The business before the Senate is the defense authorization bill. I hope that we can make this day the start of our quest to finish this bill this week and secure final passage without nonrelevant amendments.

Mr. President, there is a difference between a relevant amendment and a germane amendment. A germane amendment is very technical. It has to be a deletion to the bill, or a deletion of money.

There are all sorts of relevant amendments here, including amendments by the Intelligence Committee, most of which have been worked out, that are not germane. If we had invoked cloture a few minutes ago—and I voted against cloture—all of those intelligence amendments would be knocked out. Virtually all the amendments—not all but most of the amendments—that we have worked out that are going on this bill that are relevant but are not germane that we have already accepted but have not passed yesterday would have been knocked out. Any amendments relating to relevant ballistic missile defense—I see the Senator from Arizona on the floor—would be knocked out. The Nunn-Lugar-Domenici amendment which deals directly with the kind of terrorist threat that we have just witnessed in Saudi Arabia brings it home so that we can better protect our own cities. That is the subject of that amendment and certainly a matter of national security, but it would not have been germane to this bill, and that would have been knocked out.

So I know there is a real and a very sincere effort here to get to the bottom line and pass this bill. But in doing so, we cannot prevent our colleagues from offering relevant amendments that are important to our national security, whether we agree with them or not.

So there is a big difference between a relevant amendment and a germane amendment. Germaneness is required after cloture is invoked. I do not think it is time to invoke cloture. I think it would be a mistake to invoke cloture because we would then basically have not considered the serious amendments.

We have spent most of our time considering nonrelevant amendments on this bill. As important as the stalking amendment is, the one that is now pending, that one is not relevant to this bill because it is not in our jurisdiction. It is in the jurisdiction of the Judiciary Committee. It is going to require outside conferees when we to go conference, if it passes. I intend to vote for it, but we are going to have a hard time getting that through. It is going to slow up the bill. It is very likely going to precipitate a gun amendment then on this side of the aisle, which we all know is going to take time.

So I am just describing to our colleagues that their actions do have an effect on whether we can pass this bill or not.

If we do not stick to relevant amendments that have a connection to national security and that are in the jurisdiction of this committee and in the jurisdiction of the conference, then we are going to be on this bill all this week. I know the leader said that we are going to stay until we finish it. I applaud that. We will not finish it this week. If he is determined to finish it, it may require next week.

That is the way I see it now, unless we have cooperation from all of our colleagues and stick to amendments that are within the jurisdiction of this committee and this bill.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

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

TERRORIST ATTACK IN SAUDIA ARABIA

Mrs. HUTCHISON. Mr. President, I want to add my comments to those that have been made regarding the bombing in Saudi Arabia that have stunned our Nation as well as theirs.

It is horrifying to read that a bomb has gone off that leaves a 30-foot deep crater that is 80 feet wide. I am told that this was heard 8 miles away. Nineteen U.S. citizens lost their lives, 80 are injured, and a number of those very seriously. We could not start today's debate on the armed services bill without saying that our hearts go out to the families of those who are affected by this tragedy.

It goes without saying that on a very bipartisan basis Congress will do everything possible to support the President in making sure that we find out who is responsible for this and that there is swift and firm retaliation.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

Mrs. HUTCHISON. Mr. President, this armed services authorization bill is so very important. This lays the groundwork for the strength of our defense and the support of our armed services.

So I agree with my colleague from South Carolina, the chairman of the committee, and the ranking member, Senator NUNN, that we must get on with the debate. I think if both sides will work together and determine what are relevant amendments, then hopefully the cloture vote will be in order tomorrow and we can finish this bill.

It is unnecessary for us to drag out this bill that will support our armed services, and most especially in light of what happened yesterday. I think it would be a tragedy if we did not finish this bill, and in fact we are going to finish this bill. We are not going to leave to go on a recess if this bill is not finished.

I hope everyone will be committed to that.

I would just take a slight issue with my colleague, Senator NUNN, talking about the stalking bill, because this is something that we have been trying to put forward for all the women and children of America.

