope we can once again try, next year, and the years to come, to work together to better reconcile these two bills. The problem is, having given the Department a bill in September that—the Senate passed a bill in September—we funded that bill primarily in the Appropriations Committee bill that was brought to the floor and approved by the President. Now this bill takes a different approach, in many instances. It is that new approach that comes out of conference, which I know we all have problems in conference—but it is my feeling that we should express—at least on behalf of the Appropriations Committee I should express these reservations, with no lack of respect for my good friend from South Carolina, or the committee that he serves with. But I do so out of the belief that Congress should give the Department of Defense consistent guidance. They have literally been spending from this 1995 decision, from the 1996 decision. I want to point out how this bill, now, changes the pattern that has already been put down in terms of our defense effort.

We should seek to minimize the interference and micromanagement of the military by the conference. This conference report is nearly 1,000 pages in length and poses significant and, in some instances, I think unfortunate restrictions on funds already made available for vital military programs.

Let me say, for instance, that sections 224 and 225 of this bill restrict all spending for the $9.7 billion defense-

wide research and development account, the RDT&E account. That includes all missile defense funds until 14 days after a series of reports are provided to Congress. These two sections will result in massive disruption to hundreds of programs.

These funds have already been appropriated, and based on the December 1 approval and enactment of our appropriations bill, it makes no sense to suspend literally hundreds of contracts that are already now in existence based upon the December 1 approval until a series of reports are presented to Congress next year.

Another section, 131 of the bill, mandates spending on four different submarines, with contracts and dollar levels allocated to specific contractors, notwithstanding the views of the Navy or the performance of those contractors on the boats. The provision further requires the President to include these submarines in future year budgets, whether the Navy wants them or not.

I have to ask the question: Why should submarines now take priority over all Army, Air Force, and Marine requirements in the future? This provision I think is wrong. We should not tie the hands of future Presidents or those who make the budgets, or denigrate the needs of other services because of a commitment to one portion of one service.

Even more difficult for me than that is the next section, 132, which takes $50 million out of funds we appropriated to redress the documented shortcomings of our military sealift and spends that $50 million on even another new submarine development.

I think there is a strong consensus in the Congress and the Department on the need for improved global lift. This is the transfer that I mentioned, this $50 million. It is not an authorization. It literally shifts the money already appropriated for sealift to another nonexistent, future, previously unauthorized development program. It was a new program to me.

Additionally troubling to me are the provisions of the bill on readiness and the needs of the National Guard and Reserve. These provisions are in direct conflict with the provisions that were adopted, as I said, by Congress earlier this year when we brought forth the defense appropriations bill.

This bill, this conference report, will reduce full-time military technician support for the Army and Air Guard. It phases out the National Guard Youth Challenge Program and does not authorize $100 million in readiness and training funds appropriated for the National Guard and Reserve on December 1.

At a time now, Mr. President, when thousands of Reserve and Guard personnel are being called to active duty and actually deployed to Bosnia, this bill I think sends the wrong message. The Guard and Reserve deserve our support right now, too, and I believe they should have our support, and I am troubled by those sections that decrease the support for the Guard and Reserve.

The President's decision to commit United States troops to Bosnia, along with ongoing contingency operations in Haiti, Cuba, the Middle East, and Korea, puts enormous strain on the defense budget. To accommodate those requirements, the appropriations bill increased the DOD transfer authority to $2.4 billion. This bill reduces that limit to $2 billion. It will constrain the Department's ability to meet emergency requirements, and I think instead Congress still has to review and approve all such transfers. There is really no reason to lower the limit on reprograms at a time when we have myriad overseas operations ongoing.

Another section, section 1006, prohibits the obligation of funds for specific programs appropriated not for the next year, 1996, the year we are in now, but for the last year, fiscal year 1995. I know of no basis for this conference report to restrict the availability of funds already obligated and committed to ongoing programs from the last fiscal year.

A vital safety and lifesaving service in the United States, for instance, is the Civil Air Patrol. In my State, the Civil Air Patrol is fully integrated into the Department's search and rescue system, and the Civil Air Patrol makes a tremendous contribution across the Nation. Despite their record of achievement, this bill fails to fully authorize the appropriated levels of the Civil Air Patrol for 1996.

Mr. President, I hope this is just an oversight because I know that the Armed Services Committee has in the past supported the Civil Air Patrol. I hope it is in error and not a statement of opposition because I think we need the Civil Air Patrol. The Civil Air Patrol is one of the ongoing functions to feed new pilots into the whole military system. It should not be denigrated at this time.

Section 912 of the bill creates a new mechanism that funnels savings from operation and procurement programs into a new fund that is used for additional procurement. It, in effect, is a way to have an ongoing rolling appropriations, which bothers me. I believe modernization of the Department is underfunded, and I think the range of contingency operations we face for 1996 and 1997 will bring some changes. All savings will be channeled to meet these liabilities. The cost of Bosnia will be paid from within the current levels available for defense. Any savings must be utilized to preserve readiness and the quality of life before any additional allocation for procurement programs.

This bill goes further than past bills to limit obligations of appropriated funds, rather than authorize programs.

These ex post facto limitations create conflicts the Department of Defense must seek to resolve between two bills passed by Congress.

The failure of the Armed Services Committee to complete this legislation before enactment of the appropriations bill is no reason for this bill to impose numerous restrictions on programs adopted by Congress just last month. I hope that in future consideration of this bill or other legislation we can resolve these differences.

Mr. President, I hope that the committee will work with us on these matters. I now have to, however, go into another function as chairman of the Governmental Affairs Committee.

On October 31, I wrote to the chairman to express our comments on the proposed changes in the retirement credit for employees of nonappropriated funds activities. Regretfully, the conference report includes section 1043, which establishes a new, complex, and unfunded liability for retirement funds of Federal employees.

According to the Office of Personnel Management, this proposal creates new gaps in coverage, treats similar service differently, and creates new inequities. I do hope that the chairman of the committee will work with me, the Governmental Affairs Committee, and the Director of OPM to understand and clarify these new guidelines and protect the retirement benefits. I see no reason to give nonappropriated funds employees greater benefits than those who work fully for the taxpayers.

I also have a comment about section 567. We have initiated a control over the HIV virus. This bill requires that the military expel from the military any person who contracts HIV. With our military people deployed to high-HIV-incident areas—Southeast Asia, Africa, and part of the Caribbean—I believe that we have to have a policy to handle those deployments.

We started a program in the Department to deal with an effort to develop a vaccine to protect men and women in the military from the risk of infection from HIV. Unfortunately, that program is canceled, and the new concept of expelling from the military those who get HIV is in the bill.

Despite including section 567, the conference report fails to authorize the funds provided in the appropriations bill to assist the Department to develop a vaccine—to protect the men and women of the military from the risk of infection. If the Armed Services Committee wants to expel victims of AIDS from the military, they should support efforts to combat this terrible disease.

I want the Senator to know that I am not critical of what he is trying to do. I just do not believe this is the way to do it. I think that we ought to have some way to develop a policy that is consistent. We did have prophylactics dealing with venereal diseases. I do not know why we cannot press on and develop the vaccine that will prevent the transfer of HIV.

Mr. President, I understand and appreciate the difficult circumstances a

conference can impose, and the compromises necessary to achieve a bill. I have made this statement on the floor on my own behalf in previous years. But these provisions cannot be viewed as setting any precedents for future bills.

At a time when personnel are en route to Bosnia, and deployed across the globe, we must do our job, and protect their pay and benefits. I hope all Members will support this effort.

I hope again now that Senators will join with this committee to support our people who are en route to Bosnia, who are deployed around the globe. I think we must do our job and protect the pay and benefits of all these people who put their lives in harm's way to support our Nation.

I wish to join the chairman and support this bill. I urge him and the members of the committee, however, to rethink some of these provisions. They take us off in the wrong direction as we are trying to conserve defense dollars, and I do believe that all Members of the Senate should join in to make certain that the dollars we put in for defense are spent for defense needed in the coming fiscal year and no more.

I thank my friend. I know that he may be a little bit disturbed at my criticism. It is meant in good faith and with great respect for him and his service to the Nation and to the military people by his devotion to their needs. But I do think this bill is not the same bill that the Senator crafted in our Armed Services Committee. It is the changes that have come out of the conference that really disturb me and to which I directed my attention here on the floor. I thank him for his time.

Mr. THURMOND. Mr. President, I wish to commend the Senator for his remarks, and it will be a pleasure to work with him and the Governmental Affairs Committee in trying to correct anything here that should be corrected.

Mr. STEVENS. I thank the Senator.

Mr. THURMOND. Mr. President, I now yield 10 minutes to the able Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. I thank the Chair. And I thank the distinguished chairman of the Senate Armed Services Committee.

Mr. President, notwithstanding my opposition to several specific provisions included in the conference report on Defense authorization, and concerns about how the conference itself was conducted, I will vote to approve the report on final passage. I do so reluctantly, knowing that the President has indicated he will veto the bill if it passes, and knowing that most Democrats—including the respected former chairman of the Senate Armed Services Committee and now ranking member, Senator NUNN—and some Republicans, will vote against it.

In truth, I agree with most of the reservations expressed by the President, Secretary Perry, Senator NUNN, and many of my Democratic colleagues on the committee. But if we do not approve this conference report, I believe we run the very real risk of not getting a Defense authorization bill this year and I believe this bill even in its current form is better than no bill at all.

Were it absolutely clear that the deficiencies in this legislation could be corrected and a new report passed very quickly, I might join my Democratic colleagues in opposing it. But because I am not as sanguine as others about that result, I want to show my support for the majority of the measures as they exist in the report and to ensure that it not be viewed in strictly partisan terms.

Mr. President, we have learned repeatedly in this century that new enemies can arise on distant shores within a matter of years, and that the price of inadequate preparation—in places like Bataan or the Kasserine Pass in World War II, or Osan during the Korean War—can be very high.

We now live in an era where the complexity of military systems mandates decades of development before those systems are fielded, meaning that we have to prepare now for the unexpected conflicts of tomorrow.

Our national strategy calls for being prepared to fight two major regional conflicts simultaneously. My colleagues on the Armed Services Committee know that unless our major procurement accounts are strengthened we simply won't have enough airlift, ships, and smart munitions to fight and win decisively in two major regional conflicts.

Yet despite the steady drone of critics attacking this strategy, no one has offered a more attractive alternative. Until a broadly supported alternative is adopted, I intend to provide more than just lip service in advocating a procurement program that supports our national strategy. The conference report attempts to address some of the major shortfalls in the procurement accounts.

My Armed Services colleagues are also aware that funding for readiness cannot tolerate further reductions without serious erosion of troop morale and effectiveness. The conference report adequately funds readiness.

And of course, we all know that we must maintain decisive U.S. superiority on the battlefield of the 21st century.

This report authorizes adequate funding for the research and development that will provide our troops the communications, the intelligence, and the weaponry to defeat any enemy, anywhere, anytime.

But there are areas of significant disagreement, as well. I have carefully reviewed the issues that concern the President and others, and I share many of their criticisms. In the case of ballistic missile defenses, while the conference report is much less onerous than the House version of the bill, it would nonetheless send a message to the Russians that our commitment to the ABM Treaty is tenuous.

In committee, I offered an amendment to strike a measure from the Senate version of the bill that would restrict a servicewoman's access to privately funded abortions overseas. It was supported by a majority of committee members, including two Republicans. And I was very disappointed when the measure was restored in the conference report.

The report includes provisions discharging HIV-positive service members on the pretext that they are nonworldwide deployable, when in reality no others who are permanently nonworldwide deployable are forced out under current law.

Mr. President, the report includes roughly half a billion dollars to continue funding the B–2 bomber. This funding was removed by the Senate Armed Services Committee—with the support of four Republicans—but again restored in conference. This despite a detailed analysis by the Department of Defense which showed that the contribution of additional B–2's would be marginal in a theater campaign when compared to more cost-effective means of weapons delivery, such as precision-guided munitions. If we did not have such pressing fiscal constraints, more B–2's would make sense—indeed I've supported those to date—but not when we are shutting down the Government because we can't agree on the really tough spending choices necessary to balance the budget in 7 years.

There are far too many earmarks in the report that will prove costly to the taxpayer. There are earmarks for unrequested Department of Energy weapons programs, Buy America designations, and National Guard and Reserve equipment. And there are earmarks for ships, including submarines which are vitally important to two shipbuilders, one of which is in my own State.

Rather than designate particular submarines for particular shipbuilders, I had hoped that we would be able to authorize a winner-take-all competition to save the taxpayers billions in procurement dollars.

In the end, my senior Virginia colleague helped devise a compromise to designate the builders of the first two subs to minimize development risks, followed by competition on the third and subsequent subs. The conferees accepted this compromise, but also allowed for the option of building some additional prototype submarines, if the Navy concludes it can achieve a more affordable and more effective submarine by doing so. This is not a perfect solution, but it is better and less expensive than the alternative of eliminating any hope of eventual competition by designating a single submarine builder as was originally planned by the Navy.

My biggest problem with the conference report is that it reflects too few tough choices. Too often the conferees resolved differences in procurement priorities between the Senate and

House not by compromising but by agreeing to the requests of both. That's not cost-effective, but politics is defined as the art of the possible and the most cost-efficient approach would not have enjoyed majority support.

Mr. President, some of my Democratic colleagues on the Armed Services Committee will vote against this report—at least in part—to protest their exclusion from the conference process. After a few pro forma panel meetings, the panels were dissolved with no full committee meetings called to reconcile differences. But while I share the frustrations of my colleagues about the congressional conference committee, chaired this year by the House—I believe the final report moves in the right direction in enough areas to justify my support.

By passing this legislation, we make it clear that we are committed to ending the defense budget free fall. We send a firm and unambiguous message of support to our troops in Bosnia. We preserve the many provisions agreed upon through delicate compromises that could be very difficult to rebuild if the report is returned to conference. We may have to do that, if we cannot resolve the differences, quickly, but it would be a bad precedent, and would reduce incentives for the Armed Services Committees—or any committees for that matter—to work out the tough issues within a single coherent bill.

Finally, we ensure the prompt implementation of the many fiscal year 1996 defense programs, acquisitions, and operations that have been put on hold for weeks now by our delay.

It has been suggested that particular provisions in the conference report, such as the pay raise and BAQ increase, be attached to other legislation if this report is vetoed to ensure their prompt enactment.

If the conference report is defeated here on the floor or vetoed at the White House, I will work with the conferees and the President to resolve the veto issues as quickly as possible and I will urge my fellow conferees to stay focused on the specific concerns of the President to avoid unraveling the many fragile compromises contained in this report.

With that, Mr. President, I yield the floor, and I yield back any time that I may have been allocated. And I thank the distinguished chairman of the committee.

Mr. THURMOND. Mr. President, I wish to commend the able Senator from Virginia for the outstanding remarks that he has made on this bill.

Mr. ROTH. Mr. President, the Office of Operational Test and Evaluation [OT & E] in the Office of the Secretary of Defense was established and strengthened by Congress in the early 1980's to ensure that weapons we provide our troops have been vigorously tested in an independent and realistic manner. The statutes behind this Office were one of the most important achievements of Congress' effort to reform the defense acquisition process. It is legislation that continues to save the taxpayers billions of dollars. Most importantly, these statutes continue to protect the lives of our men and women in uniform.

It is, thus, surprising that the Defense authorization conference report would repeal these public laws that Congress passed with strong bipartisan support. Provisions in H.R. 1530 will repeal section 139 of title 10 that established and provides independent authority to the Director of Operational Test and Evaluation. Two weeks ago I, along with Senator DAVID PRYOR and Senator CHARLES GRASSLEY, urged the conferees to remove these damaging provisions.

We reminded our colleagues that last August this very chamber unanimously passed a resolution stating that the authorities and office of OT&E must be preserved. I am disappointed that the conferees appear to have disregarded our advice and, more importantly, the unanimous opinion of the Senate.

What is at stake in the Defense authorization bill are the lives of our men and women in uniform. And, there is no one more concerned than I about the well-being of our troops.

The Office of Operational Test and Evaluation was created specifically to ensure the safety of our troops. Section 139, the statute that the conference bill repeals, gives our troops confidence that the weapons they bring to the battlefield have been tested vigorously in an independent manner and in an operationally realistic environment. Over more than a decade of service, OT&E has ensured that the new weapons with which we equip our soldiers can be relied upon in combat.

That is how OT&E saves lives.

OT&E also saves the taxpayer billions of dollars. Its establishment institutionalized a very simple premise: That we should not spend billions of dollars on a new weapon unless we are sure that it works and will be effective on the battlefield. OT&E is the institutional core of the Pentagon's fly before you buy approach to new weapons and equipment.

OT&E saves both lives and money because section 139 requires that the testing and evaluation of new weapons are directed by an official whose authorities are independent from the services and whose authorities are not vulnerable to pressures of the Pentagon's procurement bureaucracy.

Some of us may recall the cancellation of the Sergeant York—DIVAD—antiaircraft system. The problems of this faulty program were identified and highlighted by OT&E. The DIVAD was a billion dollar boondoggle which was terminated by OT&E's independent tests and evaluations despite protests from within the Pentagon. One can imagine what the risks would have been to our soldiers had this system been deployed.

Another example of OT&E saving lives is the performance of the Bradley infantry fighting vehicle during the war against Iraq. The Bradley had never seen combat until Operation Desert Storm.

The mission of the Bradley is to deliver troops safety to combat. Independent operational testing conducted by OT&E demonstrated that the Bradley's original design seriously jeopardized the lives of the troops it was meant to protect. Over the Army's objections, the Bradley's production schedule was extended so that design flaws were remedied.

In one of the many studies conducted after Operation Desert Storm, Army Maj. Gen. Peter McVey testified on the performance of the Bradley. He stated that ''more lives of soldiers than we can count'' were saved by the combat-like testing to which the Bradley was subjected prior to its full production and deployment to the gulf.

Former Secretary of Defense Dick Cheney reiterated this conclusion when he stated that the vigorous independent testing oversight put into place by Congress saved more lives than perhaps any other single initiative.

In addition to the Bradley and the Sergeant York, OT&E has contributed significantly to performance, capability and reliability of the equipment and weapons systems our Defense authorization and appropriations bill purchase for our taxpayers and, above all, of our soldiers. These include improvements to the C–17 cargo plane, the Aegis Cruiser, and there are numerous other examples.

In each case OT&E ensured that each of these systems were subjected to vigorous independent testing. Their evaluations contributed to design changes that improved their capabilities and reliability. In other cases, wasteful programs were terminated.

In this way, the legislation that established the office and authorities of the Director of OT&E simultaneously improved the safety of our soldiers and saved the taxpayer money. That alone makes section 139 of title 10 one of the most important achievements in acquisition reform of the last decade. We should be protecting, if not strengthening, such statutes.

What would be the bottom line if we repeal section 139? In the name of reducing the size of the Pentagon, we will have eliminated a tiny office whose work has proven essential to the very objectives of H.R. 1530, providing a rational, accountable, and efficient system of management in the Pentagon.

To eliminate this office as we are sending our troops to Bosnia seems to be all the more incredulous. These troops, many of whom are embarking through Dover Air Force Base in my State of Delaware, will be deploying with an array of new equipment that has never been tested in combat. Can we imagine sending our troops to battle with equipment we have not made the fullest effort to subject to operationally realistic testing?

If we are really concerned about our troops, we should be vehemently opposed to the provisions that would eliminate the independence and authorities of the Office of Operational Test and Evaluation. We cannot accept these provisions and claim that we are doing our utmost to ensure the safety and welfare of our men and women in uniform.

Mr. BINGAMAN. Mr. President, I rise to oppose the conference report on the defense authorization bill and to urge my colleagues to vote against it.

Earlier this year I voted against the authorization bill in committee and on the Senate floor. In each case I was doing so for the first time in my 13 years in the Senate during all of which I have served on the Armed Services Committee. On September 6 when the Senate passed this bill I warned my colleagues that we were going to conference with a bad Senate bill and an even worse House bill and that it was hard to imagine a conference result many of us could support. My only hope was that having seen thirty-four Senators vote against the bill on September 6, including the ranking Democrat on every Armed Services Subcommittee, the majority would reach out to try to deal with the concerns of these members. Many of those who voted against the bill on September 6 were, like me, casting the first vote in their Senate careers against a Defense authorization bill.

Unfortunately, there was no reaching out in conference. With the sole exception of the ballistic missile defense provisions there was not a Member level meeting of the conference to which Democrats were invited in two months. We were simply informed through our staffs as to how issues had been resolved, in some cases after that information had already reached the press. Indeed, I found the press a very enlightening source over the past two months about Member level meetings occurring between House and Senate Republicans.

This is not how conferences have previously worked in my 13 years on the committee under Chairmen Tower, Goldwater, and NUNN. Never were the views of the minority disregarded on so many items. Never was there no opportunity given the minority to at least have their views heard during the conference and to test the sentiment of members, not staff, by putting issues to votes.

There has always been a big four process where the full committee chairmen and ranking members would meet to try to resolve the truly difficult issues the solution to which had eluded the subcommittee chairmen and ranking members. But never before did that process start 2½ months before the end of the conference when almost no issues had been resolved at the panel level and never before were the results of that process, especially controversial results, not briefed to members for their discussion and approval at member-level meetings of Senate conferees.

Mr. President, I believe that, unless corrected, what has happened this year on this bill in terms of process alone portends a very bleak future for the Armed Services Committee and the Defense authorization process. The majority may be dooming a committee that has always strived for bipartisanship, and therefore relevance, to becoming a highly partisan debating society with all the real decisions being left to the Appropriations Committee. When the Armed Services Committee works on a bipartisan basis, as Senator SMITH and Senator COHEN did on the good acquisition reform provisions in this bill, it can make real contributions to providing this Nation an effective defense at the lowest cost to the taxpayers. But that was not the norm in this conference.

I have spoken thus far about a broken process. Let me now, Mr. President, list some of the problems I see in this bill. I will use two baselines for comparison purposes, the defense authorization bill passed by the Senate on September 6 by a 64 to 34 margin and the Defense appropriations conference report which passed the Senate on November 16 by a 59 to 39 margin.

This bill is significantly worse than both those measures. It not only authorizes a net $7 billion in additional spending for unrequested, often unneeded and unsustainable projects which were included in the appropriations conference report, it breaks new ground in making bad public policy in a whole series of areas not previously put before the Senate.

I will not go through them all in any detail for that would take too much of the Senate's time on a doomed conference report. But let me cite some of the examples: provisions on ballistic missile defense which would clearly undermine the ABM Treaty and revive the cold war, a mandate to discharge people who are HIV-positive from the military even if they can carry out their responsibilities, a mandate to terminate the independent Office of Operational Test and Evaluation, an office that previously enjoyed strong bipartisan support, a series of shipbuilding provisions that represent the sum of all parochial interests, but fail to meet the national interest, a series of protectionist special-interest buy America provisions that go beyond anything I have previously seen in a Defense authorization conference report, provisions on funding of contingency operations and on command and control of U.S. Forces that raise constitutional issues, the total undermining of the land mine moratorium provision which this body passed 67 to 27 on August 4 and which we passed again as part of the foreign operations appropriations bill, and on and on.

I am only going to go into detail on one relatively minor issue, the sale of the Federal interest in Naval Petroleum Reserve No. 1 at Elk Hills, CA, a field that is currently jointly owned with Chevron Corp. This field is one of the 10 largest oil fields in the United States with some estimates of recoverable reserves running well over a billion barrels of oil equivalent. The taxpayers own approximately 78 percent of the field and Chevron owns the rest.

This issue of the sale of Elk Hills was the subject of some considerable discussion last Friday. The point was made by the senior Senator from Virginia that the administration had proposed the sale of Elk Hills. That is true. But it is also true that the administration, as recently as 2 weeks ago, continued to ask for 2 years to complete the transaction—through September 30, 1997—and it is also true that the administration asked for the fallback option of authority to create a government-owned corporation to manage the reserves if it could not get an adequate price for its interest in Elk Hills. If the administration proposal were in this bill, particularly with regard to timing, this Senator would not be raising any concern about this provision. Unfortunately, it is not what is in the bill.

Let me review the history as I understand it. Democrats on the Armed Services Committee have been concerned about insuring against a fire sale of this valuable asset since this issue was thrust upon us by the budget resolution in June. That resolution effectively mandated the sale of all the naval petroleum reserves in 1 year. We had held no hearings on this subject this year, and in the one hearing where this issue had been brought up in 1994, there had been criticism from the Republican side of DOE s plans to sell Elk Hills.

Nevertheless, since the majority felt that it must respond to the budget resolution mandate, I and other Democrats sought as best we could without the benefit of hearings to add safeguards against a fire sale during committee deliberations in June and in a floor amendment in July. The most important safeguard was one cited by the senior Senator from Virginia on Friday; namely, that the Secretary of Energy and the Director of OMB could bring the sales process to a halt if they felt they were not going to get an adequate price or if they felt another course of action was more in the national interest. This safeguard is similar in effect to the administration safeguard that they be allowed to form a government-owned corporation as a fallback if they are not getting an adequate price. This is the course recommended by the National Academy of Public Administration.

Unfortunately, all safeguards, both those in the Senate-passed authorization bill provision and those in the administration proposal, ran afoul of Congressional Budget Office [CBO] scoring. It was the view of CBO that the safeguards were likely to be utilized and that therefore a second bill would be needed to sell the Elk Hills

reserve. So for purposes of the reconciliation bill, the committee, over Democratic opposition, recommended dropping the safeguard provision.

As many Members know, thanks to the same CBO scoring, this provision became subject to the Byrd rule in the reconciliation process and was dropped from that legislation on a point of order. CBO effectively found that sale of the Elk Hills would not contribute to deficit reduction in fiscal years 1996 to 2002, and most importantly from the point of view of the Byrd rule, would make deficits worse for decades after that.

CBO projected that the sale of Elk Hills would only generate $1.5 billion for the taxpayers. In my view, and luckily in the view of senior administration officials, if that's all the taxpayers are offered, this sale should not happen. CBO got this low number through the combination of a very conservative estimate of recoverable reserves and the use of a very high discount rate for future revenues, far above Government discount rates.

Once this issue was taken out of the budget process, where it never should have been in the first place, I and other Democrats thought the best thing to do was put it off to next year so we could really understand it. That was the initial decision in the staff discussions in conference. But then the issue was reopened. To give the majority staff credit, they insisted on the key safeguard which the Senate had passed, namely, that the Secretary of Energy could stop the sale if the Government was not getting an adequate price or if another course of action better served our national interest. But when our minority staff recommended that we allow 2 years for the sale as the administration had proposed, my understanding is that the House majority staff refused. We regret that and regret that Democratic Members on our side were not given the chance to address the issue with Members from the other body.

A rushed sale does not work in the taxpayers' interest, although it may well work to the advantage of private parties. Members on both sides know from experience that it often takes the executive branch in general, and the Department of Energy in particular, longer to do things than they predict. So the 2 years which the administration has requested may well be optimistic in terms of completing a one-of-a-kind transaction which the Department has never attempted before. The indications which my staff have heard are that the Department of Energy has been withholding information on the potential value of this field from interested private sector parties. At least one private sector entity seeking information in Government files about the field has been told it must use the Freedom of Information Act to get that information. That is obviously not the way to generate interest for potential buyers of this valuable asset which has produced a net $13 billion in federal revenues over the past 20 years.

My view is that the controversy over this relatively minor provision in this huge bill is an example of where bipartisan member meetings might well have resulted in a different and better outcome. As I said earlier, there are far more important and numerous reasons to oppose this bill. But this provision is an example of the breakdown in the conference process which I referred to at the outset of my remarks and which I very much regret.

Mr. President, it is not with any pleasure that I am going to cast my first vote against a Defense authorization conference report in my thirteen years in the Senate. I am sure that is true for the many Members who will be casting such a vote for the first time in their careers, some of which are far longer than mine. But I am absolutely sure that it is the right vote. I urge my colleagues to join me in opposing the bill and sending it back to conference for more work. If it is passed, I will urge the President to carry out his threat to veto it. I hope the majority will then respond to the President's request to provide for the January 1 military pay raise on separate legislation prior to adjourning this year and that next year we can work on a bipartisan basis on a Defense authorization bill that can become law.

COMPETITION PROVISIONS

Mr. COHEN. Mr. President, Senator LEVIN and I, along with other Members, spent a great deal of time on the competition provisions of the conference report. We have prepared a joint statement on these provisions that I ask be printed in the RECORD.

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

JOINT STATEMENT OF SENATORS COHEN AND LEVIN ON THE COMPETITION PROVISIONS IN THE FISCAL YEAR 1996 DOD AUTHORIZATION ACT

Several contractor organizations have expressed concern that the acquisition provisions in the conference report on H.R. 1530, the DOD Authorization Act, could undermine the principle of full and open competition, which assures all responsible sources the right to bid on government contracts. As the Senate authors of the Competition in Contracting Act (CICA), which establishes the requirement of full and open competition, we are confident that this is not the case. The conference report does not contain any provision that would undermine full and open competition and we would not agree to any provision that would do so.

Unlike the free-standing acquisition bill passed by the House (H.R. 1670), the conference report on H.R. 1530 would not change either the definition of full and open competition or the existing exceptions from the requirement to use full and open competition. Consequently, all responsible sources must be offered an opportunity to bid on government contracts (except where a specific exception to that requirement is already available under CICA). We intend to monitor the implementation of the bill closely to ensure that the executive branch does not misinterpret its language to undermine full and open competition or deny responsible offerors an opportunity to compete for government contracts.

A. TITLE XLI OF THE CONFERENCE REPORT

Title XLI of the conference report contains provisions which would address competition requirements as follows:

Section 4101 would require that the Federal Acquisition Regulation implement the unchanged CICA provisions in a manner that is consistent with the need to efficiently fulfill the government's requirements;

Section 4102 would raise the dollar thresholds for approval of sole-source purchases to streamline procedures for smaller procurements; and

Section 4103 would authorize contracting officers to use so-called ''competitive range'' determinations more effectively to narrow the initial field of offerors under consideration to those who are best qualified.

None of these provisions may be used to exclude responsible offerors from participating in a procurement.

1. Regulatory Implementation of CICA. The policy stated in Section 4101 would require the regulation writers to consider more efficient procedures for implementing the requirement for full and open competition. Such procedures could include, for example: the authority to submit proposals in electronic form; the use of electronic bulletin boards to quickly disseminate procurement information (such as solicitation amendments and offeror questions and answers); the establishment of matrices of evaluation criteria to which offerors may respond directly to ease the comparison of proposals; and the simplification of specifications.

This provision does not change either the CICA provisions requiring full and open competition or the existing definition of full and open competition. These unchanged provisions would, by their terms, require agencies to permit ''all responsible sources'' to participate in a procurement. Consequently, the requirement that CICA be implemented in a manner that is consistent with the need to efficiently fulfill the government's requirements could not be used to exclude responsible sources from bidding on a contract.

