

One of our most precious freedoms is to practice our religious beliefs. To have that freedom abridged because of racist acts is doubly troubling.

I know that substantial efforts have been made to investigate these fires. But it is clear that more must be done because the fires, some 30 in all over the past year and a half, keep happening. The leadership of my Commonwealth is responding. The attorney general of Virginia, Jim Gilmore, was recently elected as chairman of the southern region of the National Association of Attorneys General. One of his first acts was to organize a coordinated effort among southern attorneys general to combat hate crimes such as church burnings. His leadership on this issue will bring results, and I commend him and the organization for taking this action.

Everybody concerned with the rash of church burnings wants to know whether these crimes are the work of an organized group or isolated instances of violence. I hope that the efforts of the State attorneys general and of the Department of Justice will answer this question. Just as importantly, I hope that whomever is committing these horrible crimes will see that law enforcement across the country is committed to solving and preventing these despicable acts. Even one instance of church arson is too many—to have dozens of church burnings is a crisis that must be solved.

Unfortunately, as disturbing as these cases of arson are, they are not the only instances of racist violence intruding on the right to worship. Yesterday, a church in Charles County, VA, was defaced with racist words and symbols. The Mount Zion Baptist Church has served the Charles City community since 1812 and is celebrating its 100th year at its present location.

Now the Federal Government cannot protect every church in America. I hope, however, that by finding and prosecuting arsonists and by encouraging law enforcement efforts such as those led by Attorney General Gilmore, the Federal authorities can make a difference in protecting America's houses of worship.

The wife of the pastor of Mount Zion Baptist Church was quoted that the church will survive this racist incident. She said that the "membership is just going to bind closer together." I wish them well, and my thoughts go out to all who have suffered at the hands of cowardly attacks on our churches.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating thereto be printed in the RECORD at the appropriate place as if read.

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

The resolution (S. Res. 265) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

#### S. RES. 265

Whereas there have been at least 156 fires in houses of worship across the Nation since October 1991;

Whereas there have been at least 35 fires of suspicious origin at churches serving African-American communities in the last 18 months;

Whereas these churches and houses of worship are a vital part of the life of these communities;

Whereas intentionally burning churches or other houses of worship is a very heinous crime;

Whereas intentionally burning churches, when done to intimidate any American from the free exercise of his or her rights as an American, is inconsistent with the first amendment of the United States Constitution, which guarantees every American the right to the free exercise of his or her religion, and which ensures that Americans can freely and peaceably assemble together; and,

Whereas intentionally burning churches, when done to intimidate any American from the free exercise of his or her rights, is a serious national problem that must be expeditiously and vigorously addressed: Now, therefore, be it

*Resolved, That—*

(1) the Senate condemns arson and other acts of desecration against churches and other houses of worship as being totally inconsistent with fundamental American values; and

(2) The Senate believes investigation and prosecution of those who are responsible for fires at churches or other houses of worship, and especially any incidents of arson whose purpose is to divide communities or to intimidate any Americans, should be a high national priority.

Mr. LOTT. Mr. President, I ask unanimous consent that Senator COCHRAN's name be added as a cosponsor of this Senate resolution.

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

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

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

#### AMENDMENT NO. 4047

(Purpose: To freeze at the level programmed for fiscal year 1998 the amount that may be expended for infrastructure programs of the Department of Defense in order to increase funding for force modernization)

Mr. GRASSLEY. My purpose for rising is to introduce an amendment. I am not going to send the amendment to the desk quite yet. Also, I inform the leadership on both sides of the aisle that I do not have any intention of speaking for an extra long period of time. But before I agree to a time limit, I want to make some opening remarks in regard to my amendment. After that, I will have an opportunity to sit down and probably work something out with the leadership on the time.

Mr. President, we are at a point in the defense authorization bill where I

want to bring up the point that we ought to be saving some money in infrastructure costs, but we are not. We ought to be saving some money in infrastructure costs because it is just natural that infrastructure ought to be somewhat less as we downsize the military, both from the standpoint of personnel and from the standpoint of the number of bases we have, and a lot of other factors. The fact that we really are not, the point of my amendment is to drive that point home, but also to offer a plan that will allow us to guarantee that when we are told that money should be saved, that it is in fact saved.

We are in a situation here, Mr. President, where from a political standpoint we ought to have the votes to accomplish what I want to accomplish. I do not anticipate that we do. I anticipate that we are in a long process of educating the people of this country and the Members of this body to the fact of what I have already stated, that if we are going to close bases to save money, somewhere we ought to be able to show the American people that here is X numbers of dollars we saved. Because that is what we were told would happen; if we closed bases, we would save money. But we have had even experts like the General Accounting Office audit to identify the savings, and they have issued reports that it is not saved.

But we are also in a political environment here where—in past years, it has been very easy for us to make some points on saving money from the standpoint of my being a conservative Republican. Leading the efforts to cut the defense budget or to save money, I would almost have the full support of Members on the Democratic side of the aisle because they were generally of the opinion that Republican Presidents were spending too much on defense, even wasting money on defense, so fiscally minded Republicans, joining together with Democrats, would have enough votes to actually win the battle and to save the taxpayers money.

But now we have a political situation in the last 3 years where we have a Democrat President and a Republican Congress, and we find people on the Democratic side of the aisle, even though that President may be spending money above and beyond the level he should be doing it as Commander in Chief, they seem to be in a position where they want to get behind their President even if they might disagree with him on the amount of money he is spending. So we have a divided Democratic Party more so than usual on the issue of saving defense money.

As is typical on this side of the aisle, my Republican side of the aisle, it seems that there is a willingness just to give more money to defense because somehow by giving more money you get more defense.

The point that I try to drive home so often to my colleagues and I think it is legitimate; and I am speaking now just about people in this body who consider

themselves conservative; and for the most part those are people who are also registered as Republicans and elected to this body as Republicans—is that we are constantly admonishing the other side of the aisle, for decades, that you cannot solve in the typical way liberals like to solve problems, throwing money at those problems, and somehow just by spending more money on a lot of social problems, you actually solve those problems; and we would always say, “Well, you know, it’s not how much money you spend, but it’s how you spend it, and how you invest it, whether or not you’re going to get your money’s worth.”

We do not seem to have the same caution on this side of the aisle when it comes to money for defense. We seem to take the attitude that if you just put more money in the defense budget, give more money to the Pentagon, somehow you are just automatically going to have more defense.

I raise this argument more so at the level of adopting the budget as opposed to the defense authorization bill. I suppose that is really a better place to make that generic argument about more money for defense or less money for defense. But I think it is legitimate, when we are dealing with a very specific item like infrastructure costs, and particularly when we were told over the last several years that if we close bases we ought to save money, and if we cut down on the number of personnel in the Defense Department we ought to save money, that after a few years of that argument, you ought to be able to look and say, “Yes. We have saved X number of dollars. Here it is.” I would have believed it. The General Accounting Office expected to find it. But the reports of the General Accounting Office do not confirm those savings.

The point is, savings are real things. You ought to be able to see them. My amendment is geared toward the proposition that if there is going to be savings, we ought to know where those savings are and what they ought to be used for and that, if they are going to still be spent in the defense budget and not reduce the deficit, at least we ought to know what they buy. So that is the basis for my amendment.

But I will to get into more detail about my amendment, more specifics in just a moment. I want to remind my colleagues of the debate we had on April 15 in this body. It was a very excellent debate on what the size of the defense budget should be. At that point, the budget resolution we had before us had already added in an extra \$12 billion to the budget for defense. That is \$12 billion over and above what the President had recommended that we spend on defense. I opposed that move. I opposed it by offering an amendment to cut back most of that money. The vote was 57 to 42 against what I was trying to accomplish.

The majority rules in this body, and I am willing to accept it. But all that

extra money then is in the bill before us as a result of the decision that we made on the budget resolution and also the decision of the Senate Armed Services Committee to go to the maximum allowed under the budget resolution.

Most of this money is for modernization of our military capabilities. But, sadly, an analysis of the bill shows that \$12 billion does not buy much at the Pentagon. That should come as no surprise to people who have been watching the defense budget and how the Defense Department has operated over a long, long period of time. It does not come as any surprise to me.

The money has been spread around in so many different areas that all we end up with is a few bits and pieces. If you would take the key area of combat aircraft as an example, this is what we get. We get six extra F-18's, two extra AV-8B's, four extra F-16's. That is it, 12 more fighters. The military needs to buy hundreds of fighters each year to modernize the force. The other areas are not much better. We do get a few extra missiles, a few extra transports, a few extra helicopters. But I might say that we do not get one extra ship for the Navy, as an example.

Now, all of this added together, I suppose somebody is going to make a case that it is absolutely needed and it is going to improve and modernize our military considerably. But it seems to me that when you see exactly what we get, then it is not even a reasonable downpayment on modernization. And \$12 billion—of course, when you look at what this bill has for a total expenditure for a year—happens to be peanuts at the Pentagon, kind of a drop in the bucket.

So this brings me to a point that I have hammered on for years, as I indicated, admonishing my colleagues, particularly on the Republican side of the aisle, that throwing more money at the Department of Defense is not going to solve the problem. We will never succeed in modernizing the force structure at these prices without fundamental reform.

Now, it happens that there are even outstanding members of the Armed Services Committee that have been fighting a long time for fundamental reform. I want to commend my colleagues for fighting for fundamental reform. I think that fundamental reform is very, very important to make sure that whatever extra money we spend—including the \$250-some-billion we are going to spend—is invested wisely and we get the most bang for the buck. But it seems to me that the reform ought to go ahead of the additional \$12 billion.

We have had some types of reform over the last 15 years. But, again, we think we make some dramatic changes—what we feel are dramatic changes—in the way the Defense Department does business. After you look back at it, you really do not see the changes come about that we had hoped for when we passed the reforms or the

reforms that go on within the Defense Department that can be done without actually passing the legislation.

We have had a host of defense reforms, one after the other. But there tends to be a big gap between promises and reality. None of these reforms have worked completely as advertised. We do not get all of the desired impact that we want to have.

Some could even be classified as bureaucratic tricks to cover for business as usual. It all leads up to the fact that what the Department of Defense needs to do is to find a new way of doing business—a completely new way of doing business, a new attitude, a new culture there. But, in fact, we really never really get the complete changes that ought to be made so that we get our money’s worth when we put additional money in for modernization, or anything else.

If we do not get this fundamental reform, I think we still have to say, as good as our Armed Forces are, how much better they could be, how much more we would get for our investment of money if these reforms would really happen. We are talking about changing a basic culture. To do that, you need new ideas and new strategies. Most importantly, you need a disciplined management. You have to find ways to make reforms work—and work now, not later—not in the year 2001.

So I am suggesting in the amendment, which I will deposit at the desk shortly, a way of making sure that we get real modernization with the savings that we are supposed to get from infrastructure savings. We have already had four rounds of base closures. We have had a shrinking force. This should mean savings in infrastructure accounts. The Department of Defense has promised these savings, but the savings, as I have indicated, are not there. So promises do not match the reality.

My amendment would, hopefully, make the savings real. So this is what I propose to do would accomplish that goal. I will give you seven specific objectives of my amendment.

The first is to seek to establish a better balance between force structure and infrastructure costs. I will show you, eventually, how there is an imbalance there—an imbalance that does not make sense to me, but it is still an imbalance.

Second, this balance would be brought about and achieved by freezing the infrastructure budget at the fiscal year 1998 level of \$145 billion. The freeze would save \$10 billion in fiscal year 1998 to the year 2001.

Fourth, the Secretary of Defense would transfer the savings to the procurement accounts to pay for modernization. This is the key, then, to getting money from savings that we ought to be able to account for and get it into modernization, not into overhead. That ought to be going down; instead, it is going up.

The fifth point is that key readiness accounts would be protected. That

would be like for spare parts, training, and a lot of other things like that.

Sixth, the savings would be reflected in the future years' defense program submitted to Congress next year so that we would be able to know what it was and to see it and to have it accounted for.

Seventh, we would have the Comptroller General review and verify the savings, so we have somebody outside of the Defense Department, with no vested interest, verifying what Defense does, in the sense of just the accounting, or being accountable for the money, and not micromanaging anything that the Secretary of Defense might do.

Now, what is going to be strange to the managers of this bill—both Republican and Democrat—is that I see my goals being 100 percent consistent with the Department of Defense plans. So you take what they say they want to do, which, as I have indicated, is not being done, and make sure that it is done. It seems to me that if there is anyplace for the Congress of the United States to be involved in some detail of the Defense Department's work, it is nothing more than to make sure that they do what they say they are going to do, what they report to us they are going to do, to kind of make their performance in office commensurate with their rhetoric. That's making them accountable. That is perfectly consistent with constitutional oversight functions of the Congress of the United States.

This DOD plan was presented to the Armed Services Committee as recently as March 5, 1996. At that time, Secretary of Defense Perry testified that \$10 billion in savings from base closings would be used to pay for modernization. A very distinguished member of the Armed Services Committee who was just here—and I suppose he is going to speak on my amendment. I am glad to have him engage in this debate. But we know this very distinguished member as a person who is a real hero for the defense of our country as well as being a very good Senator, John McCain. I am going to say he also agrees. He may stand up here shortly and say that he disagrees, but at least I want to give my version of that.

He has said that there is a gross imbalance between our military forces and the infrastructure. He says we need to eliminate excess infrastructure, we need to save money. He has a white paper on our national defense. That is the way I interpret it. There is just one minor problem on what the Secretary of Defense said on March 5 of this year when he was going to take this \$10 billion in savings from the base closings and use it for modernization. The savings promised by Mr. Perry do not

exist. The General Accounting Office just audited those accounts. You cannot find any savings. The savings have evaporated into thin air.

Mr. President, earlier this year, on April 25, I spoke about the General Accounting Office report on this subject. What I said then I am going to repeat now. Anybody can read that. It is entitled, "Defense Infrastructure: Budget Estimates for 1996-2001 Offer Little Savings for Modernization." It was published on April 4, just 2 months ago. Unfortunately, it was based on the fiscal year 1996 future year defense program publication.

The fiscal year 1996 future year defense program was submitted to Congress over a year ago. So I suppose to some extent, as things move very rapidly, it is somewhat out of date. It is at least a year old. I thought I should have more current data. I thought that the Pentagon bureaucrats might have been able to get their act together since last year. Maybe they succeeded in getting infrastructure costs on the right track. I think we could legitimately surmise that they should have done that.

So not being able to get this information, I wrote to Mr. Bowsher on May 10 of this year asking him to provide me the updated information drawn from the fiscal year 1997 future year defense plan. I thank Mr. Bowsher and his expert staff, including Mr. Bill Crocker, for working so hard and to turn around my request in less than 2 weeks. That is pretty fast even for a responsible organization like the General Accounting Office. It must be a record.

I have the General Accounting Office's brandnew report right here with me. It is entitled, "Defense Infrastructure: Cost Projected To Increase Between 1997 and 2001." This is dated May 1996.