It has been held up by Senator LAUTENBERG because he wants to add another amendment, and I think that the talking part of this legislation applies to military bases and military personnel and therefore is quite relevant. I hope that we can give this protection to the women and children that are in our military, and I hope that Senator LAUTENBERG will also take this opportunity to take his hold off the whole bill so that we could send it to the President before we go into recess.

I appeal to Senator LAUTENBERG to allow that to happen, and then I will certainly work with him to allow some vehicle for him to have an airing on the amendment that he wants to put forward. But there is no reason to hold up the ability for us to give all the protection in this country to the women and children who are victims of stalking, harassment, and threats when we are going on a recess. It does not make sense, and I hope Senator LAUTENBERG will hear our pleas, let this go, and let us work with him to get a vehicle for his amendment.

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.

Mrs. HUTCHISON. 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. 4293

(Purpose: To authorize funding and multiyear contracting for the *Arleigh Burke* class destroyer program)

Mrs. HUTCHISON. Mr. President, I would like to start on a series of cleared amendments so that we can make progress on this bill, and I would like to start by offering, on behalf of Senator COHEN and Senator LOTT, an amendment that would make technical corrections to section 124 of the bill regarding *Arleigh Burke* class destroyers to make its intent more explicit.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. COHEN, for himself and Mr. LOTT, proposes and amendment numbered 4293.

Mrs. HUTCHISON. 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:

Strike out section 124 and insert in lieu thereof the following:

SEC. 124. ARLEIGH BURKE CLASS DESTROYER PROGRAM.

(a) FUNDING.—(1) Subject to paragraph (3), funds authorized to be appropriated by section 102(a)(3) may be made available for contracts entered into in fiscal year 1996 under subsection (b)(1) of section 135 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211) for construction for the third of the three Arleigh Burke class destroyers covered by that subsection. Such funds are in addition to amounts made available for such contracts by the second sentence of subsection (a) of that section.

(2) Subject to paragraph (3), funds authorized to be appropriated by section 102(a)(3) may be made available for contracts entered into in fiscal year 1997 under subsection (b)(2) of such section 135 for construction (including advance procurement) for the Arleigh Burke class destroyers covered by such subsection (b)(2).

(3) The aggregate amount of funds available under paragraphs (1) and (2) for contracts referred to in such paragraphs may not exceed $3,483,030,000.

(4) Within the amount authorized to be appropriated by section 102(a)(3), $750,000,000 is authorized to be appropriated for advance procurement for construction for the Arleigh Burke class destroyers authorized by subsection (b).

(b) AUTHORITY FOR MULTIYEAR PROCUREMENT OF TWELVE VESSELS.—The Secretary of the Navy is authorized, pursuant to section 2306b of title 10, United States Code, to enter into multiyear contracts for the procurement of a total of 12 Arleigh Burke class destroyers at a procurement rate of three ships in each of fiscal years, 1998, 1999, 2000, and 2001 in accordance with this subsection and subsections (a)(4) and (c), subject to the availability of appropriations for such destroyers. A contract for construction of one or more vessels that is entered into in accordance with this subsection shall include a clause that limits the liability of the Government to the contractor for any termination of the contract.

Mr. COHEN. Mr. President, this amendment would modify section 124 of the bill. In its present form this section authorizes three *Arleigh Burke* class destroyers in each of the 4 fiscal years 1998, 1999, 2000, and 2001, for a total of 12 destroyers. The provision was included in the bill as the result of compelling testimony by the Navy's senior acquisition executive that he could save a billion dollars on the cost of 12 destroyers if Congress provided the opportunity for a reliable and stable procurement rate over the 4-year period. In other words the Navy would be able to procure 12 ships, all of them urgently needed, for the cost of 11 and still have funds left over for use elsewhere in a shipbuilding account that is under relentless pressure from competing requirements.