2. Thresholds for Justification and Approval. Section 4102 would raise the threshold for high-level sign-off on sole-source procedures from $100,000 to $500,000 to reduce paperwork on smaller procurements. This is the first adjustment to this threshold since the enactment of the Competition in Contracting Act in 1984, and would bring the competition threshold back into conformity with the threshold in the Truth in Negotiations Act (which was raised from $100,000 to $500,000 last year). The provision would not create any new exceptions to the requirement for full and open competition and would not affect the requirement that contracting officers justify in writing the decision to use non-competitive procedures in any procurement, regardless of dollar value.

3. Competitive Range Determinations. Section 4103 would expressly authorize the use of competitive range determinations to narrow the field of offerors and exclude those who do not have a realistic chance of winning the procurement. Competitive range determinations have always been permitted under CICA, but some agencies have been reluctant to use this tool out of a fear of bid protests.

Section 4103 specifies that the competitive range should include the greatest number of offerors consistent with conducting an efficient procurement. This provision does not permit agencies to deny offerors the opportunity to bid on government contracts. It does not authorize agencies to narrow the field of competitors on any basis other than the evaluation criteria specified in the solicitation and it is not intended to authorize

the exclusion from the competitive range any offeror whose proposal is not significantly inferior to the proposals that will be considered.

B. OTHER COMPETITION ISSUES

In addition to the provisions described above, Division D contains provisions authorizing the use of simplified procedures for the acquisition of certain commercial items and authorizing the waiver of certain laws in procurements of commercially-available off-the-shelf items. Neither of these provisions would undermine full and open competition or deny responsible offerors an opportunity to compete for government contracts.

1. Simplified Procedures. Section 4202 would authorize the use of simplified procedures for the acquisition of commercial items in contracts with a value of $5 million or less. Special simplified procedures could include, for example: shortened notice time frames; streamlined solicitations; expanded use of electronic commerce; and the use of alternative evaluation procedures. This provision would expire after three years, unless reauthorized by the Congress.

The simplified procedures authorized by this section would be available to agencies in addition to streamlined acquisition techniques already available to agencies and widely used for the purchase of commercial items under existing law. These techniques include the use of GSA's multiple award schedules; multiple award task order contracts; ''prime vendor'' contracts; indefinite delivery indefinite quantity (IDIQ) contracts; and requirements contracts.

While Section 4202 authorizes the use of simplified procedures, it would not permit limitations on competition or the exclusion of responsible sources from bidding on contracts. In fact, the provision expressly requires the publication of a notice inviting all potential sources to submit offers and committing the agency to consider such offers. In other words, agencies must evaluate all offers received, in accordance with the simplified procedures, and select the best one for contract award.

Agencies would be permitted to conduct sole-source procurements only if justified in writing pursuant to the existing CICA exceptions.

2. Waiver of Laws. Section 4203 would authorize the waiver of certain laws in purchases of commercially-available off-the-shelf items. This provision would alleviate burdens on contractors, not on the government. It is intended to enable commercial companies to sell off-the-shelf items to the government on the same terms and conditions they use in the private sector sales.

The laws that are authorized to be waived under section include only government-unique policies, procedures, requirements and restrictions that are imposed ''on persons who have been awarded contracts'' by the Federal government. This provision does not authorize the waiver of laws—such as CICA and the Procurement Integrity statute—which apply in the period prior to the award of a contract. And it does not authorize the waiver of laws—such as CICA, the Prompt Payment Act, and the Contract Disputes Act—which impose policies, procedures, requirements and restrictions on federal agencies and federal officials, rather than on contractors. For these reasons, Section 4203 would neither authorize the waiver of CICA nor permit any limitation on competition for federal contracts.

3. ''Two-Step'' Procurements. Earlier this year, the Administration requested authority for a ''two-step'' procurement process—similar to a provision passed by the Senate as a part of last year's Federal Acquisition Streamlining Act—under which an agency may narrow the field of offerors to those who are best qualified and offer the best overall technical approach to a problem, and only then require the submission of detailed price and technical proposals.

Two-step authority is not included in the conference report, due to concerns raised by both the Administration and the business community about the proposed language. The conference report does, however, contain a pilot program for ''solutions based contracting'', in which contractor selection would be based on contractors' qualifications, past performance, and proposed conceptual approach to the procurement.

We remain open to the possibility of granting broader two-step authority at some time in the future, assuming that the problems can be worked out in a manner that is consistent with full and open competition and the principle that all responsible offerors must be provided a fair opportunity to compete for government contracts.

PROCUREMENT AND INFORMATION TECHNOLOGY MANAGEMENT REFORM

Mr. COHEN. Mr. President, the procurement and information technology management reforms in the DOD Authorization Conference Report will result in billions of dollars in savings to the taxpayer. Some observers have suggested that perhaps as much as $60 billion is wasted each year from inefficiencies in the Federal contracting process. The rewards to the taxpayer from the Government finding more efficient ways to purchase goods and services are indeed great—potentially equivalent to a third of the budget deficit and more than what we will spend on new weapons this year.

The reforms contained in this bill are needed if we are to seriously address the inefficiencies in the procurement process. Although last year's Federal Acquisition Streamlining Act was a good first step, many problems continue to exist which result in great inefficiencies, cumbersome and unnecessary delays, and an overly bureaucratic process. The provisions in this legislation complement our past streamlining efforts and will allow the government to pay less of a bureaucratic premium on the price of goods and services it buys.

The need to continue procurement reform is widely recognized. Both Houses of Congress and the Administration have worked together on a bipartisan basis to develop these provisions. The procurement reform package that the conferees agreed to includes two major provisions: the Federal Acquisition Reform Act and the Information Technology Management Reform Act. These two Acts will go a long way to putting an end to many of the inefficiencies of the current system.

The savings that can be achieved from procurement reform are significant. By passing the Federal Acquisition Streamlining Act last year, we will realize $12 billion in savings over the next 5 years. The Federal Acquisition Reform Act in the DOD conference report can be expected to save additional billions through eliminating unnecessary paperwork burdens, streamlining the process for buying commercial items, clarifying procurement ethics laws, and improving the process for contracting for large construction projects.

Billions more will be saved in this bill as a result of the Information Technology Management Reform Act, legislation which Senator LEVIN and I introduced earlier this year, which emphasizes the use of technology to achieve more efficient and cost-effective government. Agencies will be required to conduct a systematic re-examination of how they do business before investing in information technology. This review will identify areas for improvement and result in significant savings through the re-design or ''re-engineering'' of existing government business activity. According to the Administration, efforts to re-engineer government through information technology as mandated in this legislation will save at least $4.3 billion over the next 5 years.

The systematic use of information technology to re-engineer government will be a lasting contribution of this bill. Not only will we save billions of dollars through these efforts, but we will improve the delivery of services to the taxpayer by effectively applying modern information technology to government processes.

The need to reform how the Federal Government approaches and purchases information technology is well documented. My report of October 1994 entitled ''Computer Chaos,'' outlined the problems affecting the $27 billion we spend each year on information technology.

Much of this money is wasted buying new systems that agencies have not adequately planned for or managed. In other words, government has not done a very good job deciding what it needs before spending millions, or in some cases, billions of dollars on information systems. Consequently new systems, especially high dollars systems, rarely work as intended and do little to improve agency performance.

In addition, a large portion of the $200 billion spent on information technology over the last decade has been spent maintaining old technology that no longer performs as needed. Agencies thus spend billions of dollars each year to keep old, inefficient computer systems running, and continue to buy new computer systems that are poorly planned and, once operational, do not meet their needs.

Agencies trying to replace these old ''legacy'' systems have also been plagued by the constraints of the current procurement system. Over the last three decades, the process for buying federal computers has become too bureaucratic and cumbersome. It has spawned thousands of pages of regulations and caused agencies to be primarily concerned with conformity to a paperwork process. What the process fails to address are the results—more efficient and less expensive government and, most importantly, fairness to the taxpayers.

In addition, an adversarial culture has developed between government and business. Many companies believe government contracting officers and bureaucrats won't give them a fair shake. Federal employees are suspicious of companies because of a fear of being second guessed and having the procurement protested.

In short, it is a culture of little trust, less communication and no incentives to use information technology to improve the way government does business and achieve the savings that we so desperately need.

The Information Technology Management Reform Act is designed to create positive management incentives, increase communication and get business and government working together to meet the technology needs of the federal government. In addition to helping agencies buy technology faster and cheaper, the bill would ensure that a responsible management approach is taken to maximize the taxpayer's return on the government's investment in information technology.

Among other provisions, this legislation will repeal the Brooks Automatic Data Processing Equipment Act, authorize commercial-like buying procedures, and emphasize achieving results rather than conformity to the process. While we cannot legislate good management we can establish a framework for effective management to take place. This is what this legislation sets out to do.

Once enacted, agencies will be required to emphasize up-front planning and establish clear performance goals designed to improve agency operations. Once the up-front planning is complete and performance goals are established, other reforms would make it simpler and faster for agencies to purchase the technology to help them achieve their goals.

The Information Technology Management Reform Act will also discourage the so-called ''megasystem'' buys. Following the private sector model, agencies will be encouraged to take an incremental approach to buying information technology that is more manageable and less risky. Agencies now combine or ''bundle'' many of their information technology requirements into large ''systems'' buys primarily because the existing procurement process takes so long to complete. Reducing the amount of time it takes to conduct a procurement and simplifying the process will take away the incentive to bundle requirements and will result in smaller contracts.

Encouraging the use of smaller contracts will enhance competition. Many of the most dynamic technology companies in the nation, most of which would be classified as small businesses, choose not to even bid on federal contracts because of the size and red-tape involved. Meanwhile, some of those who benefit from the complexities of the existing federal contracting process continue to promote a more complicated, legalistic system in order to discourage new entrants into the federal marketplace.

By replacing the current system with one that is less bureaucratic and process driven, agencies will be able to buy technology faster and for less money by taking advantage of the dynamic marketplace in information technology. More importantly, a system will be in place to ensure that before investing a dollar in technology, government agencies will have carefully planned and justified their expenditures in terms of benefits accrued to the taxpayer.

We stand at the culmination of years of effort in acquisition and management reform that started with the Hoover Commission and continued with the Ash Council, the Grace Commission, the Packard Commission and, most recently, the Section 800 panel. Failure to act now will cost taxpayers billions of dollars in continued inefficiency and waste. By passing this conference report, we can take a significant step toward transforming the way the government does business and eventually regain the confidence of taxpayers in their government.

In concluding I want to both commend and express my appreciation to Senator STEVENS, Chairman of the Governmental Affairs Committee, and Senator GLENN, the Ranking member as well as Senator ROTH who served as Chairman earlier this year and Senators SMITH and THURMOND. It is through these Senators leadership that we have been able to craft legislation that will save billions of taxpayer dollars. I also want to thank Representatives Clinger and Spence. Without their foresight and perseverance we would not be voting on procurement reform legislation this year.

I would also like to thank my friend and colleague Senator LEVIN who I have worked closely with for over 15 years on the Oversight Subcommittee. I very much appreciate his counsel and support on efforts to reform the procurement system and improve government through the effective use of information technology.

MANUFACTURING TECHNOLOGY PROGRAM

Mr. ABRAHAM. Mr. President, I would like to engage the distinguished chairman of the Armed Services Committee in a brief discussion regarding the impact of the Conference Report to H.R. 1530 regarding the Manufacturing Technology Program.

The bill requires a two-to-one cost share from private sources for at least 25 percent of the MANTECH Program expenditures. Specifically, I am concerned that the statement that awards be made on a case-by-case basis may result in overall inefficiencies. Would the chairman wish to comment on that concern and offer an interpretation that would not preclude the incorporation of a range of projects in a given program area that may involve a number of participants, but still gains at least a two-for-one total cost sharing from non-Federal sources?

Mr. THURMOND. I understand my colleague's concerns regarding the project distribution under the MANTECH Program, but it is the Conferees' intention this program be administered on a project-by-project basis, especially with regards to the cost-sharing provisions. However, in implementing this provision, the committee would be willing to look at alternative methods of accounting that the Department of Defense may propose, such as bundling similar projects for fulfilling the cost-sharing requirements, on a case-by-case basis.

Mr. ABRAHAM. I thank the Senator for that clarification, and wish to follow-up as to what constitutes a non-Federal funding source. Given that non-Federal expenses are often reimbursed by the Federal Government through other programs or accounts, would the chairman wish to comment on what exactly constitutes the cost-sharing funds?

Mr. THURMOND. Mr. President, please let me make it clear we did not intend for Government funds to fulfill the non-Federal cost-sharing requirements of this provision. I believe this interpretation will maximize our leverage of federal resources. This issue is already addressed in the regulations implementing cost-sharing in dual-use technology programs.

Mr. ABRAHAM. Mr. President, if the Senator would be so kind, I would just like to wrap up with one more question. Section 276 of the bill provides a waiver authority for the Under Secretary of Defense for Acquisition and Technology to obligate any remaining funds that could not be obligated under the cost-sharing requirements by July 15 of a fiscal year. In my opinion, to waive this requirement without making every effort to find suitable projects that meet the cost-sharing requirement would be contrary to the intent of this legislation. If he would like to comment, what safeguards did the chairman envision in drafting this waiver authority against this waiver being the rule instead of the exception?

Mr. THURMOND. Mr. President, I wish to assure my colleague from Michigan that this waiver is only expected to be implemented after every good faith effort is made to find suitable and sufficient projects to obligate all these funds. This waiver authority is intended as a last alternative, and every other conceivable effort should be made to follow these requirements, including bringing new and current potential participants into the competitive process. Finally, I will assure my colleague that the Armed Services Committee will scrutinize DOD reports prior to their implementing such a waiver.

Mr. ABRAHAM. Mr. President, I wish to thank the chairman of the committee for that explanation and for the kind assistance he has provided me and my staff in resolving this issue.

Mr. President, I yield the floor.

Mr. MCCAIN. Mr. President, I want to take a moment to commend Chairman THURMOND for his success, at long last, in achieving a conference agreement on the fiscal year 1996 national defense authorization bill. I have the utmost respect and admiration for Chairman THURMOND, whose tireless efforts over the past 4 months have resulted in agreement on a number of very difficult issues. I commend the long hours and hard work of the chairman and the committee staff that went into resolving the many difficult disagreements with the House.

Mr. President, as many of my colleagues know, I do not support many of the provisions in this bill. I think my past statements, letters, and votes on the bill have made my position quite clear.

Prior to our committee markup, I wrote to Chairman THURMOND and the five subcommittee chairmen to advise them of my views on a number of specific defense programs and policies and to enlist their support for reflecting those views in the authorization bill. I greatly appreciate the consideration given to my views by all of my colleagues on the committee, although many of my greatest concerns were not adequately addressed in the bill. My additional views filed with the bill reflect those concerns.

I voted with Chairman THURMOND to report the bill from the committee, to allow the Senate the opportunity to consider the legislation. But when the debate ended, I voted against its passage in the Senate. After casting my vote against the bill in the Senate, I wrote to Chairman THURMOND to advise him of the specific reasons for my opposition to the bill and to clearly state that I would have difficulty supporting a conference agreement which did not rectify some of these problems.

Unfortunately, the conference agreement has not removed the problems in the Senate-passed legislation. Instead, many objectionable provisions remain in the bill, and indeed, some of the problems in the Senate bill have even been exacerbated. In addition, a number of other objectionable provisions have been added in this conference report.

I have served as a member of the Senate Armed Services Committee since I came to the Senate in 1987. This committee has always been at the forefront of the debate on national security policy and defense programs. I believe very strongly that the authorization committee is an essential element of the Congress' role in the formulation of our national security policies and programs.

Because of my respect for the chairman, as well as my strong belief in the importance of the authorization process, I signed the conference report. However, I want to make it very clear that I do not support many of the provisions in this legislation.

Mr. President, I would be remiss if I did not note that there are many very worthy and important legislative initiatives in this bill.

The bill authorizes an additional $7 billion in defense funding, as provided in the congressional budget resolution.

The bill adds funding for high-priority readiness requirements while eliminating or reducing defense funding for nondefense programs, such as peacekeeping assessments, humanitarian assistance, international disaster relief, and homeless assistance.

Much of the added funding is authorized for modernization of our forces, including additional tactical aircraft and tank upgrades, and strategic lift programs.

The bill establishes a new missile defense policy and provides funding for programs which will ensure the deployment of effective theater and national systems in an efficient and effective manner.

The bill authorizes a military pay raise and restores equity for retired pay cost-of-living adjustments.

The bill establishes a new process of public/private cost-sharing for construction of new military housing, which will reduce the burden on the taxpayer and hasten the process of replacing aging military housing.

The bill provides funding for ongoing operations in Iraq, and establishes a mechanism to ensure that military readiness is not adversely affected by the conduct of peacekeeping and other unexpected contingency operations.

Let me take just a moment to comment on this last provision, which the ranking member on the committee has stated the administration believes is unconstitutional.

I think it is important for my colleagues to understand what this particular provision, included as section 1003 of the conference agreement, actually does. It requires the Secretary of Defense to report to Congress outlining, among other things, the objectives of the operation and the exit strategy—similar to the requirements in the Dole-McCain resolution on deployment of troops to Bosnia. The provision restricts the availability of certain training and operations funding as sources for funding these operations. It then requires the President to submit a supplemental appropriations request—either emergency or offset with rescissions—for these operations in a timely fashion.

The genesis of this provision was a desire to ensure that military readiness is not adversely impacted by the costs of conducting peacekeeping and other contingency operations. In the past few years, the military services have expressed concerns about the impact of diverted funding on their ability to conduct necessary training in the third and fourth quarters of the fiscal year. The administration has submitted emergency supplemental appropriations requests, late in the fiscal year, forcing the Congress to act hastily and with little oversight in accepting the supplemental, faced with no other option but to shut down military training. The provision in this conference agreement will allow Congress to have the facts, during the early stages of any commitment to a peacekeeping or contingency operation, about the cost and justification for these operations.

During negotiations on this provision, the minority staff did not object to the need for a provision to protect readiness and properly fund ongoing and future operations. The only concern they raised was with respect to the constitutionality of requiring the President to submit a supplemental appropriations request to Congress.

Because of these concerns, my staff checked with experts at the American Law Division of the Congressional Research Service. According to a memorandum dated October 18, 1995, the provision ''appear[s] to be within Congress' constitutional authority.'' The memorandum cited article I, section 9, of the Constitution as the basis for this judgment. This section states that ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. * * *''—which gives Congress broad authority to place conditions on the use of taxpayer funds.

Mr. President, I ask unanimous consent that this CRS memorandum be printed in the RECORD in its entirety.

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

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
*Washington, DC, October 18, 1995.*

To: Senate Committee on Armed Services, Attention: Cord Sterling.

From: American Law Division.

Subject: Constitutionality of §§1003 and 1201 of the House-passed version of H.R. 1530, the defense authorization bill for fiscal 1996.

This is in response to your request for a brief summary of our phone conversation regarding the constitutionality of §§1003 and 1201 of H.R. 1530, as passed by the House.

As we discussed, both sections appear to be within Congress' constitutional authority. Section 1003 provides authority to transfer funds from designated accounts to support armed forces operations for which funds have not been provided in advance and requires the President to seek a supplemental appropriation to replenish any fund or account from which funds have been so transferred. Section 1201, in turn, would bar the use of any funds appropriated to the Department of Defense for the participation of U.S. armed forces in a United Nations operation unless (1) the President certifies to Congress that the command and control arrangements meet certain requirements and reports to Congress about the nature of the venture and the U.S. role, (2) Congress specifically authorizes U.S. participation, or (3) the operation is conducted by NATO.

Both sections can find constitutional justification in Article I, §9, of the Constitution, which provides that ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law * * *'' Pursuant to that provision Congress has broad authority over appropriations, including the authority to place conditions on the use of funds. In addition, §1201 can find constitutional support in the various provisions of Article I, §8, of the Constitution

that authorize Congress ''To * * * provide for the common Defence * * *''; ''To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water''; ''To raise and support Armies * * *''; ''To provide and maintain a Navy''; ''To Make Rules for the Government and Regulation of the land and naval Forces''; and ''To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers * * *.'' Those powers give Congress ample authority to specify some of the conditions under which U.S. armed forces may participate in UN operations.

I hope the foregoing is responsive to your request. Enclosed, in addition, are a number of CRS reports pertinent to your request. If we may be of additional assistance, please call on us.

DAVID M. ACKERMAN,
*Legislative Attorney*.

Mr. MCCAIN. It seems to me that requiring the President to submit a supplemental budget request is akin to requiring the President to submit a Federal budget request each year. This provision simply requires the President to submit a budget for an operation which was not included in his annual budget request.

In addition, the provision retains the flexibility of the President to submit either an emergency supplemental appropriations request or a request that is offset by rescissions of other appropriations for defense or other agencies. It simply requires that the President get congressional approval to use funds for a purpose which has not previously been approved by Congress.

Mr. President, I believe the military services sorely need to have such a provision in place. I do not accept the administration's position that there is anything unconstitutional about requiring the President to submit for congressional approval a budget for an operation requiring the deployment of U.S. military personnel. As my colleague from Arkansas, Senator BUMPERS, stated on the floor last week, ''[T]he President has a right to be wrong just like everyone else.''

Mr. President, as I stated earlier, there are many laudable provisions in this bill. In the event this bill fails to pass the Senate or is vetoed by the President, I would support separate legislation which would include these provisions. However, in my view, the good in this bill does not offset the bad.

Let me take a moment to discuss just a few of the problems in this bill on the funding side.

I am very distressed that the 4 months required to complete this conference, extending well beyond the beginning of the fiscal year, made it necessary to enact the fiscal year 1996 defense appropriations bill prior to the defense authorization bill. As a result, many of my objections to this authorization bill are the same as the objections I raised to the defense appropriations bill, because the authorizers in many cases simply accepted the decisions reached earlier by the appropriators.

This conference bill contains an authorization for the third *Seawolf* submarine, as well as language which sets out a plan to earmark two future submarine contracts for each of our submarine-building shipyards. I have stated many times my opposition to wasting any more of our scarce defense resources on more *Seawolf* submarines—a program costing $12.9 billion for three submarines. And I will vehemently oppose any proposal in future years to earmark future submarine building programs for a particular shipyard without the benefits to the taxpayer of open and honest competition for the best program at the lowest price.

The bill also authorizes $493 million for the B–2 bomber program—which was not included in the Senate-passed bill. I must say that it puzzles me somewhat that the conference agreement essentially leaves unresolved exactly how these funds will be used within the B–2 program. The purported agreement allows the Senate to insist that these funds only be used for spares and support for the existing fleet of 20 bombers, but it also leaves unrefuted the House's position in its report that the funds should be used for long-lead acquisition for additional bombers. This is a classic political compromise, which leaves a very important issue unresolved and abdicates our responsibility on the issue of the future of the B–2 program.

Mr. President, I know of no identified military requirement to spend an additional half-billion dollars to support our existing fleet, and the Secretary of Defense and the Chairman of the Joint Chiefs have made it clear that here is no military requirement for additional B–2 bombers. Like the *Seawolf*, the B–2 has now become a jobs program for defense contractors and their supplies and subcontractors, which are conveniently spread all over the United States.

Both the *Seawolf* and the B–2 are relics of the cold war, and neither weapons system is needed today to meet the likely national security threats of the future. In my view, the 1.2 billion authorized for these two programs could have been better used for programs which would help ensure our forces' readiness in this post-cold war world.

The bill also contains authorizations for $700 million in low-priority military construction projects which were not requested by the military services. In my view, this funding could be better used to ensure that the readiness of our forces can be maintained in light of the deployment of troops to Bosnia, or to provide for the future modernization of our forces.

Again this year, the bill authorizes more funding for Guard and Reserve equipment which was not requested by the services. The amount—$777 million—is identical to that provided in the appropriations bill. But unlike the appropriators, the authorizers chose to earmark every dollar for specific items, including 6 more C–130H aircraft. By doing so, this bill eliminates the ability of the National Guard and Reserve components to ensure that these extra dollars are used to procures the highest priority items needed to carry out their missions.

Finally, Mr. President, I am disappointed and discouraged that the statement of managers language accompanying this conference agreement contains earmarks for a number of programs which were not included in either bill. Not surprisingly, many of these earmarks are identical to language included in the Defense appropriations bill which was enacted last month.

There is $1 million for TCM testing—in which I should note there is apparently an Arizona constituent interest; $6 million for precision guided mortar munitions; $1 million for electro rheological fluid recoil research; $15 million for curved plate technology; $5 million for Instrumented Factor for Gears; $1 million for blood storage research; $3 million for Naval Biodynamics Laboratory infrastructure transfer activities; $2 million for advanced bulk manufacturing of mercury cadmium telluride [MCT]; $1.25 million for firefighting clothing; $950,000 for Navy/Air Force flight demonstration of a weapons impact assessment system using video sensor transmitters with precision guided munitions; $1 million for SAR detection of MRBMs in boost phase; $5 million for a program called Crown Royal; $2.5 million for deep ocean relocation research; $7.5 million for seamless high off-chip connectivity research.

It amazes me, Mr. President, that the authorization conference agreement would contain this type of earmarking language. Maybe this is some sort of gratuitous bow to the appropriators' long-standing practice of earmarking funds for special interest items. Certainly, the earmarks in the appropriations bill should be sufficient to ensure that these millions of taxpayer dollars go to the institutions or individuals to which they had been promised; an authorization earmark is no even necessary. Unfortunately, the inclusion of these earmarks puts the Senate Armed Service Committee imprimatur on a practice that ensures defense dollars flow to hometown projects, rather than military priorities.

Mr. President, I don't know which members of the conference agreed to earmark these programs, or which members even discussed these earmarks or were aware that they had been added to the authorization bill. I certainly hope that this is not the beginning of a dangerous trend in the authorization process.

On the policy side, I will cite just two objectionable provisions.

First, the bill adds several new buy-America limitations. The list of new domestic source limitations is significantly whittled down from the lengthy list contained in the House bill, but these types of set-asides are, in my view, overly protectionist and potentially harmful to favorable trade relationships with our long-time allies.

Second, and most egregious, is the inclusion of unworkable, unnecessary, and counter-productive provisions related to missing service personnel.

When the Armed Services Committee completed work on this bill in midsummer, I stated my belief that the committee had gone as far as Congress should in reforming procedures for accounting for missing servicemen. I continue to believe that the language passed by the House in this regard was unwise and unworkable. I regret to say that the Senate receded in principle on the worst of these provisions.

The language in the conference report prohibits the review boards it establishes from making a finding that a serviceman has been killed in action if there is ''credible evidence that suggests that the person is alive.'' It defines logic that, even if so much time has passed that it is physically impossible for a particular unaccounted-for servicemen to be alive, the board still cannot declare him dead if ''credible evidence'' is offered that he is still alive.

In my view, this is a very broad and undefined standard. It would effectively prevent, in many cases, a determination of death, leading the families of missing persons with unfounded hopes that their loved ones are alive and unwarranted fears for their safety and health. This is something that we clearly rejected in the original Senate bill and should not have agreed to in conference.

I would point out to my colleagues that there are roughly 78,000 servicemen missing from World War II. And this is an example of a war where we walked the battlefield. It might be of interest to note as well that at the conclusion of the battle of Lexington and Concord, there were five missing minutemen. Missing servicemen are unfortunately—and very tragically—a fact of war—as much as death is a fact of war.

For an idea of the sort of problems this restriction on a finding of death will create in the future, I commend to my colleagues an article which appeared in the Washington Post on December 10, 1995, entitled, ''Mystery of the Last Flight of Baron 52 Solved.'' In this case, the POW/MIA lobby insisted for 20 years that there was ''credible evidence'' that a B–52 crew survived their shootdown over Laos in 1973. Despite credible evidence to the contrary, absurdly enough, they claimed four of the crew were transported to the Soviet Union. Finally, with the discovery and identification of the remains of the crew members, the so-called evidence of their survival and imprisonment has been irrefutably disproved, and they have been declared dead and their cases have been closed.

Because of the provisions in this bill, these sorts of claims will no longer be the bizarre ratings of MIA hobbyists; they will be a part of the official government process. As long as a shred of evidence is offered—and believe me, the evidence will be abundant—the families of future Baron 52 crews will languish in uncertainty.

The bill contains several other similarly unworkable and unnecessary provisions. Among these are: a requirement that the Secretary appoint a board of review for every serviceman determined to be missing in action and subsequent review boards every 3 years for 30 years; a requirement that counsel be appointed for the missing; a requirement to subject final determinations of the Services to judicial review; the establishment of reporting requirements on commanders in the field at the very time their principal responsibility should be fighting and winning a war; and the reopening of cases from previous conflicts.

Let me be very clear that I fully support any productive efforts to fully account for each and every missing service person. The POW/MIA Select Committee exhaustively reviewed all aspects of this issue, and I believe the resources and procedures currently utilized by the Defense POW/MIA Office are fully adequate to accomplish the objective of determining the fate of all of our missing people. In my view, the provisions in this bill would require the creation of a costly and burdensome bureaucracy, with no added value to the process and perhaps a significant degradation in the ability of the POW/MIA Office to carry out its responsibilities.

The provisions in this conference bill related to missing servicemen were strongly opposed by the Department of Defense, the CINCs, and the Chairman of the Joint Chiefs of Staff. When we revisit this issue—and we will have to revisit it in order to avoid the creation of a massively burdensome bureaucracy—I hope we will pay due attention to their concerns. They are, after all, the people who will have to implement the new procedures.

In closing, Mr. President, I am troubled by the vote facing me on this bill. My respect and admiration for Chairman THURMOND, and my concern for the future of the authorization process, make it very difficult for me to vote against this legislation. I am concerned, too, about the potential effect on the moral of our troops deploying to Bosnia if the pay and other personnel provisions in this bill are not enacted in a timely fashion. If this bill does not become law, I commit to doing everything in my power to ensure that the Congress and the administration agree to separate legislation containing these important personnel provisions.

However, as I have said, I have serious concerns about several provisions in the bill. I will continue to listen to the comments of my colleagues and to evaluate the bill in its entirety, and therefore, I will withhold, for now, making a final judgment on this bill.

I ask unanimous consent that the Washington Post article to which I referred earlier and a letter from General Shalikashvili, be printed in the RECORD.

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

[From the Washington Post, Dec. 10, 1995]

MYSTERY OF THE LAST FLIGHT OF BARON 52 SOLVED

(By Thomas W. Lippman)

A terse announcement from the Pentagon late last month finally ended the unhappy story of the fatal last flight of a Air Force plane known as ''Baron 52'' and resolved one of the last mysteries about the fate of servicemen missing from the Vietnam War.

The remains of the seven men killed when the reconnaissance aircraft was shot down over Laos in 1973 have been identified and will be interred in a group burial on Jan. 8, the Pentagon said.

If all seven crew members died when the plane went down, then four of them could not have survived and been taken as captives to the Soviet Union. The belief that four of the men were ''Moscow bound'' has long been held by some prisoner of war activists and members of the MIA lobby, who cited the fate of Baron 52's crew as evidence that Vietnam and its communist allies have still not revealed the truth about Americans who vanished in the war.

The belief was based largely on testimony by former Air Force intelligence sergeant Jerry Mooney that intercepted North Vietnamese radio communications indicated four Americans captured in the region were being transported to the Soviet Union.

The Pentagon has insisted that no one could have survived the shootdown of the plane and that the intercepted conversations were not about the Baron 52 crew. But in the absence of seven sets of remains, Mooney's version of events could not be entirely refuted.