Before I get started, I think it is important to define infrastructure cost. This is the money that DOD spends to house, train, and support the Armed Forces and keep them ready to go. The General Accounting Office has provided a brief description in this publication of each category of infrastructure costs. The General Accounting Office has also provided a table that shows how infrastructure costs are spread across the various appropriations accounts.

I ask unanimous consent to have that material printed in the RECORD.

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

#### CATEGORIES OF DEFENSE INFRASTRUCTURE

Installation support consists of activities that furnish funding, equipment, and personnel to provide facilities from which defense forces operate. Activities include con-

struction planning and design, real property maintenance, base operating support, real estate management for active and reserve bases, family housing and bachelor housing, supply operations, base closure activities, and environmental programs.

Acquisition infrastructure consists of all program elements that support program management, program offices, and production support, including acquisition headquarters, science and technology, and test and evaluation resources. This category includes earlier levels of research and development, including basic research, exploratory development, and advanced development.

Central logistics consists of programs that provide support to centrally managed logistics organizations, including the management of material, operation of supply systems, maintenance activities, material transportation, base operations and support, communications, and minor construction. This category also includes program elements that provide resources for commissaries and military exchange operations.

Central training consists of program elements that provide resources for virtually all non-unit training, including training for new personnel, aviation and flight training, military academies, officer training corps, other college commissioning programs, and officer and enlisted training schools.

Central medical consists of programs that furnish funding, equipment, and personnel that provide medical care to active military personnel, dependents, and retirees. Activities provide for all patient care, except for that provided by medical units that are part of direct support units. Activities include medical training, management of the medical system, and support of medical installations.

Central personnel consists of all programs that provide for the recruiting of new personnel and the management and support of dependent schools, community, youth, and family centers, and child development activities. Other programs supporting personnel include permanent change of station costs, personnel in transit, civilian disability compensation, veterans education assistance, and other miscellaneous personnel support activities.

Command, control, and communications consists of programs that manage all aspects of the command, control, and communications infrastructure for DOD facilities, information support services, mapping and charting products, and security support. This category includes program elements that provide nontactical telephone services, the General Defense Intelligence Program and cryptological activities, the Global Positioning System, and support of air traffic control facilities.

Force management consists of all programs that provide funding, equipment, and personnel for the management and operation of all the major military command headquarters activities. Force management also includes program elements that provide resources for defense-wide departmental headquarters, management of international programs, support to other defense organizations and federal government agencies, security investigate services, public affairs activities, and criminal and judicial activities.

TABLE 2.—DIRECT INFRASTRUCTURE BY APPROPRIATION, FISCAL YEARS 1997-2001

(Dollars in billions)

Appropriation	Fiscal year—				
	1997	1998	1999	2000	2001
Operation and maintenance .....	\$56.30	\$56.17	\$56.41	\$57.57	\$59.50

TABLE 2.—DIRECT INFRASTRUCTURE BY APPROPRIATION, FISCAL YEARS 1997–2001—Continued

[Dollars in billions]

Appropriation	Fiscal year—				
	1997	1998	1999	2000	2001
Military personnel .....	33.53	33.10	33.67	34.33	35.20
Research, development, test, and evaluation .....	10.47	10.89	11.20	11.43	11.89
Military construction .....	4.99	4.15	4.15	3.84	3.96
Family housing .....	3.98	3.84	4.08	4.08	4.12
Procurement .....	2.38	2.53	3.48	3.21	3.46
Revolving funds and other <sup>1</sup> .....	0.93	1.11	1.06	1.13	1.17
Total direct infrastructure <sup>2</sup> .....	\$112.58	\$111.80	\$114.05	\$115.61	\$119.30

<sup>1</sup> These include adjustments for foreign currency fluctuations and service and Defense Logistics Agency managed stock fund cash requirements.<sup>2</sup> Totals may not add due to rounding.

Source: GAO analysis of DOS data.

## AGENCY COMMENTS

The data and analysis in this report were provided to DOD for review and comment. In oral comments, DOD stated the data were complete and accurate with the analysis.

## SCOPE AND METHODOLOGY

To define and evaluate DOD's infrastructure activities in the 1997 FYDP, we interviewed the acting Director, Force and Infrastructure Analysis Division in the Office of the Secretary of Defense, Program Analysis and Evaluation. Our analyses are based on data contained in the fiscal year 1997 FYDP. In addition to the FYDP and associated annexes, we reviewed DOD's Reference Manual for Defense Mission Categories, Infrastructure Categories, and Program Elements, prepared in conjunction with the Institute for Defense Analysis. We also reviewed the President's fiscal year 1997 budget submission and our prior reports.

Our work was conducted during the month of May 1996 in accordance with generally accepted government auditing standards.

Mr. GRASSLEY. I wish I could say, Mr. President, that the Department of Defense has turned the corner. I wish I could report that infrastructure costs were coming down. But the latest report of the General Accounting Office tells me that nothing has changed since the last future year defense plan, meaning 1996. The trends have to be the same. The Pentagon still has infrastructure costs on the wrong track. They are still on an up-ramp instead of on a down-ramp. This is what the new data show. As the Department of Defense budget top line goes up, infrastructure costs go up. Infrastructure costs should come down even if the top line goes up. The infrastructure costs ought to be decoupled from the top line. The infrastructure costs need to be recoupled to the force structure because that is what Secretary Perry says is his intent.

The infrastructure costs in the military force structures are not in sync. They are out of whack. We need to bring them back into balance. As I read what Senator McCain has written in his white paper, he says that is what we must do as well. But that is not what has happened. The Department of Defense seems to be creating new infrastructure faster than the old stuff is made excess.

That is what this new data tells us. This is its new data that the General Accounting Office has followed for 1 year that was not available until the General Accounting Office updated it. It shows a steady increase in the infrastructure costs for fiscal year 1997 through fiscal year 2001.

I want to repeat. There is a very steady increase from \$146 billion in fis-

cal year 1997. It dips by \$1 billion to \$145 billion in 1998, but then it goes right back up to \$148 billion in 1999; \$2 billion more in the year 2000. Then it leaps by \$5 billion to \$155 billion in the year 2001. That is a projected increase of \$9 billion over the next 5 years. If Congress keeps pumping up the defense budget, these numbers will increase even more.

The data portrayed on table 1 of this new General Accounting Office report is particularly troublesome.

I also ask unanimous consent at this point to have table 1 printed in the RECORD.

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

TABLE 1.—PROJECTED FUNDING FOR INFRASTRUCTURE CATEGORIES, FISCAL YEARS 1997–2001

[In billions of dollars]

Infrastructure categories	FY 1997	FY 1998	FY 1999	FY 2000	FY 2001
Installation support .....	25.10	23.64	22.68	22.53	23.03
Central training .....	19.35	19.40	20.08	20.71	21.46
Central medical .....	15.47	15.82	16.13	16.64	17.38
Central logistics .....	13.33	13.30	14.18	14.15	14.70
Force management .....	12.91	12.38	13.05	13.12	13.35
Acquisition infrastructure .....	10.25	10.64	10.97	11.19	11.76
Central personnel .....	10.33	10.24	10.41	10.60	10.83
Central command, control, and communications .....	5.78	5.84	6.05	6.05	6.20
Resource adjustments <sup>1</sup> ..	.05	.53	.50	.62	.58
Total direct infrastructure <sup>2</sup> .....	112.58	111.80	114.05	115.61	119.30

<sup>1</sup> These include adjustments for foreign currency fluctuations and service and Defense Logistics Agency managed stock fund cash requirements.<sup>2</sup> Totals may not add due to rounding.

Source: GAO analysis of DOD data.

As shown in figure 3 and table 2, most direct infrastructure activities are funded by operation and maintenance and military personnel appropriations. Thus, if DOD is to achieve significant infrastructure savings for future force modernization, the savings must come from these accounts. However, these appropriations have been closely associated with the readiness and quality-of-life of the force, the Secretary of Defense's priority areas for the last few years.

Mr. GRASSLEY. Mr. President, this table breaks the infrastructure costs into nine distinct categories. The new General Accounting Office data shows major increases in every category, with one important exception, and that would be installation support. Even installation support shows increases in the outyears. The four BRAC commissions proposed closing 97 bases. Yet, installation support costs are projected to rise. I think it is legitimate to ask why. Is it because few, if any, of those bases have really been closed?

The downstream savings promised by base closings and a shrinking force structure should be reflected in these

numbers, but they are not. We should be able to identify where the savings are. I do not expect to see any savings. We will not ever see those savings unless we hold the Department's feet to the fire.

A comparison of the numbers in the fiscal year 1996 future year defense plan with the numbers in the 1997 future year defense plan suggests that installation support figures on table 1 are misleading. That comparison reveals a shocking trend. That comparison suggests that base support costs will actually increase by \$1 billion per year between the years 1997 and the year 2001.

Take fiscal year 1997 just for example. The fiscal year 1997 column in the 1996 future year defense plan shows installation costs at \$23.96 billion.

Then if you go over to the fiscal year 1997 column, in the the 1997 future year defense plan, the number goes up to \$25.1 billion. That is an increase of \$1.14 billion in 1 year in projected installation support. The next year it is the same thing. The number goes from \$22.76 billion up to \$23.64 billion, and that is an increase of \$900 million.

I need to clarify one point about the numbers. The numbers on the table that I have submitted for the RECORD do not match up with the totals for the infrastructure costs that I used a moment ago, and there is a reason for that discrepancy. About \$35 billion in infrastructure costs get lost in what we refer to as DBOF—that stands for Defense business operation fund—each year. We know the money is in there someplace, but the General Accounting Office cannot track it because dollars in the Defense business operation fund are not identified in the future year defense program.

And so I think it is very ironic because DBOF was established to improve cost accounting at the Pentagon. In fact, that was the whole idea about DBOF. Here is \$35 billion in annual DOD costs that cannot be tracked because of the Defense business operation fund. We cannot audit them because of the fund. The fund is an obstacle to accurate cost accounting.

There is yet another problem. That problem is that the Department of Defense had a \$4 billion plug figure in last year's numbers, and they pulled it out of the new future year defense plan,

making it look as if some of the funding levels were coming down. The Department of Defense said the \$4 billion that was plugged in for last year was miscoded. The miscoded dollars were pulled out of the infrastructure costs and, in a sense, just heaved overboard. I suppose somebody could say they were transferred to another part of the future year defense plan, but if they cannot be tracked, no one knows.

That makes me think they are kind of phony numbers.

In a nutshell, Mr. President, that is what is in this latest report of the General Accounting Office on defense infrastructure. I hope my colleagues will take this as I have referred to it for several minutes here, taking statistics from it, to make a case for my amendment that I will offer.

This latest report, I think, states for another year that Mr. Perry's promised savings are nowhere in sight. His \$60 billion modernization plan then is, if the savings are not available, hung out to dry. It is dead in the water.

And so I come here pleading with my colleagues that Congress needs to help Mr. Perry. Without a doubt, reason is on his side.

On March 5, he presented to the Congress of the United States through the Armed Services Committee that there is going to be *x* amount of savings, and this is the resource for modernization. That all makes sense, right? But is it going to happen? With an increase in infrastructure costs and overhead, it is going to be eaten up someplace else. The modernization that we think we are planning on being there is not going to materialize. In fact, at the beginning of my time today I pointed out how little we actually get for modernization when you look at the materiel that is purchased.

So I cannot come here and condemn Mr. Perry for not having good intent and a plan that he thinks will accomplish what he wants to accomplish. But it just is not going to happen. So my amendment would make sure that money finds its way into modernization and not into this overhead and infrastructure cost where it is going to inevitably end up because four rounds of base closings and a shrinking force structure should be producing substantial savings. Because it should be producing substantial savings, we ought to identify those savings and reserve them for the purpose that Mr. Perry suggested. He wants to recover those savings to pay for modernization. And so unless we freeze these accounts, the savings are going to be frittered away on new infrastructure projects. My amendment will help Mr. Perry do what he says must be done.

I send my amendment to the desk and ask for its immediate consideration.

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

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 4047.

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

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

The amendment is as follows:

At the end of subtitle A of title X add the following:

**SEC. . FORCE MODERNIZATION FUNDED BY REDUCTIONS IN SPENDING FOR INFRASTRUCTURE PROGRAMS.**

(a) FUNDING FREEZE AT PROGRAMMED LEVEL FOR FISCAL YEAR 1998.—The Secretary of Defense shall ensure that the total amount expended for infrastructure programs for each of fiscal years 1998 through 2001 does not exceed \$145,000,000,000.

(b) USE OF SAVINGS FOR FORCE MODERNIZATION.—The Secretary of Defense shall take the actions necessary to program for procurement for force modernization for the fiscal years referred to in subsection (a) the amount of the savings in expenditures for infrastructure programs that is derived from actions taken to carry out that subsection.

(c) PROTECTION OF PROGRAM FOR SPARE PARTS AND TRAINING.—In formulating the future-years defense programs to be submitted to Congress in fiscal year 1997 (for fiscal year 1998 and following fiscal years), fiscal year 1998 (for fiscal year 1999 and following fiscal years), fiscal year 1999 (for fiscal year 2000 and following fiscal years), and fiscal year 2000 (for fiscal year 2001 and following fiscal years), the Secretary shall preserve the growth in programmed funding for spare parts and training for fiscal years 1998 through 2001 that is provided in the future-years defense program that was submitted to Congress in fiscal year 1996.

(d) REDUCTIONS TO BE SHOWN IN FISCAL YEAR 1998 FUTURE-YEARS DEFENSE PROGRAM.—The future-years defense program submitted to Congress in fiscal year 1997 shall reflect the programming for the reduction in expenditures for infrastructure programs that is necessary to carry out subsection (a) and the programming for force modernization that is required by subsection (b).

(e) GAO REVIEW OF FISCAL YEAR 1998 FUTURE-YEARS DEFENSE PROGRAM.—The Comptroller General shall review the future-years defense program referred to in subsection (c) and, not later than May 1, 1997, submit to Congress a report regarding compliance with that subsection. The report shall include a discussion of the extent, if any, to which the compliance is deficient or cannot be ascertained.

(f) INFRASTRUCTURE PROGRAMS DEFINED.—For the purposes of this section, infrastructure programs are programs of the Department of Defense that are composed of activities that provide support services for mission programs of the Department of Defense and operate primarily from fixed locations. Infrastructure programs include program elements in the following categories:

- (1) Acquisition infrastructure.
- (2) Installation support.
- (3) Central command, control, and communications.
- (4) Force management.
- (5) Central logistics.
- (6) Central medical.
- (7) Central personnel.
- (8) Central training.
- (9) Resource adjustments for foreign currency fluctuations and Defense Logistics Agency managed stock fund cash requirements.

(g) FUTURE-YEARS DEFENSE PROGRAM DEFINED.—As used in this section, the term "future-years defense program" means the future-years defense program submitted to Congress pursuant to section 221 of title 10, United States Code.

Mr. THURMOND addressed the Chair. The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I should like to inquire of the distinguished Senator if he is willing to enter into a time agreement on this amendment?