To achieve such cost savings, the Navy will need explicit authority to enter into multiyear contracts and contract options. This amendment would provide that authority, while limiting the Government's liability should unforseen circumstances force a change in future procurement plans.

This amendment makes military sense, cost sense, and industrial base sense. I strongly urge my colleagues to join me in supporting it.

Mrs. HUTCHISON. Mr. President, I believe this amendment has been cleared by the other side and I ask we approve it unanimously.

Mr. NUNN. Mr. President, I urge approval of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4293) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mrs. HUTCHISON. I also ask unanimous consent that a statement by Senator COHEN be printed in the RECORD.

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

AMENDMENT NO. 4294

(Purpose: To provide funds for the Computer Emergency Response Team at the Software Engineering Institute)

Mr. NUNN. Mr. President, on behalf of myself and Senator SANTORUM and Senator KYL, I offer an amendment which would provide $2 million for the Computer Emergency Response Team associated with the Software Engineering Institute. The amendment contains an appropriate offset. I believe the amendment has been cleared on the other side of the aisle.

Mrs. HUTCHISON. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside for the duration of this series of amendments. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself, Mr. SANTORUM, and Mr. KYL, proposes an amendment numbered 4294.

At an appropriate place in the bill, add the following:

SEC. . COMPUTER EMERGENCY RESPONSE TEAM AT SOFTWARE ENGINEERING INSTITUTE.

(a) FUNDING.—Of the amounts authorized to be appropriated under this Act, $2,000,000 shall be available to the Software Engineering Institute only for use by the Computer Emergency Response Team.

(b) Funds authorized by Section 301(2) for the Challenge Athena program shall be reduced by $2,000,000.

Mr. NUNN. Mr. President, Senators SANTORUM, KYL, and I are offering today an amendment to provide $2 million for fiscal year 1997 for the computer emergency response team associated with the Software Engineering Institute at the Carnegie-Mellon University.

The computer emergency response team [CERT] has operated since 1988 under the sponsorship of the Defense Advanced Projects Research Agency [DARPA]. Its missions are to respond to computer security emergencies and intrusions on the Internet, to serve as a central point for identifying vulnerabilities to hackers, and to conduct research to improve the security of existing systems.

The number of computer emergencies handled by CERT has grown from 132 in 1989 to nearly 2,500 in 1995. In addition to this rising tide of incidents, the severity of the incidents and the damage caused by the intrusions has increased significantly.

During a hearing which I chaired last month before the Permanent Subcommittee on Investigations, we learned that DARPA had decided that the CERT operation is not the kind of cutting-edge research project on which they are focused, and that they were planning to reduce their funding to CERT for fiscal year 1997 by 75 percent. While we agree with DARPA's view of its priorities, a funding reduction of this magnitude would have devastated the ability of CERT to respond to the growing volume of inquiries, and we do not wish to see the CERT capability disappear. Therefore, we are introducing this amendment to provide necessary funding for the CERT activity to continue through fiscal year 1997. The Armed Services Committee will find an appropriate long-term source of funding for the CERT function during its deliberations on the fiscal year 1998 defense budget request.

So as not to increase the funding level of the overall bill, our amendment reduces the funding already contained in S. 1745 for project Athena within O&M, Navy by $2 million. These funds represent hollow budget authority, as both appropriations committees have reduced funding for project Athena by more than the amount of the reduction in this amendment.

I urge the adoption of the amendment.

Mr. SANTORUM. Mr. President, I wish to say a few words regarding the amendment offered by myself along with Senators NUNN and KYL pertaining to the Computer Emergency Response Team [CERT]. CERT is located in Pittsburgh at the Carnegie Mellon University's Software Engineering Institute [SEI] in my home State of Pennsylvania.