Some members of the victims' families quarreled with the Pentagon for years, arguing that military authorities told them some crew members might have been able to parachute safely from the aircraft. They said the Defense Department was reluctant to tell what it knew because of the sensitive nature of the flight.

Baron 52 was the code name for an EC–47Q plane that was flying a night spying mission over Laos when it was shot down on Feb. 4, 1973.

That was shortly after the Paris Peace Agreement supposedly ended U.S. participation in the war, at a time when North Vietnam was preparing to release the 591 American captives it acknowledged holding.

According to Mark Sauter and Jim Sanders, authors of ''The Men We Left Behind,'' a 1993 book alleging a POW-MIA cover-up, ''the men weren't dead'' and the Pentagon knew it.

U.S. officials removed the names of the four presumed survivors from a list of prisoners they expected North Vietnam to hand over because the flight was illegal under the Paris agreement, Sauter and Sanders wrote.

''The names were scratched from the list because they were an inconvenience that would have complicated Henry Kissinger's life,'' their book said. Kissinger, then secretary of state, had negotiated the Paris Agreements and was responsible for fulfilling President Richard M. Nixon's promise that all U.S. prisoners would be coming home.

Mooney, long retired and living in Montana, repeated his story to a U.S. Senate committee that investigated the fate of the missing Americans in 1992.

But the committee also heard from Pentagon officials who had finally viewed the crash site that no one aboard could have survived. The committee concluded that ''there is no firm evidence that links the Baron 52

crew to the single enemy report upon which Mooney apparently based his analysis.''

A joint U.S.-Laotian field excavation team recovered the remains from the crash site in 1993.

It took two years of work at the Army's forensic laboratory in Hawaii to identify the victims, the Pentagon announcement said. All members of the Air Force, they were Sgts, Dale Brandenburg, of Capitol Heights; Peter R. Cressman, of Glen Ridge, N.J.; Joseph A. Matejov, of East Meadow, N.Y., and Todd M. Melton, of Milwaukee; 1st Lt. Severo J. Primm III, of New Orleans; Capt. George R. Spitz, of Asheville, N.C.; and Capt. Arthur Bollinger, of Greenville, Ill.

With their identification, the list of servicemen still officially missing from the war stands at 2,162. The vast majority are known to have died and real doubt remains about only a handful of cases.

The Pentagon announced last month after a year-long review that 567 of the open cases have ''virtually no possibility that they will ever be resolved'' through the finding of remains or other evidence because they were lost at sea or explosions destroyed their remains.

---

THE CHAIRMAN,
JOINT CHIEFS OF STAFF,
*Washington, DC, September 27, 1995.*

Senator JOHN MCCAIN,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR MCCAIN: Thank you for taking time to meet with me last week and sharing your insights on some very important Defense issues we face now and in the coming years.

One of the issues your staff has contacted us on is the POW/MIA legislative initiative contained in the House and Senate versions of the FY96 Defense Authorization Bill now in conference committee. I'm aware that you've already heard from the regional CINCs expressing their concerns about compliance with certain difficult provisions contained in the House version.

No doubt we all agree the POW/MIA issue is of paramount importance to all Service members, and especially to all commanders. Nothing impacts a unit's fighting capability more than uncertainty over whether members will be listed as missing or forgotten if taken prisoner. This country has an unbreakable commitment to our men and women in uniform that such will not be the case. However, language in the House-passed version would create a bureaucracy requiring CINCs to divert precious manpower to this issue. In the middle of a conflict, without relieving the anxiety of our men and women.

The CINCs have addressed the details, but let me add my strong support to the Senate-passed version of the legislation that clearly advanced the POW/MIA issue. Such legislation will go a long way toward addressing the concerns of the Congress, the American people, and our military without unintended impacts we believe would be detrimental to our warfighting capability.

Again, thanks for our meeting and I hope to talk to you again soon.

Sincerely,

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

Mr. COHEN. Mr. President, there have been objections raised to the shipbuilding agreement negotiated during conference. They assert that it directs the procurement of specific ships at specific shipyards without a clear industrial base requirement and will produce increased cost. This is simply not the case.

Let me focus first on one of the principal shipbuilding accounts, the *Arleigh Burke* class destroyers program. The Senate conferees were confronted with diverse factors concerning these ships that we attempted to resolve as cost effectively as possible.

Let me summarize these factors.

The Navy has repeatedly told Congress that the minimum annual procurement of *Arleigh Burke* class destroyers needed to maintain an adequate industrial base is three. Testimony by Department of Defense witnesses has confirmed this assessment, as did a Congressional Research Service study completed last year.

The Navy gave high priority to including three of these ships in its fiscal year 1996 budget and did so.

As a last minute measure to generate additional funds for the Army's fiscal year 1996 budget, the Department of Defense reduced the number of *Arleigh Burke* class destroyers in the President's Budget from three to two.

During the period between submission of the President's Budget and our conference, numerous Navy and DOD officials have emphasized the importance of including the original three destroyers to the budget.

The original appropriations conference funded two destroyers in fiscal year 1996, but also directed the Navy to negotiate for and execute contracts for two more on the first day of fiscal year 1997. This language was subsequently modified in the final DOD appropriations conference report to call for three destroyers in fiscal year 1996. But its original form was a marker that influenced our conference for most of its duration.

In fiscal year 1994, and again in fiscal year 1995, the Navy concluded that cutthroat bidding in the destroyer program was leading to cost growth and the need for additional funding to resolve it.

The *Arleigh Burke* class has been in procurement for some time. Its construction costs at both building yards are well understood.

A Navy industrial base study, completed earlier this year, concluded that the best acquisition strategy for the *Arleigh Burke* class would be to retain two building yards and award contracts based on an allocation method that emphasized cost reduction.

Numerous DOD and industry officials have pointed out that the best way to achieve efficiency and reduce costs in the shipbuilding industry is to provide a stable construction program, something that the President's Budget as submitted would clearly not accomplish.

The Senate defense bill's provision dealing with acquisition of *Arleigh Burke* class destroyers, while a meritorious approach, could not prevail in conference because of opposition to it by the other defense committees.

In distilling these diverse factors into a conference position, the Senate conferees concluded that it was appropriate to explicitly endorse the results of the Navy's industrial base study, which resulted in the Navy's allocation method for awarding *Arleigh Burke* class destroyers.

In short, Mr. President, the conferees endorsed the Navy's industrial base analysis and the Navy's allocation method that resulted from its industrial base study.

Assertions to the contrary are simply erroneous.

There are other conference outcomes that were important to the House, but whose justification in my opinion is less clear. I would remind my colleagues, however, that this was a long and difficult conference with compromise necessary on both sides. We successfully rejected many provisions sought by the House. But, as occurs in every conference, we eventually accepted a few things that were important to House Members. In doing so, however, we worked to ensure that the language adopted is sufficiently permissive that the Department of Defense retains adequate discretion in developing its course of action.

Mr. President, I would also like to address some assertions that have been made today on the nature of the conference agreement on nuclear attack submarines.

In his remarks this morning Senator NUNN implied that the conference agreement would commit the Navy and the Defense Department to a program of advanced technology development for submarines that is too costly and would risk the lives of Navy personnel. In my opinion Senator NUNN did not correctly characterize the actual conference agreement.

Let me summarize the conference outcome on nuclear attack submarines as I see it:

The House and Senate had divergent goals. Believing the Navy's New Attack Submarine inadequate to its mission, the House conferees sought a program for the incorporation of advanced technology into a series of four developmental submarines before beginning series production. The Senate conferees sought authorization for the final *Seawolf* submarine, SSN–23, and competition for series production of the Navy's next class, the New Attack Submarine.

The Senate conferees did not share the House's conclusions about the inadequacy of the New Attack Submarine to deal with future threats.

After a period of lengthy negotiations that included active participation by the Navy and the Department of Defense, a compromise was reached.

In its barest essentials this compromise provides that: the Senate position on authorization of SSN–23 and competition for future submarine procurement would be preserved; and the

House would gain a provision that directs the Department of Defense to prepare a plan that could lead to the insertion of technology through the construction of a series of prototype submarines, each of which would be cheaper and more capable.

I emphasize that the conference agreement accepts a requirement for a DOD plan. It does not commit the Senate to a program.

Do I think this issue will remain contentious? Yes, I do. In press release and interview the House is declaring that the conference accepted the House program.

Assertions to the contrary, the House is not correct. I urge my colleagues to read the Conference Report. Any decision to pursue an advanced submarine technology program that might emerge from the plan that it mandates will be the subject of future debate and legislative action by Congress. This conference report commits no procurement funds to it. Further, the Senate has not endorsed the House's concept as the best course of action to pursue for acquisition of submarines with the necessary mission capabilities.

I agree with Senator NUNN that the twin objectives of lower cost but more capable have proven elusive in the past—often sought but seldom, if ever, achieved.

I also agree with Senator NUNN that the language of the submarine provision in the conference report could have spoken more directly to the costs and risks associated with the House's technology thrust. I have never said the provision could not be improved. What I have said is that it was the best compromise that could be achieved in this conference. Next year will be another matter.

I want to assure my colleagues that I would never, ever, endorse a speculative and unproven program that would put the lives of American sailors needlessly at risk. This conference agreement does not do that, and I will never subscribe to a conference agreement that does.

Mr. President, another question has been raised concerning a conference outcome that would create a bipartisan congressional panel on submarines. I want to address this question.

The House, in its conference position, was focused on ensuring the rapid incorporation of advanced technology into future submarines. The House's objective was ensure that sufficient technology would be inserted into submarine designs before beginning series construction of a new class to ensure the United States retains a comfortable edge of technical superiority over any conceivable threat. Aware of potential opposition from DOD, the House's negotiating posture during conference was based on the premise that extraordinary measures would need to be taken to prevent bureaucratic or passive resistance from overcoming the technical thrust that it considered essential.

The Senate conferees' objective during conference was to preserve the centerpiece of the Senate's submarine provision: competition based on price. Consequently, the goals of the House and Senate were divergent.

After a period of lengthy negotiations, an agreement was reached that was satisfactory to both House and Senate. One aspect of this agreement, an outcome strongly sought by the House conferees, was the creation of a panel that will focus on the incorporation of advanced technology into future submarines. The House believed such a panel necessary because it was not confident that could count on unbiased and objective input by the Department of Defense.

In the original form proposed by the House, this panel would have been at Presidential level. Its membership would have included a cross-section of experts appointed by the President, the House, and the Senate. Its oversight responsibilities and authority would have been quite broad.

The final form of the panel, as defined in the conference agreement, is much different. It will be composed of three members of the Senate Armed Services Committee and three members of the House National Security Committee. The members will be appointed by the chairmen of the two committees. The panel will receive reports annually from the Secretary of the Navy on the status of submarine modernization and research and development. It will in turn report annually to the House National Security Committee and the Senate Armed Services Committee on the Navy's progress in developing a less expensive, more capable submarine.

While this panel will, by its nature, focus greater attention on submarines than other ships, all decisions regarding submarine programs will of course continue to rest with two Armed Services committees.

Mr. President, some Senators also have objected to the inclusion of spending floors in the conference report.

The Senate conferees were opposed to inclusion of this language and resisted it during conference. We reluctantly accepted a version of the House-proposed language after concluding that acceptance was necessary in order to have a conference report. But we did so only after we made sure that both the Armed Services Committee's minority members and the members of the Appropriations Committee were fully informed of its nature and our assessment that this was necessary to reach a conference agreement.

The conference report is part of a larger process that eventually leads to the obligation of funds for various purposes. There will be future opportunities for either the Appropriations Committee or the Department of Defense to register objection and prevent expenditures should they desire to do so.

In summary, Mr. President, the Senate conferees won sufficient latitude in the language so that DOD or the Appropriations Committee would not be forced to spend funds or carry out actions to which they objected.

USUHS PROVISION

Mr. FEINGOLD. Mr. President, buried in the conference report on the Defense authorization bill for fiscal year 1996 is a provision relating to the Uniformed Services University of the Health Sciences, the Pentagon's medical school, that did not appear in either the version of the bill that passed the House or the version that passed the Senate.

Though it has no force of law, the provision clearly was inserted by supporters of the university at this stage of the Defense authorization legislation in order to create the impression of support for the medical school.

Mr. President, no one reading the record of this measure should be misled by the sense-of-the-Congress provision in Section 1071(c) of this bill. This language has been included at a stage of the legislative process when, barring re-referral of the entire bill, the provision effectively is untouchable.

Mr. President, some may wonder why the supporters of the university felt it necessary to engage in this action.

The answer, for those who have followed this issue, is undoubtedly to anticipate reaction to a recent report of the General Accounting Office reviewing the cost-effectiveness of the university and alternative sources of military physicians.

That GAO report reaffirmed what other studies have found, namely that the university is the single most costly source of physicians for the military.

The findings of the GAO, released after the Senate could amend the fiscal year 1996 Defense authorization bill, confirm previous analyses of the Congressional Budget Office, the Office of Management and Budget, and the Department of Defense itself, and are a powerful argument for the Pentagon to close the university, or dramatically change its mission.

Last session, in assessing the 5-year budget impact of a plan to phase down the school, the Office of Management and Budget estimated $286.5 million in savings, including offsetting increases in the military's physician scholarship program—a less costly mechanism for obtaining military physicians. After the university is fully closed, the annual savings would be in excess of $80 million.

Mr. President, as GAO has confirmed, the university is the single most expensive source of physicians for the military.

As a practical matter, though, the military does not rely primarily on the university for its doctors.

The Pentagon's medical school provides only about 1 of every 10 of the physicians for our military, while nearly three-fourths come from the scholarship program.

Nor, evidently, has relying primarily on these other sources compromised

the ability of military physicians to meet the needs of the Pentagon.

According to the Office of Management and Budget, of the approximately 2,000 physicians serving in Desert Storm, only 103, about 5 percent, were USUHS trained.

More generally, testimony by the Department of Defense before the Subcommittee on Force Requirements and Personnel suggested that, based upon a 1989 study, it needed to maintain a 10 percent of retention rate of physicians beyond 12 years, and that alternative sources like the scholarship program may already be meeting the retention needs of the services.

Even if military planners decide this level of retention is insufficient, as the GAO report proposed, changes could be made to the scholarship program to address any perceived need for higher retention rates.

The GAO report specifically cited a possible enrichment component for the scholarship program which would require a longer payback obligation for selected students in return for additional benefits, training, and military career opportunities.

The GAO report also suggested that additional readiness training could be provided through a postgraduate period specifically designed to enhance the physician's preparation for the special needs of military medicine.

Mr. President, this latest GAO report joins work done by the CBO, the Vice President's National Performance Review, the Grace Commission, and the Department of Defense itself in questioning whether the cost of maintaining an entire medical school for the Pentagon is justified.

The sense-of-the-Congress provision slipped into this conference report cannot change these fundamental judgments.

The overall DOD authorization bill is defective in many ways, especially in its failure to shoulder the kind of significant share of deficit reduction necessary to balance the Federal budget in 7 years.

The sense-of-the-Congress provision relating to the Uniformed Services University of the Health Sciences is emblematic of that flaw, and I urge the President to veto this measure when it is presented to him, and push Congress to craft a more fiscally responsible measure.

Mr. WELLSTONE. Mr. President, I oppose the Department of Defense Authorization Conference Report on a number of grounds. There are some positive provisions, such as those concerning pay, family and troop housing, and other issues. But the conference report remains wholly unacceptable, indeed worse in some key ways than the Senate bill. If it passes today, I earnestly hope the President will veto the bill so that we can begin a more genuine effort to pass a bipartisan defense bill.

I am all for a strong national defense, and I too want to ensure that our troops in Bosnia have everything they need to defend themselves. But that operation in its entirety is scheduled to cost about $1.5–2 billion; this bill provides over $260 billion in Defense spending overall—over $7 billion more than the President's request. I had urged the President to veto the DOD appropriations bill, and I also hope he will veto this one.

The conference report moves in exactly the wrong direction concerning America's real priorities during extremely difficult fiscal times. At the very moment that Republicans are forcing a shut-down of parts of the Government over our disagreement about how much to cut from vital programs that benefit the country's working middle class, as well as those which serve the Americans, including the elderly and children, who are most in need of Government services, this bill substantially increases funding for weapons programs which are not needed.

Let me offer just a few examples. The bill adds $493 million for new B–2 bombers, and it adds $925 million for ballistic and cruise missile defense initiatives. A number of weapons program earmarks and other pork projects have been included which do not represent rational defense policy and spending. Many were also included in the Senate bill. The bill also establishes an arms sales loan-guaranty program, further subsidizing militarization in other countries, flying in the face of U.S. arms control efforts around the world.

It includes $50 million for unnecessary, even counterproductive, hydronuclear tests. In fact, the bill adds $7 billion overall to the Defense Department's own request for funding for the fiscal year. Over $7 billion more than the Joint Chiefs of Staff, the Secretary of Defense, and the President requested. That is astonishing, especially in this budget climate. How can we consider cutting food stamps, low-income heating assistance, Medicare and Medicaid before we even begin to tighten the military's belt in areas where the Department itself has said it can save?

The bill would undermine major arms control treaties against nuclear proliferation. Through its requirement of deployment of a national missile defense system, beginning by 2003, many are concerned that the bill signals an intention on the part of this country unilaterally to violate the Anti-Ballistic Missile [ABM] Treaty. I share that concern, as well as the concern that provisions of this bill could negatively affect Russian consideration of the START II Treaty. I have spoken on the floor regarding these topics in the past, and a number of my colleagues have done so today. Undermining these treaties would represent an historic error, and set us back many years in our arms control efforts. They have received bipartisan support in this body and were negotiated and approved by administrations of both parties. They should be strictly observed, not abrogated. And negotiations on the next phase should be pressed ahead quickly.

Mr. President, I also would like to raise an issue about which a number of colleagues and I have communicated to the chairman and the ranking member of the committee. That is the issue of procurement. As a member of the Small Business Committee, I have attempted to follow closely issues that affect small businesses in the area of procurement, and this bill, as many of my colleagues know, has become contentious due to its actions in this area of policy. Provisions were added to the bill in conference in the name of acquisition reform which have generated some alarm in the small business community and among some who have worked carefully on Governmentwide procurement reform in recent years. In the very short time that has been available to study the provisions of the report, it has been difficult to assess all of its likely effects on procurement. But an initial reading indicates to me that there are areas of legitimate concern.

On December 4, along with Senators BUMPERS, KERRY and MOSELEY-BRAUN, I wrote to Chairman THURMOND of the Armed Services Committee and to Senator NUNN, who is the committee's ranking member. We expressed concern that provisions relating to acquisition, not only by the Department of Defense, but Governmentwide, were being included in the conference report: provisions that were not contained in the bill as originally passed by either the Senate or the House. Some of the provisions were derived from H.R. 1670, a House-passed bill, and some were derived from a Senate bill, S. 946. The provisions, as it turns out, underwent some modification before being added to this bill during the conference. But substantial changes to Governmentwide procurement policy are indeed contained here. The concern which my colleagues and I expressed in our letter, that such changes might undercut important procurement reforms undertaken by Congress in recent years, especially by weakening the practice, if not the principle, of full and open competition, remain. I therefore hope that following a veto of this bill by the President, the issue can be reexamined.

I share these concerns not only with my Senate colleagues with whom I have worked on this issue in recent weeks. I also would like to point out the important work done on the House side by Small Business Committee Chair JAN MEYERS of Kansas. Mrs. MEYERS has championed small business interests during this process, and has reached similar judgments to those which I am setting out here. We both question the wisdom of undertaking significant Governmentwide procurement legislation, even in the name of ''streamlining,'' in the very restricted process of passing a Defense authorization conference report. And we both believe that the objections raised by a

number of small business organizations to the provisions themselves have some merit.

Mr. President, I ask unanimous consent that an article from the Washington Post dated November 17, 1995, be printed in the RECORD. And I point out that the Small Business Legislative Council, National Small Business United, the National Association of Women Business Owners, the National Association for the Self-Employed and others all have expressed serious reservations about the procurement provisions. I hope we will have a chance to revisit the issue.

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

[From the Washington Post, Nov. 17, 1995]

UNCLE SAM'S BUYING POWER

(By Kathleen Day)

A quiet storm has erupted in Congress over efforts to reform how the government spends $200 billion a year to by items ranging from paper clips and computers to jet fighters and tanks.

Supporters of the proposal, led by Rep. William F. Clinger Jr. (R-Pa.) and the Clinton administration, say pending legislation would save taxpayers millions of dollars by reducing bureaucracy, giving procurement officers by reducing bureaucracy, giving procurement officers throughout government more flexibility to buy items as they see fit and allowing the government to pay the same competitive prices as private businesses.

''We think on balance it would be a good set of additional reforms,'' said Leroy Haugh of the Aerospace Industries Association, which represents defense giants such as General Dynamics Corp. and Lockheed Martin Corp.

But others, including Rep. Jan Meyers (R-Kan.), AT&T Corp. and the U.S. Chamber of Commerce, say the proposed changes will return the federal government to the days when the Pentagon paid $7,400 for a coffeepot and $640 for a toilet seat. They contend the proposed changes would cut competition by letting the government limit the number of companies making bids and allowing the White House to waive purchasing rules at will.

They say the result would be a system that shuts out many small companies and enables a few large players to dominate federal contracting, making it tougher for others to win government business. Worst of all, they say, the proposals are being crafted behind closed doors, without the benefit of public scrutiny.

''This would fundamentally change public procurement,'' said Edward J. Black, president of the Computer and Communications Industry Association, whose members include Amdahl Corp., AT&T, Bell Atlantic Corp. and Oracle Corp. ''For that to be done in some secret room without everyone being able to see what's going on is a problem.''

''I wouldn't characterize it as a secret, but as a proposal that's followed an unusual legislative path,'' said the Aerospace Industry Association's Haugh.

The changes are being considered by House and Senate conferees who are working on legislation setting the Defense Department's budget for fiscal 1996. That, critics say, is part of the problem: A proposal to change purchasing rules for all federal agencies, not just the Pentagon, should not be considered as an amendment to a military funding bill, but in separate legislation.

Lawmakers in the conference could finish their work on the DOD funding bill as early as today, congressional aides said.

The effort comes just a year after Congress approved legislation changing procurement procedures, and a decade after it passed a law requiring more competition in government contracting. About the only thing that both sides agree on is that the controversy over purchasing rules highlights the difficulty of cutting government red tape while preserving safeguards that ensure taxpayer funds are spent wisely.

Legislation being discussed would:

Give government buyers more leeway in eliminating companies early in the bidding procedure. The goal is to save the time and money the government spends in considering companies that clearly are not qualified to win a contract.

Encourage the government to purchase, whenever possible, off-the-shelf items available to the general public, instead of paying to create goods or services from scratch. (The storied $7,400 ''hot brewing machine,'' better known as a coffee-pot, was so costly because it was built from scratch for the Air Force.)

Simplify how the government makes requests for goods and services, with the goal of curtailing waste of time and money writing needlessly detailed specifications.

Change the system that allows losing companies to challenge contract awards. The goal is to eliminate frivolous protests.

Allow agencies to spell out contracting rules through regulation, rather than laying down those rules by law. One proposal would give the White House appointee in charge of federal procurement policy power to waive rules governing a particular contract—rules specifying, for example, how many companies need to bid or what the bidding deadline is.

''What comes out of this conference could be a very positive approach,'' said Steven Kelman, head of the White House's Office of Federal Procurement Policy. The assertions that changes could bring back high-priced coffeepots ''are scare tactics,'' he said.

Kelman said more companies would compete for government business if there were less red tape. The legislation also would reduce the time it takes the government to award contracts, sending a signal to companies that the government will no longer tolerate sloppy work and delays, supporters say.

Others disagree. ''The decision to bid on a government contract is a business decision that should not be wrested away by faceless government bureaucrats,'' said Jody Olmer of the U.S. Chamber of Commerce, which represents 215,000 companies—96 percent with 100 or fewer employees.

''If the rules regarding who can do business with the government are changed in the manner under consideration,'' she said, ''it could lead to higher prices, less competition. It could eliminate a number of smaller businesses from the process.''

''The government has an obligation to play fair so that all citizens have a chance to bid for contracts involving taxpayers' dollars,'' Black said.

He and others say that last year's reform law, which is supported by both sides in this year's debate, didn't take effect until last month and therefore hasn't had enough time to work before being tampered with.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

● Mrs. BOXER. Mr. President, I have divided feelings about the conference report on the fiscal year 1996 Department of Defense authorization bill. I am very pleased that the conferees have retained my amendment prohibiting members of the Armed Forces convicted of serious crimes from receiving their pay. However, I am strongly opposed to a number of policy provisions and spending requirements in the bill. However, on balance, I believe that this conference agreement would move our national defense strategy into a new and unwise direction.

Early this year, I was shocked to discover that the Pentagon continued to keep violent military criminals on the payroll even after their conviction by courts martial. Each month, about $1 million is paid to incarcerated murders, rapists, child molesters, and other convicted criminals.

When I learned of this outrageous practice, I immediately began working with Pentagon and Armed Services Committee leaders to craft a legislative solution to this outrageous abuse. Working together, we were able to craft a successful fix, which was approved by the Senate by an overwhelming vote. I wish to thank the ranking member of the committee, Senator NUNN, and the Personnel Subcommittee chairman, Senator COATS, for their thoughtful cooperation and helpful suggestions in addressing this problem.

While I am pleased that my military convicts amendment was retained in conference, I believe that on balance, this bill takes our national defense strategy in the wrong direction.

This bill spends $7 billion more than the Pentagon's military planners believe they need to meet our national security needs. Much of this $76 billion bonus is earmarked for special interest pork-barrel programs that our military planners neither need nor want. This kind of wasteful spending should not be permitted.

The bill undermines the Anti-Ballistic Missile Treaty requiring the deployment of a national missile defense system by 2003. It more than doubles the administration's funding request for the National Ballistic Missile Defense Program. This return to the Reagan-era ''star wars'' program is a clear waste of tax dollars.

The conference report virtually eliminates the Office of the Director of Test and Evaluation. This office is the cornerstone of our ''fly before you buy'' policy, which was created as a remedy for the notorious procurement abuses of the late 1970's and early 1980's. I was a member of the House Armed Services Committee when the OT&E office was created in 1983 and played an active role in crafting the legislation establishing the office. In my view, the OT&E has saved billions of taxpayer dollars and has ensured that the weapons our troops in the field receive will function properly. To abandon the OT&E in the name of procurement streamlining will waste billions of dollars and put our troops at needless risk.

This conference report contains a pair of irrational personnel provisions that are unfair to our troops and will

undermine morale and degrade readiness. First, it denies the rights of military personnel and their dependents to terminate pregnancies in military hospitals. I believe it is fundamentally wrong to deny constitutionally protected rights to our troops and their families simply because they are stationed overseas.

Second, the conferees accepted an outrageous House provision requiring the discharge of military personnel who test positive for the HIV virus. There is no rational basis whatsoever for this provision. The current Pentagon policy on this issue is wholly adequate.●

Mr. THURMOND. Mr. President, I suggest the absence of a quorum and ask that it be divided equally, charged to each side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. THURMOND. Mr. President, I yield 15 minutes to the able Senator from New Hampshire [Mr. SMITH].

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

Mr. SMITH. Mr. President, I thank the distinguished chairman for yielding, and I rise in support of the Defense authorization conference report.

At the outset, Mr. President, I want to congratulate Senator THURMOND for his strong and determined leadership and tireless efforts on behalf of this legislation. It is a very, very difficult process to get this bill to the floor, but Senator THURMOND never gave up, and he has spent an awful lot of time talking to Members trying to work out agreements to get us here.

It was a difficult conference with the House. While we experienced some growing pains in the process, I think the product, even though we do not all agree with it, is something we can be proud of. We do not agree with everything in it, but it is something we can be proud of.

The Senator from South Carolina deserves a great deal of credit for his leadership and, more importantly, for his commitment to the men and women who wear the uniform of the United States of America.

We are always grateful to the distinguished Senator from South Carolina for that strong leadership.

The legislation before us authorizes approximately $264 billion for national defense. This funding level is about $7 billion more than the President's request, but it is consistent with the concurrent budget resolution adopted by Congress earlier this year.

Some have questioned this level, and I want to emphasize that even with the increased funds, the bill provides 2.3 percent less than last year's defense bill in real terms. The truth is that real defense spending has declined every year since 1985. Of course, you do not hear about that much in the news, but for the last 11 straight years, defense spending, in terms of a percentage of the entire U.S. budget, has gone down.

For the benefit of my colleagues, I want to briefly summarize some of the highlights of the bill before us.

There is a 2.4-percent pay raise for our troops and a 5.2-percent increase in the basic allowance for quarters. I find it somewhat ironic that the President, who sends the troops to Bosnia, now may veto this bill which provides them with a 2.4-percent pay raise. Some of these troops may even be eligible for food stamps, and we are putting them in harm's way in Bosnia. I think it would be immoral for the President to veto this legislation.

It includes an adjustment to equalize the schedule for military retiree COLA's to be sure they are provided the same schedules as Federal civilian COLA's and also includes a variety of acquisition policies urgently needed to maintain the pace of procurement reform begun last year. These are items under my subcommittee, and they are going to significantly increase the ability of Federal agencies to buy state-of-the-art technology from the commercial sector and reduce barriers for companies, both large and small, who want to sell their goods and services to the Government.

All of these provisions are fully consistent with the existing requirements for full and open competition.

In the area of relieving burdens on contractors, we provided a total exemption for the suppliers of commercial items from the requirement to provide certified cost and pricing data under the Truth in Negotiations Act. We also provided extensive relief from requirements for special certification of compliance of laws applicable to Government contractors and eased the requirements governing acquisition of commercially off-the-shelf products.

In addition to these changes, we have included a series of initiatives which are intended to streamline acquisition. For instance, we have included a provision allowing agencies to use streamline solicitations and flexible notice deadlines in the procurement of commercial items under the amount of $5 million.

This is a 3-year test program that does not alter the requirements for notice or the requirements for full and open competition in these procurements.

Finally, under acquisition, we have included a major reform in the manner Federal agencies purchase information technology. This has been spearheaded, for the most part, by my colleague and friend from Maine, Senator COHEN. We have eliminated the jurisdiction of the General Services Administration over Federal agency information technology procurements, including the role of the General Services Board of Contract Appeals in bid protests.

So the acquisition reform provisions were developed in a bipartisan manner, with the involvement and cooperation of the Governmental Affairs Committee and the participation of representatives from the Small Business Committee staff.

These changes have been the subject of hearings, numerous hearings, over the past years. They are issues thoroughly researched and considered prior to inclusion in this bill.

Let me talk about a few other things in the bill, Mr. President. There is a $480 million increase in military construction funding which, although it takes great criticism from some here, it enhances the life of our troops and their families. They have to be able to live in a decent place. In some cases, prisoners who serve in penitentiaries in the United States of America have better quarters than our armed services.

This Senator is not going to stand out here on the floor and watch other Senators demagog the whole issue of military construction when, in fact, it is necessary. It is not all pork. There is some pork, and we tried to get that pork out. Did we get it all? Probably not, but we got a lot of it. But building good housing and having decent places for military to work and live in is not pork.