Mr. GRASSLEY. You propose one, and then I will respond after it is proposed.

Mr. THURMOND. I would suggest maybe 20 minutes to a side.

Mr. GRASSLEY. Yes.

Mr. THURMOND. Is that agreeable?

Mr. GRASSLEY. Yes, that is agreeable.

Mr. THURMOND. Mr. President, I ask unanimous consent that the time on the Grassley amendment be limited to 40 minutes equally divided in the usual form and that no amendments be in order, and that following the use or yielding back of time, the Senate proceed to vote on or in relation to the amendment.

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

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I say to the manager of the bill, I would like to yield the floor now and listen to the opposition to my amendment before I speak again.

Mr. THURMOND. As I understand, the Senator is willing to agree to 40 minutes equally divided.

Mr. GRASSLEY. Yes. We have already agreed to that. So I have 20 minutes that I control and you have 20 minutes that you control.

Mr. THURMOND. That is correct.

Mr. GRASSLEY. If the Senator would be so kind, I would like to have him use some of his 20 minutes so I can hear the opposition to my amendment, and then I would like to respond to that.

Mr. THURMOND. I will be glad to speak at this time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in strong opposition to this amendment. If the Senate votes to pass this provision and it is eventually signed into law, it could have a serious negative impact on the readiness of our military forces.

Like my good friend, the Senator from Iowa, I am concerned about the amount of money that the Department of Defense annually expends for infrastructure. In fact, the Defense authorization bill that we are considering now and is before us, reduces such programs by approximately \$600 million and allocates these funds for higher priority programs including force modernization.

Mr. President, I believe that we should carefully examine any reduction that is proposed in order to ensure that we do not adversely impact our military forces. I am sure that my fellow Senators will agree with me when

I say that we do not want to jeopardize our national security or the men and women in uniform who protect that security.

With this in mind, I must inform my colleagues that the proposed amendment could force severe funding reductions to important programs such as the medical care of military personnel, military housing, and military intelligence activities. Are we sure we can reduce these programs without negatively impacting upon military readiness?

Does the Senator from Iowa really believe that we should reduce such programs? Does he want to deny health care to our men and women in uniform? Does he want to force the families of military personnel to live in substandard housing? Mr. President, I cannot speak for every Member of this Chamber, but I know that I cannot support such reductions.

Mr. President, I agree with the Senator from Iowa that we must look for new and innovative management practices in order to find ways to shift funds from the infrastructure accounts to the modernization accounts. However, we must be sure that the shifting of such funds does not significantly impair military readiness. Reducing funds for unnecessary infrastructure is a task which the Armed Services Committee performs each year during its markup of the Defense Authorization Act and, as I have already noted, this year we reduced such funds by \$600 million. In addition, the bill before us today includes a provision that would require the Department to examine new ways of maintaining its forces in order to further reduce funding required for day-to-day operations, and make these funds available for force modernization.

Mr. President, I cannot advocate, nor agree to support, an arbitrary cut such as that advocated by this amendment. We must preserve the flexibility of the President and the Secretary of Defense to request what they believe is necessary to ensure our national security. If the Congress disagrees with this request, it can authorize and appropriate a different mix of funding.

Mr. President, I urge my fellow Senators to vote "no" on the Grassley amendment.

Mr. President, I now yield to the able Senator from Arizona, Senator McCain.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the Senator from Iowa who continues to be a persistent, constructive critic of defense issues, especially in the area of spending. I think this GAO report is a good one and should have a sobering effect on our defense planners, who somehow believe and support a precept that I have long questioned, and that is that base closings and other savings are going to support the modernization of the force.

The Senator from Iowa, I think, through his efforts, and also that of

this GAO report, points out clearly that there are not going to be savings. In fact, according to this GAO study—which I must say needs to be fleshed out, I am sure my colleague from Iowa would agree—it shows there is going to be an increase in cost.

Just one example of that, one of the clear reasons for that, is the base closing issue. We believed for a long time there would be enormous savings associated with base closures. Those bases needed to be closed. More need to be closed. But the fact is we are not realizing those savings. In fact, the opposite has been the case. Rather than sell the valuable land on which these bases reside, we give it away to the local community. We are finding more and more toxic waste sites and areas of pollution that need to be cleaned up, and anyone who has ever had any contact with that issue knows that the costs rapidly spiral in a dramatic fashion when you are talking about cleanups. In fact, as the Senator from Iowa points out, these costs have been much higher, much, much higher than we had originally estimated.

The Senator from Iowa was kind enough to make reference to the white paper that I did concerning tiered readiness, and this GAO report and his amendment highlight the absolute criticality of making the kind of hard choices which we are not making today because there is no possible way we are going to maintain the level of readiness, operations, and training of our Armed Forces and at the same time modernize the force.

We have a Hobson's choice, because the money simply is not there and, as the Senator from Iowa correctly points out, much less money is there than even we had envisioned. The Chairman of the Joint Chiefs of Staff has stated on numerous occasions that we need about \$60 billion for the purchase of modernization. We have, the last number I saw, was about \$30 billion.

Having said all those things, I still have to disagree with this amendment. One reason is because of its scope. For example, the amendment calls for reductions in spending for such programs as health care, personnel, and training. I do not see how you can impose arbitrary cuts on those programs. One of the aspects that we are most proud of in the military today is the quality of life, that is, the quality of young men and women that we have been able to attract and keep in the military. I am not sure that we could maintain that if we just, across the board, forced certain cuts without designating where they should be.

I want to emphasize that I believe we are spending money in ways that are really not appropriate. In this year's bill we added some \$600 million in military construction that was not needed. We add two new oceanographic ships for \$99.4 million. We have added \$13 million to fund a new bureaucracy in the case of civilian research in oceanography. We are going to add on \$15

million for the High Frequency Active Aural Research Program. This program has benefited from congressional additions since 1990, costing a total of \$76 million in just 7 years, with another \$115 million required. We continue to purchase B-2 bombers. In this bill we included an additional \$759 million in the National Guard and Reserve equipment account, plus as much as \$242 million in additional unrequested equipment earmarked for the Guard and Reserve in the regular service procurement accounts. Within this amount is \$284 million for six unrequested C-140J aircraft for the Guard and Reserve, a tactical airlift aircraft that the Air Force has not yet been able to afford.

Mr. President, the list goes on and we are spending money that we should not spend. We have lost sight of the fundamental reason why we spend money on defense, and that is to defend the security of the Nation.

I strongly suggest to my friend from Iowa that there are different ways of doing this. I look forward to working with him on this. I will have a couple of amendments that I hope will impose some savings. I am told there will be some additional military construction projects which will be attempted to be added to the bill here on the floor. I hope my colleague from Iowa will help me in trying to defeat those, although I am not totally optimistic about chances of success.

But, as I oppose the amendment, I thank my colleague from Iowa because the fact is that the American people are losing confidence that their tax dollars that are earmarked for defense are being spent wisely. If that continued erosion reaches its logical conclusion, sooner or later we are going to reach a point where the American people will not support sufficient funding to meet our vital national security interests.

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

The PRESIDING OFFICER. Nine minutes twenty seconds.

Mr. MCCAIN. Mr. President, I reserve the remainder of my time.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I yield myself 10 minutes.

First of all, I accept Senator McCain's offer to work with him on this issue, because I am very impressed with the intent of his white paper and his first-hand knowledge of the military, being the military hero that he is and serving our country so well and being on the Armed Services Committee and his expertise in that area. So whether my amendment is adopted or not, I accept the offer to work with Senator McCain.

I would, first of all, like to respond to some specific points both Senator Thurmond and Senator McCain raised, but also to give an example from military persons themselves about what



needs to be done about infrastructure costs and his frustration that infrastructure costs have not gone down.

First of all, on the legitimacy of questioning whether my amendment is going to hurt funding for command and control and for medical support, it will not, but it seems to me, without my saying it, common sense ought to dictate that a shrinking force structure and fewer military bases should reduce command and control and medical requirements.

My amendment would, in fact, just freeze; it would not reduce. It would reduce increases, yes, but there are no cuts that come as a result of my amendment. Increasing infrastructure costs are inconsistent with the philosophy behind the base closure process. My amendment would hold the Department of Defense infrastructure costs at \$145 billion per year. Now, remember, this is, as we are, in a process of closing bases and reducing the number of personnel connected with defense.

It seems to me that the Department of Defense needs to address the critical shortfalls and allocate money to meet the highest priorities within the infrastructure accounts. At this point in the base closure process and at this point in the reduction of personnel, infrastructure should not be on the rise.

We need to make sure that we eliminate the excess infrastructure and that we save the money that Secretary Perry promised, not just for the sake of saving money, but Secretary Perry says that is money that we are going to use for modernization. If it goes to infrastructure costs, which are going up, it is not going to go for modernization.

It was also suggested that my amendment might harm training and readiness, but very specifically I want to address that issue. Subsection (C) of my amendment specifically protects key readiness accounts, including training and spare parts.

I now want to refer to some remarks that were made by Marine Maj. Gen. John Sheehan. He is the commander in chief of the U.S. Atlantic Command. I think he made some very pertinent remarks, a person in the military, a person in command who views how the taxpayers' dollars are being used every day. If you do not want to listen to a civilian's point of view, like the Senator from Iowa has a civilian point of view, it seems to me that we ought to pay some attention to those who are in the military, because General Sheehan offers some very real insight.

His insights were given at a June 6 breakfast hosted by the Association of the U.S. Army's Institute for Land Warfare. I have excerpts of his comments from a trade journal called Inside the Pentagon. It was in the June 13 issue, page 20.

In a nutshell, this is what General Sheehan said:

The overflow of staff organizations within the Department of Defense consumes too many personnel and resources and puts the force structure at risk.

That is a major general who said that.

Opponents of my amendment say it is going to put certain aspects, like readiness and training and command and control and medical treatment, in jeopardy. Here is a major general who says what we are doing now, if we maintain the status quo, is putting our force structure at risk. Of course, he is talking about the Department of Defense infrastructure. This is what General Sheehan had to say:

There is a debate that's being formed right now, where the only sides in the debate are modernization versus force structure. . .

He says:

My argument says we ought to take a very serious top-down look at the overhead costs of doing business.

He asked:

Why do we have so many headquarters? Of what value are they?

The general has identified one of the big drivers in infrastructure costs, and he has identified them as excess headquarters and excess commands. General Sheehan says:

We have too many excess headquarters and too many commands.

So he has put his finger on one of the root causes of the problem.

He pinpoints the problem, and I want to quote from his report. He says:

There are 199 DOD staff organizations of two-star level or above, and the number has not changed since 1989.

I say, parenthetically, that is about the time the Berlin Wall came down.

His 1989 benchmark is important because the force has shrunk 30 to 40 percent since that time. So, headquarters should shrink as the force gets smaller, but headquarters are not shrinking.

As an example, he cited the U.S. Army in Europe with its 23 staff echelons to command only 65,000 soldiers. He also cited the U.S. Southern Command as another example of a top-heavy organization.

General Sheehan raised this provocative question:

Why is it, for example, that you have SOUTHCOM with 770 officers commanding less than 4,000 men?

Mr. President, I say to my colleagues, listen to what General Sheehan says:

Why is it that you have SOUTHCOM with 770 officers commanding less than 4,000 people?

He goes on to say:

There are still 65 NATO headquarters with over 21,000 staff officers sitting around doing paperwork. That's more staff officers than two NATO nations have in land forces.

We have more people doing paperwork than two NATO nations have in their land forces.

So you have to ask yourself.

General Sheehan says—

. . . of \$1.79 billion we invest in NATO on burdensharing, why is \$800 million of that just for infrastructure?

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

Mr. GRASSLEY. Mr. President, I yield myself 10 more minutes. I know

that is all the time I have, but I think what General Sheehan says is very important.

General Sheehan has hit the nail on the head, and this is his main argument:

Bloated staff organizations have created a demand for personnel that can starve warfighting units into hollowness.

A hollow fighting unit like we had in the late 1970's, in other words.

Bloated command staffs and headquarters are an outgrowth of top-heavy rank. In other words, General Sheehan is saying, we have excess admirals and generals, and each one needs a home, and every senior officer needs a command, a headquarters, a base, a staff, or a large department of some kind, somewhere, someplace to look over.

Take the Navy, for example. At the height of World War II, the Navy had 6,768 ships. Those 6,768 ships were commanded by 333 admirals. That is one admiral for about 20 ships. Today's 363-ship Navy is commanded by 218 admirals. That is almost one admiral for every ship. To be precise, it is one and two-thirds ships per admiral.

General Sheehan is wrestling with this problem, and doing it from the standpoint of a person serving his country, in uniform, on the line where the money is being spent—or should we say, on the line where the money is being wasted.

He told the audience that he is searching for technical solutions to the problems of swollen staff organizations. This is what he had to say:

What is needed are systems that can help reduce the overhead costs for commanding large forces. With all this technology and smarts running around, why aren't we more efficient?

That is a question that every Senator ought to ask before he votes for this bill.

In other words, General Sheehan has made an excellent case for cutting infrastructure costs.

The military today is top-heavy with rank and staff organizations and command headquarters left over from the cold war. That is the official word from the commander of the United States Atlantic Command. That is a pretty good authority.

General Sheehan has clearly identified the culprit. He obviously understands the problem. And he is also frustrated by his inability to get rid of his own excess command fat.

We know that the Department of Defense cannot do it, so we need to help them. So if you vote for my amendment, you will help General Sheehan do what he says he sees is necessary to get more bang for their defense dollar.

He put it this way:

Nobody likes to cut their own staff.

He goes on to say:

I've never seen a butcher hand a pig a cleaver and say, "Go make pork chops."

So Congress needs to lend a helping hand to people like General Sheehan.

Mr. President, I ask unanimous consent to have this report about General Sheehan's speech printed in the RECORD, the article from Inside the Pentagon.

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

[From Inside the Pentagon, June 13, 1996]  
ATLANTIC COMMANDER CRITICIZES PROFUSION  
OF STAFF ORGANIZATIONS  
(By Douglas Berenson)

Marine Corps Gen. John Sheehan, commander-in-chief of the U.S. Atlantic Command; last week decried the profusion of staff organizations within the Department of Defense, arguing they consume too many personnel and resources, and therefore put at risk already strained force structure. Sheehan, who has previously targeted the top-heavy command structure of the NATO alliance (Inside the Pentagon, Sept. 21, 1995, p1), offered his remarks at a June 6 breakfast hosted by the Association of the U.S. Army's Institute for Land Warfare.

"There is a debate that's being formed right now, where the only sides are in the debate [are] modernization versus force structure. My argument says we ought to take a very serious top-down look at the overhead costs of doing business. Why do we have so many headquarters? Of what value are they?" Sheehan asked.