This amendment would allocate an additional $2 million to be given to CERT to maintain their funding profile. When the SEI established its emergency response team in 1988, three members of the SEI technical staff were assigned to respond to computer security incidents on the Internet. Nearly 8 years later, use of the Internet has grown by 2,500 percent, and there has been a 2,000-percent increase in the number of network intrusions. The number of computer emergencies that CERT has responded to has grown as well, from 32 in 1989 to 2,500 in 1995. However, due to past congressional actions which have imposed ceilings on federally-funded research and development centers, SEI and specifically CERT, has only been able to expand by nine people, limiting their ability to perform essential services. The invaluable contribution that CERT has provided under the stewardship of the SEI has been highlighted nationally more than 60 times by the New York Times and the Wall Street Journal, as well as featured on the CBS show ''60 Minutes.'' Mr. President, I

urge the adoption of this amendment and am hopeful that this issue of ceilings will be addressed during the House-Senate conference on this bill.

Mr. KYL. Mr. President, I rise to sponsor, with Senator SANTORUM, an amendment to S. 1745, the 1997 Defense Authorization Act, introduced by Senator NUNN. I thank Senator NUNN for his sponsorship of this provision, and his leadership in protecting the Nation's information systems. I believe that his hearings on computer security have awakened many to the need for a national defense strategy against strategic attacks on the national information infrastructure. I am pleased to be a sponsor of this amendment, which will ensure the continued operation of the computer emergency response team [CERT] at the Carnegie Mellon University Software Engineering Institute [SEI] in Pennsylvania for 1997.

The amendment would make $2 million available to CERT for fiscal year 1997. For the last few years, the Defense Advanced Research Projects Agency [DARPA] has allocated between $2.5 million and $3.0 million per year to CERT. CERT requested $2.75 million for 1997. DARPA will fund only one-fourth of that request in 1997 and $0 in 1998. DARPA's administration does not want to fund CERT because it believes that CERT does not properly belong to it. The amendment would correct the problem and move the funding out of DARPA.

Why is this amendment necessary? CERT is arguably the most reliable source of computer security statistics and support in the country. Absent a comprehensive overhaul of national security policy for information systems—which I initiated in last year's bill, with an amendment that requires the President to develop a national architecture to protect against strategic attacks on the NII—there is not another entity better prepared to respond to potential threats. It continues to be DOD's best means of warding off unauthorized entry into the Pentagon's and the Nation's complex computer infrastructure.

The Senate Subcommittee on Investigations, in its staff report on hearings it held on computer security, recommended the creation of a National Information Infrastructure Threat Center that ''should have real time 24 hour operational capabilities as well as serve as a clearinghouse for intrusion reports.'' CERT, for many years, has performed many of the functions cited in the staff report. It should continue to serve DOD until the committee's recommendations are executed.

In 1988, DARPA requested that the SEI set up a computer response team. It was funded through a competitive procurement process, initiated by DARPA with the approval of Congress. DARPA mandated that CERT set up a 24-hour point of contact center to respond to security emergencies on networks and to help prevent future network incidents. This remains its current function.

Since the inception of its response team, CERT has responded to over 7,600 security incidents affecting tens of thousands of network-connected sites. It is clear that CERT has played a key role in the DOD's national defense against attacks on our information systems. The amendment authorizes funding for only 1 year. Congress can reevaluate the importance of CERT again next year. I urge my colleagues to adopt the amendment.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4294) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4295

(Purpose: To correct an error made in the reporting of the bill)

Mrs. HUTCHISON. Mr. President, on behalf of Senator THURMOND, I offer an amendment that would make a technical correction to section 532 to correct an error made in reporting the bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas (Mrs. HUTCHISON), for Mr. THURMOND, proposes an amendment numbered 4295.

The amendment is as follows:

Beginning on page 127, strike out line 20 and all that follows through page 129, line 10, and insert in lieu thereof the following:

''(2)(A) Not more than 25 officers of any one armed force may be serving on active duty concurrently pursuant to orders to active duty issued under this section.

''(B) In the administration of subparagraph (A), the following officers shall not be counted:

''(i) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

''(ii) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of the active duty to which ordered.

''(iii) Any officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.''.