There is $300 million to continue the so-called Nunn-Lugar cooperative threat reduction program with the states of the former Soviet Union. You can see what is happening now in the Soviet Union. That is taking on more importance. There is an increase of over $1 billion in operation and maintenance accounts to enhance readiness. And most importantly, perhaps, from this Senator's point of view, is the Ballistic Missile Defense Act of 1995, which establishes policies on development and deployment of missile defenses, and this includes an increase of $604 million to accelerate promising theater missile defense programs.

Not everyone is going to like every provision in this bill. I certainly do not. But it is the nature of the legislative process that a good bill reflect the philosophies and priorities of all of us as much as possible.

For this reason, Mr. President, to be very candid, it troubles me very much that the administration has announced its intent to veto, even before we adopt it, this conference report. As the chairman of the Subcommittee on Acquisition and Technology, I worked very hard, frankly, to accommodate the interests and priorities of the administration in my areas, sometimes taking on some of my own party to do it. I am not happy about the fact that one of the veto message items in this bill deals with areas that were under my jurisdiction, specifically the Technology Reinvestment Program.

Frankly, I was specifically assured by Under Secretary Paul Kaminski for

Acquisition that the administration appreciated the support and would accept our funding level, and now I find that it is one of the reasons for being vetoed. I was surprised and offended to see the TRP issue listed as a reason for the President's threat to veto the bill. I have dealt in good faith with the administration on this issue. If this is the reward for being open and accommodating, I can assure my friends in the administration, I may not be so open and accommodating the next time around. I do not appreciate it, and I want everybody to understand that. I deal in good faith with people, and I expect reciprocal treatment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has approximately 6 minutes.

Mr. SMITH. Mr. President, I am also troubled by the statements of the distinguished ranking member, whom I respect immensely and he knows that, Senator NUNN, regarding the ballistic missile defense provisions of the bill. We have met a number of times with Senator NUNN, many of us who worked on this negotiation.

The bill before us accommodates virtually every single concern Senator NUNN raised, as far as I am aware. It retains the compromise language on demarcation that was included in the Senate bill, and it eliminates the requirement to deploy a multiple-site national missile defense, much to my consternation. In addition, it retains program guidance from the Senate-passed bill.

These were big concessions to the minority, huge concessions to the administration, and, quite honestly, we had a tough time swallowing them, but we did it to get a bill here that would move us in the right direction, even though it was not as far as we wanted to go on missile defense, and we did it in good faith, and now we find the rug is pulled out from under us.

It is clear that there was not a good-faith negotiation on the part of the administration on this issue. The administration has told us what the veto debate was, and we moved away from that, and still we have that action hanging over us. I do not want to be on that side of one—if the administration wants to be there, that is fine—that takes the position that the administration now has no intention of ever protecting the American people from ballistic missile attack. If they want to be on that side of the issue, that is fine. I do not want to be on that side of the issue. In its statement of policy, the administration specifically calls national missile defense ''unwanted and unnecessary.'' Let me repeat that. The administration calls national missile defense unwanted and unnecessary.

With all due respect, who is it that defines protecting all Americans in all 50 States to be unwanted and unnecessary? I have not heard anybody say that. I find it difficult to believe that there are people out there who would not want to be protected from a missile. That is what has been said.

So it is President Clinton—let us be very clear about it—that is the problem. The United States currently has no defense against ballistic missile attacks. Zero. We are totally vulnerable. If a missile is fired at us, we cannot stop it. Believe that or not. The administration does not intend to correct that. We fought hard to get these provisions in there.

So the administration does not intend to ever deploy national missile defenses. And now, when Congress takes action to correct this vulnerability, as we have done in this bill, we get the veto threat.

The truth is that nothing in this bill violates the ABM Treaty. It only calls for deployment, by 2003, of a ground-based national missile defense. There is no requirement that it be a multiple-site system. I wish it was, but it is not. We went as far as we could go to get the support of the minority, and the minority pulls out the rug. I find it unbelievable that this President, and some here in the Senate, with troops in the field in Bosnia—we heard a lot of speeches about how we have to support the men and women in Bosnia. That is why we should send them there, because we have to support them. The President wants them to go there. I disagreed with all that. I believe in supporting the troops once they are there, and the best way to do that is voting for this bill. If you do not, you are not supporting the troops, you are not giving them a pay raise, better housing, better weapons. If you do not vote for this, you are not. Let us not hear about any of this conversation and discussion out here about how you are supporting the troops in the field because you are not doing it.

The Russians have taken full advantage of this single-site ground-based system and ABM deployment talk, and they have deployed a national missile defense system near Moscow. There is no breach of the ABM Treaty and no anticipatory breach of the treaty in this bill, period. Yet, that is what we are being told on the floor.

How is the President going to explain this to the American people? He is going to veto a bill—to put it another way, he sends troops to Bosnia and will veto the bill that provides a pay raise and improves quality of life for their families, provides ammunition and the spare parts and equipment they need to do their jobs. That is what is happening, and this should be exposed on the floor of the Senate. This is an authorization bill, and it gets a little dry in the discussion. But let us call it what it is. That is what it is.

How is the President going to explain this? I do not know. How is he going to explain it? We have heard a lot of talk about the importance of supporting the troops in the past few days. Well, that is not happening today. If you vote against this bill, you are not supporting the troops. You are not supporting the necessary programs for them and their families.

So we have a Commander in Chief here, who, by vetoing this bill or threatening to veto the bill, is abandoning his troops when they need him the most. He sends them all over the world—to Bosnia, Somalia, Haiti, Cuba, wherever he feels like sending them to do police work—without the support of the American people in most cases. And he cannot sign a defense bill that provides a pay raise and gives them the equipment and facilities, maintenance, and materials they need. And another reason for not signing the bill and vetoing it is because he does not want to protect the United States of America from missile attack. That is the reason the President has given for vetoing this bill.

I urge my colleagues to think very carefully about these comments when you vote. If the President is about to walk off a cliff when he vetoes this bill, do you want to be hanging onto his coattails when he goes? I hope not. If you vote against the defense bill, you are doing that.

The troops and their families are watching, I can tell you. They know what the stakes are. They know what the stakes are. These are the families on food stamps out there, whose parents are headed to Bosnia. If you vote against this bill, you will be voting to deny them that raise, deny them housing upgrades, and deny the very basic subsistence they so badly need.

Who is really abandoning our troops then? It will be very clear to the American public I assure you.

In closing, I urge my colleagues to support the bill before us. The legislative initiatives and funding authorizations contained in the conference report are essential to keep faith with our men and women in uniform and to preserve our national security. Those troops, including the 20,000 who will be deploying to Bosnia, need us now more than ever.

I urge each of you to send the strongest message possible that you support them and their families by supporting this bill.

I yield the floor.

Mr. THURMOND. Mr. President, I wish to commend the able Senator from New Hampshire for the excellent remarks he made on this bill. He is a valuable member of the Senate Armed Services Committee, and he renders this country a great service.

I will yield 10 minutes to the able Senator from Idaho, Senator KEMPTHORNE, and after that, I will yield 10 minutes to the able Senator from Oklahoma, Senator INHOFE, then 10 minutes to the Senator from Virginia, Senator WARNER, and then 10 minutes to myself.

The PRESIDING OFFICER. The Senator from Idaho is recognized for 10 minutes.

Mr. KEMPTHORNE. Mr. President, I would like to pick up on the theme that the Senator from New Hampshire

was referencing—that is, the troops. When I go out and visit the troops, wherever they may be, throughout the world, whether it was in Somalia, or Bosnia, or what have you, and I discuss their thoughts with them and ask them, ''What is on your mind? What are your top concerns?'' they bring up the whole question of the benefits.

Remember, we have volunteer armed services. They want to know what Congress and the President is really doing with regard to the benefits, such as their pay and their living conditions. It is a well-known fact that we can be very effective at recruiting these very, very talented young men and women into the military. But whether or not we retain them is based upon whether we really are serious and whether we deliver when we say that we are going to take care of the best fighting forces in the world.

Now, in this particular legislation that is before us, this Defense authorization bill, if in fact we support the troops, then this is the bill that we must vote for. Only by voting for this bill do we give to the military the full military pay raise. How in the world do you explain to those troops that we have sent to Bosnia for Christmas that, by golly, we support you with everything we have here, with the exception that I did vote against the Department of Defense authorization bill, and I denied you the full pay increase that you are due? I do not think that squares. I think it is pretty easy to stand in the luxury of this facility and say how much we support them, but then cast a negative vote against a pay increase; or how about the increase in the quarters allowance, so that we can retain them, because you are going to have to do things for the families of our military if you are going to retain them. The Secretary of Defense's military housing program—it is estimated that it will take us 30 years to upgrade the housing that we put the best fighting force in the world in as their living quarters. Or the cost-of-living allowance—in order to provide them equity with the civil Federal employees, you have to vote for this bill. If you do not vote for this bill, then you are denying the military of this Nation equity with the other Federal employees.

There are many provisions in this bill, as has been pointed out in the debate that has taken place on the floor of this Senate. There are many provisions that Senators have come to my office and have said: We certainly ask you and urge you to vote with us regarding, for example, The *Seawolf* program, whether or not we ought to build this third *Seawolf*. There were discussions in my office. I support the construction of the third *Seawolf*. I think it is absolutely the right thing to do. I voted for it. Those Senators that came to my office urging me to vote for it, now I am told, are going to be voting against the conference report that does authorize the funds for the *Seawolf*. They are also the ones that, by casting that negative vote, are denying the military the full military pay increase. I do not think it squares. Does that mean that I like everything in this bill? Absolutely not.

I think, for example, Mr. President, that the B–2 bomber is truly one of the most fantastic aircraft that will ever be designed. We are fortunate that we have in our arsenal B–2 bombers. I would love to see us have additional B–2 bombers.

In this particular report, as we did in the Armed Services Committee, I had to ask the question, how is it that we only provide $493 million for the B–2 bomber program? Yes, we can come up with $493 million this year, but no one has been able to adequately tell me after this year how do you come up with $20 billion to provide for the additional B–2 bombers. No one has been able to answer that question. It should be answered. This commits us to going down that road.

I do not agree with that based on the rationale I just mentioned, based upon what I argued in the Armed Services Committee, but that does not mean I will walk away from my responsibility to support this conference report and what it means to the men and women that wear the uniforms of the armed services of the United States of America.

This conference report has real cleanup at the Department of Energy sites throughout the United States. It expedites the environmental restoration at a variety of these sites—the environmental restoration. How is it that so many of our colleagues say they are out front on all the efforts toward environmental sensitivity cleanup, but on some of our own Federal sites they will walk away from that by voting against this conference report?

This conference report also includes a landmark sense-of-the-Congress resolution describing and affirming the recent settlement between the State of Idaho, the Department of Energy, and the Department of Navy regarding the shipment and storage on an interim basis of spent nuclear fuel in the State of Idaho. The settlement between the State and the Federal Government will allow the Navy and Department of Energy to meet their national security requirements to the Nation over the next 40 years. But the settlement also significantly assures the people of the State of Idaho that all spent nuclear fuel will leave the State by the year 2035. The agreement is the result of long and difficult negotiations between the Governor of Idaho, Phil Batt; the attorney general, Al Lance; the Assistant Secretary of Energy, Tom Grumbly; the DOE General Counsel, the Director of Nuclear Naval Propulsion and the Navy General Counsel.

Mr. KEMPTHORNE. Mr. President, I would like give my colleagues some background to explain the importance of the Sense of the Congress Resolution in the fiscal year 1996 Defense authorization conference report concerning the shipment and interim storage of spent nuclear fuel at the Idaho National Engineering Laboratory.

Since the 1950's, the Navy sent its spent nuclear fuel to the Idaho National Engineering Laboratory [INEL] for reprocessing at the Idaho Chemical Processing Plant [ICPP], known as the Chem Plant, in eastern Idaho. At the Chem Plant, the uranium contained in the naval spent fuel was extracted and sent to Oak Ridge for use in the Nation's weapons complex. The resulting liquid waste was stored and later calcined into a dry substance. In 1992, the Nation stopped reprocessing spent nuclear fuel. After 1992, spent nuclear fuel from naval reactors came to INEL for interim storage at the Chem Plant.

In the wake of the decision to end reprocessing, Idaho Governor Cecil Andrus went to court to block the shipment and storage of Department of Energy and Navy spent nuclear fuel to Idaho. On June 28, 1993, Judge Hal Ryan of the District Court of Idaho issued an injunction blocking the shipment of Navy and DOE spent nuclear fuel to Idaho until an environmental impact statement assessed the impact of storing this material in Idaho.

The injunction against shipments to Idaho threatened to delay the Navy's ability to refuel and defuel nuclear powered ships because the Navy possessed limited storage space for this material at the shipyards that did this work. As the threat to the Navy's refueling and defueling schedule increased and the threat of job losses at the nuclear shipyards grew, supporters of the Navy's position sought to include a legislative exemption from the National Environmental Protection Act [NEPA] for the Navy's nuclear shipments to Idaho. In fact, the chairman's mark of the fiscal year 1994 Defense authorization bill considered by the Senate Armed Services Committee included such a waiver.

During the markup of this bill, I argued strenuously against the legislative waiver. As I said at the time, it was inappropriate for the Senate to consider a waiver before we knew the facts about the impact of the court's injunction. At my urging, the legislative waiver was dropped from the bill approved by the Armed Services Committee. In lieu of a legislative waiver, the Armed Services Committee held a hearing on July 28, 1993, to assess the facts about the situation.

At the July 28 hearing, Governor Andrus, Senator CRAIG, Congressman CRAPO, Admiral DeMars, and Tom Grumbly and others outlined the issues facing the Navy, the Department of Energy, and the State of Idaho. In my opening statement, I urged Chairman EXON to lock the doors until the parties at the witness table reached an equitable agreement that protected the interests of the people of Idaho, the Navy, and the DOE. I also urged the witnesses and the members of the committee to establish a new partnership to implement long-term solutions. The

hearing reaffirmed Governor Andrus' willingness to accept additional naval spent nuclear fuel shipments if the shipments were required for national security and work on the EIS continued.

On August 9, 1993, Governor Andrus, the Navy, and the DOE announced agreement on an interim settlement which allowed a minimum number of shipments to Idaho while the Navy and the DOE completed the environmental impact statement. I strongly supported the agreement negotiated by Governor Andrus and the Federal Government because it protected Idaho's rights, it allowed the Navy to meet its national security requirements, and it avoided a legislative waiver of the NEPA law. On December 22, 1993, Judge Ryan accepted the settlement and modified the injunction to allow the shipments required for national security.

On April 28, 1995, the Department of Energy released the final EIS on spent fuel management which recommended consolidating spent nuclear fuel at INEL, the Hanford reservation, and the Savannah River site. At that time, I called the Secretary's recommendation unfair and I urged her to reconsider this recommendation. A few weeks later, Governor Batt and the State of Idaho went to court to block the recommendations of the EIS. On May 19, 1995, Judge Edward Lodge agreed to Governor Batt's request to maintain the injunction on spent nuclear fuel shipments while the court assessed the adequacy of the final EIS.

On June 1, 1995, Secretary O'Leary signed the record of decision which codified the administration's decision to send 1,940 additional shipments of spent nuclear fuel to the INEL. For the next 2 months, the Department of Justice and the Navy tried, but failed, in their appeal efforts to get Judge Lodge's injunction lifted.

As the dispute lingered, Governor Batt announced three conditions for a settlement of this issue. In exchange for a binding commitment to: First, remove all spent nuclear fuel from Idaho by a date certain; second, accelerate clean up at the INEL; and third, provide new missions for the site, Governor Batt announced he would accept some additional shipments of spent nuclear fuel to the INEL for temporary storage and preparation for ultimate disposition. Once the Governor set out the parameters of a fair agreement, I expressed my support for his three conditions and urged the DOE and the Navy to meet his concerns. Throughout the months of negotiations that led to this agreement, I spoke with a variety of DOE, DOD, and Navy officials, including Secretary O'Leary, Deputy Secretary of Defense White, Navy Secretary Dalton, Tom Grumbly, Admiral DeMars, and Steve Honigman, urging a settlement along the terms outlined by Governor Batt. For example, at a July 20 meeting in Senator WARNER's office, I told Admiral DeMars and the Navy general counsel that I would vigorously oppose any effort to seek a legislative waiver for nuclear shipments to Idaho. Instead of seeking a legislative quick fix, I urged the Navy and the DOE to intensify negotiations with Governor Batt.

As the negotiations plodded along, Navy supporters once again sought a legislative waiver to allow Navy spent nuclear fuel shipments to Idaho to continue. In fact, the House passed DOD appropriations bill included a legislative waiver for Navy shipments. When the Senate considered the defense authorization bill, I worked with Senators WARNER, EXON, SMITH, CRAIG, COHEN, THURMOND, and others to include an amendment which urged a continuation of good faith negotiations between Idaho, DOE and the Navy. The defense authorization and appropriations bills considered and passed by the Senate did not include any waiver that prejudiced Idaho's interest during these negotiations.

During the end game of the conference on the defense appropriations bill, Chairman STEVENS called me at home one Friday evening to inform me that the House conferees insisted on their language allowing naval nuclear fuel shipments to Idaho despite the court's injunction. I thanked Senator STEVENS for his heroic efforts on my behalf to delete the House provision. In light of the position of the House conferees', I informed the Senator from Alaska that I would use every option at my disposal to oppose the appropriations conference report if it included a legislative waiver. He said he understood my position.

The final Department of Defense appropriations conference report included the House language exempting Navy shipments from the NEPA law and Senator CRAIG and I prepared to filibuster the bill. When it appeared that the Senate would take up the Defense appropriation conference report, Senator CRAIG and I went to see Senator DOLE, the majority leader, expressing our strong opposition to the bill. Senator CRAIG and I asked the Majority Leader to delay consideration of the bill to give Governor Batt additional time to negotiate with the DOE and the Navy. Senator DOLE agreed to our request and delayed Senate consideration of the bill. In the end, the House defeated the conference report on unrelated issues.

On October 16, 1995, Governor Batt, the Navy, and the DOE reached an agreement to allow around 1,100 nuclear shipments to Idaho over the next 40 years in exchange for a court enforceable commitment to remove all spent nuclear fuel from Idaho by 2035 and expedite the clean up and waste management activities at the INEL. The agreement also included a provision to fund new missions at the INEL. I joined the rest of the Idaho congressional delegation in hailing this settlement as an historic agreement for the people of Idaho and the Nation. A day later, the court accepted this settlement and shipments of Navy nuclear fuel to Idaho safely resumed.

Today, the Senate will consider the fiscal year 1996 defense authorization conference report which includes the sense-of-the-Congress language on this agreement that I requested. The language reads: ''Congress recognizes the need to implement the terms, conditions, rights and obligations contained in the settlement agreement'' and ''funds requested by the President to carry out the settlement agreement and such consent order should be appropriated for that purpose.'' This sense-of-the-Congress resolution brings the legislature into this settlement agreement. Under the U.S. Constitution, the obligation to provide the funds to implement this agreement falls on the Congress and I am pleased by my colleagues' recognition of the importance of this accord.

Today, the Senate will take a big step forward in recognizing that we must address the waste and spent nuclear fuel that has resulted, and will result, from our national security policies. Today, the Senate will state its intention to provide the funds to implement an agreement that allows the Department of Energy and the Navy to meet their national security requirements to the Nation.

In the years ahead, I will work tirelessly with my colleagues to insure the Congress meets its responsibilities to implement this historic accord. I can assure my colleagues I will do everything I can to explain the importance of this agreement to every Senator. I want to thank my colleagues for their support for this sense-of-the-Congress resolution.

Mr. President, in conclusion, let me say I have heard a lot in the last 10 days, the last week we cast some tough votes with regard to Bosnia. Everyone was making the points about supporting the troops. Here is your opportunity to support your troops by saying we will make sure that they have the full pay increase for them. It will assure that we have the acquisition streamlining so they do not have to wait for the moms, dads, husbands or wives to send equipment, as we did in Desert Storm, because it took too long to get it through the Federal program where you could buy things like a GPS system through Radio Shack. That is wrong. If you support the troops you vote for this.

I conclude by saying I want to commend the chairman of the Armed Services Committee, Senator STROM THURMOND. What a remarkable man. He has been leading us on this conference report. He has been leading that committee with the same vigor, the same determination as when he rode a glider behind enemy lines in World War II. Just as at that time he was serving the country, again as the chairman of the Senate Armed Services Committee, he is serving the country. He is doing all that he can to make sure that we provide the necessary support for the men

and women in the uniform of the armed services of this Nation. I am proud to serve on a committee that STROM THURMOND is a chairman of. I urge all of my colleagues to join in voting for this conference report. That is a signal you will send to the troops. It is the right signal. I yield the floor.

Mr. DORGAN. Mr. President, I come to the floor to oppose the conference report, and I regret doing that. I have great respect for the Senators who have worked on this. I have great respect for Senator THURMOND and others.

It is interesting to me that we find ourselves during Christmas week talking about a balanced budget. We find ourselves in meetings all over the Capitol and at the White House trying to figure how do you struggle to cut spending to balance the budget, and we bring a defense authorization bill to the floor that follows an appropriations bill that said, ''By the way, Pentagon, one of the largest areas of public spending, you did not ask for enough money. We insist you spend more.''

That is what this bill says. This bill says to the Army, Navy, Air Force, Marines, ''You do not know what you need. We demand you buy more trucks, more planes, more ships, more submarines because we do not think you ordered enough. We will plug in some more money for you.''

We are debating all of these budget issues and appropriations bills, and we say we cannot quite afford the entire Head Start program so 55,000 kids, all of whom have names, will no longer be in Head Start because we cannot quite afford it; 600,000 low-income inner-city disadvantaged kids will not get summer jobs because we cannot afford that; got to cut the Star Schools Program by 40 percent; we cannot afford energy assistance in the middle of winter for low-income folks who live in Minnesota and North Dakota and elsewhere in this country.

But we say: By the way, there are some things we can afford. We can afford some things the Pentagon said it did not want. We can afford $493 million to start buying new B–2 bombers for a total bill of $31 billion; we can afford $1.3 billion for an LHD–7 amphibious ship; $974 million for a second amphibious ship; we can afford more money for 6 F–15's that were not ordered; 6 F–16's that were not requested; 14 Kiowa Warrior helicopters that were not asked for.

Of course, the hood ornament on all of this extravagance is the National Missile Defense Program. I know there is great disagreement about this, and others will stand up and forcefully defend national missile defense. I respect their views, and I will not in any way be cross about them personally, but only to say I think this is a terrible waste of the taxpayers' money. Maybe we could get some old newspapers to put on the desks to say that the Soviet Union is gone. There is not a Soviet Union any longer. The Republics are today, as I speak, destroying missiles and nuclear warheads per an arms agreement. They are destroying both delivery systems and warheads as a result of an arms agreement in which we reduce the number of weapons.

But we are saying we want to spend $450 million more in this conference report than the administration asked for, for a national missile defense, better known as star wars. ''Star wars'' because this says it ought to be a spaced-based component, ought to be multiple sites and we ought to deploy it immediately.

Let us decide as a country if our priority is to build star wars. Does anybody think this makes sense—a 40 percent cut in Star Schools—a tiny program to make American schools better, we cannot afford it, so we cut it 40 percent—but we decide what is really important is $493 million added on for star wars? Someone somewhere is not thinking very clearly.

It would be interesting to have had this bill brought to the floor at a different time. But it is brought to the floor in the middle of a wrenching debate about what we have money to spend on and what our priorities are, and we now say some of the most conservative Members of this body say, ''By the way, we are deficit hawks. We are for a balanced budget. We are for cutting Federal spending, except today, Tuesday.'' This bill we are going to do our way. And our way is to say to the Secretary of Defense: You do not know what you are talking about; to the Air Force, to the Navy, to the Army and to the Marines: You do not understand what you need. You order trucks? We insist you order more. You want submarines? We insist you buy more. Jet fighters? You did not buy enough.

What on Earth is going on? I just do not understand it.

I know it will be justified in the name of national defense, it is for national defense. If it is for national defense, stuff their pockets with money, the sky is the limit, we have no end, no limit on the American credit card when it comes to national defense. I tell you, there are at least some Americans, this one included, and I think a number of my constituents, who wonder why you would want to put on their credit card $493 million for B–2's or $48 billion to build a star wars program in December of 1995. That seems, in my judgment, completely out of step with the priorities this country ought to be seeking.

They say, ''It is not star wars, it is national missile defense.'' One of the sites may well be in my State. In fact, it is likely one of the sites will be in northeastern North Dakota. Some people up there are sore at me because I will not support a program that may provide some jobs up there. Maybe so. I know what it will provide, a $48 billion deficit to build a star wars program—$48 billion to build a star wars program, building an astrodome over America, as it were.

This makes no sense at all. Again, I will end as I started. I have great respect for Senator Strom THURMOND. I said it before, I think he is one of the legends of this Senate. He has done wonderful work for this country, and I regret not being able to support this conference agreement. There are a number of things in it that are useful and important and make good investments in our armed services.

It gives me heartbreak to see the priorities that are established in this Chamber. When it comes to helping people, helping kids, providing an entitlement for a school lunch for a poor kid in the middle of the day, or providing hope to a 4-year-old that he or she will be able to go to a Head Start program that we know works to improve their life—when it comes to that, we say, ''I am sorry, we just can't afford it. We will just tighten our belts.'' When it comes to this, it is like shopping at Toys-R-Us with a credit card that has no limits.

You want weapons programs? The Pentagon said you do not need amphibious ships, and we have to decide between two, one costs $1.2 billion and the other is $900 billion. The Pentagon wants neither. What do we do? We buy both. Why limit ourselves? The conservative members of the Congress say, ''The sky is the limit. Buy everything. Buy it all.''

I hope the next time we go around on this issue of establishing priorities for this country's spending, we will decide to do two things. We will decide that we want to invest in a strong defense in this country, but we will also decide that we are not going to add megabucks to the budgets that were requested by the people who head the armed services who ought to know what we need to defend our country, megabucks in terms of $7 billion this year, some $30 billion over the next 7 years, added, layered on, despite the fact it was not requested and is not needed.

My hope is that in the coming couple of days, as we sort through these priorities about what we think really strengthens this country and what we think our spending priorities ought to be, we will be able to do far better than this.

Mr. President, 100 years from now we will all be gone. None of us will be here 100 years from now. The only thing they will know about this group of people will be what we stood for, what our values were. They can take a look at how we spent the public's money, how we used the public's resources, what we thought was important, what we invested in.

They can look at the Federal budget and see something about what our values were, and they can see this group, at least, decided its values were to try to get involved once again in another arms race by starting an ABM program. We decide we do not have any big programs started now, let us restart it. Let us figure out how we can create a $48 billion star wars program. Let us figure how we can add 20 B–2 bombers to the tune of $21 billion.

I hope maybe we can change those decisions when we go back around this next year, so those who study history and look at what we stood for, what we thought was important, will understand we promoted a kind of investment strategy in this country that recognized the importance of defense, that recognized a strong defense is important, but also recognized you do not get that by throwing money at defense. You do not get that by building every gold-plated weapons program that comes to mind. And you do not get it by shortchanging education and a whole range of other areas that make this country stronger as well.

Mr. President, I ask how much time remains?

The PRESIDING OFFICER (Mr. THOMPSON). The Senator has 10 seconds remaining.

Mr. DORGAN. Mr. President, let me yield back the 10 seconds. I appreciate the Senator from South Carolina and his work on this legislation. Even though I am not intending to vote for it, let me hope we reach a different result next year.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I regret the able Senator is not voting for the bill, but I thank him for his kind comments.

I now yield 10 minutes to the able Senator from Oklahoma, Senator INHOFE. He is a valuable member of the Armed Services Committee, and we are very pleased to have him speak at this time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the very distinguished Senator from South Carolina, the chairman of the Senate Armed Services Committee, for yielding. I am proud to be serving with such a great American hero as Senator STROM THURMOND. It is such an honor to be in a position to be able to do that.

The speaker just before me from North Dakota commented about our priorities and what has happened to our priorities in this country.

I am very happy to stand here and announce that today—at least it is scheduled for today—should be the birth of a great American by the name of James Edward Rapert, who will be my third grandchild.

When you stop and think about what we are looking for in this country, what we are planning for, and what this administration is trying to do with all of the social programs that were mentioned by the previous speaker from North Dakota, at the expense of building a strong national defense, I wonder what is in line for someone like James Edward Rapert, who is coming into this country with a defense budget that is much lower than it was last year, with a defense budget that has fallen more than 40 percent over the past 11 years.

While I am rising in support of this conference report, I still say that it is inadequate to take care of this country's strategic interests. This bill does add $7 billion to the President's request. Congress is trying to fix what the President has been doing to our defense system. But it is still 2.3 percent less than we spent on defense last year.

I think it is very significant to realize and to understand and to say on the floor of this Senate that the President of the United States does have a defense plan. It is called the Bottom-Up Review. It started in early 1993, when President Clinton became President. He started reviewing what we need to defend this Nation. Mr. President, his defense budgets are still ranging from $50 billion to $150 billion less than his own program requires.

We have had more than 10 years, more than a decade of cuts in our Nation's security. In 1988, the Defense Department bought 438 combat aircraft. This year it will be 34—and the administration only wanted 12.

The citizens of Oklahoma sent me to Washington to try to restore America's defense and not to watch the budget continue to fall, over and over and over again. I intend to support this bill, but I am hoping next year we can do a better job.

Let me cover a couple of things that were mentioned by the previous speaker.

First of all, I am very proud that this bill has a little bit of money in there to sustain a program that was put together some time ago so that we would have a national missile defense system in place by the year 2000. The previous speaker used the term ''star wars.'' That is kind of a fun term to use because that makes people believe that this is kind of a Buck Rogers program—some kind of a science fiction program where you build this dome over the country against some type of attack. But we know that this is not science fiction, but a reality—we are $4 billion away from establishing a credible defense for the American people against ballistic missiles. I remind my friend from North Dakota: former CIA director Jim Woolsey has said: ''We know of between 20 and 25 nations that either have, or are building, weapons of mass destruction, either chemical, biological, or nuclear, and are working on the missile means of delivering these weapons.''

Maybe I am a minority, but I am willing to believe that we can document a case where the threat to this country is greater today than it was during the cold war. During the cold war, we knew who the enemy was. It was the Soviet Union. So we could watch them. Now we know that while there is no longer a Soviet Union, there is a Russia, there is a China, and they have this missile technology. There is every reason to believe that they are selling missile technology to places like Iraq, Libya, Iran, and other places—North Korea is working on the Taepo Dong II missile right now. That missile—our intelligence sources tell us, it is not even classified—should be able to reach both Hawaii and Alaska by the year 2000 and the rest of the continental United States by the year 2002, and we do not have a national missile defense system in place.

The previous Speaker keeps using the figure $48 billion. I have refuted that over and over and over again on the floor of the U.S. Senate because it is not $48 billion. We have a $38 billion investment already in the Aegis system that is already deployed. It is already out there; 22 Aegis ships with missile launch defense capability. With only approximately $4 billion more, we could take that Aegis system and give that the capability of knocking down missiles coming into the United States. It is not $48 billion. We are talking about $4 billion more, and we can do that just by protecting an investment that is already there of $38 billion. That was money well spent, but this bill puts us in the position where we are going to actually do something about protecting ourselves against missile attack.