Sheehan noted that within the Department of Defense, there are 199 staff organizations of two-star level or above, a number that has not changed since 1989. As an example, he cited the fact that the U.S. Army in Europe has 23 staff echelons to command 65,000 soldiers. He said that U.S. Southern Command offered another example of a top-heavy organization. "Why is it, for example, that you have SOUTHCOM [with] 770 officers commanding less than 4,000 men?" he wondered.

He argued that these bloated staff organizations have created a demand for personnel that can starve warfighting units into hollowness. "Why is it that the Bradley fighting vehicle spends so much time in gunnery when you go into the field? Why is it you don't spend more time in the integration of operations of the rifle unit coming out the back [of the Bradley]? It's because of this process," Sheehan said, noting that Bradley infantry squads are often fielded at lower than their optimum strength.

Sheehan argued that the "tooth-to-tail" ratio has become badly skewed against the warfighter, such that, "we field in the entire Army 125,000 killers." The rest of the force is made up of support and staff personnel, he said. Sheehan warned that the staff non-commissioned officer corps is being decimated, and that as the services focus on freeing up money to spend on force modernization, they are "forcing great people out of the system."

Sheehan noted that Army Chief of Staff Gen. Dennis Reimer has been working to streamline the Army's structure in response to these problems. "Dennis Reimer has to be allowed to go after the European staff structure. He has got to be allowed to go after the SOUTHCOM staff structure and take some of that staff structure out to keep combat capability."

Sheehan warned that "the next organization to go is the 2nd ACR [Armored Cavalry Regiment]. That would be a travesty. We need light, mobile attack type forces with a protected gun system for the battlefield of the future."

"Nobody likes to cut their own staff," Sheehan observed, quipping, "I've never seen

a butcher hand a pig a cleaver and say, 'Go make pork chops.'"

Sheehan appealed to the assembled audience to help find technical solutions to the problem of swollen staff organizations. What is needed, he said, are systems that can help reduce the overhead costs for commanding large forces. "With all this technology and smarts running around, why aren't we more efficient?"

As he has in the past, Sheehan levelled similar criticism against the NATO command structure. In addition to his responsibilities as U.S. Atlantic Command chief, Sheehan serves simultaneously as Supreme Allied Commander of NATO's Atlantic Command. "As a major NATO commander, my main complaint against my NATO allies is that many of these countries took their force structure out and took a peace dividend without reinvesting in the future. [But] they didn't take the overhead out . . .

"There are still 65 NATO headquarters, with over 21,000 staff officers sitting around doing paperwork," Sheehan continued. "That's more staff officers than two NATO nations have land forces. And so you ask yourself, of \$1.79 billion we invest in NATO on a burdensharing basis, why is \$800 million of that just in infrastructure?"

Mr. GRASSLEY. Mr. President, I yield the floor and reserve the balance of my time. I inquire of the amount of time I have left versus the amount of time that the opposition has.

The PRESIDING OFFICER. The Senator has 6 minutes, 24 seconds. The opposition has 9 minutes, 10 seconds.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

#### PRIVILEGE OF THE FLOOR

Mr. THURMOND. Mr. President, I ask unanimous consent that Dan Ciechanowski, a fellow with Senator KYL, be granted floor privileges for the duration of the consideration of the DOD authorization bill.

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

Mr. THURMOND. Mr. President, I ask unanimous consent that the vote occur on or in relation to the Grassley amendment No. 4047 at 5:30 p.m., and following the conclusion or yielding back of time the amendment be laid aside until 5:30 p.m. this evening.

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

Mr. GRASSLEY. Mr. President, I yield back the balance of my time on my amendment.

Mr. THURMOND. Mr. President, I yield back my time.

The PRESIDING OFFICER. The amendment is laid aside until 5:30.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Delila Lacevic be accorded the privileges of the floor during the pendency of the defense authorization bill. She is employed with the Center for Democracy and is working as a staff fellow in my office.

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

Mr. DORGAN. Mr. President, I rise to offer an amendment on my behalf and on behalf of Senators LEAHY, HARKIN, and BUMPERS.

#### AMENDMENT NO. 4048

(Purpose: To reduce to the level requested by the President the amount authorized to be appropriated for research, development, test, and evaluation for national missile defense)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. LEAHY, Mr. HARKIN, and Mr. BUMPERS, proposes an amendment numbered 4048.

On Page 31, strike out line 2 and insert in lieu thereof the following:

"\$9,362,542,000, of which—

"(A) \$508,437,000 is authorized for national missile defense;"

Mr. DORGAN. Mr. President, if I could have the attention of the Senate.

The PRESIDING OFFICER. The Senate will come to order.

Mr. DORGAN. Mr. President, I am offering an amendment that would reduce, by \$300 million, the amount of money authorized in this piece of legislation for national missile defense.

For those who do not know much about this process and have not been involved in the lexicon of Defense issues, the national missile defense, or Defend America, or antiballistic missile system, or Star Wars, all relates to a system that some say is needed to be built in order to defend America against incoming attacks from missiles launched by a potential adversary, ICBM's that would be launched by a rogue nation, or ICBM's that are launched accidentally. All of these are described as threats to our country, and it is proposed by a number of Members of the Congress, and others, that we should build a defense system against them.

Now, if I were to provide a chart to the Senate that showed an array of the threats against our country, the threats would range all over the board. The threats against our country would be, for example: A terrorist who fills a rental truck with a fertilizer bomb and drives it in front of a courthouse or Federal building in Oklahoma and murders scores and scores of American citizens. A threat against our country might be not a fertilizer bomb in a rental truck, but perhaps a small glass vial of the deadliest biological agents



known to mankind, placed in a subway strategically, killing thousands and thousands of people. A threat to our country perhaps would be a suitcase bomb, or a nuclear device no bigger than the size of a suitcase put in the trunk of a Yugo car and left at a dock in New York City to hold hostage an entire city. Another threat might be a nuclear device on the tip of an incoming cruise missile launched by air, ground, or sea, by a potential adversary. Another threat might be a full-scale nuclear attack by an adversary, with dozens or scores of incoming missiles, ICBM's, or cruise missiles for that matter. Another threat might be that some rogue nation, some international outlaw on the scene, gets ahold of an ICBM and launches one intercontinental ballistic missile at our country tipped with a nuclear warhead. Or another might be simply an accidental launch of someone who possesses an ICBM with a nuclear warhead.

All of these are potential threats to our country. They are not new threats. These threats have existed for some long while. In fact, a much greater threat existed some years ago than the ones I have just described, and the greater threat was hundreds and hundreds and hundreds of missiles in the ground, in silos, armed with multiple warheads, aimed at American cities, aimed at American military targets, all poised and ready to be fired by a potential adversary called the Soviet Union.

The Soviet Union does not exist any longer. The Soviet Union was fractured into a series of independent states—the Ukraine, Russia, and others—in which there were missiles with nuclear warheads targeted at the United States. But a series of arms control agreements with the old Soviet Union, and now with the independent states, has changed that much larger threat. It has not erased the threat, but it has changed the much larger threat. Arms control agreements now mean that Soviet missiles that used to be aimed at our country in many cases no longer exist.

Mr. President, I showed this piece of metal on a previous occasion. I ask unanimous consent that I be allowed to show it to my colleagues again.

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

Mr. DORGAN. Mr. President, this is a piece from a hinge on the massive door that covered missile silo No. 110, in Pervomaysk, Ukraine. This comes from a silo that housed an SS-19, which had half a dozen warheads aimed at the United States of America. Each of those warheads had a yield of 550 kilotons each, 20 times the power of the atomic bomb dropped on Hiroshima.

I want to show my colleagues a chart that describes something that I think is quite remarkable. This is that missile site, which housed missile No. 110. On June 5 of this year, this photo shows the Ukrainian Defense Minister

Shmarov on the left and his U.S. counterpart, Secretary Perry, watering sunflowers planted in the ground where there used to be a Soviet intercontinental ballistic missile. In other words, it is where there previously existed a missile with nuclear warheads aimed at America, and there now are sunflowers growing. The silo is gone, the missile is gone, and there are sunflowers.

How did this happen? Was this a magic act? Was Harry Houdini involved? No. This happened through a great deal of diligent, hard work. Some of it was here in the Senate, which approved the arms control agreements that were negotiated between the United States and the Soviet Union. Substantial credit, in my judgment, should go to Senators LUGAR and NUNN, who worked to create the Cooperative Threat Reduction program, which funds the dismantling of nuclear weapons in the former Soviet states. The Soviets, the Russians and Ukrainians now, began destroying nuclear weapons.

That destruction of nuclear weapons means that one way to protect America is to destroy a foreign missile before it leaves the silo; destroy the missile before it leaves the silo. This chart shows what happened. There used to be a missile. Now there are sunflowers. What a wonderful thing for humankind—that a missile that used to be aimed at us is now gone. This bit of hinge does not exist as a functional piece of some kind of nuclear threat against the United States. It is not just missiles that Senator LUGAR and Senator NUNN have through their initiative in the U.S. Senate helped to destroy. Here is a picture of Soviet workers sawing off the wings of Soviet long-range bombers. This is success. Arms control agreements have worked. They have substantially reduced the nuclear threat. We are today every day seeing in the old Soviet Union—now Russia, Ukraine, and Kazakhstan—missiles being destroyed, bombers being destroyed, and the world is a safer place as a result.

Some would come to the floor of the Senate and say, "None of this matters very much." The hundreds of ICBM's that are now gone do not matter much. The fact that the President of Ukraine announced that his country, which had previously housed thousands of nuclear warheads, is now nuclear free; no nuclear warheads in the Ukraine is quite a remarkable thing. Some would come to the floor of the Senate, and say, "That does not mean much. What we need to do is begin a new arms race. We need an America to begin building on an expedited basis with expedited deployment a National Missile Defense Program. And we insist on doing it in a way that would make it a multiple-site system, in a way that would provide that it has a space-based component," both of which would jeopardize the arms control agreements we currently have. And they say, "Well, if we jeopardize those arms control agree-

ments, so be it. We will force the other parties to renegotiate."

I am not coming to the floor of the Senate saying that research and development on missile defense programs are not relevant or unworthy. I have supported them in the past. I support them today. The administration requested \$508 million in this bill for research and development on national missile defense systems and programs.

In fact, if taxpayers are interested we have spent \$98 billion on strategic and theater missile defense programs; \$98 billion. The most recent proposal that was brought to the Senate for its consideration, the Congressional Budget Office says, will cost anywhere between \$30 billion and \$60 billion to construct without regard to the cost of its operation. That is what it will cost simply to build on an expedited basis the kind of national missile defense that was called the Defend America Program that the sponsors envision.

I support the recommendation of the Pentagon to spend \$508 million for research and development of a national missile defense system. What I do not support is the Congress saying, "Pentagon, you do not know what you are talking about. We insist on adding \$300 million more."

Let me read a comment from the Vice Chiefs of Staff in the Joint Requirements Oversight Council. It says:

The Joint Requirements Oversight Council believes that with the current projected ballistic missile threat, which shows Russia and China as the only countries able to field a threat against the U.S. homeland, the funding level for national missile defense should be no more than \$500 million a year through the Future Years Defense Plan.

That is what the Joint Requirements Oversight Council says. One might argue they are not experts. I do not know how one could credibly argue that. They are the Vice Chiefs of Staff of our Armed Services. But one could make that case and try to make that point. These are the people who ought to know, in my judgment.

General Shalikashvili in a letter to Senator NUNN says the following:

Efforts which suggest changes to or withdrawal from the ABM Treaty may jeopardize Russia's ratification of START II, and could prompt Russia to withdraw from START I.

These are the arms control agreements that resulted in taking these missiles and warheads out of the ground and reducing the threat posed to the United States of America.

General Shalikashvili says the following. He says:

I am concerned that failure of either START initiative will result in Russian retention of hundreds or even thousands more nuclear weapons thereby increasing both the cost and the risks that we face.

We will hear no doubt, especially when the Defend America Act comes back to the Senate, if it does—and I cast a vote on that recently. This was a bill to potentially require \$30 to \$60 billion of expenditure on the part of the taxpayers—just to build, not to operate. It is not the right way in my

judgment to do it. But that was the vote we had. Of course, I voted against cloture because, if we are going to have a debate on this, there ought to be a debate. There ought to be a thorough and lengthy debate. It is of substantial importance for this country, its foreign policy, its defense policy, and certainly for the taxpayers.

We will no doubt have comments made here—I do not intend to address these at the moment, although I would be happy to come back and do so—that reflect the comments we heard last year during the same debate. We will have maps put up talking about the threat that North Korea could pose to Alaska, or the threat that some other rogue nation would pose to Hawaii. Those statements are not justified by the facts. Those are not threats that are currently justified by information given by this country's intelligence community.

It seems to me that we ought to worry a bit about how we are spending money, for what purpose we are spending money, and where we are going to get the money. This \$300 million is the first incremental first step on a long staircase. And we had a quote from Senator Dole at a press conference. The question was asked where the money was going to come from. "Senator, how much do you think this is going to cost, and where is that money going to come from?"

The answer: "Well, I'll leave that up to the experts."

The experts are not going to pay the bill. The taxpayer will pay this bill—\$300 million this year, a long step on a long staircase leading up to the Congressional Budget Office suggesting as much as \$60 billion.

In the main, this is a security issue. I accept that and agree to debate it on that premise. But it is also an issue that combines the question of security with the question of, "What is it going to cost?" Well, it is reasonable to ask: How much did we spend, and how much are we going to spend to get a system? What kind of protection will it provide us?

In North Dakota, we have some experience with this. We have in my State the only antiballistic missile system that was ever built in the free world. In today's dollars, they have spent about \$26 billion. It looks a little like this. It is a big concrete pyramid. It was incidentally mothballed in the same year that it was declared operational. That was built in the early 1970's with billions of taxpayers' money spent.

I mentioned that somewhere between \$96 and \$98 billion was spent in the aggregate in pursuit of missile defense technology. I also said I am not opposed to spending all of the money but that I am opposed to this rush to add extra money to this defense authorization bill. And I will be opposed to adding the money to the appropriations bill as well—to demand that we have accelerated deployment in a system that we are told will cost up to \$60 bil-

lion, and the accelerated deployment must be combined with a multisite system, and a space-based system that, in my judgment, will jeopardize most of our arms control agreements, agreements that I think are critically important to this country.

I would say this to my friends who support this—and I have great respect for many who will stand up and support this aggressively: Senator KYL has in the past, Senator INHOFE and others. I suspect the Senator from Virginia will weigh in on this subject. I have great respect for their views, but I do believe this. You have to make the case that spending this extra money is critically necessary for our defense. I do not think that case can be made, No. 1. And, No. 2, you also ought to make the case, given what we have talked about—the danger of the Federal deficits and who is for more spending and who is for less spending—you also ought to make the case, who is going to pay for this? Where is the \$60 billion going to come from?

This bill contains the first small increment of \$300 million, which may not seem like a lot of money to some but I think is a whole lot of money for the American taxpayers to shell out when they do not need to shell it out. This is a proposal that we do not need, a proposal that we cannot afford, a proposal the Pentagon says it does not want, and a proposal this country should not adopt. It defies common sense for this Congress to say to General Shalikashvili: It does not matter what you think; it does not matter what you say about arms control agreements; it does not matter how much you want to spend. We demand you spend more on this because we believe this ought to be built on an accelerated basis.