(b) OFFICERS RETIRED ON SELECTIVE EARLY RETIREMENT BASIS.—Such section is amended by adding at the end the following:

''(e) The following officers may not be ordered to active duty under this section:

''(1) An officer who retired under section 638 of this title.

''(2) An officer who—

''(A) after having been notified that the officer was to be considered for early retirement under section 638 of this title by a board convened under section 611(b) of this title and before being considered by that board, requested retirement under section 3911, 6323, or 8911 of this title; and

''(B) was retired pursuant to that request.''.

(c) LIMITATION OF PERIOD OF RECALL SERVICE.—Such section, as amended by subsection (b), is further amended by adding at the end the following:

''(f) A member ordered to active duty under subsection (a) may not serve on active duty pursuant to orders under such subsection for more than 12 months within the 24 months following the first day of the active duty to which ordered under this section.''.

Mr. THURMOND. Mr. President, this amendment makes a technical change to section 532 correcting an error made when reporting the bill.

When section 532 limiting the recall of retired officers to active duty as approved by the committee, it was our intent that the limit not apply to chaplains, health care professionals or officers assigned to the American Battle Monuments Commission. Due to an error in drafting, the legislation does not exempt these categories of recalled retired officers. My amendment corrects this error. Since the amendment changes the existing section to conform with the intent of the committee, I urge its adoption.

Mr. President, I thank the Chair and yield the floor.

Mrs. HUTCHISON. Mr. President, I believe this amendment has been cleared by the other side.

Mr. NUNN. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4295) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4296

(Purpose: To provide that of the funds available for research, development, test, and evaluation for the Air Force for arms control implementation, $6,500,000 shall be available for basic research in nuclear seismic monitoring)

Mr. NUNN. Mr. President, on behalf of Senator FEINSTEIN, I offer an amendment which would provide $6.5 million of the authorization for Air Force arms control implementation to be available for basic research in nuclear seismic monitoring. I believe the amendment has been cleared on the other side of the aisle. I urge adoption of the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mrs. FEINSTEIN, proposes an amendment numbered 4296.

Mrs. HUTCHISON. 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 B of title II, add the following:

SEC. 223. FUNDING FOR BASIC RESEARCH IN NUCLEAR SEISMIC MONITORING.

Of the amount authorized to be appropriated by section 201(3) and made available

for arms control implementation for the Air Force (account PE0305145F), $6,500,000 shall be available for basic research in nuclear seismic monitoring.

Mrs. FEINSTEIN. Mr. President, this amendment authorizes $6.5 million for basic research in nuclear test monitoring. These funds ensure that the Department of Defense is able to support a comprehensive research and development program to improve nuclear test monitoring capabilities.

The proliferation of nuclear weapons continues to be one of the most serious threats to our national security. This amendment underscores the need for the United States to maintain an effective capability in detecting and identifying clandestine nuclear tests. Only a sustained level of research involving the university community, in partnership with DOD and small companies, has been shown to be effective in developing and improving the monitoring of nuclear testing.

The Comprehensive Test Ban Treaty [CTBT] will present new monitoring challenges including the detection and identification of events of smaller and smaller magnitude; and the ability to discriminate industrial or other chemical explosions and earthquakes from nuclear explosions. In order to meet these challenges, it is critical that adequate resources be devoted to programs aimed at developing and sustaining the capabilities required to monitor a CTBT.

Under the CTBT, all signatories are committed to permanently refrain from testing nuclear weapons. This treaty would help to curtail the spread of nuclear weapons by outlawing the tests which are so necessary for their development. It would help prevent additional countries from developing nuclear weapons, beyond the five declared nuclear weapons states—the United States, Russia, China, France, and Britain—and the three undeclared nuclear weapons states—Israel, India and Pakistan. The CTBT would facilitate the political conditions necessary to continue step-by-step reductions of nuclear weapons and, perhaps, their eventual elimination. The five nuclear weapons states are all finally on record supporting a CTBT.