I wish there were more time to talk about that, but there is not, because this missile has too many other things that we need to talk about.

The B–2 has taken a lot of hits. The very distinguished Senator from Idaho, Senator KEMPTHORNE, characterized the B–2 as the ''most fantastic aircraft built.'' I agree with him. I think it is an incredible aircraft—and it is the only one that can carry out a mission that this country needs to be able to accomplish. This bill adds $493 million for continued B–2 production. The restrictions on the number of aircraft, and the restrictions on purchasing long lead items, have been lifted. That means that, while we are in a position prior to this particular bill, or this conference report, of cutting off production and being terminated at 20 aircraft, we can now go beyond 20, if we determine that is in the best interest of the Nation's security. Right now we are working on the 16th B–2 bomber. When this rolls off, we still have four more that will be produced. But we have $125 million left in the previous program to take care of that. That money will, of course, be most likely used by March 31 when the moneys that we are talking about now would go into production. It will be a lot cheaper to keep a program going than to go through the very expensive restart program for the B–2.

I agree in this case with the Secretary of Defense when he said, ''Because potential regional adversaries may be able to mount military threats against their neighbors with little or no warning, American forces must be postured to project power rapidly to support the U.S. interests and allies.''

The B–2 provides rapid, long-range precision strikes anywhere in the world on short notice and without refueling.

I have often thought to ask those individuals who argue against the B–2—what happens if we cut it off? What

happens if we just discontinue the program, as many would like to do, at 20 aircraft? The Pentagon's long-range bomber study suggested earlier this year that we can rely on the existing B–52 until the year 2030. Mr. President, the B–52 would be 70 years old by that time. I think when you talk about cost effectiveness, two B–2 and four crewmen can do the job of 67 aircraft and 132 crewmen, and we can no longer rely on the B–52 for our future bomber needs.

I am pleased that Congress has had the wisdom to continue to support the B–2 bomber program. And I look forward to providing it further support in the future.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. INHOFE. Mr. President, I would like to ask for an additional 2 minutes. I ask unanimous consent for 2 additional minutes without it being charged against our time.

Mr. THURMOND. Mr. President, I ask unanimous consent that 2 additional minutes be allowed to the Senator and that it not be charged to anybody.

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

Mr. INHOFE. Thank you very much, Mr. President.

Mr. President, we have heard a lot about supporting the troops. There are those of us who spent hours on this Senate floor trying to get resolutions passed to stop the President from sending American troops into Bosnia. We will not give those arguments again. We lost that battle. The President won by a very narrow margin and, although it was without the full support of Congress, was able to deploy the troops.

Now that the troops are there, we are going to support our troops. Those of us who argued and argued and attempted to pass a resolution of disapproval to stop the President from sending troops into Bosnia are now saying, now that the troops are there, we have to support our troops. For those Senators who really want to do it, this is the first opportunity you have to really support the troops.

If we do not pass the bill, then the troops that we have sent over there would not receive the 2.4 percent pay increase, they would not be able to have the 5.2 percent increase in housing allowance, and all the huge quality-of-life increases that are in this particular conference report. There is $1 billion more for operation and maintenance so that the troops are better trained. There is new technology that is going to allow better equipment to protect their lives while they are over there.

I suggest, Mr. President, that, if you oppose this bill, if you vote against this bill, it is a vote against our troops that are currently on the ground in Bosnia. If the President vetoes this, the President will have sent our troops into Bosnia and will have then turned around and said we are not going to send you the benefits, the technological advantages, and the equipment necessary to survive over there, or in any other conflict in the future.

I would like to make a brief comment about the defense authorization conference action concerning the B–2 bomber program. I am a proponent of the B–2. I believe its capabilities represent a true revolution in military affairs that the DOD is only on the verge of fully integrating into defense planning. I believe long-range quick strike aircraft are an essential element of the U.S. Air Force and the B–2 is the only tool we have to ensure this capability. A force of more than 20 B–2's will be required to achieve this situation. The defense authorization conference provides the funds to continue this necessary B–2 production.

The conference report language, however, states that the Senate conferees believe that the new funds provided may only be spent on items related to the first 20 B–2 aircraft. I was a Senate conferee and I want to go on record that I do not believe this, I did not agree to this language, and I expect these funds to be used for long-lead items to continue the B–2 production. I know other conferees share this view.

This is a vote to support our troops who are already in Bosnia.

Thank you, Mr. President. I yield the floor.

Mr. THURMOND. Mr. President, I wish to commend the able Senator from Oklahoma for his excellent remarks. He does a fine job as a member of the Armed Services Committee, and we are very pleased to work with him.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe that the UC allocates 10 minutes to the Senator from Michigan.

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. Thank you, Mr. President.

Mr. President, regrettably I will vote against the defense authorization bill. As I said yesterday, I regret being in this position for many reasons, but particularly because of the strong effort that Senator THURMOND has made to get a bill passed this year. I wish that I could be able to vote for this bill for that reason alone. But there are just too many reasons that I am unable to vote for this bill.

First, two brief points on some of the issues in the bill which trouble me. There have been comments that this bill needs to be passed in order to provide for pay and allowances for our service personnel. In light of the fact that the President has said he is going to veto this bill—and we know he is going to veto this bill because that has been made public—we should now be making preparations to attach those must-pass provisions to the next legislative train, which may be, indeed, the continuing resolution.

That way we can provide the pay raise, cost of living allowance and the housing allowance that would otherwise not be available. As the White House statement of policy concludes, the President calls upon the Congress ''to provide for pay raises and cost of living adjustments for military personnel prior to the departure for the Christmas recess.''

So the statement of administration policy makes it very clear the President is going to veto this bill, but the President is asking us, and I think those of us who are voting against this bill concur, to provide for pay raises and cost of living adjustments for military personnel prior to departure for the Christmas recess. We do not have to vote for this bill, which has so many flaws, in order to provide for those cost of living allowances and pay raises for our military personnel. I believe it would be wrong to approve this bill for many reasons which I went into yesterday, which Senator NUNN and others have gone into, but I think it also would be irresponsible for us to not pass the needed pay raise and cost of living adjustments, and we can do both. We can both reject this bill, which we should, and provide for the cost of living allowance which our military personnel, both those in Bosnia and here at home, so rightly deserve.

Mr. President, the bill has many flaws and many of those were outlined yesterday. One of the biggest problems with this bill is that it puts us on a collision course with a treaty which we have lived under, which we negotiated, which we ratified with the then Soviet Union, which Russia as the successor to the Soviet Union has adhered to. And if we undermine that ABM Treaty, as the language in this conference report does, we will be undermining a treaty which has not only provided stability in a very dangerous world of nuclear weapons, but we will be undermining a treaty which has allowed the Soviet Union and now Russia to agree to dismantle thousands of nuclear weapons which otherwise would directly or could directly threaten us.

Now, Russian parliamentarians have told us this. They have told us this directly: the START II treaty is in jeopardy of failing ratification. It is difficult enough in the Russian Duma, but that if we adopt language which says it is our policy to deploy a system which violates the ABM Treaty, it is not going to be possible for the Duma to ratify the START II treaty which provides for reductions in nuclear weapons because those reductions were based on the assumption that the Anti-Ballistic Missile Treaty is going to be in effect. It is the absence of nationwide defenses which has allowed Russia to negotiate the reduction of offensive weapons. And they not only will not ratify START II, if they are threatened with a defensive system in violation of the ABM Treaty, they have also indicated that they would view this as such a major change of circumstance that they are no longer going to comply

with START I because of change of circumstances that our breach, or our intention to breach the ABM Treaty would reflect.

That is why General Shalikashvili, the Chairman of our Joint Chiefs of Staff, has stated so clearly to us from his military security perspective: do not adopt a policy which says that we are going to violate a treaty which then in turn is going to cause the Russians to refuse to ratify another treaty, called START II, which will reduce the number of offensive nuclear weapons that could threaten the United States.

Is there a conflict? I cannot think of any clearer conflict that exists between the ABM Treaty, which says you cannot deploy a nationwide ABM system, and the language in this conference report, which says it is the policy of the United States to deploy a national missile defense system. The ABM Treaty says you cannot deploy it on a nationwide basis; the conference report says it is our policy to deploy it—not only that but to deploy it by the year 2003.

Now, that is a direct conflict in language. We avoided that conflict in the Senate bill. There was a bipartisan group of four who were selected by the majority leader and by the Democratic leader, and four of us spent day after day after day working out a bipartisan approach to this language, and we did work out that approach. The language which was worked over very carefully said that—and this is now the Senate bill—we are committed not to deploy the system but to develop such a system, leaving the deployment decision open for a later date. Now, that is a very critical difference, and I think all of us know it. Do we want to commit ourselves right now to deploy a system which violates a treaty, the treaty which has allowed Russia to agree to another treaty, START II, which is reducing by 4,000 the number of nuclear weapons in the Russian inventory? I do not think we want to do it. Far more important, our military has urged us not to adopt language which directly conflicts with the ABM Treaty.

May we want to change the ABM Treaty through negotiations? Yes. Might we want to deploy a system after it is developed? Yes; if it is cost effective and operationally effective, if the threat is real. But do we now want to unilaterally declare it is the policy of the United States to deploy this system when it runs head on against the prohibition on such deployment in the ABM Treaty? Do we want to do so when General Shalikashvili is telling us something we ought to heed, which is that it would be foolish to trash the treaty unilaterally and thus to undermine the basis which has allowed the Russians to agree in START II to reduce 4,000 nuclear weapons in their inventory—weapons which can threaten this country so directly?

Now, the statement of administration policy on this says that if this bill were presented to the President in its current form, this conference report, the President would veto the bill. And the language relative to this point is in the third paragraph on page 1 which says that:

The bill would require deployment by 2003 of a costly missile defense system to defend the U.S. from a long-range missile threat which the Intelligence Community does not believe will ever materialize in the coming decade. By forcing an unwarranted and unnecessary National Missile Defense (NMD) deployment decision now, the bill would needlessly incur tens of billions of dollars in missile defense costs and force the Department of Defense prematurely to lock into a specific technological option. In addition, by directing that the NMD be ''operationally effective'' in defending all 50 states (including Alaska and Hawaii), the bill would likely require a multiple-site National Missile Defense architecture that cannot be accommodated within the terms of the ABM Treaty as now written. By setting U.S. policy on a collision course with the ABM Treaty, the bill puts at risk continued Russian implementation of the START I Treaty and Russian ratification of START II.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. LEVIN. I thank the Chair. I ask unanimous consent that since I understand Senator KENNEDY is not going to be utilizing his 5 minutes, 2 minutes of his 5 minutes be allocated to me.

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

Mr. LEVIN. To conclude, Mr. President, the statement from the administration:

By setting U.S. policy on a collision course with the ABM Treaty, the bill puts at risk continued Russian implementation of the START I Treaty and Russian ratification of START II, two treaties which together will reduce the number of U.S. and Russian strategic nuclear warheads by two-thirds from cold war levels, thus significantly lowering the threat to U.S. national security.

Mr. President, I ask unanimous consent that the statement of administration policy, stating that the President will veto this conference report and the reasons why be printed in the RECORD.

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

OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
*Washington, DC., December 15, 1995*

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 1530—National Defense Authorization Act for Fiscal Year 1996 Conference Report, Senators Thurmond (R) SC and Nunn (D) GA.

If the Conference Report on H.R. 1530 were presented to the President in its current form, the President would veto the bill.

The Conference Report on H.R. 1530, filed on December 15, 1995, would restrict the Administration's ability to carry out our national security objectives and implement key Administration programs. Certain provisions also raise serious constitutional issues by restricting the President's powers as Commander-in-Chief and foreign policy powers.

The bill would require deployment by 2003 of a costly missile defense system to defend the U.S. from a long-range missile threat which the Intelligence Community does not believe will ever materialize in the coming decade. By forcing an unwarranted and unnecessary National Missile Defense (NMD) deployment decision now, the bill would needlessly incur tens of billions of dollars in missile defense costs and force the Department of Defense (DOD) prematurely to lock into a specific technological option. In addition, by directing that the NMD be ''operationally effective'' in defending all 50 states (including Hawaii and Alaska), the bill would likely require a multiple-site NMD architecture that cannot be accommodated within the terms of the ABM Treaty as now written. By setting U.S. policy on a collision course with the ABM Treaty, the bill puts at risk continued Russian implementation of the START I Treaty and Russian ratification of START II, two treaties which together will reduce the number of U.S. and Russian strategic nuclear warheads by two-thirds from Cold War levels, significantly lowering the threat to U.S. national security.

The bill also imposes restrictions on the President's ability to conduct contingency operations that are essential to the national interest. The restrictions on funding to commence a contingency operation and the requirement to submit a supplemental request within a certain time period to continue an operation are unwarranted restrictions on the authority of the President. Moreover, by requiring a Presidential certification to assign U.S. Armed Forces under United Nations (UN) operational of tactical control, the bill infringes on the President's constitutional authority.

In addition, the Administration has serious concerns about the following: onerous certification requirements for the use of Nunn-Lugar Cooperative Threat Reduction funds, as well as subcaps on specified activities and elimination of funding for the Defense Enterprise Fund; restrictions on the Technology Reinvestment Program, restrictions on retirement of U.S. strategic delivery systems; restrictions on DOD's ability to execute disaster relief, demining, and military-to-military contact programs; directed procurement of specific ships at specific shipyards, without a valid industrial base rationale; provisions requiring the discharge of military personnel who are HIV-positive; restrictions on the ability of the Secretary of Defense to manage DOD effectively, including the abolition of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict and the Director of Operational Test and Evaluation; and finally the Administration continues to object to the restrictions on the ability of female service members or dependents from obtaining privately funded abortions in U.S. military hospitals abroad.

While the bill is unacceptable to the Administration, there are elements of the authorization bill which are beneficial to the Department, including important changes in acquisition law, new authorities to improve military housing, and essential pay raises for military personnel. The Administration calls on the Congress to correct the unacceptable flaws in H.R. 1530 so that these beneficial provisions may be enacted. The President especially calls on the Congress to provide for pay raises and cost of living adjustments for military personnel prior to departure for the Christmas recess.

Mr. LEVIN. Mr. President, there is a finding concerning the ballistic missile threat to the United States, which is cited in the bill as justification for deploying an NMD system, and doing so quickly. Section 232, paragraph (3) of the Senate-passed bill is the following finding:

The intelligence community of the United States has estimated that (A) the missile

proliferation trend is toward longer range and more sophisticated missiles, (B) North Korea may deploy an intercontinental ballistic missile capable of reaching Alaska or beyond within five years, and (C) although a new indigenously developed ballistic missile threat to the United States is not forecast within the next 10 years there is a danger that determined countries will acquire intercontinental ballistic missiles in the near future and with little warning by means other than indigenous development.

Mr. President, this statement of threat sounded too dire to me and to Senator BUMPERS, so we wrote to the Director of Central Intelligence to ask whether it was an accurate statement of the intelligence community's assessment. It is not.

The CIA response to our letter said that ''the bill language overstates what we currently believe to be the future threat.'' Here is what the intelligence community believes, which is rather different from the bill language I just read:

> Several countries are seeking longer range missiles to meet regional security goals; however, most of these missiles cannot reach as far as 1,000 kilometers. A North Korean missile potentially capable of reaching portions of Alaska—but not beyond—may be in development, but the likelihood of it being operational within 5 years is very low.
>
> The Intelligence Community believes it extremely unlikely any nation with ICBM's will be willing to sell them, and we are confident that our warning capability is sufficient to provide notice many years in advance of indigenous development.

I bring this to the Senate's attention because it is clear evidence that the rationale given for moving ahead so rapidly with a deployment of a national missile defense system, what we used to call ABM, is significantly overstated. There is no imminent threat from ballistic missiles to the United States, and there isn't likely to be one anytime soon. I ask unanimous consent that the full text of the letters to and from the CIA be printed in the record at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. LEVIN. Mr. President, the U.S. currently has a policy of developing ballistic missile technologies to find which ones are most likely to work, and to have a capability to deploy a national missile defense system within about 4 years if necessary—well within the window of warning that the intelligence community estimates it will have for indigenous development of missiles that could threaten the United States. That is a rational, reasonable and prudent policy, and there is no need to replace it with a policy that would likely increase the threat to our Nation by committing up to breach the ABM Treaty and pushing the Russians to abandon START II, and possibly even cease implementing the START I reductions which are well ahead of schedule.

Mr. President, I think our colleagues should be aware that the actions the Senate has already taken in considering proposals to abandon the ABM Treaty have already taken a toll on Russian confidence in our commitment to abide by our treaty obligations, as was clearly explained in an article in yesterday's Washington Post, and I ask unanimous consent that the article by Rodney Jones and Yuri Nazarkin be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. LEVIN. Even though we have not decided to commit to deploy a treaty-busting ABM system, some Russian policy makers and parliamentarians have already concluded that we don't care much for the ABM Treaty, and that we wish to free ourselves of its constraints. This is putting in doubt the Russian ratification of the START II Treaty.

It is important that we help make clear that the Senate, which gave its advice and consent to the ABM Treaty, and which has a unique constitutional responsibility to consider treaties for ratification, is firmly committed to the proposition that the United States will meet its obligations under the ABM Treaty and all treaties into which we solemnly enter. Let us leave no doubt that we understand our security is intertwined with Russia's security. We cannot simply act unilaterally and expect to be more secure.

Mr. President, I urge my colleagues to reject this Conference Report because of its missile defense provisions, if for no other reason. But there are many other reasons, and I know my colleagues will discuss some of them in detail. I might mention a few briefly now.

CIVIL-MILITARY AND STARBASE

Mr. President, This conference report effectively would terminate the Pentagon's civil-military cooperation programs, including the drug demand reduction programs. These were deemed to be non-defense defense spending. While I acknowledge the need to carefully examine the defense budget for unneeded spending, I question the conclusion that these programs are not supportable. There are clearly many truly egregious examples of spending in the conference report, but some of these civil-military programs are a defense and national security bargain.

One program I know well is the Starbase program, a National Guard youth program that targets at risk youth and provides them with a very cost-effective program in math, science and technology and teaches them drug demand reduction, all with hands on activities on Guard bases. The conference report seeks to terminate this program after 18 months.

Considering the high priority placed on recruiting, and considering that the military spends over $650 million each year on drug interdiction and counter-drug missions, one would think the Starbase program would be a winner at just $5 million per year. If an ounce of prevention is worth a pound of cure, we seem more than happy to pay for more than half a billion dollars of cure, while cutting off the prevention: drug demand reduction. I would also point out that the conference rejected a Senate-passed amendment by Senator NUNN to extend a pilot program on drug demand reduction. This is totally inconsistent with the emphasis and resources devoted to drug interdiction and counter-drug activities of the Department, which the conference supported.

Besides providing a pool of potential recruits who have the requisite math and science skills, plus strong admiration for the military because of Starbase, the program is a great recruiting tool. The head of National Guard recruiting in Kansas, who was chosen as the top recruiter of the year, says that Starbase is his best recruiting tool because the community learns good things about the Guard Bureau through it. He told my office that he would gladly use his recruiting budget to pay for the Starbase program if he could, because it's such an effective tool.

ONGOING OPERATIONS

This conference report does not fully authorize funds for continuing operations involving U.S. forces around the world, and it places onerous restrictions on funding future operations. Defense Secretary Perry told the committee in June that ''funding these ongoing operations is a high priority'' and he stressed ''the importance of avoiding any negative effect on readiness of U.S. forces'' by putting funds in this budget. The gap in this bill threatens the very readiness and training accounts that members of the Armed Services Committee have raised alarms about, because that is where funds will have to be borrowed to pay these costs we know we are incurring.

Those who protested the most about shortfalls in readiness and training are now, by failing to fund ongoing operations in this bill, insuring that the Pentagon will have to cannibalize those readiness and training activities to pay for missions that U.S. combat forces are actually performing.

ABORTION AND HIV

This conference report also contains two provisions affecting military personnel which I oppose. The Senate Armed Services Committee explicitly rejected a provision that would have prohibited women in the military stationed overseas from obtaining abortions in military hospitals, even with their own money. This conference report would establish such a restriction, which is contrary to the situation faced by servicewomen stationed stateside, not to mention the right of women outside the military to pay for abortions.

And the Senate bill contained no provision regarding service personnel who test positive for the HIV virus, but this conference report would require those individuals to be separated from the

service. That provision could actually hinder efforts to protect service personnel from HIV by creating an incentive for secrecy, and it presumes that those who test positive could not serve effectively and safely in some capacity within the armed forces.

OPERATIONAL TEST & EVALUATION

The conference report also makes a very unwise change in the DOD's Office of the Director of Operational Test and Evaluation [OT&E] at the Pentagon, which would render this important office useless or eliminate it altogether. We created the office of OT&E 12 years ago in a bipartisan effort. It has saved lives, saved the taxpayers billions of dollars and prevented our soldiers from receiving poor or unsafe equipment. The Senate did not vote to undermine this crucial office, and the conferees should have rejected the House's proposal. Instead, the House prevailed and we will no longer have independent operational tests and evaluations of our critical combat equipment.

Mr. President, section 903(g) of the bill would repeal section 139 of title 10—the provision that establishes an independent Director of Operational Test and Evaluation [OT&E] in the Department of Defense. This repeal would not only undermine the confidence of taxpayers that they will get their money's worth for the billions of dollars that they spend on defense procurement, but could also place in question the safety of our troops in the field.

The Director of OT&E is the DOD official who is responsible for ensuring that our servicemen personnel receive weapons that are tested in an independent manner and in an operationally realistic environment. Without strong and effective operational testing, we cannot be sure that the weapons our soldiers take into the field will be ready for combat, and without independent oversight we cannot be sure that we will have strong and effective operational testing.

This is precisely why we established the independent Director of OT&E position 12 years ago. Because the Director is required ''to safeguard the integrity of operational testing and evaluation,'' the conference report on the FY 1984 DOD bill explained:

> The conferees also intend the Director to be independent of other Department of Defense officials below the Secretary of Defense. The Director should not be circumscribed in any way by other officials in carrying out his duties.

Above all, the independent Director of OT&E position was established to remove operational testing and evaluation from the influence of the DOD officials who are responsible for the acquisition of weapons systems. These DOD acquisition officials have already given a green light to a weapons purchase long before it reaches the operational test and evaluation stage and have too strong a stake in continuing the procurement, to serve as independent evaluators.

Over the last decade, the actions of the independent Director of OT&E have caused the cancellation of some weapons programs and significant modifications to others, often over the objections of the military services. The result has been the purchase of weapons systems that have been safer and more reliable than ever before. Indeed, after the Persian Gulf war, Secretary Cheney credited the independent operational testing of the BRADLEY fighting vehicle with ''sav[ing] more lives'' in that war than perhaps any other single initiative.

For these reasons, Secretary Perry has called the independent Director of OT&E ''the conscience of the acquisition process'' and declared his support for a strong and independent OT&E organization. For this reason, too, the Senate-passed version of this authorization bill contained a provision which expressly reaffirmed the importance of an independent Director of OT&E ''to provide an independent validation and verification of the suitability and effectiveness of new weapons, and to ensure that the United States military departments acquire weapons that are proven in an operational environment before they are produced or used in combat.''

Yet the conference report would eliminate the independent Director of OT&E, allowing DOD to once again place operational testing in the hands of acquisition officials. This change would not eliminate the office or reduce its budget requirements—operational testing would still be performed and it would still cost just as much—but it would eliminate one key independent check that we have to ensure that weapons systems perform as they are supposed to.

DOD's Deputy Inspector General, Derek Vander Schaaf, has criticized this provision in the strongest possible terms. In a December 14, 1995, letter, Mr. Vander Schaaf stated:

> I strongly disagree with the proposal to eliminate the independence of the DOT&E and replace him with a designated official within the Office of the Secretary of Defense. The Office of the Director was created by Congress to provide independent validation and verification on the suitability and effectiveness of new weapon systems and to ensure that the Military Departments acquire weapons that are proven in an operational environment. I am strongly for acquisition reform in the Department of Defense and have offered many suggestions to improve the acquisition process. However, this is not reform but a step backward in the direction of deploying weapons and equipment that are later proven to be ineffective or inefficient to operate and maintain.
>
> This proposal eliminates one of the independent checks in our weapon systems acquisition process. An independent Director is the conscience for contractors and project managers and ensures they deliver usable weapon systems to the military members. I have testified in the past against proposals to weaken the authority of the Office of the Director, and steadfastly believe the Director saves the Department funds while ensuring Service members receive operationally effective weapons.

Mr. President, this provision is misguided, it is shortsighted, it could needlessly endanger our troops in the field, and it does not deserve the support of the Senate.

Mr. President, I ask unanimous consent that the letter from Mr. Vander Schaaf be printed in the RECORD at the conclusion of my statement.

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

(See exhibit 3.)

ACQUISITION REFORM

Mr. LEVIN. Mr. President, this bill represents a significant departure from the bipartisan tradition of the Senate Armed Services Committee and from the way that we have handled DOD Authorization bills in the past.

There was only one area of which I am aware in which the conferees were permitted to work to a bipartisan consensus in the way we have tried to do in the past—and this issue was not even a defense-specific issue. The bipartisan, cooperative way in which the conference handled government-wide acquisition provisions in the bill stands in stark contrast to the way in which the bulk of the bill was handled, and clearly shows the constructive results that can still be achieved when we work together across the aisle.

This does not mean that I am completely satisfied with every element of these acquisition provisions. It is in the nature of a conference agreement—even one that is worked out on a bipartisan basis—that it represents a compromise, and a true compromise is completely satisfactory to no one.

The acquisition provisions that trouble me include the following:

Section 4301 establishes a congressional policy against the imposition of nonstatutory certification requirements on contractors. While some certifications may be burdensome and unnecessary, many have been imposed as a substitute for even more burdensome government audit and review requirements. If we now drop the certification requirements as well, we may in some cases be left with no means at all for enforcing important Federal policies.

Section 4303 would give the Department of Defense broad authority to waive statutory recoupment requirements in foreign military sales, subject to the approval of legislation offsetting the costs of the waiver. I am concerned that this provision amounts to a giveaway to international arms merchants, which cannot be paid for without making substantial cuts elsewhere in an already extraordinarily tight budget.

Section 4205 would make the cost accounting standards inapplicable to all contracts for the purchase of commercial items—even contracts in which cost reimbursement or progress payment provisions make clear accounting for contractor costs a vital priority. I am concerned that this provision could lead to a dangerous erosion in the accountability of contractors for costs incurred on cost-type contracts.

Section 822 would establish a pilot program to test the use of commercial

practices including the waiver of procurement laws for particular contractor facilities to be designated by the Department of Defense—subject to the approval of Congress. I have been told that candidates for inclusion in this program could include facilities in which military aircraft are built. I know of no military aircraft that qualify as commercial items under the law as we have written it, or under any plausible definition of the term, and I continue to believe that tough quality, audit and oversight provisions are needed to protect the taxpayers' interest in the production of military-unique items.

Despite these concerns, I believe that, on balance, we got the best agreement that was possible in a conference which the Senate and the House entered with diametrically opposing positions. I am particularly pleased that on the acquisition reform provisions of the bill, unlikely many other issues, the Senate was able to retain a constructive, bipartisan working relationship between members and staff of the Armed Services Committee, the Governmental Affairs Committee, and the Small Business Committee.

That constructive, bipartisan cooperation, which led to the enactment of the Federal Acquisition Streamlining Act in the last Congress, has yielded substantial dividends in this bill as well. For example:

Division E of the bill contains the Cohen-Levin Information Technology Management Reform Act, which would substantially streamline the management and procurement of computer and communications systems by the Federal Government. These provisions would eliminate the process of delegations of procurement authority by the General Services Administration and consolidate bid protests in a single administrative forum, eliminating unneeded paperwork from our information technology purchasing systems.

Section 5401 of the bill contains my proposal to reduce paperwork in the acquisition of off-the-shelf products by providing Government-wide, on-line computer access to GSA's multiple award schedules. The implementation of these provisions should bring effective competition to the multiple award schedules and make it possible to reduce or even eliminate the need for lengthy negotiations and burdensome paperwork requirements placed on vendors to ensure fair pricing.

Section 4304 of the bill would clarify and substantially streamline the procurement ethics laws. While I would have preferred a broader revolving door provision than the conferees ultimately agreed to, I have been working for years to simplify these overly complex, inconsistent, and overlapping statutes. I believe that this change is long overdue.

Finally, I would like to respond to the concerns that have been raised about the competition provisions in the bill. As one of the Senate authors, with Senator COHEN, of the Competition in Contracting Act, I am a strong believer in the importance of full and open competition. I was as astonished as were many others to see some of the proposals that were made on the House side to undermine this cornerstone of the Federal procurement system. I believe that these proposals would not only have been unfair to small businesses and other vendors, but could have cost the taxpayers billions of dollars in lost competition for Federal agency contracts.

I want to assure my colleagues, however, that this conference agreement does not contain any of those changes. We did not and we would not agree to change the standard of full and open competition through the front door, through the back door, or in any other way. This was a fundamental issue in the conference not only for me, but for other Senate conferees as well. Senator COHEN and I have put together a joint statement explaining the competition provisions in the bill, which I believe Senator COHEN will be placing in the RECORD.

Mr. President, I may not be pleased with every aspect of the acquisition reform package before us, but I am satisfied that on this matter, at least, we have continued to work on a bipartisan, consensus basis. I wish I could say the same for other provisions in the bill, but I cannot.

CONCLUSION

Mr. President, on no set of issues is bipartisan cooperation more important than in the area of national security. We need not all agree on every issue, but we must strive to work together in a bipartisan spirit. We have a broad spectrum of views on the House and Senate Armed Services Committees, but we have a long history of working together, across party lines to try to put together the best bill we can. Regrettably, the conference this year fell short of that objective both in process and in spirit. Too many of these contentious issues were left to only the majority staff of the two committees to hash out, and months passed without resolution. By that time, the defense, military construction and energy and water appropriations bills had been passed and enacted. I urge the leadership of both the House and Senate committees to reexamine what transpired and accelerate the learning process so that next year, and I stand ready to work with them to try to restore the tradition of cooperation on the Defense authorization bill.

Mr. President, this conference report, in this regard alone, would have us threaten a very, very significant gain that we have made four our security. That gain is the actual reduction of nuclear weapons and the commitment to reduce thousands more nuclear weapons in the Russian inventory.

We should not do this against the clear advice of our military. And there are many other reasons for rejecting this conference report.

Again, I regret that I have reached this conclusion because of my affection for Senator THURMOND, but I feel, given the flaws in this report, that we should defeat this report, and I will vote against it.

I thank the Chair, and I yield the floor.

EXHIBIT 1

U.S. SENATE,
*Washington, DC, November 1, 1995.*

Hon. JOHN DEUTCH,
*Director of Central Intelligence,*
*Washington, DC.*

DEAR JOHN: When the Senate considers the Conference Report on the FY 1996 Defense Authorization Bill, we will again debate the ballistic missile threat to the United States.