I say you have to make the case that that be done first, and I do not think the case can be made. And second, as you make that case, if you think you can make the case, tell us, who are you going to get to pay for this? Which taxes are you going to raise to get \$60 billion?

Mr. President, I indicated previously we will no doubt have comments from those who say there is a direct threat to some States in our country from this, that, or the other approach. I began speaking about the array of threats to our country and let me end with the same notion. If we are concerned about the principal threats to our country, it seems to me somewhere back on the far side of the range of threats that are likely would be that a Mu'ammar Qadhafi acquires through some magic an intercontinental ballistic missile that he is able to launch complete with a nuclear warhead destined for some American city. That is one of the least likely threats.

Far more likely a threat is an international bandit on the scene who is more likely to acquire a dozen other devices, including, if you are talking missiles, a much more easily acquired missile

such as a cruise missile, easier to acquire and easier perhaps to operate. It is much more likely that we will find a threat other than that which they are going to build the national missile defense system to protect our country against. Should our country be unprotected? No. We have always had protection with this understanding: every missile launched against our country has a return address. Every missile launched against America has a return address because we know who launches it. We see all launches in this world through our satellites. Should any country, any rogue nation, any adversary be foolish enough to launch a missile with a warhead against this country, that country will cease to exist quickly. Our defense and our deterrent has always been our ability to let everyone in this world understand you launch a nuclear weapon against our country, and our nuclear arsenal, the most capable in the world, will erase from the face of the Earth those with that kind of judgment.

That nuclear arsenal still exists, and I hope that we will support the amendment to reduce the \$300 million. We will still be left with \$508 million, which is a substantial amount of money, for research and development, but we will have sent a signal that we do not want to begin climbing the first step on a stairway to a \$60 billion expenditure, the justification for which has not and in my judgment cannot be made at this point in this Chamber.

(Mr. ABRAHAM assumed the chair.)

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

Mr. DORGAN. I would be pleased to yield.

Mr. WARNER. I have followed very carefully his points here. As a matter of fact, it is basically a recitation—and I say this most respectfully—of the points the Senator made last year. The Senator has been consistent in his message. But I was taken by his closing remarks of the history of the relationship between those nations possessing intercontinental systems and how our planet has thus far avoided any confrontation.

This is a subject that I have been dealing with since 1969 when I went to the Department of the Navy, I do not want to calculate how many years ago. But the Senator is absolutely right; it was the deterrence that prevented any confrontation between the former Soviet Union and the United States of America. It was the doctrine of mass destruction, mutual massive destruction. But we were dealing in those days, despite our antipathy toward communism, with governments, with military organizations that were able to grasp the reality of mutual assured destruction and had a very tight command and control over every single one of those sites.

I should say that in the many years I followed this, having served on the Intelligence Committee, there were isolated incidents where there was alcohol involved on a site here and there.

We saw the occasional reports. But, fortunately, the command and control was exercised so as to eliminate what I personally regard as the prime reason for this expenditure, the accidental or unintentional firing.

In the former Soviet Union, the rocket forces were the elite. Only the finest men and, I suppose in some instances, women were put into those units. We did not have in those days the risk that I think is present today of the accidental or unintentional firing.

Quite apart from the dollars and cents—and we could debate on into the night as to what the estimates are to build the system and the time in which it is to be done, but I cannot look into the faces of my fellow Americans and say that there is any budget or any calculation which would induce me not to support this given the horrific damage from a single accidental firing of an ICBM against a major city. Take whatever you want as the budget to build this system. If you hit on 57th and 5th Avenue in New York City, it would be billions and billions of dollars in property damage and incalculable lives.

Mr. DORGAN. Mr. President, I wonder if the Senator is warming up to a question.

Mr. WARNER. I am sort of on a roll here, and I rather enjoy it, but my point is, what is your concept of a single accidental firing, a risk present today that was not present during the height of the cold war? That is essentially the purpose of this system.

Mr. DORGAN. The Senator asks a good question, and I understand it well because he set it up quite well. I say to the Senator, you describe this in the context of a rogue nation or an international terrorist who gets hold of one missile and launches one missile against the United States. I contend that it is far more likely that an international terrorist would get hold of a suitcase and put it in a rusty Yugo on the dock in New York City than be able to find an ICBM and launch an ICBM at the United States. The point I made at the start of my discussion is you have an array of threats against our country. The one you describe is a threat, there is no question about that.

Let me give you another one. How about—

Mr. WARNER. Mr. President, if the Senator will—

Mr. DORGAN. Let me give you a threat.

Mr. WARNER. I am ready to concede that you are correct. It may well be the suitcase—

Mr. DORGAN. Let me continue before you concede. You are conceding a small part. Let us assume a captain of a Typhoon submarine goes half wacko somewhere out in the ocean and launches the entire supply of warheads on that submarine, which is 200 warheads, ICBM's, sea-launched ICBM's against this country. That is a rogue threat. There is nothing proposed by anyone, that I am aware of, nothing under any condition or any system or

any bizarre scheme I am aware of that is going to protect this country against that large a threat, is that correct?

Mr. WARNER. Mr. President, the Senator is correct. We do not have anything and that is in the realm of risk. I think farther down the scale than the single isolated incident is either in Russia or, indeed, North Korea—they are rapidly approaching the potential, with their Taepo Dong missile, which could reach Hawaii or Alaska.

My point is the Senator is correct. There is a risk from the suitcase. There is a risk from a berserk crew on a Typhoon submarine. And there is a risk associated with the accidental firing of a single, or perhaps two missiles against the United States.

But the fact that we have a number of risks does not eliminate the responsibility of every Member of this Chamber to apply, diligently, every resource we have in this country to stop these risks.

Mr. DORGAN. I would say this to the Senator, I fully accept the responsibility of doing the research and development on a missile program, a national missile defense program of some type for which there is, in this bill, \$508 million—plus \$300 million added by the committee, saying \$508 million is not enough, we want to add \$300 million more. I respect the obligation to be doing the research and development to be available and to be ready to deploy a system if it becomes certain that we need this system and conceivable we can build it in a cost-effective way. I am ready to do that.

But what I am saying to the Senator is this. If you come to us with proposals that the Defense Department says threaten to undermine the arms control treaties that now exist that result in destroying the missiles in the ground—all the missiles are out of the Ukraine at this point.

The fact is today—I know the Senator knows this because we have people on both sides of the aisle who have engineered this, and I would say the Senator has been instrumental in a number of these areas in helping this along—we are seeing adversaries' missiles now being destroyed, sawed in half, cut up. It seems to me you would agree that the very best way to destroy a potential adversary's missile is to destroy it before it leaves the ground. If you propose a national missile defense system that threatens the underpinnings of our arms control agreements, it seems to me what you have done is add to the arsenal of weapons that are potentially going to be weapons against us.

So I am willing to walk down the road, to talk about threats and how one responds to them. I am not willing, under any circumstances, not any, to do anything that I think starts to take apart the arms control agreements. It is not just me that says that. It is the Chairman of the Joint Chiefs of Staff and others who say this threatens to destroy the foundation of these arms control agreements.

Once you start to do that you are not dealing with little rogue threats out there. You are not dealing with some international nut case who manages to find some ICBM and then manages to find a nuclear tip to put on the top of it. Then you are dealing with the questions of hundreds, perhaps thousands of additional weapons and launchers that will be retained when they should in fact have been destroyed, because we were trying to enter into arms control agreements that really do accomplish a reduction in the threat.

So, I hope—I have taken some time, but I hope the Senator understands. I am not opposed to research and development. I am opposed to adding, on top of that, money that means we will run off and buy and build and damn the consequences. I would listen to some very thoughtful people who say you are going to injure the opportunities we have had in the past and will have in the future, as a result of the arms control agreements. That is my major concern.

Mr. WARNER. Mr. President, I would like to reply. Let us say that the Senator and I have a disagreement on the arms control issue. I firmly believe that we can resolve with Russia any apprehension that they may have with respect to the development of this system in a manner that will pose a threat to them. As a matter of fact, I would argue it is in their interests that we have such a system because, should a missile be fired we could have some errors on our side, thinking a strike had been launched against us and suddenly trigger something against Russia.

But let us say we have a disagreement on arms control. But how does the Senator from North Dakota answer the question: We have no arms control with China, yet they have the capability of an accidental firing. We have no arms control with North Korea, yet they are within 3 or 4 years of having a missile that could hit two of our States. What does the Senator say to those arguments?

Mr. DORGAN. The entire philosophy of arms control is to reduce the stock of nuclear arms and launchers and devices to deliver arms that now exists and to try very hard to work on the issue of nonproliferation of nuclear arms. We must do a better job of that.

Do you know why? Because I think people are all too interested in going off and building things. The efforts at nonproliferation are not very sexy. It is not an area that produces the same kind of thing that a building project does. A building project, you pour concrete and get something that you can see and everybody can say, "Look what we have." We ought to, in our country, it seems to me, take seriously this issue of who has and who is going to have nuclear weapons and pose a threat in the future.

If the Senator says it matters with respect to China, yes, it does. Sure it matters. It matters with respect to North Korea, yes. It also matters with

respect to what our intelligence community tells us about the capabilities of these countries, No. 1. I will be happy to put that in the RECORD, because we are at odds on that issue.

But, second, it matters very much, it seems to me—it matters very much that this country behave in a way that recognizes it is in our interests to have fewer nuclear weapons in the world. And our arms control agreements, as deficient as they might be—some would want them much more aggressive—have started the process of doing what you and I might have thought unthinkable not too long ago.

The Senator was in the Chamber when I showed this chart. I want to show it again, because I suspect 8, 10 years ago, no one would have believed this. Ten years ago would anyone have believed that the Secretary of Defense and the Defense Minister of the Ukraine would be planting sunflowers on ground where there was planted an SS-19 aimed at the United States of America?

Mr. WARNER. I say to my good friend, Secretary Perry came and met with members of the Armed Services Committee at a breakfast hosted by the distinguished chairman, Chairman THURMOND, this morning, and recounted the very incident portrayed by this picture. We concede all that.

But I would like to come back to this issue. You stress arms control. We have a disagreement on that. Come back to China. We have no arms control—do you not agree they have the capability today of a missile system that could hit Alaska and could hit Hawaii, and that there could be an accidental or rogue firing in that nation? Just witness what happened in connection with the Straits of Taiwan here just several months ago, when we saw what in my judgment were actions by China, presumably under tight command and control, where those actions were in defiance of what I call responsible conduct by major nations in this hemisphere.

Let us go back. Let us see if we can narrow debate. They have the system, am I not correct?

Mr. DORGAN. Let me ask the Senator, since he has raised the question of China, does the Senator know approximately the estimate of how many ICBM's the Chinese possess?

Mr. WARNER. I do, but I am not sure it is a matter we should bring out in public at this time.

Mr. DORGAN. Does anyone know whether that is classified information?

Mr. WARNER. Let us just concede that we know they have them. I do not know the number—I do know it but I am not sure—let us just assume that they have a system. I think you and I can agree on that.

Mr. DORGAN. Does the Senator also agree that, should any nation—

Mr. THURMOND. Mr. President, I wonder if the Senator will just let us take a voice vote on the Grassley amendment?

Mr. DORGAN. I will be happy to.

Mr. THURMOND. Mr. President, notwithstanding the previous unanimous-consent request, I ask unanimous consent that we resume consideration of the Grassley amendment. I understand Senator GRASSLEY has agreed to have the amendment voted on by a voice vote. I understand there is no further debate on this question.

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

#### VOTE ON AMENDMENT NO. 4047

The PRESIDING OFFICER. The Senate will vote on amendment No. 4047 of the Senator from Iowa. The question is on agreeing to the amendment.

The amendment (No. 4047) was rejected.

Mr. FORD. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I want to make certain the RECORD shows the Senator from Virginia voted in the negative by voice vote.

The PRESIDING OFFICER. The RECORD will so reflect.

#### AMENDMENT NO. 4048

Mr. WARNER. Parliamentary inquiry, are we now returning to the colloquy?

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. WARNER. And the distinguished Senator was about to pose a question.

Mr. DORGAN. I was about to ask the question, if the Senator agreed with me, if a rogue nation—China, I suppose, would not be in the definition of "rogue nation" here; China is a trading partner of ours.

Mr. WARNER. Mr. President, it depends on the day of the week. They do have some actions—

Mr. DORGAN. Normally, those who refer to rogue nations or international outlaw leaders have three or four in mind. Now, the Senator raises—

Mr. WARNER. You are correct, China should not be put in the same category as the generic term "rogue nation." I am talking about the accidental, unintentional firing.

Mr. DORGAN. I understand. The Chinese have, as you know, without discussing it, very few intercontinental ballistic missiles. The Senator raises the question of the potential of a country with intercontinental ballistic missiles launching an attack against the United States.

The question I want to ask is, does the Senator agree with me that there cannot be an intercontinental ballistic missile launched without a return address; we will know instantly where it is launched from?

Mr. WARNER. Mr. President, the Senator is correct in that.

Mr. DORGAN. If the launching of an intercontinental ballistic missile means this country immediately knows where that launching took place, is it

reasonable to expect, if they attack the United States, they would expect a response that would annihilate the country sending the missile? The point is, that has been a deterrence that has been around for sometime. I thought the Senator was really talking about a real outlaw, not leader someplace out there in space, and now he has raised the question of China.

Mr. WARNER. Mr. President, for the purpose of this debate, there are really only two nations which possess intercontinental systems that can strike the United States, and that is Russia and China. China has a system which can reach not only two States, Alaska and Hawaii, but, indeed, we have reason to believe that it could reach the central parts of the mainland United States. For the record, I am not talking about an organized command and control attack on the United States by China. I am talking about the accidental firing, the unintentional—perhaps in a training mission—firing of a live missile, either from Russia or China. Should not we have the bare minimum capability in this country to defend against a single or perhaps two or three missiles being fired?

I say yes. Our difference is the schedule on which it is to be built. You have reasons to believe that \$500 million is enough. I feel strongly, as does the committee, that \$800 million is the required amount to keep the research and development at the most expeditious pace, such as a President can make the decision with regard to deployment.

Mr. DORGAN. The Senator has narrowed this interestingly. So let me ask this question. The Air Force has proposed a system that they say is a minimal cost system to respond to exactly what you are talking about: one isolated case of one intercontinental ballistic missile, perhaps with one warhead, being launched accidentally or deliberately at someplace in this country.

There is a plan floating around that they say will cost \$2 billion, \$2.5 billion to defend against that, not to give us a defense that is not impenetrable, but one that gives a reasonable certainty of stopping that limited threat.

I ask the Senator, is that what the Senator would support and would that be sufficient?

Mr. WARNER. This Senator is in favor of supporting a system that could perhaps interdict up to 10, 12, 15, maybe as many as 20, certainly not an exchange as was practical, that potentially could have occurred between the former Soviet Union and the United States. China's total arsenal we have agreed we should not discuss here, but it has numbers that could approximate those amounts of exchange. That is not an accidental firing in reality or unintentional to send 10 or 20 missiles. Nevertheless, the system should be built to cope with it.

Mr. DORGAN. If I understand your response, you are not proposing then a

system that would in any way protect this country against a lunatic *Typhoon* submarine captain who launches 200 warheads from a *Typhoon* submarine against this country? You are not proposing a system that protects us against that?

Mr. WARNER. Mr. President, the system that I have in mind could limit the damage. Now, whether it could deal with all 20 missiles fired—

Mr. DORGAN. Two hundred warheads.

Mr. WARNER. I am not prepared to give you an answer.

Mr. DORGAN. Two hundred warheads.

Mr. WARNER. If you interdict the missile, you get 10 warheads.

Mr. DORGAN. It depends on when you interdict the launcher. But my point was, I guess most people would say you are not proposing a system that could respond to that threat. So, again, on the scale of threats, you have some you respond to, some you do not. Look, I would not support a penny for research and development if I did not think it is reasonable for us to be trying to figure out what are the threats and what is a reasonable approach to begin thinking about them and planning to meet them when they become sufficiently real that the intelligence community says this country needs to do something about those threats.

The Senator knows, and we have said before in this debate, that the intelligence community in this country does not concur that this is the time to do what is being proposed we do. The Defense Department tells us that it will undercut the arms control agreements and launch us into an orbit to spend an enormous amount of money against a system that the Senator now concedes will not respond to the more aggressive or robust threats.

Mr. WARNER. Well, Mr. President, all I can say is that what we envision is a limited system to deal with the accidental or unintentional firing. I am not prepared, nor any of us are really prepared, to give you precise numbers, whether it could interdict the entire load of a *Typhoon*. It depends on when interdiction takes place, whether there is warhead separation. There are a lot of factors that deal with it.

I want to also put in the RECORD. I respect your arguments about the suitcase. Fortunately, I think technology is not quite at the point where that is the highest risk now, but we have in place a number of systems to deter and, indeed, interdict the suitcase. It is just my concern we have nothing—nothing—in place to interdict the stray two or three missiles that could be accidentally fired or a terrorist firing against our Nation.

That is the direction in which this Senator wants to move as expeditiously as possible. And we have O'Neill, who was the prior head—he just resigned—of the BMD office, who said \$800 million is the figure. I happen to agree with him. You happen to disagree. Therein, I think, we framed the argument.

Mr. DORGAN. You say \$800 million. Let me make just a couple additional points. Again, I respect very much the Senator from Virginia. I have admired his work for a long while. We disagree from time to time on things. We disagree on this. I, nonetheless, think he contributes a great deal to defense policy.

This little pager that I use is about the size, I am told, of the device that brought down the Pan Am flight by a terrorist planting a device this size on the Pan Am 747 which crashed in Lockerbie, Scotland. That was a terrible attack. We know what the terrorist attack was with a rental truck in Oklahoma City. We know of many terrorist accidents. We know of the deadly chemical agent attack in Japan on the subway. We know of the bombing of the World Trade Center by terrorists.

The Senator raises the question, what about the ultimate terrorist act of a terrorist getting ahead of, not a suitcase, not a Yugo, but an ICBM, not a cruise, an ICBM missile, and tipping it with a nuclear warhead and launching it against our country?

Again, I will say to the Senator, there is a prospect advanced by one of the services that they say would cost \$2 billion that would use existing technology to provide a defense against a very limited, isolated, single missile kind of rogue nation or accidental launch. That proposal does exist.

The Senator and I may not have much disagreement if he said, let us take the limited option at minimum dollars and provide the protection against that threat that he has just described in some detail. I am not sure we would have much disagreement about that.

That is not what is being proposed, as the Senator knows. What is being proposed is a robust system, multiple sites, space-based components, accelerated deployment. That is a much, much different, much more expensive and much more extensive proposal than what we are discussing.

So again I say, if the isolated circumstances that the Senator describes were met by a \$2 billion system, which one branch of the service has given me a detailed briefing on, I do not know that we would have a big disagreement. But what we are talking about here—and I believe the Senator in his heart knows we are talking about—is the potential of \$60 billion over the years to build a much more capable system, at the end of which we will not have addressed the threat of a robust attack against this country.

I worry that if we spend that money, we may develop the circumstance of saying to the American people, we now have a missile defense system we have spent \$60 billion for, just to build, not to operate, and then someone says, "What if somebody launches 50 missiles against us?" We say, "Well, we're sorry about that. We're not going to be able to deal with that."

If we are talking threat, let us respond to the most aggressive threats

first. Let us do the things that are necessary to do research and development on national missile defense.

I notice my friend from Oklahoma is now on the floor. I mentioned earlier he is someone who has an interest on this subject. I mentioned him in a kindly way.

But I just believe that to rush off and commit \$300 million above what General Shalikashvili recommends, Secretary Perry and others recommend as is prudent and wise, given our circumstances and arms control, and other needs, I think that is not in this country's interests. So I appreciate the colloquy the Senator and I have had.

Mr. WARNER. I shall yield the floor momentarily. I have enjoyed the colloquy. But let us make it clear, this additional \$300 million by the Armed Services Committee was for the purpose of the ground system. And it is our collective judgment that that amount of money is needed to keep an aggressive R&D going.

I strongly support it. And \$300 million is not specifically earmarked for any system. It in fact is the BMD's program that they have at the moment. We have disagreements as to the total cost. That is clear. But I think we isolated this to be a debate between two individuals who feel equally strongly from their various perspectives.

I think we owe it to the American public to do everything we can to put in place such systems to deter against a suitcase, to deter against the *Typhoon* suddenly coming up and firing its whole load. But I see this as a risk, which I think is far greater, the accidental firing of a single or a double, by either a terrorist or someone who comes in and seizes an installation in China or Russia, some group, band, who goes in and seizes it and fires it somehow. That is what I want to stop.

Mr. DORGAN. If the Senator would yield on that point.

Mr. WARNER. Yes.

Mr. DORGAN. I encourage the Senator to receive the briefing, if he has not yet, on the planning that has been done by the Air Force for a minimal system at minimum cost to address exactly that circumstance.

Mr. WARNER. Mr. President, I have gotten that briefing. I am just not sure that that is a sufficiently robust system to meet the requirements as I see them.

Mr. President, there are other Senators anxious to speak. I thank the Senator. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I will make some remarks with regard to the matter at hand, and the general feeling that I have with regard to the bill.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska has the floor.

Mr. EXON. Did my colleague from South Carolina wish to make some

kind of a point? I have been recognized. I would be glad to yield to him.

Mr. THURMOND. Mr. President, we have been debating this amendment now for over an hour. I just wanted the Senator from North Dakota to consider entering into a time agreement on his amendment at this time.

Mr. EXON. The Senator from South Carolina had a question for the Senator from North Dakota.

Mr. THURMOND. I wonder if the Senator would agree to a time agreement on this amendment.

Mr. DORGAN. I have no intention of delaying the vote. There are a number of Senators who do want to speak briefly.

Mr. THURMOND. What is a time the Senator would wish to suggest?

Mr. DORGAN. Senator CONRAD from North Dakota wants to speak and Senator EXON wishes to speak.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EXON. 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. EXON. All the Senator from Nebraska is attempting to do is move things along. If an agreement is reached with regard to a time agreement, I will certainly yield to the managers of the bill and the Senator from North Dakota to make that statement. In the meantime, I would like to proceed with the statement I have regarding the bill.

Mr. President, the Senator from South Carolina, the distinguished chairman of the Armed Services Committee, is a very, very dear friend of mine. He does an excellent job and has as long as this Senator has been in the U.S. Senate. He works very well with Senator NUNN, the ranking member of the committee. They have worked very hard on this defense authorization bill that this Senator supported when it came out of the Armed Services Committee. But at that time I sent a first signal that I would be attempting to make some changes to improve the bill in several areas that I thought needed attention.

I will simply say to my good friend from South Carolina, that he has made noble efforts in the committee. We had thorough discussion on a lot of these issues that we are going to be taking up in the form of amendments now that the bill is on the floor, which I think is entirely proper.

What this Senator has been attempting to do since this bill came out of the authorization committee, and as late as this morning—as referenced by my distinguished friend and colleague from Virginia, we met with the Secretary of Defense—what I am trying to do is, as much as possible, make this defense authorization bill vetoproof.

In other words, if we can accommodate some of the wishes of the President of the United States, the Secretary of Defense and others, that have key roles to play in what happens to the authorization bill that we will eventually pass here, it is to make it as acceptable as possible to reach some compromises on several things where I think there should be compromises, make it somewhat more acceptable to the Clinton administration, and then we will have accomplished something rather than passing a defense authorization bill that will end up dead in the water in the form of a veto.

So the comments that I am now about to make are designed, as best I can design them, to try to reach a compromise, a compromise, if you will, up front in the process of the Senate working its will on the defense authorization bill, and hopefully have a bill that will mean something.

Mr. President, the defense authorization bill before the Senate is a rather rare piece of legislation, one might say. It is one of the few spending or authorization bills for the next year receiving a sizable increase—I repeat, a sizable increase—above the administration's request.

To be specific, at \$267 billion, the 1997 defense authorization bill dwarfs—dwarfs—Mr. President, any other discretionary spending program in the Federal budget. Like an out of shape prizefighter, it enters the ring \$13 billion overweight from the position of the President of the United States.

Having been overfed by the majority of the Senate Armed Services Committee—and I hope we can at least partially correct that—the quarter of a trillion-dollar defense bill before the Senate is not just \$13 billion above the Pentagon's proposed budget, it is \$1.7 billion in excess of the originally passed budget resolution, and \$4.1 billion more than the 1996 defense spending bill. At a quarter of a trillion dollars, the 1997 defense authorization bill is flush, with \$13 billion in unrequested spending authority, much of which adds unnecessarily to our national debt, while adding, in the opinion of this Senator, little or nothing to our national defense.

The 1997 defense authorization bill should be termed the “wish list” bill. It is so much so that every service official and regional military commander that appeared before the Senate Armed Services Committee on the bill was asked by the members of the majority a question, and certainly Federal managers of domestic programs have frequently heard that recently, and it is going to be driven home again during this debate. This was the question that was asked of these various military officials: “If you were given additional funds above the budget request, how would you spend it?”

Let me repeat that. Can you imagine a military person sitting before the Armed Service Committee and they are asked a question, “If you were given

additional funds above the budget request, how would you spend it?” What kind of a reply would you expect? To no one's surprise, when blank checks were enticingly dangled before the witness, the replies were as prompt as they were lengthy. No military leader worth his salt, under such a scenario, could not find something that he could use.

Of the \$13 billion added to the President's defense budget request, \$11.4 billion, or nearly \$9 out of every \$10 added, went toward procurement and research and development programs. But approximately \$2 billion of the add-on dollars proposed in the Pentagon's wish list is not even part of the Pentagon's own budget plan for the next 5 years, and certainly it is not, nor has it been previously, projected.

What is more, a similar portion of the \$13 billion committee add-on is neither part of the long-range budget, nor any armed services wish list, including the wish lists that are included in this proposal.

In other words, the Armed Services Committee did not even get enough requests, after dangling that enticing proposition before the witnesses, to add up to the billions that we are spending. In other words, nearly \$4.6 billion of the \$13 billion-plus-up to the Pentagon's outyear budget plan, or a part of the services' wish list. It is something that came through the fat-feeding program in the Armed Services Committee.

In my opinion, it is vital that the American public understand this important distinction between several options:

One, what the President proposed in his budget for defense spending. Two, what the Pentagon says it needs to provide for our national defense. Three, what the military witnesses wish they could have after having the proposition dangled in front of them. Four, what level of funding the committee ultimately approved.

Such a wish-list approach to defense budgeting is not responsible, in this Senator's opinion, and stands out as a glaring exception to the manner in which painful cuts have been levied against domestic budget accounts. Nor is the end product of \$13 billion in additional defense spending justified and, certainly not, Mr. President, in order to do what we are trying to do in these times, when we are supposedly being prudently fiscal, to reach a balanced budget by the year 2002.

A cursory look at the defense authorization bill before the Senate indicates that a rising budget tide floats all boats. Among the largest beneficiaries of the committee's blank check wish list in the budget includes these items: An \$856 million increase in the proposed ballistic missile defense spending, which has just been debated to some extent on the floor of the Senate preceding my remarks; a \$760 million increase in the National Guard and Reserve equipment; a \$750 million increase in DDG-51 destroyer funding; a



\$701 million increase in new attack submarine funding; a \$700 million increase in military construction and housing funding; a \$351 million increase in V-22 aircraft funding; and a \$341 million increase in F-16 and F-18 funding for 10 unrequested aircraft.

These increased spending levels are only a downpayment—I emphasize once again, Mr. President, the funding levels I have just cited are only a downpayment for future spending that will confound budget-making in the years to come.

Mr. President, at a minimum, the spending level included in the defense authorization bill should be reduced by \$1.7 billion to be brought into conformance with the budget resolution so as to eliminate hollow budget authority in the bill. But the Senate should not stop there. We should question the need for the remaining \$11 billion increase and whether this extraordinary increase is needed to properly defend the national security interest of the United States.

Perhaps the starting point for reduction in spending authority contained in this bill should begin at \$4.6 billion, the sum total of weapon add-ons and program increases not requested in the service wish lists, or contained in the Pentagon's long-range budget plan.

At a later point during the consideration of this bill, I will propose an amendment along with Senators BINGAMAN, KOHL, LEVIN, and WELLSTONE, to reduce the top-line defense spending figure by a modest \$4 billion. This represents a full \$600 million less, Mr. President, than the \$4.6 billion in unsupported, unjustified, and unwise spending authority.

In essence, the Exon amendment would retain \$9 billion in defense spending authority over and above the President's request. Now, let me repeat that. The Exon amendment would retain \$9 billion in defense spending authority above and added on top of what the President has suggested. If the Exon amendment is agreed to by the Senate, our Nation would still be spending \$155 million more in 1997 than in 1996. I would have more to say about this amendment when it is offered.

One of the most questionable of the committee add-ons, in the opinion of this Senator, is \$856 million for missile defense programs—most notably, the \$300 million add-on for a national missile defense system.

The Senator for North Dakota has an amendment before the Senate at this time, which has been debated for the last hour and a half. I also intend to support that, and I have included that in the numbers that I have presented and will be presenting later in the form of an Exon amendment, with several important cosponsors.

Earlier this month, the Senate debated the wisdom of the Dole star wars proposal to pursue a crash program to field a continental missile defense system by the year 2003. It was pointed out then that the threat does not and

will not exist in the near term to justify such a proposition. In the longer term, all of us are continuing to look at various types of missile defenses that we may need in the long term.