Sec. 232 para. (3) of the Senate version of the FY 1996 Defense Authorization Bill states ''The intelligence community of the United States has estimated that (A) the missile proliferation trend is toward longer range and more sophisticated missiles, (B) North Korea may deploy an intercontinental ballistic missile capable of reaching Alaska or beyond within 5 years, and (C) although a new indigenously developed ballistic missile threat to the United States is not forecast within the next 10 years there is a danger that determined countries will acquire intercontinental ballistic missiles in the near future and with little warning by means other than indigenous production.''

We would appreciate your unclassified comments on whether the above statement accurately reflects the present position of the intelligence community. We would also appreciate your assessment of the likelihood that countries will acquire ''with little warning'' ICBMs either through indigenous production or by other means.

We would also welcome your providing us with any other information that you feel is relevant to this issue. Thank you for your attention.

Sincerely,

DALE BUMPERS,
CARL LEVIN.

---

CENTRAL INTELLIGENCE AGENCY,
*Washington, DC, December 7, 1995.*

Hon. CARL LEVIN,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LEVIN: The DCI has asked me to respond on his behalf to your letter of November 1, 1995, asking for the Intelligence Community's comments on the Defense Authorization Bill language that discusses the future ballistic missile threat to the United States. In the past, representatives of the Intelligence Community openly portrayed the future ballistic missile threat to the US as reflected in the statement from Sec 232, para (3) of the Defense Authorization Bill. We wish to point out, however, that the Intelligence Community continuously evaluates this issue and the Bill language overstates what we currently believe to be the future threat.

Several countries are seeking longer range missiles to meet regional security goals; however, most of these missiles cannot reach as far as 1,000 kilometers. A North Korean missile potentially capable of reaching portions of Alaska—but not beyond—may be in development, but the likelihood of it being operational within five years is very low.

The Intelligence Community believes it extremely unlikely any nation with ICBMs will be willing to sell them, and we are confident that our warning capability is sufficient to provide notice many years in advance of indigenous development.

An original of this letter is also being provided to Senator Dale Bumpers. Similar letters are being provided to Senator Strom Thurmond and Senator Sam Nunn.

Enclosed herewith is an unclassified publication on The Weapons Proliferation Threat. We hope this information is useful. Please call if I can be of further assistance.

Sincerely,

JOANNE O. ISHAM,
*Director of Congressional Affairs.*

EXHIBIT 2

[From the Washington Post, Dec. 17, 1995]

OFF TO A BAD START II—IN BOTH THE UNITED STATES AND RUSSIA, HOPES FOR THE STRATEGIC ARMS PACT ARE FADING

(By Rodney W. Jones and Yuri K. Nazarkin)

After months of delay, the Senate Foreign Relations Committee moved last week to bring the START II treaty up for a vote on the Senate floor. The pact would reduce U.S. and Russian strategic nuclear weapons to 70 percent of Cold War levels and also eliminate land-based multiple-warhead missiles, the most threatening of Russia's weapons. Unfortunately, while a favorable Senate vote on the treaty is virtually assured, ratification of the pact by Russia has become increasingly uncertain in recent months. As Russians go to the polls today, many will be voting for politicians who question whether START II is still in Russia's best interest.

The prime cause of Russian second thoughts, according to parliamentarians and defense experts in Moscow, is the Republican-led effort that began this summer to mandate the deployment of a multi-site strategic anti-ballistic missile, or ABM, system by the year 2003. This system was called for originally in the Senate version of the defense authorization bill and endorsed last week by a House-Senate conference committee. Yet it will violate the 1972 ABM Treaty, which for more than two decades has helped curtail a costly buildup of defensive nuclear weapons and countervailing offensive weapons.

It first became clear that START II was in serious trouble last month when parliamentary leaders in Moscow who had supported START II hearings in July concluded that a ratification vote in the waning months of 1995 would fail. To avoid a foreign policy crisis over a negative vote, they postponed further action on the treaty.

Regrettably, the prospect for unconditional Russian ratification of START II next year is no more promising. Following today's election, the State Duma, Russia's lower house of parliament, is expected to be even more critical of START II and of the United States than its predecessor. Russian political parties and factions opposed to the treaty will probably gain seats at the expense of the reformist and democratic parties that generally support it. President Boris Yeltsin's poor health and the growth of assertive nationalism in Russia further clouds START II's chances.

Even the Russian military leadership, which had steadfastly supported START II, shows signs of cooling toward the treaty in the wake of U.S. congressional action threatening the ABM Treaty. The Russian military fears the United States' real intent is to gain strategic superiority over Russia. The Russian military dismisses as preposterous U.S. assertions that the legislation is aimed at protecting American soil from the threat of a handful of long-range missiles from North Korea and other small countries. In effect, Russian military leaders argue, the United States would be deploying new defensive missiles just as Russia was completing the reduction of its offensive missiles under START II's requirements. Russia would be more vulnerable and the United States less so.

Ivan Rybkin, the Duma speaker, expressed the growing disenchantment with START II in the newspaper Nezavissimaya Gazeta on Nov. 5: ''We cannot be bothered any longer, given this situation that propels plans for NATO enlargement and reveals our U.S. congressional colleagues' intentions to begin a process that threatens the ABM Treaty—the cornerstone of the existing arms control regime.''

Russian misgivings about START II haven't come overnight. Initially Yeltsin and the Russian military leadership firmly believed that START II was in Russia's interest. They recognized benefits for Russia—the fact that START II's deep reductions would enhance stability, reduce future defense costs, ensure formal strategic parity with the United States and contribute to long-term cooperation between the two powers. The Clinton administration also worked to alleviate Russian uneasiness over U.S. national missile defense activities. But the ABM developments of late have changed Russian feelings toward START II.

If Clinton vetoes the defense authorization bill as he has promised, a direct conflict over the ABM Treaty will be avoided. Congressional direction of the U.S. military might then be provided exclusively in the defense appropriations bill. That legislation, which the president approved earlier this month, says nothing about deploying an ABM system.

This silence, however, is unlikely to assuage Russian concerns, since Russia must worry that the ABM issue will return in the next congressional session. Moreover, the appropriations bill mandates completion of the Navy's ''Upper Tier'' system, a defense initiative to produce shorter-range missiles that Russia also finds objectionable because of its potential for use against long-range weapons.

Russian arms control experts are also troubled by the thinking of some U.S. lawmakers who believe that the ABM Treaty is an obsolete Cold War measure. The Russians point out that if the ABM Treaty is to be revised in light of the post-Cold War situation, they see it as equally reasonable to amend and adapt the START treaties. After all, they argue, the cumbersome and intrusive START verification provisions were elaborated in a climate of mutual suspicion and mistrust and were based on worst-case scenarios about the other side's intentions.

These Russian critics suggest that Moscow's obligations under START II are largely irrelevant to current realities. The Russians are required by the treaty to alter the structure of their strategic triad by 2003. This will entail sizable expenditures both to eliminate all multiple-warhead land-based ICBMs (intercontinental ballistic missiles) and to replace them with single warhead missiles. Given the current U.S.-Russian partnership, Russian START II critics argue, such measures are not essential to the strategic security of both nations and should be open to revision.

The Russians are completely uninterested in negotiating amendments to fundamental provisions of the ABM Treaty. This apparently was well understood by those pushing the antiballistic missile initiative in Congress, for they also included the possible alternative of U.S. withdrawal from the ABM Treaty. Russia might consider changes to the ABM Treaty—but only along with parallel changes in START II.

Would this be acceptable to U.S. officials, legislators and 1996 Republican presidential candidates? Renegotiating current nuclear treaties with the purpose of adapting them to new realities—as instruments for regulating the nuclear forces of both nations—would mean embarking on a long and formidable process.

If the United States is not prepared to enter such a process, yet withdraws from the ABM Treaty or takes steps in that direction it would mean the end of START II—the end of real, dramatic reductions in the numbers of the world's most destructive weapons.

Is it still possible to resuscitate START II in Russia? Right now, it seems unlikely. If Clinton vetoes the defense authorization, with its ABM mandate, the prospects for saving START II would improve, but only slightly.

Russian opponents of START II may now insist on delaying Russian ratification until the results of the 1996 U.S. presidential (and congressional) elections can be evaluated. Repairing the growing damage to U.S.-Russian relations and U.S. interests in nuclear threat reduction will become steadily more difficult unless Congress revives the tradition of bipartisan statesmanship on nuclear weapons issues that has prevailed since the end of the Cold War.

EXHIBIT 3

INSPECTOR GENERAL,
DEPARTMENT OF DEFENSE,
*Arlington, VA, December 14, 1995.*

Hon. CARL LEVIN,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR LEVIN: This is in response to a request from your staff concerning the position of the Office of the Inspector General on Section 901(j), ''Conforming Amendments Relating to Operational Test and Evaluation Authority,'' of H.R. 1530. This section substantially diminishes the independence, authority and responsibilities of the Director of Operational Test and Evaluation (DOT&E) and may lead to the eventual elimination of the office and its functions. This action is being taken ''under the cover'' of eliminating from statute all of the Assistant Secretaries of Defense. However, in the case of the DOT&E, the impact is significantly different. For example, the importance and input that the office can have in ensuring that weapons are suitably for operational deployment is effectively restricted by deleting the annual reports to Congress summarizing operational test and evaluation activities and deleting the duties of the office contained in Section 139 of title 10.

I strongly disagree with the proposal to eliminate the independence of the DOT&E and replace him with a designated official within the Office of the Secretary of Defense. The Office of the Director was created by Congress to provide independent validation and verification on the suitability and effectiveness of new weapon systems and to ensure that the Military Departments acquire weapons that are proven in an operational environment. I am strongly for acquisition reform in the Department of Defense and have offered many suggestions to improve the acquisition process. However, this is not reform but a step backward in the direction of deploying weapons and equipment that are later proven to be ineffective or inefficient to operate and maintain.

This proposal eliminates one of the independent checks in our weapon systems acquisition process. An independent Director is the conscience for contractors and project managers and ensures they deliver usable weapon systems to the military members. I have testified in the past against proposals to weaken the authority of the Office of the Director, and steadfastly believe the Director saves the Department funds while ensuring service members receive operationally effective weapons.

If we may be of further assistance, please contact me or Mr. John R. Crane, Office of Congressional Liaison, at (703) 604–8324.

Sincerely,

DEREK J. VANDER SCHAAF,
*Deputy Inspector General.*

Mr. THURMOND. Mr. President, I rise to correct several incorrect statements that have been made over the last several days regarding the ballistic missile defense provisions in this conference report. It has been asserted that this conference report requires the United States to deploy a multiple-site national missile defense system and even a space-based system. Both of these assertions are flat wrong.

The conference report does require the Secretary of Defense to deploy a ground-based national missile defense system by the end of 2003. But nothing in the conference report requires the system to include multiple sites. I continue to believe that the United States should ultimately deploy a multiple-site system, but nothing in this conference report requires such a system. Nor does the conference report advocate, let alone require, a violation of the ABM Treaty. The language in the conference report urges the President to undertake negotiations with Russia to amend the ABM Treaty to allow for deployment of a multiple-site national missile defense system. This and other provisions in this conference report envision a cooperative process, not unilateral abrogation.

It has been asserted that there is no way to defend the territory of the United States from a single site, and therefore this conference report indirectly requires a multiple-site system. While I believe that a multiple-site system should be our goal, I must point out that the Army has concluded that it can defend all 50 States, including Alaska and Hawaii, from a single, ABM, Treaty-compliant, site. I would also point out that the Army's report on this subject was prepared at the request of the ranking minority member of the Armed Services Committee. I ask unanimous consent that the Army report, entitled ''Evolutionary Approach to National Missile Defense,'' be printed in the RECORD.

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

EVOLUTIONARY APPROACH TO NATIONAL MISSILE DEFENSE [NMD]

1. The Army's Program Executive Office for Missile Defense (PEO–MD) has made a proposal that would take advantage of the significant investment that BMDO has made in ground-based missile defense technology. Planning includes an evolutionary deployment for defense against long range ballistic missiles, initially focusing on unsophisticated intercontinental ballistic missiles (ICBMs). The approach is to provide a cost and operationally effective single-site system as the first step in system deployment. This initial system will provide defense of all 50 states against an unsophisticated ICBM attack.

2. The Army PEO's NMD approach is to take advantage of the infrastructure at Grand Forks, North Dakota and deploy an initial NMD system and then grow this system in response to changes in the quantity and quality of the threat and in accordance with the modifications negotiated in the treaty over time. The initial capability can be expanded by adding additional interceptors and by adding more sites. Space-based sensors (Space and Missile Tracking System (SMTS)) could be added to provide increased battle space and dual phenomenology tracking and discrimination to enhance defense effectiveness against more advanced threats.

3. The Army PEO has shown that the initial NMD system can provide effective defense of the 48 continental United States against limited threats (a few RVs with simple penetration aids and/or jammers). Analysis indicates that, with certain enhancements, the initial system can also provide an effective defense for all states. These enhancements include the following:

a. Improved quality of Early Warning Radar (EWR) data including additional advanced radars at Shemya (in the Aleutian Islands of Alaska), in Hawaii, and on the east coast.

b. Increased interceptor booster velocity.

c. Onboard target selection capability of the kill vehicle.

4. Each of these improvements is discussed below:

a. Improved EWR data is necessary to provide tracking information of sufficient quality for the NMD battle management/command, control, and communications (BM/C3) system functions. The concept of using EWR data is not different from the CONUS defense concept; however, to extend this capability to Alaska and Hawaii requires upgrades to the EWRs, adding advanced EWRs at Shemya, in Hawaii, and on the east coast. The upgraded EWRs and additional EWRs would provide early acquisition of the ballistic missile threat and allow the interceptors sufficient time to intercept these targets. The advanced EWRs would be based on the technology the Army has developed with BMDO sponsorship.

b. Another important change is an increase in the interceptor velocity to reduce the fly-out time and increase coverage. For CONUS defense, a velocity of about 6.5 km/sec is sufficient; however, defending Alaska and Hawaii from a single interceptor site at Grand Forks, North Dakota, requires a velocity greater than 7.2 km/sec. The Army NMD Program Office has identified commercial booster motors that will provide a velocity greater than 8 km/sec and plans to utilize this capability in the ground-based interceptor.

c. The third characteristic required is the onboard capability of the kill vehicle to select the lethal object from a cluster of objects. The Exoatmospheric Kill Vehicle (EKV) was specifically designed to achieve this capability. This capability allows the system to commit the interceptor against a cluster of objects, designate, and intercept the lethal object in a target complex.

5. The Army PEO has proposed an accelerated, evolutionary NMD development program which will meet requirements if funded at the appropriate level. The proposed NMD Program will develop a system for deployment that will provide an effective defense of the entire United States against a limited threat. The proposal begins with an initial deployment of an NMD system of ground-based interceptors (GBI), a ground-based radar (GBR), upgraded and advanced EWRs (U/AEWR), and associated BM/C3. The proposal would initially deploy about 20 Developmental or User Operational Evaluation System (UOES) GBIs, an X-band NMD GBR, and associated BM/C3 in the Grand Forks, North Dakota, vicinity. This system would be supported by existing space-based sensors. A/UEWRs, and upgraded command and control (C2) to support USCINCSPACE in the centralized control of the NMD mission. This initial capability would be fully utilized in the continued evolutionary development of the objective system.

6. This proposed system could provide effective protection of the entire United States in the 2000 time frame from a limited ICBM attack of a few RVs for an acquisition cost of about $5B. The initial NMD system could be augmented through negotiations to deploy additional GBIs, additional ground-based sites, a space-based sensor system (SMTS), and/or a space-based weapon system as required and permitted by treaty obligations to address a larger and/or more sophisticated threat.

7. In summary, the initial system, using additional EWRs, can provide costs and operationally effective defense of all 50 states against ballistic missile threats limited to a few RVs and simple penetration aids. The ground-based radar being developed will provide high quality track and discrimination. On threats that require early commit of the interceptor, the kill vehicle will have the capability to receive in-flight updates including target object map data. The kill vehicle will also have onboard target selection and designation capability. By combining these capabilities and allowing for multiple interceptor shots at each threatening object, a very high probability of kill can be achieved. Additional interceptor sites would provide increased defense robustness as threat quantity and quality increase. Space-based sensors would increase defense confidence against larger and more stressing threats.

8. This evolutionary deployment approach is a prudent, affordable, and effective means of providing protection for all 50 states against a limited ballistic missile attack. It must be noted, however, that current budgetary constraints preclude the Army and BMDO from substantially accelerating NMD. This evolutionary program is executable only with strong continued congressional support at the $1B per year level, which must not come at the expense of other critical Army or BMDO programs.

Mr. THURMOND. Mr. President, unfortunately, despite all our efforts in conference to resolve concerns related to the ABM Treaty, we continue to hear the artificial argument that this conference report constitutes an anticipatory breach of the ABM Treaty. Since there is no requirement to deploy a multiple-site national missile defense system in this conference report, there can be no anticipatory breach contained in it.

But even if there were a multiple-site requirement, this would still not constitute an anticipatory breach. Since there are treaty-compliant ways to get to a multiple-site system, just having a policy that points us in that direction cannot constitute an anticipatory breach. To quote the senior Senator from Alabama, who was a distinguished judge prior to coming to the Senate, ''While there are legal methods to deploy multiple sites within the framework of the ABM Treaty, there can be no anticipatory breach.''

It has also been argued that this conference report requires a space-based defense. The conference report does call on the Department of Defense to preserve the option of deploying a layered defense in the future. But there is no requirement to deploy any specific

space-based system or to structure an acquisition program that includes space-based weapons. The conference report does increase funding for the space-based laser program. But this increase is merely to keep a technology program alive. We have asked for a report to illustrate what a deployment program would look like, but this is hardly a mandate to deploy.

We can certainly debate the merits of what this conference report requires. But let's be clear about what it actually contains. If Senators want to debate the need for deployment of a national missile defense system by 2003, that is a legitimate debate. But to argue, as several Senators have, that this conference report requires deployment of space-based weapons and mandates a violation of the ABM Treaty is simply an act of disinformation. Senators are entitled to their views, but they owe the American people an honest statement that distinguishes between fact and fiction.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to proceed on the remaining time of Senator KENNEDY, 5 minutes from the time allocated to the minority leader, Senator DASCHLE, and 2 minutes to correspond to the 2 minutes given to Senator INHOFE.

Mr. THURMOND. Mr. President, we have no objection.

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

Mr. BUMPERS. I thank the distinguished chairman of the committee.

Mr. President, it is an interesting paradox that I have noted since I have been here that the things that are really the most important and the most serious to our Nation and, indeed, to the world are the ones that seem to draw the least attention and are least understood.

The Anti-Ballistic Missile Treaty is one of those things. It was entered into in 1974 between Brezhnev and President Nixon. The really salient language of that treaty is found in article I. Here it is on this chart. As they say, the mother tongue is English, and this is as clear in English as you can get.

Article I:

Each party shall be limited at any one time to a single area out of the two provided in Article III of the treaty for deployment of antiballistic missile systems or their components.

Single means one. The ABM Treaty limits each party to one strategic antiballistic missile site. It was ratified in 1976, and it is a binding treaty between the United States and the Soviet Union, now Russia.

There is not any question that this bill intends to proceed with the deployment of a strategic antiballistic missile systems at multiple sites. The bill also says that we will decide whether a missile defense system is tactical or strategic; that is, whether it is designed to intercept tactical missiles or strategic missiles. The United States will decide. And if the Russians do not happen to like our decision, that is just tough, and we will abrogate the treaty.

How does the bill justify these new policies? Here on this chart is what the 1995 Ballistic Missile Defense Act says. Here is the threat that is being used by those who want to deploy this National Missile Defense System. Here is what the Missile Defense Act says:

North Korea may deploy an intercontinental ballistic missile capable of reaching Alaska or beyond within 5 years.

Within 5 years, the bill says.

Second:

Determined countries—

I do not know what a determined country is. I guess you have determined countries and undetermined countries.

Determined countries can acquire intercontinental ballistic missiles in the near future and with little warning by means other than indigenous production.

Senator LEVIN and I wondered where this information came from. So we took this language and wrote to John Deutch, the Director of the CIA, and said, ''What does the intelligence community have to say about this threat?''

Here is what he wrote back to us a little over 2 weeks ago; this is what the CIA said:

The bill language overstates what we currently believe to be the future threat.

The CIA goes on to say:

A North Korean missile potentially capable of reaching portions of Alaska—but not beyond—may be in development, but the likelihood of it being operational within 5 years is very low.

Third, the CIA says:

The intelligence community—

On whose information we are supposed to be relying around here when we spend money—

The intelligence community believes it extremely unlikely any nations with ICBM's will be willing to sell them, and we are also confident that our warning capability is sufficient to provide notice many years in advance of indigenous development.

So what is our response to the intelligence community? It is to spend $200 million more for the Navy's upper-tier system and $400 million more for the national missile defense system. So much for the $30 billion or so per year that we spend on intelligence. What is the national missile defense system required to do in this bill? It is required to cover all 50 States, including Hawaii and Alaska. How will it do that? The only way it can be done, by deploying interceptors at multiple sites.

What do you do when you deploy multiple sites? You say to Russia, ''Adios, friend. If you don't like it, we'll pull out of the treaty,'' which we have a right to do.

But the danger of abrogating the ABM Treaty and the Russians and the United States both having antimissile defense systems, strategic and to a lesser extent tactical, is the world becomes a much less safe place. Everyone knows that, if Russia and China think the United States has an ABM system that can shoot down their ICBM's, they will begin to deploy more ICBM's to compensate. Instead of arms cuts, we will have a new arms race.

I do not know of a single person in the world, I do not know anybody who really studies this and keeps up with it who thinks what we are doing here is in our best interest. It is not.

The bill says that the national missile defense system has to be deployed by the year 2003. That is 8 years from now. We may lock ourselves into a technology we do not even want.

Do you know what the Russians have already said? ''We summarily reject this unilateral action you are taking.'' We summarily reject it, and if you do it, Russia will have no choice but to stop implementing the nuclear weapons cuts specified in the START Treaty.

I do not have much time, so let me go on to a couple of other items.

The bill repeals the prohibition on buying more B–2 bombers than the 20 we have already agreed to procure. We put $493 million in there for B–2 procurement. It is not clear whether that $493 million is to correct some of the flaws in the present B–2 or whether it is to buy long-lead items for more B–2's.

If it is the latter, it is terribly misguided. I defy anybody in this body, as I did yesterday, to read the report, read the conference report and tell me how the $493 million is to be spent.

Even Senator NUNN, who favors the B–2, says he cannot decipher it.

What else is in the bill? Yet a new method of financing arms exports. The United States now has between 50 and 55 percent of all the arms exports in the world, and the Defense Department said we are headed for 60 percent of all the arms exports. In other words, we ship more arms in the international arms trafficking business than the rest of the world combined. We have four methods of financing arms right now, and this bill provides yet a fifth. Yes, we are the arms merchants of the world.

What else does it do? I can remember back, I guess, in 1983, when some lobbyist downtown did not have anything better to do, so he came here and convinced the U.S. Congress to start bringing old battleships out of mothballs. I stood here and wailed like a banshee, saying this is an absolute abject, utter mistake. So what did we do? We did not bring one out; we brought four out. What did it cost? About $2 billion. What happened? After we did it, we put them back in mothballs. But some Navy contractors got a couple of billion dollars out of it.

Now the Defense Department has removed the four battleships from the Naval Register. That means the Pentagon has no more use for the ships and it can dispose of them. So what does the bill do? It orders the Navy to return at least two of the battleships to

Naval Register so they can be returned to duty someday. That does not cost anything, Mr. President. I am happy to report that is one thing in the bill that does not cost a thin dime—that is, to put two battleships back on the Naval Register. I only hope and pray that at some point we do not decide to start bringing those suckers out again. Because that will cost a small fortune.

I remember the first one they brought out—I think it was the *Iowa* or the *Missouri*—I forget which—and it started firing those big 16-inch guns and found out that it totally threw all the new electronics on the ship off, and they had to go back through all the electronics and encompass them in rubber so the guns did not throw everything off. God forbid that those old battleships are ever put into service again. The good news is that the Appropriations Committee has already prohibited the Navy from spending any money for bringing out battleships. So while this bill would like to bring the battleships out again, there is no money appropriated for it.

The PRESIDING OFFICER. The time of the Senator has expired.

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

Mr. THURMOND. Mr. President, I ask that the time for the quorum call not be charged to either side.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. NUNN. Mr. President, how much time do I have at this point?

The PRESIDING OFFICER. The Senator has 20 minutes.

Mr. NUNN. I ask to be notified if I exceed 10 minutes.

This morning during remarks on problems that I see in the conference report, I noted that I would have a separate statement addressing the missile defense provisions in the conference report.

I had adressed this subject at the end of last week.

After I spoke, Senator LOTT made an eloquent, but occasionally inaccurate, statement in defense of the conference report. I want to briefly comment on and correct a few of the Senator's statements about missile defense, particularly regarding my role.

The Senator from Mississippi suggested that, since I supported the deployment by a fixed date—1996—of a limited NMD system in the 1991 Missile Defense Act, I was being inconsistent in opposing the deployment of an NMD system by 2003 in the conference report.

I first observe that I was not a party who injected the 1996 date in that act. I thought it was unrealistic but I did not oppose it in theory, I opposed it in terms of practicality. But it did go into the report and I did not oppose the overall act. I supported the overall act, notwithstanding my feeling at that time that 1996 was not realistic.

There are a couple of very, very significant differences between the 1991 Missile Defense Act and the language in the conference report before us today.

Let me begin by quoting exactly what the 1991 Missile Defense Act says about the NMD system:

(2) INITIAL DEPLOYMENT.—The Secretary shall develop for deployment by the earliest date allowed by the availability of appropriate technology or by fiscal year 1996 a cost-effective, operationally-effective, and ABM Treaty-compliant anti-ballistic missile system at a single site as the initial step toward deployment of an anti-ballistic missile system designed to protect the United States against limited ballistic missile threats, including accidental or unauthorized launches or Third World attacks. The system to be developed should include—

(A) 100 ground-based interceptors . . .

(B) Fixed, ground-based, anti-ballistic missile battle management radars; and

(C) optimum utilization of space-based sensors, including sensors capable of cueing ground-based anti-ballistic missile interceptors and providing initial targeting vectors, and other sensor systems that also are not prohibited by the ABM Treaty, such as a ground-based sub-orbital tracking system.

Mr. President, it is clear from this paragraph that the NMD system specified in the 1991 act was to be developed to be fully compliant with the ABM Treaty as it then existed. A similar paragraph was included in the Senate compromise language passed last September, which stated that it is the policy of the United States to:

(8) carry out the policies, programs, and requirements of (this Act) through processes specified within, or consistent with, the ABM Treaty, which anticipates the need and provides the means for amendment to the Treaty.

This language, which was dropped in conference, stands in sharp contrast to the language in the conference report, which merely states in a completely different section that the programs contained in the conference report, quote, ''can be accomplished'' in ways consistent with the ABM Treaty—it nowhere requires that the NMD Programs shall be carried out in compliant fashion.

As a matter of fact, it implies very strongly just the opposite, which is the reason so many of us oppose it.

The conference report also abandons other safeguards found in the Senate compromise. Gone is a requirement for a congressional review prior to a decision to deploy the system to determine whether the proposed deployment would be affordable and cost effective, whether the threat has developed as anticipated, and whether ABM Treaty considerations should affect the decision to deploy.

In other words, Mr. President, all of these safeguards that we had in the Senate bill are omitted from the new conference report language. There is no requirement to determine prior to a decision to deploy whether the proposed system would be affordable, cost effective, whether the threat has developed as anticipated, and whether the ABM Treaty considerations should affect the decisions to deploy. In my view, all of those are absolutely essential preconditions to making an intelligent decision about whether to deploy a system and when to deploy a system.

So, the conference report language, contrary to the assertion made earlier, does not have the same effect as the language in the 1991 Missile Defense Act—not by a long, long shot. That act clearly calls for a ABM-compliant system—a system compliant with the ABM Treaty. In my view, the administration has rightly found the language in the conference report to be unacceptable because of these considerations.

I repeat what I have said earlier. The last thing we want is to take an effort to mandate now certain language that the administration—and they are the ones negotiating this with the Russians—that the administration believes is likely to have the result of not having a ratification of START II, and perhaps not even a continuation of START I reductions.

We have had two Republican Presidents do a very good job in negotiating both START I and START II. Those treaties, if they are complied with, will require a two-thirds reduction in the number of missiles aimed at the United States, including the missiles we have always felt were more likely to be launched early, perhaps by mistake, perhaps by the other military leaders making a mistake in terms of warning, because these are highly MIRV'd systems with a lot of warheads and the fear would be, by the other side, that they might be knocked out on a preemptive strike.

We have always worried about those MIRV'd missiles. These two treaties are able, after lots of negotiations over more than 10 or 12 years, to get rid of those systems that we have always considered to be highly destabilizing as applied in the cold war period. We finally achieved that. And to take language in this bill and to take a real risk that the results of those two treaties would be obviated is not only unwise but it is totally unnecessary.

I repeat, also, what I have said earlier. The administration and those of us negotiating offered to take on the section of national missile defense language, we offered either the House version or the Senate version, on the national missile defense language. Why in conference you cannot solve the national missile defense language with either the House version, as passed by the House, or the Senate version, as passed by the Senate, when you offer the conferees either version, is beyond me. It is a real puzzle.

Of course, what happened is that we made the compromise on the Senate floor—which Senator LEVIN, Senator

WARNER, Senator COHEN, and I worked out and which every Republican voted for except one, and the people who were opposed to it were mainly on the Democratic side, because they felt it went too far. We had an unusual 4- or 5-day intensive, word-by-word examination and we got, not only the agreement in this body, with every Republican but one voting for it, but we got the administration signing off on it, albeit reluctantly with some concerns. And then we went into conference and we offered either the Senate-passed language or the House language—not the entire language of the House on everything, but on the national missile defense part—and we could not satisfy people because they wanted to go much further than either the House version or the Senate version. To me that is just very puzzling.

It is sad to see a bill jeopardized, in terms of becoming law, because of that.

Mr. President, I will now address the negotiations as I saw them, from my point of view, and the possibilities that still exist in putting this bill together if it is vetoed, and if the veto is not overridden.

BALLISTIC MISSILE DEFENSE

The administration strongly objects to the ballistic missile defense language adopted by the conferees, and I agree with the administration's assessment. Mr. President, the Congress has been dealing with difficult issues related to BMD since the star wars debates of the early 1980's. I have been part of putting together bipartisan agreements on BMD for over a decade, many years facing much more difficult challenges than this year. That is why I am puzzled that the Republican majorities—with two bipartisan paths open to approval by the President—chose a third path to certain opposition.

As Members will recall, the issue of ballistic missile defense was one of the primary subjects of debate and difficulty when the Senate considered the National Defense Authorization bill during the summer. There was strong opposition on the floor to the BMD provision reported by the committee. During the debate, the bipartisan leadership designated a group of Senators to address this subject. Senator DOLE designated Senators WARNER and COHEN to represent the Republicans. Senator DASCHLE designated Senator LEVIN and myself to represent the Democrats.