Furthermore, the Dole star wars bill as presently drafted would cost, according to the Congressional Budget Office, anywhere from between \$31 and \$60 billion. So the \$300 million plus that we are talking about now would grow to \$31 billion to \$60 billion just to deploy, and perhaps another \$10 billion on top of that to operate. The committee's \$350 million increase is an initial downpayment; \$350 million may not sound like a whole lot of money. But that is a downpayment, if you will, on a multibillion dollar program most likely, at a minimum, in the range of \$50 billion between now and the year 2002.

Downpayments are easy, as the average American family knows. But in this case this is a system that I urge the Senate to delete as wasteful expenditures even though there may be some arguments and some people sincerely feel that we should move faster than the Pentagon and the experts in the field tell us we should in this area. As was the case in last year's authorization bill, there are language provisions in the 1997 defense authorization bill which are unwise and may prove to be a problem down the road in getting this bill signed by the White House. This is something that I opened my remarks on by saying that I was trying to steer this bill into something that is workable and not another knockdown, dragout between the Congress and the President.

Mr. President, two provisions in particular stand out as being questionable forays by the majority of the Senate Armed Services Committee into the area of foreign policy, and each could possibly jeopardize bilateral efforts between the United States and Russia to lower our nuclear inventories in a balanced and accountable fashion.

One provision ultimately interprets the ABM Treaty demarcation between long-range and short-range missile defenses at a time when our nations are negotiating this very issue right now.

The second language provision that I have concerns about is with regard to changing the bilateral Antiballistic Missile Treaty to a multilateral treaty that includes several of the independent states of the former Soviet Union. This is a major concern of the President of the United States. And, unless this language is corrected, I think we stand a high chance of a veto. The majority's insistence that such multilateralization of the treaty would constitute a substantive change in requiring reratification by the Senate is equally meddlesome on the part of the committee.

As President Clinton stated in his April 8 letter to the Armed Services Committee chairman, STROM THURMOND, he has strong objections to this matter for very valid reasons, in the

opinion of this Senator. He said in that letter: "Refusing to recognize Ukraine, Belarus, and Kazakhstan as coequal successors to the Soviet Union with regard to the ABM Treaty would undermine our own interests in seeing that these countries carry out their obligations as successors to the Soviet Union under other arms control treaties, such as START I—and START II and others—and the intermediate range nuclear forces treaty," which is very important.

Mr. President, to summarize, this year's defense authorization bill is a marked improvement over last year's bill. I have saluted the committee for its action on that in the opening of these remarks. Yet, changes must be made, in the opinion of this Senator, to reduce unjustified spending increases and delete intrusive foreign policy language before I can enthusiastically support this bill. However, I would say, Mr. President, that overall I congratulate Senator THURMOND, my friend, colleague, and chairman of the committee, for other than some of the shortcomings that I see. I salute him for a very well-balanced bill in several other areas.

I appreciate the consideration, the cooperation, and the understanding. For those of us who tried to make some changes in the committee, the chairman of the committee did not agree with us, but as usual he gave us every opportunity to make our point. We in turn supported the bill as it came out of committee with the clear understanding to the chairman that we would be making some changes on the floor of the U.S. Senate.

I thank the Chair. I yield the floor.

Mr. THURMOND addressed the Chair. The PRESIDING OFFICER. The Senator from South Carolina.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. THURMOND. Mr. President, I ask unanimous consent that there now be 60 minutes equally divided for debate on the pending Dorgan amendment with no amendment in order to the amendment; that at the conclusion or yielding back of time the amendment be set aside; and, further, that at 9 a.m. on Wednesday, June 19, the Senate resume consideration of the Dorgan amendment and there be 15 minutes equally divided for debate with a vote on or in relation to the Dorgan amendment at the expiration of that debate.

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

Mr. THURMOND. Mr. President, in light of this agreement, there will be no more votes this evening. The next rollcall vote will occur at approximately 9:15 tomorrow morning.

#### AMENDMENT NO. 4048

The PRESIDING OFFICER. Under the previous agreement, there are 60 minutes equally divided on the Dorgan amendment.

Who yields time?

Mr. THURMOND. Mr. President, I now yield myself such time as may be required under the Dorgan amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, it is unfortunate that the Senator from North Dakota does not think that the American people deserve to be defended against the only military threat that faces them in their homes every day, a threat that is growing more severe every year. Simply stated, what the Dorgan amendment seeks to do is perpetuate American vulnerability.

We have heard quite a bit about how there is no threat and how investment in national missile defense is a waste of money. Let's remember that more Americans died in the Persian Gulf war as a result of a single missile attack than any other cause. I don't imagine that their families would view missile defense investments as a waste.

It has been argued that there is no threat to justify deployment of a national missile defense system to defend the United States. This view is strategically shortsighted and technically incorrect. Even if we get started today, by the time we develop and deploy an NMD system we will almost certainly face new ballistic missile threats to the United States. Unfortunately, it will take almost 10 years to develop and deploy even a limited system.

Much has been made of the intelligence community's estimate that no new threat to the United States will develop for 10 years or more. This estimate, however, only has to do with new indigenously developed missile threats to the continental United States. It treats Alaska and Hawaii as if they were not part of the United States. Moreover, the intelligence community has confirmed that there are numerous ways for hostile countries to acquire intercontinental ballistic missiles in much less than 10 years by means other than indigenous development.

North Korea has also demonstrated to the world that an ICBM capability can be developed with relatively little notice. The Taepo-Dong II missile, which could become operational within 5 years, is an ICBM. Each new development of this missile seems to catch the intelligence community by surprise. It certainly undermines the argument of those who downplay the threat and the intelligence community's own 10-year estimate.

Even if we knew with certainty that no new threat would materialize for 10 years there would still be a strong case for developing and deploying a national missile defense system. Deploying an NMD system would serve to deter countries that would otherwise seek to acquire an ICBM capability. A vulnerable United States merely invites proliferation, blackmail, and even aggression.

It has also been argued that the administration's NMD program is adequate to hedge against an emerging threat. Unfortunately, the budget request does not adequately support the administration's own plan. Since the administration's NMD program is sup-

posed to preserve the option of deploying an NMD system by 2003 it is appropriate for Congress to add sufficient funds to ensure that such an option is truly viable. The director of the Ballistic Missile Defense Organization has testified repeatedly to Congress that about \$800 million per year is needed for NMD in order to preserve such an option. This is precisely what the Armed Services Committee has recommended.

For those who argue that the Senate Armed Services Committee is throwing money at ballistic missile defense, I would point out that the amount in this bill for the Ballistic Missile Defense Organization is only slightly higher than the Clinton administration's own bottom-up review recommended for fiscal year 1997.

The bottom line is simple. If you think that the American people should not be defended against ballistic missiles, then you should support the Dorgan amendment. If you think that the United States should preserve the option of deploying an NMD system by 2003, then vote against this amendment. I strongly urge my colleagues to put themselves on the side of defending the American people.

Mr. President, I yield the floor and acknowledge the able Senator from Oklahoma, Senator INHOFE.

(Mr. BURNS assumed the chair.)

Mr. INHOFE. I thank the Senator and I certainly concur in the comments that he is making. It is a very frustrating thing to have knowledge of the threat that exists out there and merely because the American people are not aware of it, we are ignoring the defense of our country which I have always understood when I was growing up should have been the primary concern or function of Government, to protect its citizens.

In a few of the things that have been said by a number of those who are on the opposite side of defending America was the discussion about the threat of suitcases, of carrying around bombs, of terrorist activities. Being from Oklahoma, nobody needs to tell me about terrorist activities. I understand. It is almost as if to say that because there are crazy people out there that burn churches and carry around suitcases, we need to address that and not address the potential of an attack on the United States of America by an ICBM, armed with a warhead that can be a weapon of mass destruction, chemical, biological or nuclear. It is like saying you do not want to have car insurance because you want to have insurance on your home. You want to have a comprehensive policy that insures you against everything. There is a threat out there and I think we need to talk about that, and certainly now is the appropriate time because we have heard Senator after Senator stand up and allege there is no threat out there; the cold war is over.

It was 2 years ago that James Woolsey, who was the CIA Director under

President Clinton, made a statement, and his statement 2 years ago was we know of between 20 and 25 nations that either have or are in the final stages of completing weapons of mass destruction, biological, chemical or nuclear, and are working on the missile means to deliver those weapons.

That was 2 years ago. He updated that statement and said there are somewhere closer to 30 nations now. Let us look at who those nations are, the type of people, the mentality of those individuals who are potentially armed with this type of destruction, countries like Iraq and Iran and Libya and Syria, North Korea, China, Russia, countries where just not too long ago, for example, Saddam Hussein, a guy who murdered his own grandchildren, made the statement back during the Persian Gulf war that if we had waited 5 more years to invade Kuwait, we would have had the capability of sending a weapon of mass destruction to the United States.

Well, here it is. It is now 5 years later. So let us assume that some of these guys might be right. They come up and they say, well, we do not want to do it because it might in some way affect adversely the ABM Treaty. The ABM Treaty was put together back in 1972, and we cannot say this was done in a Democrat administration. It was not. I am a Republican. Richard Nixon was a Republican. Henry Kissinger, I assume, was a Republican. At least he worked for a Republican. And he put together a plan. The ABM Treaty at that time was designed to address the problem of two superpowers in the world environment. Those superpowers were the U.S.S.R. and the United States, and so they put together a plan that said we will restrict our nuclear capability bilaterally.

So let us assume that they would do it. I never believed they would. Let us assume they would. If you bring that up to today, there is no longer a U.S.S.R. It is now Russia. Let us assume that Russia would agree to stepping into this issue as the former U.S.S.R. And live up to the expectation of the ABM Treaty. What about these other 25 or 30 nations out there?

Let us assume that the United States and Russia are downgrading their nuclear capability. At the same time what is Iraq doing? What is China doing? What are the other countries doing? They are certainly not a part of this treaty.

It was brought out by one of the Senators in the Chamber a few minutes ago that these people are not part and parcel to the treaty so they could continue to increase their nuclear capability, the weapons of mass destruction, and their capability to develop a missile means of delivering them.

If we do not want to take the word of somebody who is not here as to how significant and how applicable today is the policy of a mutually assured destruction, listen to what Henry Kissinger said just the other day. I had lunch

with him. I asked him if I could quote him. He said yes. His statement was, "It is nuts to make a virtue out of our vulnerability." And that is exactly what we are doing. Let us for a minute talk about the cost. I have never heard anyone throw around figures like I have heard in the Chamber of the Senate—talking about another \$30 billion to \$60 billion. The CBO estimate of \$30 to \$60 billion over 14 years was taking every system that is out there right now and saying we want to deploy all of these systems by a date in the future.

No one has ever suggested that. Right now, we are talking about in this bill looking at what options are there. Let us take the Aegis system. We have a \$40 to \$50 billion investment in 22 ships that are floating out there right now. They have missile launching capability. They are there. They are already bought and paid for. We need to spend about \$4 billion more to give that system capability of reaching up into the upper tier and giving us a defense from an attack of a missile that might be coming from North Korea or from someplace else. In that, we already have an investment. Mr. President, 90 percent of it is already paid for. We have some estimates here that were made by the team B of the Heritage Foundation. That is made up of people like Hank Cooper, the former director of the Strategic Defense Initiative, and several others. All of them are acknowledged experts. No one has ever questioned their credibility. They say that a Navy-wide area defense system on Aegis cruisers would cost between \$2 and \$3 billion over the next 6 years, plus \$5 billion for a sensor satellite.

We are talking about, now, not \$70 billion, we are talking about somewhere in the neighborhood of \$7 to \$8 billion over the next 6 years. So let us get this in perspective. Let us assume there could be some truth to the statements that these experts like James Woolsey are making, and, in fact, the threat is out there. Let us assume the Russians already have one.

This morning in a speech on the floor I used several articles, four or five of them. I wish I had them with me now. I did not think this subject would come up again. But we talked about how China is now selling technology to Pakistan, how Syria and Libya have a new, cozy arrangement with each other.

Here is an article right here that I did not use. The headline of this article, found in the Washington Times, dated May 20, "China's arsenal gets a Russian boost. Deal for ICBM technology a threat to U.S., classified Pentagon report says."

Then it says:

China, under the guise of buying space launchers, is enhancing its strategic arsenal with technology and parts from Russia's most lethal intercontinental ballistic missile, the SS-18, [that is the MIRV'd missile with 10 warheads] says a classified Pentagon intelligence report.

Further quoting,

Incorporating the SS-18-related military guidance or warhead technologies into China's strategic missile forces would greatly improve Beijing's ability to threaten targets in the United States. . .

Now, that is in a confidential report that so far no one has refuted. Let us keep in mind that was about the time that a high Chinese official said—during the time they were experimenting with missiles in the Strait of Taiwan, the Chinese were conducting experiments—they said, "We don't have to worry about the United States coming to their aid because they," the United States, "would rather protect Los Angeles than they would Taipei."

I would characterize that at the very least as an indirect threat at the United States. It is like the Senator from South Carolina said, the honorable chairman of this committee, he said, "We are being held hostage." Threats like this: "They are not going to do that, because if they do that we will go after them." Do they have the capability? According to the reports, yes, they have the capability.

So I just think we need to look at this in terms of the costs that have been grossly, dramatically inflated into something that is totally unrealistic—the constant use of terms like "star wars" and other things to put this into some kind of fiction environment so people will think this thing is not real.

Keep in mind what was started in 1983 and was right on target all the way up through about last year, when the President vetoed the DOD authorization bill from last year, and in his veto message said he did not want to spend any more money on a national missile defense system. In light of that, since that has happened, we have probably had more threats that have come to the United States than we have at any other time.

We have talked about the cost. I am from Oklahoma. The cost of the damage that was done to the building itself in Oklahoma City was \$500 million, half a billion dollars. That is just a drop in the bucket as to the total cost. The bomb that caused so much damage in Oklahoma had the power of 1 ton of TNT. The smallest nuclear warhead known at the present time is 1 kiloton, 1,000 times bigger than that bomb.

So I would like to have anyone, any of these Senators who seem to be so passive in their interest in protecting ourselves from a missile attack, to stop and look and remember, recall what happened in Oklahoma City on April 19 of last year and multiply that by 1,000. It does not have to be just in New York City. It does not have to be in Los Angeles. It could happen in North Dakota, it could happen in Nebraska, or anywhere.

I will conclude by saying if all these experts say the threat is out there, if all of them say the Taepo Dong 2 missile will have the capability of reaching the United States by the year 2000,

and there are missiles in existence today that can already reach us, and this missile technology is permeating all the way through the various countries like Iraq, Iran, Syria, Libya, Pakistan and other nations, if this is out there, just ask the question—we are talking about \$300 million right now. We are talking about \$300 million, far less than just the damage to the building in Oklahoma City. Ask yourself the question: What if we are wrong?

I challenge any of those on the other side of the aisle who want to take this money and put it into social programs, to ask themselves: What good are these social programs if we were wrong on this, on our estimate as to the extent of the capability of these countries to reach the United States?

I see this as a very difficult time for us. It is difficult because it is very difficult for us to convey to the American people the truth, and the truth is, we have threats from many, many nations now. It is something that we should have as our single highest priority in this body, and that is to protect the lives of Americans. That is what we are attempting to do.

I said this morning I am supporting this bill. I think we got the very most we could out of a defense authorization bill. It is still not adequate. We should be moving forward in a more rapid pace to put ourselves in a position to spend this other 10 percent of the investment we have already spent and give ourselves some type of defense for a missile that comes over, outside the atmosphere, to the United States. The technology is there. We saw it during the Persian Gulf war. We know you can knock down missiles with missiles. This is our opportunity to go forward with this program in a very minimum that we must do to fulfill our obligation to the American people.

Last, let us look at this in terms of a nonpartisan or bipartisan priority. Back during the years that John Kennedy was President of the United States, regarding our budget to run the entire Government of the United States, 60 percent of that was on defense, 17 percent on human services. Today, approximately 17 percent is on defense and 60 percent on human services. I think we have this completely turned around. This is our opportunity to try to get back on track to making America strong again, defending ourselves against a very serious threat.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## AMENDMENT NO. 4049

(Purpose: To authorize underground nuclear testing under limited conditions.)

Mr. KYL. Mr. President, I have an amendment I would like to send to the desk. I ask unanimous consent we lay aside the pending amendment, and I send an amendment to the desk.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself and Mr. REID, proposes an amendment numbered 4049.

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

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

The amendment is as follows:

At the end of subtitle F of title X add the following:

**SEC. . UNDERGROUND NUCLEAR TESTING CONSTRAINTS.**

(a) **AUTHORITY.**—Subject to subsection (b), effective on October 1, 1996, the United States may conduct tests of nuclear weapons involving underground nuclear detonations in a fiscal year if—

(1) the Senate has not provided advice and consent to the ratification of a multilateral comprehensive nuclear test ban treaty;

(2) the President has submitted under subsection (b) an annual report covering that fiscal year (as the first of the fiscal years covered by that report);

(3) 90 days have elapsed after the submittal of that report; and

(4) Congress has not agreed to a joint resolution described in subsection (d) within that 90-day period.

(b) **REPORT.**—Not later than March 1 of each year, the President shall submit to the Committees on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives, in classified and unclassified forms, a report containing the following matters:

(1) The status on achieving a multilateral comprehensive nuclear test ban treaty, unless the Senate has already provided its advice and consent to the ratification of such a treaty.

(2) An assessment of the then current and projected safety and reliability of each type of nuclear warhead that is to be maintained in the active and inactive nuclear stockpiles of the United States during the four successive fiscal years following the fiscal year in which the report is submitted.

(3) A description of the number and types of nuclear warheads that are to be removed from the active and inactive stockpiles during those four fiscal years, together with a discussion of the dismantlement of nuclear weapons that is planned or projected to be carried out during such fiscal years.

(4) A description of the number and type of tests involving underground nuclear detonations that are planned to be carried out during those four fiscal years, if any, and a discussion of the justifications for such tests.

(c) **TESTING BY UNITED KINGDOM.**—Subject to the same conditions as are set forth in paragraphs (1) through (4) of subsection (a) for testing by the United States, the President may authorize the United Kingdom to conduct in the United States one or more tests of a nuclear weapon within a period covered by an annual report if the President determines that is in the national interest of the United States to do so.

(d) **JOINT RESOLUTION OF DISAPPROVAL.**—For the purposes of subsection (a)(4), “joint

resolution” means only a joint resolution introduced after the date on which the committees referred to in subsection (b) receive the report required by that subsection the matter after the resolving clause of which is as follows: “Congress disapproves the report of the President on nuclear weapons testing, transmitted on \_\_\_\_\_ pursuant to section \_\_\_\_\_ of the National Defense Authorization Act for Fiscal Year 1997.” (the first blank being filled in with the date of the report).

(e) **IMPLEMENTATION OF TEST BAN TREATY.**—If, with the advice and consent of the Senate to ratification of a comprehensive nuclear test ban treaty, the United States enters into such a treaty, the United States may not conduct tests of nuclear weapons involving underground nuclear detonations that exceed yield limits imposed by the treaty unless the President, in consultation with Congress, withdraws the United States from the treaty in the supreme national interest.

(f) **REPORT OF SUPERSEDED LAW.**—Section 507 of Public Law 102-377 (106 Stat. 1343; 42 U.S.C. 2121 note) is repealed.

Mr. KYL. Mr. President, I will describe this very briefly. It is actually a simple amendment. I will only discuss it here for about 3 or 4 minutes, then we can have further discussion tomorrow when there are more Members present, when they desire to do so.

This is an amendment dealing with nuclear testing, and the effect of it is to simply extend the time for the President to decide to test a nuclear weapon to the point that the United States ratifies a comprehensive test ban treaty and it goes into effect.

Today, the law is, as of September 30, the President could not order a nuclear test unless another country were to test a weapon.

What this amendment would do is to allow the President to order a test for safety and reliability purposes; in other words, not dependent upon whether another country happened to engage in testing, and that right would exist until such time as this country ratified and a CTBT went into effect. This chart describes very simply what we are doing.

The current law is that as of September 30 of this year, the President's ability to order a test would no longer exist, unless another country engaged in a test. And then once a CTBT is entered into force, there is no test except for extreme national emergency.

What our amendment would do is to continue the status quo until such time as there is a CTBT, and the rationale is very simple. The fact that another country tests does not necessarily mean that the United States should test. Our ally France has conducted nuclear tests. China has conducted nuclear tests and plans to conduct some more. And in neither of those events is it necessarily the case that as a result the United States should test.

We have no reason to test just because some other country does. But there is always the possibility that the President would want to order a test in order to assure stockpile safety and reliability. If we had some reason to believe, for example, that one of our

weapons was no longer safe and we wanted to test that it was safe or to find out why it was not safe, in that event, today the President has such a right to order such a test, and he would continue to have that right until such time as the CTBT is adopted.

That is it. That is as simple as the amendment is.

I further state, the Congress would have the right under this amendment to ratify the President's decision or to reject it, based upon reports that the President would continue to send to us. Today, the President is required to send us a report, and we would continue to require that report be sent to us on the status of the stockpile and whether any testing is required.

Under this amendment, if the President said he wanted to conduct a test, the Congress would have the ability to tell him he could not do so. This is not something that we are suggesting that the President do or suggesting that he would do it. It is simply a safety valve, if you will, in the event of some untoward event with our stockpile that the President should conclude that a test is necessary that he would have the ability to do that.

It does not affect the CTBT negotiations in any way. As I said, our amendment simply goes up to the time that a CTBT is entered into. It is that simple, Mr. President.

If Members wish to further discuss it tomorrow, I will be happy to try to answer any questions about it or discuss it. I cannot imagine it would be particularly controversial.

Mr. President, if there is no one seeking to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the subject matter of this amendment will probably be quite contentious. I hope not. I hope that other Members will see that the amendment does not advocate opposition to concluding a comprehensive test ban and that it does not promote testing. With that in mind, I rise in support of the amendment offered by the distinguished Senator from Arizona.

As I understand the amendment, it would authorize the President to conduct underground nuclear weapons tests after October 1, 1996, if a comprehensive test ban treaty has not been ratified by the United States. In order to conduct an underground nuclear test, the President would have to submit a report to Congress detailing justification for the test. In order to stop the test from being conducted, the Congress would have to pass a joint resolution within 90 days.

During the debate on the Exon-Hatfield legislation which prohibits nuclear testing, I voiced my concerns for the safety and reliability of the nuclear stockpile without the ability to test. So long as our defense relies on nuclear weapons, we must ensure the safety and reliability of the stockpile. That requires the authority to conduct underground nuclear tests. I urge my colleagues to adopt the amendment.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

### MORNING BUSINESS

Mr. KYL. Mr. President, on behalf of the leader, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

### REPORT OF SENATE DELEGATION VISIT TO BOSNIA

Mr. DASCHLE. Mr. President, during the April recess, the Senator from Utah [Mr. HATCH], the Senator from Nevada [Mr. REID], and I traveled to Bosnia and other countries of the former Yugoslavia as well as Albania and Hungary to monitor developments related to implementation of the Dayton peace accord and to visit United States troops stationed in Bosnia and the surrounding area. We have prepared a report of our trip and submit it for our colleagues' and the public's consideration. It should be noted that the situation in Bosnia is constantly evolving and that the report reflects our findings based on developments through the period of our visit, which ended on April 12, 1996. I ask unanimous consent that the full report be printed in the RECORD.

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

#### REPORT OF SENATE DELEGATION VISIT TO BOSNIA, APRIL 3-12, 1996

##### INTRODUCTION

A delegation from the United States Senate, consisting of Democratic Leader Tom Daschle (D-SD), Senator Orrin G. Hatch (R-UT), and Senator Harry Reid (D-NV), met with leading officials in Bosnia and the other countries of the former Yugoslavia—Croatia, the Former Yugoslav Republic of Macedonia (FYROM), Serbia, Slovenia—as well as Albania and Hungary from April 3 to April 12, 1996. The delegation was authorized by the joint leadership of the Senate to explore outstanding issues related to implementation of the Dayton Peace Accord formally signed on December 14, 1995, by President Alija Izetbegovic of Bosnia and Herzegovina, President Slobodan Milosevic of Serbia and Montenegro, and President Franjo Tudjman of Croatia in Dayton, OH.

The accord is based upon the tenet that Bosnia will remain a single state within its internationally recognized borders, but that the state will be comprised of two entities—the Bosnian Muslim-Croat Federation and the Republika Srpska—with substantial au-

thority. In an effort to create the conditions for peace in Bosnia, the Dayton agreement provides for a peace implementation force (IFOR) under NATO command and calls for civilian implementation through elections and economic reconstruction.

In the period between the signing of the accord and the delegation's departure, the ceasefire had held, elections were being scheduled, and problems related to implementation of the civilian aspects of the peace agreement were reported.

On the day the delegation left for the region, Americans received the tragic news that the plane carrying Commerce Secretary Ron Brown, 32 other Americans, and two Croatians had crashed near Dubrovnik, Croatia. Secretary Brown had been traveling in and around Bosnia with U.S. business leaders and Commerce Department officials as part of the American effort to help build democratic and economic institutions in the region so that a lasting peace might take hold in the Balkans. After making schedule adjustments, the delegation chose to go forward with its planned visit to the region to honor Ron Brown's vision and to send a clear signal to those struggling for peace in Bosnia that the United States remains committed to that mission.

TOM DASCHLE.

ORRIN G. HATCH.

HARRY REID.

##### SUMMARY

Senators Daschle, Hatch, and Reid met with leading officials in Bosnia, Croatia, the former Yugoslav Republic of Macedonia, Serbia, Slovenia, Albania, and Hungary. In each country, the delegation gathered perspectives on: (1) military implementation of the Dayton Peace Accord; (2) civilian implementation of the Dayton Peace Accord; (3) that country's progress toward democratization; and (4) that country's progress toward privatization and development of a market economy. In Bosnia, the FYROM, and Hungary, the delegation visited U.S. military installations and met with troops stationed in the region.

While perspectives on progress toward peace in Bosnia and the Balkans varied from country to country, the delegation found there was general consensus around two basic points: first, that NATO's Implementation Force (IFOR), led by the United States, has been an unqualified success in terms of stopping the war in Bosnia; and, second, that, while moving forward, implementation of the civilian and economic aspects of the Dayton accord has met with significant delay and difficulty.

U.S. military and diplomatic leadership were credited by virtually everyone in the region for progress that has been made in Bosnia. Still, concerns persist about the prospects for full implementation of the Dayton accord within the timeframes laid out in the plan. Officials stressed that key to successful implementation will be the efforts of Serbian and Croatian leaders to garner the commitment of Serbs and Croats within Bosnia to the borders agreed to in the Dayton accord as well as human rights for all ethnic groups within those borders.

Morale among U.S. troops appeared to be high, despite the fact that they are living and working under extremely difficult conditions. The servicemen and women with whom the delegation spoke understood and believed in the importance of their mission. They also spoke highly of the cooperative spirit that has exemplified their relationship with forces from Russia, Britain, France, and the other countries represented in IFOR.

The delegation's goals were to promote, and assess progress with respect to, full implementation of the Dayton Peace Accord; to

express support for U.S. troops participating in the NATO and UN peacekeeping efforts; to promote democracy, economic growth, and respect for human rights in the region; and to reflect the United States' commitment to those working for a lasting peace in Bosnia.

##### FINDINGS

The delegation returned to the United States confident that U.S. military and diplomatic leadership has been the driving force behind the current peace in Bosnia—that the peace could not have been accomplished, and probably cannot be sustained, without our efforts. The delegation returned convinced of the value of that mission, for, as fragile as the peace in Bosnia may be, the promise of peace, freedom and democracy for all the people of the former Yugoslavia—and the regional stability that would follow from that achievement—justify their pursuit.

Several major findings—some of them confirmations of past ones—resulted from this visit.

NATO military action, U.S. diplomacy, and military implementation supporting that diplomacy stopped the war in Bosnia and have been the primary deterrents to resumption of the war.

U.S. military and foreign service personnel serve as models for the rest of the world; their professionalism under extraordinary circumstances should make every American proud.

Landmines pose a serious threat to U.S. and other peacekeeping forces as well as the civilian population in Bosnia. The United States should actively seek an international ban on the use of anti-personnel landmines.

Regarding the military aspect of the Dayton Peace Accord, IFOR has successfully carried out its mandate thus far.

Conditions for free and fair elections in Bosnia have not yet been established. Numerous concerns were heard regarding the willingness of the dominant parties in the three regions to allow free elections.

People throughout the Balkan region are concerned about the timing of IFOR's departure in light of problems related to implementation of the civilian aspects of the Dayton accord and economic reconstruction.

While these concerns should be taken seriously, the ultimate success or failure of the Dayton accord—and the chance for sustained peace in the region—will depend on the political will of its signatories.

The United States must continue to pressure those signatories to commit themselves fully to that effort.

##### HUNGARY

The delegation began its investigations in Hungary, host to 7000 American troops at three U.S. military installations, including Taszar Airbase, the primary logistics center and staging area for U.S. troops deployed in Bosnia. In meetings with the Deputy Foreign Minister, American troops at Taszar, business leaders in Budapest, and U.S. Embassy officials, the delegation explored issues related to implementation of the Dayton Peace Accord, Hungary's role in supporting the military aspects of the accord, NATO expansion, and Hungary's progress toward fulfillment of the country's political and economic goals.

Deputy Foreign Minister Istvan Szent-Ivanyi told the delegation that, while implementation of the military aspects of the Dayton Peace Accord was proceeding in the right direction, he remained concerned about implementation of the political aspects of the accord. He expressed the view that the American and European military presence in Bosnia has been essential to the restoration of peace in the region and that continued U.S. support of the peace effort will be essential to maintenance of that peace and the