Mr. President, we dealt with that issue in the old-fashioned way, with Senators closely examining each word of the proposed amendment. Senators WARNER, COHEN, LEVIN, and I worked and reworked the amendment, line-by-line, to address the issues raised by the administration and our respective party caucuses.

It was clear to all concerned that the administration had serious reservations even bout the bipartisan amendment we developed in the Senate. After expressing their concerns and examining every word and every phrase carefully, the administration reluctantly agreed to accept this final Senate compromise language.

On August 11, 1995, Senators WARNER, COHEN, LEVIN, and I each provided detailed explanations of the bipartisan amendment in speeches to the Senate. We also placed extensive information in the CONGRESSIONAL RECORD, including the text of the bipartisan amendment, a detailed comparison to previous language, and related materials. As a result, detailed explanatory information was available to all Senators and the public for a thorough review for nearly a month before we actually voted on the amendment on September 6.

The bipartisan amendment provided extensive guidance to ensure that the United States would develop a more focussed missile defense program than we had previously authorized, particularly in the area of national missile defense.

The bipartisan amendment stated that it—

. . . is the policy of the United States to . . . develop for deployment a multiple-site national missile defense system that: (i) is affordable and operationally effective against limited, accidental, and unauthorized ballistic missile attacks on the territory of the United States, and (ii) can be augmented over time as the threat changes to provide a layered defense against limited, accidental, or unauthorized ballistic missile threats.

The bipartisan amendment required the Secretary of Defense to ''develop an affordable and operationally effective national missile defense system to counter a limited, accidental, or unauthorized ballistic missile attack, and which is capable of attaining initial operational capability [IOC] by the end of 2003.''

The bipartisan amendment also set forth the understanding of the Senate as to the demarcation between theater and ballistic missile defense systems, and established a prohibition against use of funds—

. . . to implement an agreement with any of the independent states of the former Soviet Union entered into after January 1, 1995 that would establish a demarcation between theater missile defense systems and anti-ballistic missile systems for purposes of the ABM Treaty or that would restrict the performance, operation, or deployment of United States theater missile defense systems except: (1) to the extent provided in an Act enacted subsequent to this Act; (2) to implement that portion of any such agreement that implements the criteria in subsection (b)(1); or (3) to implement any such agreement that is entered into pursuant to the treaty making power of the President under the Constitution.

The amendment was approved overwhelmingly by a vote of 85-13, with only one Republican voting against the amendment. Without this bipartisan agreement and approval, it is doubtful the Senate would have passed the authorization bill.

Although the conference on this bill was convened on September 7, there were no Member-level bipartisan House-Senate discussions on this subject by members of the conference for over 2 months. Eventually, we were able to reach agreement on the theater missile defense demarcation language, but could not reach a consensus on the national missile defense provisions. The failure to reach an agreement is puzzling to me, since the administration was prepared to accept either the House-passed or Senate-passed versions of the national missile defense language.

The Senate, as I noted earlier in my remarks, established a requirement to ''develop an affordable and operationally effective national missile defense system to counter a limited, accidental, or unauthorized ballistic missile attack, and which is capable of attaining initial operational capability [IOC] by the end of 2003.'' The House established a requirement to ''develop for deployment at the earliest practical date an affordable, operationally effective national missile defense [NMD] system designed to protect the United States against limited ballistic missile attacks.''

Either version of this language—approved overwhelmingly by each House—would have been acceptable to the administration, but neither was approved in conference. The main stumbling block was the insistence of some of the conferees that Congress go beyond language approved by either the Senate or the House and mandate a specific requirement to deploy a national missile defense system by 2003. This problem was compounded by an insistence that the conferees use a new baseline draft proposal in conference, rather than work off the carefully crafted bipartisan Senate language. As a result, the conference report lacks many of the carefully drafted provisions of Senate-passed bill.

During attempts to forge a conference agreement acceptable to the administration, I emphasized that we could use national missile defense language that had received overwhelming Republican support this year. I believe that it is still possible to do so if this bill is not enacted. There are two primary options, each of which would use language approved by an overwhelming majority in the Senate or the House.

The first option would simply use the bipartisan national missile defense and theater missile defense provisions which were approved by the Senate on September 6, 1995 by a vote of 85 to 13, with only one Republican Senator voting against that amendment.

The second option would substitute the House-passed national missile defense language for the national missile defense portion of the bipartisan Senate-passed bill, using the Senate-passed bill for the remainder of the missile defense language. Either of these provisions would provide the basis for renewed focus in our National Missile Defense Program and an even stronger effort on theater missile defenses.

Mr. President, if the national missile defense language in the Senate bill was strong enough to win virtually unanimous Republican support, it should

have provided an adequate basis for our conference report.

If the national missile defense language in the House bill was strong enough to win overwhelming Republican support in the House, it should have provided an adequate basis for a conference agreement.

Either of these approaches could have represent a solid step forward on the important subject of national missile defense. The alternative ultimately chosen by the conferees was to use language that was in neither bill mandated a specific requirement to deploy a national missile defense system by 2003. That language is unacceptable to the administration, and is a major element of the administration's announced intention that this bill will be vetoed.

The administration is very concerned that the national missile defense language in the conference report goes well beyond the mandates of both the House-passed and Senate-passed bills.

The administration has expressed serious concerns about the impact of the conference report language on Russian consideration of the START II Treaty, which is designed to produce a second major reduction in United States and Russian nuclear weapons. The administration is also concerned that the language could lead the Russians to abandon other arms control agreements if they conclude that it is United States policy to take unilateral action to abandon the ABM Treaty. Russian spokesmen have made plain that Russia has neither the technology nor the defense resources to allow them to match United States missile defense efforts. Therefore, they state that their only available reaction to a large-scale U.S. national missile defense program would be to retain additional strategic missiles and nuclear warheads, which would require them to forego START II and perhaps even abrogate START I limitations. This is what is at risk. These are not small stakes.

In a letter to Senator DASCHLE, dated December 15, Secretary of Defense Bill Perry stated:

> [B]y directing that the NMD [National Missile Defense] be ''operationally effective'' in defending all 50 states including Hawaii and Alaska, the bill would likely require a multiple-site NMD architecture that cannot be accommodated within the terms of the ABM Treaty as now written. By setting U.S. policy on a collision course with the ABM Treaty, the bill puts at risk continued implementation of the START I Treaty and Russian ratification of START II, two treaties which together will reduce the number of U.S. and Russian strategic warheads by two-thirds from cold war levels, significantly lowering the threat to U.S. national security.

In my judgment, the administration's concerns are well-placed. Moreover, this struggle over language is, in my judgment, completely unnecessary. I believe we can achieve both START II ratification and progress toward the deployment of a highly-effective national missile defense system to protect against accidental, unauthorized, or limited third-world attacks. Since the late 1980's I have advocated development of a National missile defense system in the form of an accidental launch protection system [ALPs].

Mr. President, it is important to understand the historical context for this concept. National missile defense proposals began with President Reagan's star wars proposal in 1983, designed to render ballistic missiles ''impotent and obsolete.'' This was followed in the mid-1980s by a slightly more modest proposal, called the ''Phase-I'' system, with the objective of defeating a full Soviet counterforce first-strike. This, in turn, was followed in the early 1990s by G–PALS, or Global Protection Against Limited Strikes, which also turned out to be too ambitious.

This progression was what led to the Missile Defense Act of 1991, which envisioned simply getting on with the development of a treaty-compliant NMD system. And, when I say ''treaty-compliant,'' that means with the treaty as it currently exists, not as it might someday be modified.

In my judgment, even if the ultimate answer to our requirements is a system requiring amendment to the ABM Treaty—such as a multiple-site NMD system with more than 100 interceptor missiles—there is no need to insist on a commitment to that today. Common sense tells us that even if a multi-site system is the end-objective, we will begin by deploying a small number of interceptors at a single site. At this stage, we do not know what the performance or cost of the various NMD system components under development will be, or whether such a system would be ''affordable and cost-effective.''

Also, Mr. President, the strategic environment is different today than it was in 1991. When the Missile Defense Act of 1991 was passed, we faced thousands of Soviet missiles and more than 10,000 warheads, all aimed on hair-trigger alert at the United States or its military forces. The consequences of even a small accidental launch would have been enormous, because of the likelihood of escalation. Today, START I has cut the inventory of weapons, and START II will cut levels further, once it enters into force. Moreover, the Soviet Union is gone, replaced by a less hostile Russia; United States and Russian missiles are now targeted on broad ocean areas, rather than on each others' territory. The policy of targeting broad ocean areas has reduced but not eliminated the consequences of an accidental launch.

Finally, there is a future threat of missile attack on the United States by some rogue Third World power. This was recognized as a possible threat in the 1991 act, and in the Senate compromise. However, no such threat has yet materialized, and the latest from the intelligence community on the likelihood of such an event reads as follows:

> Several countries are seeking longer range missiles to meet regional security goals; however, most of these missiles cannot reach as far as 1,000 kilometers. A North Korean missile potentially capable of reaching portions of Alaska—but not beyond—may be in development, but the likelihood of it being operational within five years is very low.
>
> The Intelligence Community believes it extremely unlikely that any nation with ICBMs will be willing to sell them, and we are also confident that our warning capability is sufficient to provide notice many years in advance of indigenous development.

That information was provided in a December 1, 1995 letter on behalf of CIA Director Deutch by Joanne Lsham, CIA Director of Congressional Affairs. The missile defense language in the conference report is misguided. There is no need for: First, strident language or second, ironclad commitments today to deploy by a date certain an NMD system that is clearly an anticipatory breach of the ABM Treaty. Enactment of this language is likely to prevent the START II Treaty from entering into force, which would compound the problem of developing affordable and cost-effective defenses. Without the START II reductions, missile defenses capable of dealing with potential accidental or unauthorized launches would likely have to be much more extensive. If the 5,000 or so warheads to be retired under START II remain in Russian inventories, this will greatly complicate our missile defense problem. Because of the magnitude of the threat, star wars and its successors were deemed too costly and of too limited effectiveness to be worth pursuing.

In my judgment, we should be pursing first things first. First, the development of all the components of an NMD system, and a limited deployment of a strictly treaty-compliant system, so as to learn more about the cost and effectiveness of NMD systems. Then, depending on cost and effectiveness, depending on the evolution of the threat and the course of negotiations to amend the ABM Treaty, we can make further decisions on further deployments. But, let us not jeopardize the advantages of the START II Treaty by a headlog rush to deploy something.

Mr. President, there are four fundamental aspects to an effective protection against nuclear weapons. The first is to reduce nuclear warheads by two-thirds as envisioned by START I and START II, thereby substantially decreasing the weapons that could be used against us deliberately or accidentally.

The second is to vigorously pursue the Nunn-Lugar program for dismantlement of nuclear weapons in the states of the former Soviet Union.

The third is to develop and deploy effective theater missile defenses. A strong majority in the Senate and the Congress fully support the development and deployment of highly effective theater missile defenses.

The fourth is to develop for deployment an affordable and cost-effective national missile defense program to address the potential for accidental, unauthorized, or limited strikes.

No one of these programs, by itself, is sufficient. Each one can have a significant impact on the other. The national missile defense program, in particular, could have either a positive or negative impact on the pace and likelihood of START I and START II reductions. Moreover, even in combination, these programs are not a guarantee against threats by other means, such as conventional delivery by a terrorist through a smaller aircraft or vessel. That threat will require additional counterproliferation and counterterrorist efforts.

In summary, Mr. President, it is important to pursue the development of a national missile defense system, but we must do so in a manner that preserves and encourages the important reductions we can achieve through START I, START II, and Nunn-Lugar. Because the language in the conference agreement is likely to severely undermine these efforts in Russia, I cannot support the conference agreement in its current form.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I now yield to the able Senator from Virginia, Senator WARNER. Senator WARNER has been on the Armed Services Committee a long time. He is a very effective, able member. We are very pleased to have him here to speak for this bill.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished chairman. It has been a real pleasure to have worked with him all these many, many years that I have been in the U.S. Senate. I can remember when I appeared before his committee, at that time for confirmation as Under Secretary, and then, again, as Secretary of the Navy, that he, frankly, Mr. President, coached me through that procedure—he and that fine Senator from Virginia known as Harry Byrd. I remember those days very well and always am appreciative.

I am always appreciative too, to serve with my former chairman, the distinguished Senator from Georgia. Leadership was his hallmark on the committee through those many years, and I was pleased to serve with him as ranking member for some several years and to work with him on many pieces of legislation.

Mr. President, earlier today I made reference to the portion of our bill which deals with the equipment added for the National Guard and Reserve components. I would like to include in the record a statement from the December 15th Congressional RECORD in which Congressman MONTGOMERY, a senior Democratic Member of the House of Representatives, said the following: ''I have great respect for the gentleman from California—speaking of Mr. DELLUMS—my ranking member, but I strongly support this bill, and I believe that he will oppose it. One area that I have worked very hard in over the years, Mr. Speaker, is working to have a strong National Guard and Reserve.''

And unquestionably he has done that, and indeed our distinguished chairman likewise has been a pillar of strength for the Guard and Reserve through these many years.

Continuing, ''We now have the total force. We are using the Reserves for the first time, and it is paying off.''

An example of that, of course, Mr. President, being the number of flights going into Sarajevo formerly, and now Tuzla and elsewhere. It will be interesting to note how many of those flights are being flown by Reserve units from all over the United States.

Mr. MONTGOMERY continued, ''As we move into Bosnia, the Guard and Reserve will be totally used. In this bill, we have a lot of things that will help the National Guard and Reserve and the different States around the country will benefit by this bill. I certainly hope that this conference report will be adopted. In the area that I have worked over the years, serving 27 years on the Armed Services Committee and Committee of National Security, the Guard and Reserve have the best package they have had in 10 years.''

That is the package, Mr. President, in this report.

Mr. President, I would like to also take an opportunity here to thank the members of the Senate Budget Committee for negotiating a budget resolution under the leadership of Senator DOMENICI, and, indeed, Senator EXON also—a resolution which provided for increases to Defense budgets in fiscal year 1996, and in future years as well.

Notice that there are those who ask why, as we strive to reduce the deficit and move toward the balanced budget, we should increase the level of defense spending, especially when we are making reductions in almost every other area of the budget. Too often those who clamor for further Defense cuts fail—I think it is important, and I do this on each bill—to note that Defense has already paid more than its fair share, that in fact Defense has already been cut in my judgment, very deeply. Fiscal year 1996 represents the 11th consecutive year, Mr. President, of declining Defense budgets, the longest continuous decline since World War II. DOD spending, as a share of the Federal budget, has declined 42 percent—which it was in 1968—to 18 percent in 1994, and continues that decline.

As a percentage of gross domestic product, defense spending has declined to its lowest level since 1940, the year before America ended the war.

We should not lose sight of the fact that the end of the cold war did not usher in a new era of peace and stability in the world.

According to the Defense Intelligence Agency, there are currently 60 areas of conflict throughout the world, and as we are seeing today in Bosnia, the United States can be drawn militarily very quickly into these conflicts.

In addition, the Communist resurgence in the recent elections in Russia should give rise for great concern. Russia remains the only country with the capability to inflict considerable damage on the United States of America. Hopefully, we will not witness a return to past policies with Russia. But we must be vigilant and maintain our defense capabilities in these times of uncertainty.

In earlier remarks today, Mr. President, I singled out the very significant amount of money that Russia is investing in its submarine program and other strategic systems beneath the sea. That should bring to the attention of all Senators the need to keep the strongest research and development capability of this country addressing that area, and this conference report does just that, Mr. President.

Further, as chairman of the Subcommittee or AirLand Forces, I have oversight over the research and development, R&D and procurement programs for the Army, the Air Force, and the tactical fighter aircraft for both the Navy and the Air Force.

I thank at this moment, Col. Les Brownlee, my professional staff member who has been with me for 12 years working on various areas of the national security aspects of our committee, and I want to pay special recognition also to Mrs. Judy Ansley who is also on my staff and works in this area.

The modernization accounts, R&D and procurement, have clearly been underfunded by the Clinton administration. The procurement accounts to provide for the future readiness of our military forces have been reduced by 44 percent since fiscal year 1992, the last defense budget from the Bush administration.

In my subcommittee we address some of these deficiencies. In 1986 we bought over 400 tactical fighter aircraft for the Navy and the Air Force. I will repeat that—400. In the fiscal year 1996 defense budget the Clinton administration requested funds to buy a total of only 12—400 compared to 12 such aircraft. We more than double that number with the additional funding provided by the Budget Committee here in the Senate.

In the Army's truck program—that is always considered the last item in these programs. As our distinguished chairman, a former Army man knows, the Army may travel on its stomach but it cannot move without its trucks. In the Army truck program, the funding has ranged over the past 10 years from a high of $917 million per year to a low of $419 million, with an average of $720 million per year over the last 10-year period. The administration's budget request for the Army's truck programs for the fiscal year 1996 was only $128 million. That is compared, Mr. President, I repeat to the average of $720 million. We recommended an increase of over $300 million to help alleviate this deficiency. The committee

accepted it and it is included in this conference report.

Clearly, without the additional funds provided by the Congress, the administration's shortcoming in the Defense spending would mortgage the future of our military capabilities. This administration has made readiness the keystone of the Defense program, and in fact has funded readiness at the expense of modernizing our military. Not only have the procurement and R&D accounts deteriorated but because the overall Defense budget is so severely underfunded, readiness has suffered as well, despite its high priority.

In the State of the Union Address in 1994, President Clinton implored the Congress not to cut defense further. That defense had been cut enough. That was just in 1994. Then this year, in his budget request for fiscal year 1996, the President recommended $5.7 billion less than he recommended in the previous year. In real terms, this is over $13 billion less than last year. Mr. President, that sounds like a cut to me.

Mr. President, funds which the Budget Committees of this Congress have proposed to add over the next 7 years are in fact quite modest, and may not be enough. By any measure, this is not another Reagan buildup.

I would like to dispell a notion which has appeared recently in various articles in the Washington press and is repeated frequently on the Senate floor—that the uniformed leaders of our military services do not want the weapons and equipment bought with the funds added by the Congress. Our military chiefs testified before our committee regarding the lack of funding were experiencing—specifically for modernization. Of course they want the equipment, and our military services desperately need it. It is difficult for our military to ask for resources that are not in the President's budget request, because they are bound to support the President's budget. But, there is plenty of evidence that these additional funds were very much needed by our military services and very much appreciated.

The Armed Services Committee has used these funds wisely, in my view, to increase the capabilities of our military forces now and in the future. The committee has given priority to increasing the modernization accounts in order to buy the weapons and equipment needed to fight and win decisively with minimal risk to personnel. The committee utilized the following precepts in allocating congressional increases to the defense budget: buy basics; invest to achieve savings; and invest in the future.

Because the procurement of basic weapons and items of equipment has been neglected during the decline in defense spending, the conference report includes increases in such basic items as new ships, trucks, small arms and upgrades to weapon systems and items of equipment already in the inventory.

While the conference report adds a significant amount of the congressional increase for defense to the procurement accounts, we did so without initiating significant numbers of new programs to avoid creating ''bow-waves'' of funding that the military services could not afford in the out years. Instead, we recommend increases for weapons and items of equipment currently in production and the use of multiyear procurement contracts, where savings might be achieved. Buying more weapons and equipment currently in production at more efficient rates lowers overall costs to the Government. It also avoids overlapping procurement sequencing and reduces competition for procurement resources in the future.

Mr. President, this conference agreement authorizes a much-needed $7.1 billion increase in the defense budget over the amount requested by President Clinton. This additional funding was used to improve the quality of life of our troops and their families, to revitalize the readiness of our Armed Forces, to fund a robust modernization program and to accelerate the development and deployment of missile defense systems.

While the ultimate fate of this conference agreement may be in doubt, I urge my colleagues to support this legislation which contains many provisions which are of vital importance to the men and women of the Armed Forces. At the very time that we are deploying troops to Bosnia, all Members of Congress should support this conference agreement which goes a long way toward improving the quality of life of our service personnel and their families. All members who spoke so eloquently during the Bosnia debate about supporting our troops now have a real opportunity to show that support by voting to support this conference agreement.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to thank the able Senator from Virginia for his able remarks he made on this bill. He is chairman of the Rules Committee but he is a prominent member of the Armed Services Committee and has rendered great service to his country. We all appreciate that very much.

Mr. WARNER. Mr. President, I thank the distinguished chairman, and I thank the distinguished ranking member.

Mr. LIEBERMAN. Mr. President, a few moments ago I cast my vote in favor of the Defense authorization conference report for fiscal year 1996. I did so with very mixed feelings. There are many provisions in the conference report which I worked hard to attain and I am delighted they are in this report. But there are other provisions that I have opposed for several years and, in fact, voted against during the markup of the bill in the Armed Services Committee—restrictions on abortion and additional B–2 funding to name just two. There is also a provision on how the military must treat HIV positive soldiers which I believe is wrong-headed and discriminatory. I regret that in order to complete this conference the majority felt it necessary to accept these sorts of provisions. My vote today for passage of this conference report does not alter my determination to see that these provisions are changed before they can have the adverse impact on our military men and women which I fear is likely. As I weighed the bad against the good in this conference report, I have concluded that the good is essential for our servicemen and women and their families as they serve our country in Bosnia or wherever they are serving around the world.

Mr. President, one of the many reasons I sought to serve on the Armed Services Committee is that it operated on a bipartisan basis for the good of our national security and our men and women in uniform. The fact that Senator NUNN, the former chairman, during his time on the committee has voted for more than 20 authorization bills regardless of who was in the majority is an indicator of this bipartisan spirit. The fact that Senator NUNN did not vote for this report is an indicator that this spirit was eroded this year. I greatly regret that. This erosion occurred, I believe, in spite of the hard work and best efforts of the distinguished current chairman, Senator THURMOND. I hope that we can take a hard look at ourselves and that we will be able to make whatever changes might help us return to where this great committee used to be.

Mr. PELL. Mr. President, I intend to vote against the defense authorization conference report today with some regret. I did not care for the bill as it left the Senate, and I voted against it then. Now the conferees have contended at length and come back with I believe a more objectionable bill.

I know that a number of the Senate minority conferees tried to return with a workable bill devoid of excesses, but, unfortunately, they did not prevail.

I am particularly concerned by the provisions setting the stage for a national missile defense. This legislation requires that the United States build an ''operationally effective'' defense of all 50 States by the year 2003.

Such a new system almost certainly would require deployments of ballistic missile defenses at multiple sites, since such a defense would likely be well beyond any capabilities we could put into our presently mothballed single ABM site at Grand Forks, ND. The cost could quickly mount into the tens of billions of dollars over the next 7 years.

An immediate problem with all of this is that it could send a message to the Russians that we do not intend to live up to the ABM Treaty. This could well undermine any prospects we might

have that they, in turn, will ratify and abide by the terms of the START II Treaty. That treaty has just been approved by the Committee on Foreign Relations in an 18 to 0 vote and is awaiting Senate action.

Heretofore, both we and the Russians have been comfortable with mutually agreed steps to curb and reduce nuclear armaments secure in the knowledge that the ABM Treaty ensured that our deterrent worked and would work at lower levels. It would be very much against our interests if the train of reductions were to stop now. A renewed strategic arms buildup might even be in prospect.

If all of that happened, the new National Missile Defense System would be woefully outmatched, since it would be designed to deal with accidental launches and new and emerging threats and not with a major continued Russian threat. One might ask why we need new defenses against accidental launches when we did not need them before.

Mr. President, we should pause to think of these new threats. First, it is important to understand that there is no official intelligence analysis to indicate that we are likely to have any new missile threat over the next decade or so. Any nation thinking of moving in that direction would have a very hard time finding a supplier or suppliers. It is extremely difficult to develop missiles indigenously, and any nation doing so would certainly be caught at it.

We should ask ourselves how we would react if some nation were trying to get a small fleet of missiles to attack us with. We and others could apply serious political and economic pressures to make that nation cease and desist. If we and others had to act militarily to end the threat, we could. That fact alone would add strength to our diplomatic efforts.

The least reasonable response would be to spend billions of dollars deploying a last-ditch, Fortress America ballistic missile defense that would, at best, make little or no contribution to our national defenses and would, at worst, start a process under which strategic stability and the very fruitful process of arms control could be dealt a terrible blow.

SHIPMENTS OF SPENT NUCLEAR FUEL APPEAR

Mr. CRAIG. Mr. President, I would like to commend the Senate for including language in the Defense authorization bill that recognizes the need to implement the terms, conditions, right and obligations contained in the recently signed agreement between the Navy, Department of Energy, and the State of Idaho and the consent order of the U.S. District Court for the District of Idaho that effectuates the settlement agreement. I am also pleased that it is the Senate's sense to appropriate funds called for by the President to carry out the agreement.

It has been a pleasure to work with Governor Batt as he crafted a historic agreement between the State of Idaho, the U.S. Navy, and the Department of Energy. Shipments of spent nuclear fuel began accumulating at the Idaho National Engineering Laboratory [INEL] when I was a child growing up in Midvale, ID, in 1949 and continue to this day. However, until Governor Batt signed an agreement in 1995, there was no provision to remove this material from Idaho. I am proud to have worked with him to help to craft the agreement that assures liquid wastes will be put into dry form to protect the Snake River aquifer and approximately 10,800 shipments of spent nuclear fuel and transuranic wastes will begin to be shipped from Idaho in 1999 and be completely removed by 2035.

Mr. President, Idaho has had a long history with the nuclear Navy and nuclear reactor research. We are proud of that involvement with our Nation's defense. We are just as proud that Idaho, for the first time, has an agreement and timeline for the removal of spent fuel from our State. I am glad to have played a role in moving this agreement.

I ask unanimous-consent that a time line that indicates the history of the Navy and DOE's involvement at the Idaho National Engineering Laboratory be printed in the RECORD.

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

IDAHO'S NUCLEAR WASTE TIMELINE

W.W.II, the area that is now the Idaho National Engineering Laboratory is used by the Navy to test ship gun barrels and by the Army Corps to train bombardier crews.

1949, the ''National Testing Station'' is established in Idaho—the forerunner of today's Idaho National Engineering Laboratory.

1950, the Navy begins work on their first nuclear reactor in Idaho—the Submarine Thermal Reactor prototype (S1W prototype).

1951, a reactor at the National Reactor Testing Station (now INEL) called ''Experimental Breeder Reactor-1'' (EBR–1) becomes the first nuclear reactor in the world to produce electricity.

1952, the first shipment of spent nuclear fuel arrives from Hanford, Washington.

1954, the first shipment of transuranic wastes (items like gloves, tools and pipes contaminated with plutonium) arrives from Colorado.

1955, the first nuclear powered U.S. Naval vessel, the U.S.S. *Nautilus* submarine is launched.

1957, the first shipment of spent Navy fuel comes to Idaho.

From 1949 to 1995, there have been 627 Navy spent nuclear fuel shipments and approximately 1,032 Department of Energy shipments. In addition, there have been approximately 3,225 shipments of transuranic materials. All told, about 4,884 shipments have come to Idaho. Additional waste material is also generated at INEL.

From 1957 to 1970—Republicans Robert Smylie and Don Samuelson were Governors of Idaho. During their administrations, there were 140 Navy spent nuclear fuel shipments, 50 foreign fuel shipments and about 1,550 transuranic waste shipments. The total number of shipments that came into Idaho during the Smylie and Samuelson administrations: approximately 1,740.

From 1970 to 1994—Democrats Cecil Andrus and John Evans were Governors of Idaho. During their administrations there were 456 Navy spent nuclear fuel shipments, 532 commercial spent nuclear fuel shipments, about 500 U.S. Department of Energy/federal government shipments and 1,675 transuranic shipments from Rocky Flats, Colorado. The total number of shipments that came into Idaho during the Andrus and Evans administrations: approximately 3,163.

1970, Senator Frank Church received a letter from the head of the U.S. Atomic Energy Commission (forerunner of the current U.S. Department of Energy). The letter says that transuranic nuclear waste would begin to be removed from Idaho ''within the decade.''

1973, Governor Cecil Andrus has said that he received assurances that the nuclear wastes in Idaho would be removed ''within 10 years.''

1974, the National Reactor Testing Station is renamed the Idaho National Engineering Laboratory (INEL) to reflect its changing mission.

1975, the Energy Research and Development Administration (forerunner of the current U.S. Department of Energy) chooses a site in New Mexico for the disposal of transuranic wastes.

1979, the Waste Isolation Pilot Project (later renamed the Waste Isolation Pilot Plant—WIPP) in New Mexico is authorized by Congress.

In 1982, Congress passes the Nuclear Waste Policy Act. Spent nuclear fuel is to be shipped to two repositories—one in the eastern U.S. and the other in west—and to an interim facility for Monitored Retrievable Storage—by 1998.

1987, Congress realizes that site characterization costs have escalated from $100 million per site to $2 billion per site. The law is amended and Yucca Mountain Nevada is designated by Congress as the only spent nuclear fuel site to be considered for characterization.

1987, the office of Nuclear Waste Negotiator is established by Congress. Former Idaho Attorney General Dave Leroy (Republican) is named as the first administrator. He is charged with finding a state, county, reservation or U.S. territory that will accept a Monitored Retrievable Storage facility for spent nuclear fuel.

1988, WIPP does not open as scheduled. Governor Andrus begins legal battles to stop shipments into Idaho.

1993, Governor Andrus reaches an agreement with the federal government that allows in 19 shipments of Navy spent nuclear fuel, with as many as 45 more to come if deemed necessary for national security. The Andrus agreement requires the federal government to do an EIS, but places no limit on the number of shipments into Idaho once the document is completed. The agreement requires that some liquid radioactive wastes be dried up in a process called ''calcination.'' Some spent nuclear fuel will be moved from one wet storage facility to another—newer—on-site wet storage facility. The agreement does not require any nuclear waste to leave the state.

January, 1995, Governor Batt takes office. As he is sworn in there are already 261 metric tons of spent fuel in Idaho, along with approximately 2 million gallons of liquid radioactive wastes and over 120,000 cubic meters of transuranic wastes in Idaho.

That same month, the U.S. Navy notifies Governor Batt that in accordance with the Andrus agreement, they need to make 8 more shipments of spent fuel. Governor Batt honors the legally binding commitment Andrus made. Batt also learns for the first time that under the Andrus agreement, Idaho is likely to receive thousands of shipments of nuclear waste with no requirement that the material ever leave the state.

Feb. 1995, after finding no location in the United States willing to accept a Monitored Retrivable Storage facility for spent nuclear fuel, the Office of Nuclear Waste Negotiator is abolished. Former Idaho Congressman Richard Stallings (Democrat) is the program's second and last administrator.

In March, Governor Batt establishes points to guide the state on the nuclear issue:

1. We will oppose the shipment of nuclear waste material to Idaho until we receive an absolute assurance that the material will ultimately be moved outside our state.

2. We will insist on a proper clean-up of existing storage problems.

3. We will seek attractive projects that will create new employment opportunities at INEL.

In May, Governor Batt starts legal action to stop the shipments.

June 1, Secretary of Energy Hazel O'Leary announces the Record of Decision on the EIS. It targets 1,940 shipments (165 metric tons) of spent nuclear fuel and 690 to 2,300 shipments (6,000–20,000 cubic meters) of transuranic waste to be shipped to Idaho with no requirement that it ever leave.

October 17, 1995. Governor Batt announces he has reached an historic agreement to get nuclear waste out of the state. U.S. District Judge Edward Lodge Incorporates the settlement into a federal court order. Idaho becomes the only state in the nation with a court order that requires the federal government to remove nearly all nuclear wastes from a specific state. Under the new legally binding agreement, all liquid radioactive wastes will now be dried up and all spent fuel removed from water storage into dry storage, enhancing the protection of the aquifer. Shipments of spent fuel into Idaho are reduced by 42 percent. Transuranic waste will only be allowed in if it is treated and removed from Idaho within six months. The Navy and DOE are limited to, on average, 20 shipments each per year into Idaho providing the state leverage to ensure cleanup takes place. Total value of the agreement is estimated at nearly $800 million over the next ten years. Approximately 10,800 shipments of spent nuclear fuel and transuranic wastes are now required by a federal court order to leave Idaho. First shipments out of Idaho will begin no later than 1999. The last shipments will leave Idaho by 2035.

Mr. BOND. Mr. President, I want to express my support for the hard work of the chairman of the Armed Services Committee. I believe that the bill makes significant strides in correcting glaring shortfalls of the administration's defense policies.

Many of my colleagues on the other side have attacked both the Defense appropriations bill, crafted by my friends and colleagues on the Defense Subcommittee on Appropriations chaired by the senior Senator from Alaska, and this bill on the grounds that they include items not requested by the Nation's military leaders in the President's request. Well, they are correct. But, why didn't they request these items? He wouldn't let them, because he artificially constrained their request by cutting their budget dramatically and some say recklessly, at the same time that he has increased their mission requirements. Left with increased responsibilities and fewer dollars to accomplish them, the military leaders were forced to make deep procurement cuts. They won't complain lest they be viewed as disloyal. They salute and do the best they can. Well, I for one do not believe that those who put their lives on the line must be forced to just make do.

We in the Senate, have done much to insure that or marines, soldiers, sailors, and airmen will be provided the best equipment and in quantities which will provide them more than merely adequate protection. I fully agree with the senior Senator from Hawaii and take the liberty of paraphrasing him when I say, ''I never want our troops to be in a fair fight. They should always be overwhelmingly superior.''

I have reservations about some of the provisions in this bill, and I wish it more closely reflected the Fiscal Year 1996 appropriations bill, but I will support it, for it is in the right direction.

One other concern I have with this bill is a section that was not fully considered by the Senate which makes significant changes in the way the Federal Government procures goods and services. I had the opportunity to work with my colleagues on conference committee, and this new section on Federal acquisition reform has been modified and improved in many areas. In spite of changes, I am concerned about the impact these new provisions will have on small businesses seeking to do business with Federal agencies.

I am pleased the Senate prevailed in its consideration of the House provision to amend the Competition in Contracting Act requirement for ''full and open competition.'' This section was limited, at my urging, to a revision of the FAR to insure that competition is consistent with a need ''to efficiently fulfill the Government's requirements.'' The change in CICA was dropped.

In addition, I supported a delay in the Cooperative Purchasing Program that was included in the Federal Acquisition Streamlining Act [FASA] which we adopted last year. The Cooperative Purchasing Program would allow State and local governments and certain nonprofit groups to purchase items carried on the Federal supply schedule. At the same time we passed FASA, we did not analyze the impact this new provision would have on small businesses. I successfully sought a moratorium of 18 months on implementation of this program to allow GAO the opportunity to review the impact of the program.

As this new law is being implemented, we cannot lose sight of the positive impact that full and open competition has had on our Federal procurement system. I am the first to agree with the premise that the current system is flawed and can be improved. As chairman of the Committee on Small Business I intend to monitor closely the impact this new law will have on the small business community, and make suggestions as to how their interests can be protected in the future.

Mr. DOLE. Mr. President, before making remarks about the pending conference report, I want to commend the chairman, Senator THURMOND, and the members of the Armed Services Committee for their efforts to hammer out this conference agreement. There were over 1,000 items in disagreement, which presented the conferees with a daunting task. Despite the obstacles, Senator THURMOND and our colleagues on the committee have crafted a strong bill.

It is important that everyone understands the issue before us. This bill is a serious effort to ensure that the men and women of our Armed Forces remain the best-trained and best-equipped force in the world. This conference agreement contains a number of provisions which enhance the quality of life of our soldiers, sailors, and airmen. It ensures force readiness. And, to protect the readiness of tomorrow's forces, it begins to restore the procurement and research and development accounts that have suffered from years of cuts.

Let me add, that with the ongoing deployment of U.S. forces to Bosnia, this bill takes on increased importance. The men and women who have been ordered to Bosnia are brave Americans who have volunteered to serve their country. They are answering their Nation's call. The least we can do for them is to support the initiatives in this bill that will directly impact them as they embark on this mission.

There are a number of significant provisions in the bill which will improve the quality of life of the members of our Armed Forces. The legislation authorizes a 2.4-percent pay raise and a 5.2-percent increase in allowance for quarters. In addition, it authorizes an Income Insurance Program for involuntarily mobilized reservists and establishes a reserve component dental insurance program. These provisions will enhance the readiness of our Reserve component forces—forces that also are mobilizing for deployment to Bosnia.

Additionally, the bill authorizes a new military housing privatization initiative. This initiative, which was requested by the administration, will allow the Department of Defense to utilize new approaches to reduce the family housing backlog. To further enhance the quality of life of our troops, the agreement increases military construction funding by $480 million.

In order to ensure the readiness of our forces, the conferees added over $1 billion to the operations and maintenance accounts. To further protect the readiness accounts, the conferees also provided $647 million for ongoing operations in northern and southern Iraq.

The conferees, understanding the importance of preserving long-term readiness, also authorized significant increases in the procurement and R&D accounts. They took steps to ensure that the United States maintains its technological edge over any potential enemy, and that our smaller force becomes a more capable force. The B–2

bomber is just one example. The conferees repealed the previous restrictions on procurement of long-lead items for the B–2 program and the standing cap on the number of bombers produced. They also added $493 million for B–2 procurement. The B–2 represents this Congress' renewed effort to preserve a strong American defense.

Finally, in an effort to assist communities affected by base closures, the conferees attempted to improve the process for disposal of property and included authorization for important projects such as the conversion of Joliet Arsenal to the Midewin National Tallgrass Prairie. Under the plan, this former Army facility will provide the Joliet community with the increased economic opportunity, while allowing for the establishment of a premier conservation and recreation area in the most populous region in the Midwest. I was pleased to assist in including this important provision and look forward to seeing its successful implementation.

With this bill the Republican-led Congress has met its responsibility to provide our forces with the most modern equipment available, ensuring their overwhelming superiority on the battlefield. We have taken steps to ensure that our forces, though smaller, maintain the ability to project power around the world—quickly and decisively. We have taken the lead in protecting both our deployed forces and our home land against ballistic missile attack.

The President and many of our colleagues on the other side of the aisle oppose this bill. But the choice is clear. A vote for this bill is a vote to restore our national defense, and a vote to support the American men and women who serve in our Armed Forces. A vote against it, is a vote to continue down the path to a hollow force.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes, 36 seconds.

Mr. NUNN. I thank the Chair.

Mr. President, the Senator from Alaska, Senator STEVENS, who is a real defense expert, having been involved in defense appropriations for quite a while, made a point this morning that I had been making about this bill that I think bears repeating, and that is he said there are far too many reports and certifications. And one example he gave was a delay of all defensewide research funds until 14 days after a report is received. That includes even the BMD program which so many people here are concerned about.

Mr. President, this report can be made, but it is a 14-day interruption. This is the kind of thing that drives defense management crazy because this interrupts ongoing defense research contracts. So this is just one example of what I call micromanagement that is all the way through this bill.

Mr. President, as we close this debate, I wish to summarize the reasons why I am voting against the defense authorization conference report for the first time since I have been in the Senate, including 6 years that I have served in the minority. While there are a number of provisions I support, and I enumerated those this morning, the conference report contains many fundamental flaws that are contrary to the best interests of sound management of our national defense activities as well as the U.S. taxpayers.

On balance, Mr. President, this bill's bad policy outweighs its good policy. I am particularly troubled by the bill's numerous provisions which are simply what I would call bad government. These include elimination of the independent oversight position of Director of Operational Test and Evaluation. This position was established in 1983 under an initiative from Senator ROTH, Senator GRASSLEY, and Senator PRYOR to ensure the testing of major weapons systems would be evaluated by an office independent of those developing and managing the weapons programs.

Senator PRYOR has spoken on this subject, and I had expected Senator GRASSLEY and Senator ROTH to speak on the subject, but I am sure this is of some concern to them.

It not only abolishes the position, but it repeals key protections for the Director of the OTE.

Second, elimination of the key civilian oversight position for special operations. This was part of a comprehensive effort in 1986 by Senators such as Senator COHEN and myself to improve our special operations forces. The military commander of those forces was given authority akin to a civilian service secretary, making the Assistant Secretary even more important to civilian control, and this position is eliminated in this bill.

Third, the unseemly and I think unnecessary rush to sell the Naval Petroleum Reserve in 1 year, which the Congressional Budget Office estimates could cost the taxpayers up to $1 billion. Because of the CBO reservations, the reconciliation bill dropped this provision altogether, yet this conference report still mandates the sale within a year, and one company has a potential inside track, according to all the information I have received. This lessens the competitive climate and could cost the taxpayers a lot of money.

Fourth, the inclusion of numerous ''buy American'' protectionism provisions where there is no showing of a critical domestic industrial base need. The conference agreement does not add just one ''buy American'' provision; it adds over eight. It also makes existing ''buy American'' provisions more onerous and undermines some of the key goals of last year's Acquisition Streamlining Act. And I repeat what I said this morning, Mr. President. Our advantage in defense exports is a significant part of our trade picture. We have an advantage here. It is very strange that we would be inserting ''buy American'' provisions in this bill in large number when that is likely, very likely to end up hurting our own export capabilities. I find it strange that the Republican majority of the House and Senate, committed to free trade and market competition, would inject the most sweeping ''buy American'' provisions we have had in a defense bill in many years.

Fifth, a prohibition on purchasing foreign vessels to convert the remaining five sealift ships. All conversion is currently done in U.S. yards but this provision would mean an expenditure of $1 billion to $1.5 billion for new ships versus the $350 million for conversion of existing ships. This provision is a sweetheart deal for certain domestic shipbuilders.

Sixth, nonmerit, noncompetitive earmarkings. Through the bill are numerous legislative and report language earmarkings for specific contracts to specific contractors.

We worked very hard over the years in the authorization committee to avoid this approach because there is too great a danger that awards under such a system could be based on political and parochial considerations rather than the best interests of national defense. These earmarks are costly to the taxpayers because they freeze out competition, and they are bad for defense capabilities because they are not based on merit or quality.

Seventh, the shipbuilding provisions contain numerous provisions that can only be labeled sweetheart deals for specific shipbuilders. A very innovative Senate concept developed by Senator LOTT and Senator COHEN was broadened in conference into a shipbuilding grab bag with something for everyone. This includes directed procurement of roll-on/roll-off ships at specific shipyards, directed procurement of six destroyers at specific shipyards and directed use of a ship maintenance contract at a specific shipyard.

Mr. President, while we are trying to reduce the budget, I find it very ironic and sad that we are restricting competition; we are basically making every effort in this bill to assign certain ships to certain places without competition, which is the most expensive possible way you can build these ships and repair the ships.

Eighth the conference committee includes submarine research and development language that ignores the crucial tradeoff in very high technology, cutting-edge technology, which is what submarines really involve. The tradeoff, the critical tradeoff is between cost and risk. There simply is no accounting for risk in this provision.

Ninth, the Guard and Reserve equipment. The bill that came out of conference in this area is worse than either one that went in. This is because all of the additional funds for Guard and Reserve equipment are designated for specific programs, thus eliminating any kind of real weighing or

prioritization within the Department of Defense. The appropriations bill which took a generic approach and put the money in a broad account for the determination of the Secretary of Defense and others familiar with the procurement system is a much better approach.

Mr. President, I ask unanimous consent that my detailed listing of provisions here as well as information from the Secretary of Defense and the administration with their objections be printed in the RECORD.

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

Senator Sam Nunn (D–Ga), Ranking Member of the Senate Armed Services Committee, today released the following statement:

I congratulate Senator Thurmond upon the completion of the House-Senate conference on the National Defense Authorization Act for Fiscal Year 1996. Senator Thurmond has shown great patience and endurance through a long and difficult negotiation with the House.

Out of respect for Senator Thurmond, particularly in his first year as chairman, I have signed the conference report. This will give the Senate the opportunity to consider the report. I want to make it clear, however, that I have serious reservations about the conference report, and I plan to vote against the report when it is considered by the Senate.

During the conference, the Administration raised a number of important objections to the bill:

The Administration identified constitutional problems with the restrictions on the President's foreign policy and Commander-in-Chief powers imposed by the provisions on contingency funding and UN Command and Control.

The Administration also raised serious objections to the ballistic missile defense legislation, which contains National Missile Defense language that goes well beyond the mandates of both the House-passed and Senate-passed bills.

The Administration has expressed serious concerns about the impact of the proposed conference report language on Russian consideration of the START II Treaty, which is designed to produce a major reduction in Russian nuclear weapons.

The Administration is also concerned that the language could lead the Russians to abandon other arms control agreements if they conclude that it is U.S. policy to take unilateral action to abandon the ABM Treaty.

I have serious reservations about these provisions and numerous other provisions of the conference report, including:

Legislation that would abolish the statutory requirement for an Assistant Secretary of Defense for Special Operations and Low Intensity Conflict, which could undermine civilian oversight of special operations.

Legislation that would abolish the statutory requirement for an independent Director of Operational Test and Evaluation, which could undermine unbiased testing of major weapons systems.

The Naval Petroleum Reserve Sale provision, which unwisely establishes a one-year time frame for the sale, even through the budget reconciliation bill no longer mandates sale within a year. The one year period is insufficient to ensure that the taxpayers get the maximum value though knowledgeable competitive bidding.

Directed procurement of specific ships at specific shipyards without a clear industrial base requirement, which undermines the cost-saving potential of competition.

Buy American provisions for ships and naval equipment which will result in enormous cost increases for naval vessels and which could produce an unfavorable reaction against U.S. military sales abroad—one of the strongest elements of our export economy.

Mandated spending ''floors'' in the shipbuilding language—requirements to spend specified amounts for particular programs—which directly contravene the longstanding agreement between the Armed Services and Appropriations Committees to not place ''floors'' in the Authorization bill.

An earmarked non-competitive ship maintenance contract for a specific shipyard.

Creation of a special congressional panel on submarines, which needlessly duplicates the oversight role of the Armed Services Committee.

Failure to include Senate-passed provisions which should have been non-controversial, such as U.S.-Israeli Strategic Cooperation, the Defense Business Management University, and a North Dakota land conveyance that meets all of the Senate's objective criteria.

Weakening the Senate-passed formula for equity in cost-of-living adjustments for military retirees.

Designating every single line of National Guard and Reserve procurement funds, rather than providing generic categories that can be used by the Department of Defense to meet priority Guard and Reserve requirements.

Earmarking Department of Energy defense funds for numerous unrequested projects and programs at designated sites.

Restrictions on access of servicewomen and dependents overseas to privately-funded abortions, and the imposition of special discharge procedures for HIV-positive servicemembers—a small fraction of our military population—which needlessly inject domestic political issues into military manpower policies.

I recognize that the Senate could not prevail on all issues. There are many other compromises within the conference report which I do not particularly support but which I understand in the context of the give and take of conference. The issues I have raised in this statement, however, represent fundamental flaws in the conference agreement.

If the conference report is not approved by the Senate, or if the legislation is vetoed by the President, we will have an opportunity to correct these flaws. The conference report contains important legislative authorities, such as:

A variety of military pay and allowance provisions.

Approval of Secretary Perry's family and troop housing initiative.

Detailed acquisition reform legislation that complements last year's Federal Acquisition Streamlining Act.

Senator Thurmond and the Committee worked long and hard to develop these important provisions, and I pledge to work towards their enactment in a subsequent bill if the legislation in this conference report is not enacted into law.

---

THE SECRETARY OF DEFENSE,
*Washington, DC, December 15, 1995.*

Hon. THOMAS A. DASCHLE,
*Democratic Leader,*
*U.S. Senate, Washington, DC.*

DEAR MR. LEADER: I would like to convey my assessment of the conference on the National Defense Authorization Act for Fiscal Year 1996 (H.R. 1530). The bill in its current form continues to contain objectionable provisions that raise serious constitutional issues and unduly restricts our ability to execute our national security and foreign policy responsibilities.

The bill would require deployment by 2003 of a costly missile defense system to defend the U.S. from a long-range missile threat which the Intelligence Community does not believe will ever materialize in the coming decade. By forcing an unwarranted and unnecessary NMD deployment decision now, the bill would needlessly incur tens of billions of dollars in missile defense costs and force the Department of Defense prematurely to lock into a specific technological option. In addition, by directing that the NMD be ''operationally effective'' in defending all 50 states (including Hawaii and Alaska), the bill would likely require a multiple-site NMD architecture that cannot be accommodated within the terms of the ABM Treaty as now written. By setting U.S. policy on a collision course with the ABM Treaty, the bill puts at risk continued Russian implementation of the START I Treaty and Russian ratification of START II, two treaties which together will reduce the number of U.S. and Russian strategic nuclear warheads by two-thirds from Cold War levels, significantly lowering the threat to U.S. national security.

The bill also imposes restrictions on the President's ability to conduct contingency operations that are essential to the national interest. The restrictions on funding to commence a contingency operation and the requirement to submit a supplemental request within a certain time period to continue an operation are unwarranted restrictions on the authority of the President. Moreover, by requiring a Presidential certification to assign U.S. Armed Forces under United Nations (UN) operational or tactical control, the bill infringes on the President's constitutional authority.

In addition, the Administration has serious concerns about the following: onerous certification requirements for the use of Nunn-Lugar Cooperative Threat Reduction funds, as well as subcaps on specified activities and elimination of funding for the Defense Enterprise Fund; restrictions on the Technology Reinvestment Program; restrictions on retirement of U.S. strategic delivery systems; restrictions on the Department of Defense's ability to execute disaster relief, demining, and military-to-military contact programs; directed procurement of specific ships at specific shipyards without a valid industrial base rationale; restrictions on my ability to manage the Department of Defense effectively, including the abolition of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict and the Director of Operational Test and Evaluation.

We will weigh heavily the actions of the Congress on these matters in advising the President whether to veto the Defense authorization bill that is ultimately presented to him. This letter outlines many, but not all of the concerns with the legislation. I continue to be willing to work with the Congress to develop an acceptable bill. In its current form, however, I would have no recourse but to recommend a veto.

Sincerely,

WILLIAM J. PERRY.

---

STATEMENT OF ADMINISTRATION POLICY

If the Conference Report on H.R. 1530 were presented to the President in its current form, the President would veto the bill.

The Conference Report on H.R. 1530, filed on December 15, 1995, would restrict the Administration's ability to carry out our national security objectives and implement key Administration programs. Certain provisions also raise serious constitutional issues

by restricting the President's powers as Commander-in-Chief and foreign policy powers.

The bill would require deployment by 2003 of a costly missile defense system to defend the U.S. from a long-range missile threat which the Intelligence Community does not believe will ever materialize in the coming decade. By forcing an unwarranted and unnecessary National Missile Defense (NMD) deployment decision now, the bill would needlessly incur tens of billions of dollars in missile defense costs and force the Department of Defense (DOD) prematurely to lock into a specific technological option. In addition, by directing that the NMD be ''operationally effective'' in defending all 50 states (including Hawaii and Alaska), the bill would likely require a multiple-site NMD architecture that cannot be accommodated within the terms of the ABM Treaty as now written. By setting U.S. policy on a collision course with the ABM Treaty, the bill puts at risk continued Russian implementation of the START I Treaty and Russian ratification of START II, two treaties which together will reduce the number of U.S. and Russian strategic nuclear warheads by two-thirds from Cold War levels, significantly lowering the threat to U.S. national security.

The bill also imposes restrictions on the President's ability to conduct contingency operations that are essential to the national interest. The restrictions on funding to commence a contingency operation and the requirement to submit a supplemental request within a certain time period to continue an operation are unwarranted restrictions on the authority of the President. Moreover, by requiring a Presidential certification to assign U.S. Armed Forces under United Nations (UN) operational or tactical control, the bill infringes on the President's constitutional authority.

In addition, the Administration has serious concerns about the following: onerous certification requirements for the use of Nunn-Lugar Cooperative Threat Reduction funds, as well as subcaps on specified activities and elimination of funding for the Defense Enterprise Fund; restrictions on the Technology Reinvestment Program, restrictions on retirement of U.S. strategic delivery systems; restrictions on DOD's ability to execute disaster relief, demining, and military-to-military contact programs; directed procurement of specific ships at specific shipyards without a valid industrial base rationale; provisions requiring the discharge of military personnel who are HIV-positive; restrictions on the ability of the Secretary of Defense to manage DOD effectively, including the abolition of the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict and the Director of Operational Test and Evaluation; and finally the Administration continues to object to the restrictions on the ability of female service members or dependents from obtaining privately funded abortions in U.S. military hospitals abroad.

While the bill is unacceptable to the Administration, there are elements of the authorization bill which are beneficial to the Department, including important changes in acquisition law, new authorities to improve military housing, and essential pay raises for military personnel. The Administration calls on the Congress to correct the unacceptable flaws in H.R. 1530 so that these beneficial provisions may be enacted. The President especially calls on the Congress to provide for pay raises and cost of living adjustments for military personnel prior to departure for the Christmas recess.

Mr. NUNN. Mr. President, in closing, I understand the give and take of a conference and that no bill is perfect. I have never seen a perfect bill on this floor, and I do not have that as my standard. However, this conference report goes far beyond that which can be justified in that give and take context.

I would further point out that a full defense appropriations bill including $7 billion more than the President requested has been signed into law. I supported that bill. I spoke for it. I urged that the President not veto it. I urged that he approve it. So the money is not the issue here with me.

I favored increasing the defense budget. We are not debating the funding bill. We are debating an authorization bill and the issues of matters of policy, very important matters of policy, not matters of the level of appropriations. I cannot vote for the bad policy embedded in this conference report. If the bill is vetoed, as has been recommended by the Secretary of Defense, we will have an opportunity to correct the many flaws and produce a bill that can be signed into law. There are other provisions which I enumerated this morning which I strongly support, and I will work certainly with Senator THURMOND in retaining those and in making whatever corrections are required if this bill is vetoed by the President and if a veto is not overridden.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. This defense authorization bill is a sound bill and should be enacted into law. I wish to thank the Senators and the staff members on both sides who helped to prepare and support this bill for the great service they rendered to their country.

Mr. President, I am pleased that Senators will now have the opportunity to express their support for our military men and women by voting to approve the conference agreement on the National Defense Authorization Act for fiscal year 1996.

As my colleagues prepare to vote on this agreement, I would ask them to make absolutely sure that they do so with the full knowledge that this is a period of high risk and exceptional danger for our military. The President has committed more than 30,000 uniformed men and women to a hazardous and lengthy operation in the former Yugoslavia. The Congress must make every effort to ensure that nothing—absolutely nothing—is done to jeopardize or impede them in any way.

I find it impossible to understand how any Senator could vote against a defense authorization bill when the President is ordering troops into harm's way. This bill contains many essential authorities for programs, systems, acquisitions, administration, operations, and quality of life. I do not know how I could face my constituents if I voted against taking care of the troops, who are on their way to Bosnia, for any of the reasons I have heard offered by those who want to defeat this bill.

Mr. President, the fine men and women who now serve in our military are being asked, once again, to put their lives at risk in a foreign land. They do not have the option to refuse to go if they disagree with some aspect of the operation. Many of us in the Senate continue to have serious doubts about this mission, yet, every member of the Senate has gone on record to support the troops unequivocally and to provide them with all the necessary resources and support to carry out their mission and ensure their security. The Senate resolution in support of the troops will ring hollow without the action to back them up. The authority necessary to translate those words into real, tangible support, is contained in the conference agreement now before the Senate.

I am dismayed to see so many of my colleagues picking out some provision in the report, and then stand here on the floor of the Senate to say that they cannot vote for the bill because they disagree with the provision. There are 995 pages in the conference agreement this year. It reconciles two of the most complex bills produced by the Congress. I would suggest to my colleagues that no bill meets everyone's expectations completely. Only gridlock could result from such an approach.

Mr. President, this is not the time to turn a defense bill into a political issue, as some have chosen to do. The only result of politicizing this bill will be to disadvantage the Department of Defense and our troops at a time when they are focused on a major international operation. The House recognized this and approved the conference agreement on a vote of 267 to 149. It is important that my colleagues and the administration clearly understand that every soldier, sailor, airman and Marine will feel the effects if this agreement is not adopted.

We have heard objections from the minority that this bill adds $7 billion that the President did not ask for. However, they have not mentioned that defense is now underfunded by at least $150 billion, according to the General Accounting Office. The Comptroller of the Department of Defense, John Hamre, testified before the Committee on Armed Services that defense is underfunded by at least $50 billion. Now we are engaged in a major deployment when the resources of the Department of Defense will be stretched even more. After having dramatically underfunded defense, reducing the Armed Forces, and at the same time requiring the military to perform at an operations tempo higher than during the Cold War for missions in Somalia and Haiti, the President is again deploying troops. How can there be any objection to additional funds?

One of the most important parts of this agreement is a provision that adjusts the automatic level at which

service members can enroll in the Servicemen's Group Life Insurance program to $200,000. Ironically, we need to make an adjustment to SGLI again as we are deploying U.S. Forces in harm's way; the last time we did this was prior to the Persian Gulf war. I sincerely hope that no family will lose a loved one and therefore need to receive this increased benefit. However, the President has told us to expect casualties in Bosnia, and this protection will not take effect unless this bill is enacted.

The Committee on Armed Services concentrated on improving the quality of life for our military personnel and their families. We did not do this because our forces would deploy to Bosnia, but because there was a need. The list of initiatives in this area reflects a high degree of success. However, none of these improvements will occur unless this agreement is enacted.

We authorized a 2.4-percent pay raise and a 5.2-percent increase in the basic allowance for quarters effective January 1, 1996. We also attempted to repair a breach of faith with our military retirees by restoring the military retirement COLA dates to the same schedule as Federal civilian retirees. If the authorization is not approved, military retirees will continue to be treated unfairly, and military personnel will be denied the full pay raise and increase in the quarters allowance.

We included a provision that permits military families to use CHAMPUS for well-baby care, routine immunizations, and school physicals. The administration talks about doing this, but military families will continue to do without, or pay for these services out of pocket, unless this conference agreement is enacted.

I cannot understand how any Senator or the President could ask our service members to go to Bosnia, leaving their families alone in Germany and other places far from their homes, while at the same time denying them the pay raise, insurance coverage, allowances, and other quality of life improvements they deserve.

The bill contains the authority to reform the acquisition and procurement processes in accordance with the general effort to streamline Government. It also reforms the process for managing the procurement of information technology in order to provide our front-line troops with the latest and best information about their situation. All the acquisition reform provisions contained in sections D and E of the bill will be lost if the conference agreement is not enacted.

Procurement funding has declined by 44 percent since 1992 and procurement is at the lowest level as a percentage of the budget since the years prior to the Second World War. This agreement takes a step toward resolving that deficiency by authorizing items needed to fight and win decisively while minimizing the risk to our troops. It buys basics, invests to achieve savings, and focuses on the future.

The conference agreement would also authorize funds for the counterproliferation support program. The nerve gas attacks in Japan and the bombing in Oklahoma this year show the need to protect not only our military personnel but also our citizens within the United States against the use of weapons of mass destruction. The conference report requires the Department of Defense, the Department of Energy and other appropriate Government agencies to report to Congress on their military and civil defense preparedness to respond to such emergencies. The conference report also authorizes DOD to provide assistance in the form of training facilities, sensors, protective clothing, antidotes, and other materials and expertise to Federal, State, or local law enforcement agencies.

The conference agreement authorizes funds for arms control to enable the United States to meet its treaty obligations to destroy or dismantle chemical and strategic nuclear weapons and material. It also provides $300 million for the Nunn-Lugar Cooperative Threat Reduction Program for the destruction of nuclear and chemical weapons in the former Soviet Union.

On the question of theater missile defense demarcation, the conference outcome is virtually identical to the Senate-passed provision. This should alleviate concerns about constraining the President's prerogatives in negotiations while fulfilling the constitutional responsibility of Congress to review the results of those negotiations. I believe we have addressed all the concerns of the administration and the minority conferees on this issue.

I am very disturbed to hear that some are working to defeat or veto the conference agreement over the ballistic missile defense provisions. These provisions are balanced and fair. If this veto comes to pass, it will become clear that the administration's arguments over the ABM Treaty were merely attempts to block the deployment of any type of national missile defense system, to include one that complies with the ABM Treaty. I find it hard to believe that the President would veto this important bill simply to deny the American people a defense against ballistic missiles.

Many aspects of this bill are important not only to military men and women but to all our citizens. The section on Department of Energy National Security Programs focuses resources on cleaning up the highest priority nuclear waste problems at the former nuclear materials production sites. It also funds the isolation and reduction of spent nuclear fuel rods, some of which are beginning to corrode. These problems cannot be addressed in fiscal year 1996 unless the authorization bill is enacted.

The agreement establishes uniform national discharge standards for vessels of the Armed Forces and directs the clean up of DOD environmental problem sites. These and other environmental initiatives will be lost if the bill is not enacted.

President Clinton has urged our citizens and the Congress to support his Bosnia intervention. I have listened to his arguments about world leadership and our role in the world. Our troops will bear the brunt of his decision and they deserve to be supported, but their support will be compromised without the defense authorization. I am dismayed that any Senator would consider voting against this legislation or attempt to use this bill for political purposes. Politics used to stop at the water's edge, especially when our forces were deployed to a hostile fire area. I urge my colleagues and the administration to work toward the enactment of this conference agreement and not to jeopardize, disadvantage, or impede our Armed Forces.

Mr. President, I yield the floor. How much time do I have left?

The PRESIDING OFFICER. The Senator has 7 minutes and 35 seconds left.

The PRESIDING OFFICER. Who yields time?

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

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

Mr. THURMOND. Mr. President, I suggest we take 20 minutes to wait for Senator DASCHLE to get here from the White House.

In the meantime, 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. KENNEDY. 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. KENNEDY. Mr. President, the Senate is waiting for our leaders to return from an important meeting with the President. I wish to address the Senate on another matter. I will be glad to yield to the managers at the time they want to request the vote on the defense authorization. I appreciate their courtesy.

Mr. President, I ask to be able to proceed as in morning business.

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

## ENCOURAGING A BALANCED BUDGET

Mr. KENNEDY. Mr. President, earlier today, I noticed a rather extensive advertisement that was in the Washington Post, and also other newspapers, a full page advertisement. On one side are all the signatories of