My amendment will ensure that there is adequate funding, $6.5 million, for basic research to improve technologies which enhance our ability to detect underground nuclear tests. I am pleased to offer this amendment and ask my colleagues for their support.

Mrs. HUTCHISON. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4296) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4297

(Purpose: To specify the grade of the Chief of Naval Research)

Mrs. HUTCHISON. Mr. President, on behalf of Senator LOTT, I offer an amendment that would specify the grade of Chief of Naval Research when that position is filled by a military officer.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. LOTT, proposes an amendment numbered 4297.

The amendment is as follows:

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

SEC. 506. GRADE OF CHIEF OF NAVAL RESEARCH.

Section 5022(a) of title 10, United States Code, is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by adding at the end the following:

''(2) Unless appointed to higher grade under another provision of law, an officer, while serving in the Office of Naval Research as Chief of Naval Research, has the rank of rear admiral (upper half).''.

Mr. LOTT. Mr. President, this amendment will strengthen the Navy's Office of Naval Research. This office was established by the Congress in 1946 in recognition of the contributions made by science and technology to the Nation's success during the Second World War.

Like the period after World War II, we are experiencing tight budgets that require downsizing of our military forces. In periods like this, technological superiority becomes more important than ever as a means for retaining control over the sea lanes and to project military power ashore. Our technology base guarantees our sailors and marines have the leading edge weaponry and equipment they need to continue winning—anywhere, anytime.

Today's U.S. naval forces have the ability to deploy anywhere in the world and to sustain forward presence indefinitely. This ability is the direct result of past science and technology successes.

Recognizing the importance of science and technology to the recapitalization efforts of the Navy, the Secretary of the Navy recently established a special study of the Department's science and technology program. It was chaired by Mr. Robert Galvin, chief executive officer of Motorola Corp. Among the findings of this study was that the rank of the senior naval officer in a military organization is one measure of the relative importance of the work conducted by that organization. The study said:

The Department of the Navy should recognize the importance of science and technology program to its own future and return to the practice of assigning a Naval Officer to the Chief of Naval Research position that is equal in rank to the Commanders of the Systems Commands.

This initiative amends section 5022 of Public Law 588 to again establish a requirement for the Chief of Naval Research to be a rear admiral (upper half). The Senate struck this requirement in 1991.

I think this Senate needs to reestablish the two star rank for the Chief of Naval Research to ensure he will be the equivalent of other naval systems commanders and will therefore be able to effectively plan and ensure the viability of the Navy's science and technology programs. As a two star, the Chief of Naval Research will have the stature to be an effective spokesman for science and technology in this current budget constrained environment. Through this action, we will ensure that science and technology, which is a long-term investment, will not be sacrificed for apparent pressing short-term needs. This move ensures the Navy's S&T program has the independence and stature necessary to ensure the Navy's future warfighting capability.

Mrs. HUTCHISON. I believe this amendment has been cleared by the other side and I urge its adoption.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4297) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote. I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4298

(Purpose: To authorize the conveyance of the William Langer Jewel Bearing Plant to the Job Development Authority of the City of Rolla, North Dakota, and for other purposes)

Mr. NUNN. Mr. President, on behalf of Senator DORGAN and Senator CONRAD, I offer an amendment which would authorize the conveyance of the William Langer jewel bearing plant to the Job Development Authority of Rolla, ND. I believe the amendment has been cleared on the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. DORGAN, for himself and Mr. CONRAD, proposes an amendment numbered 4298.

The amendment is as follows:

On page 393, after line 23, add the following:

SEC. 2828. LAND CONVEYANCE, WILLIAM LANGER JEWEL BEARING PLANT, ROLLA, NORTH DAKOTA.

(a) AUTHORITY TO CONVEY.—The Administrator of General Services may convey, without consideration, to the Job Development Authority of the City of Rolla, North Dakota (in this section referred to as the ''Authority''), all right, title, and interest of the United States in and to a parcel of real property, with improvements thereon and all associated personal property, consisting of approximately 9.77 acres and comprising the William Langer Jewel Bearing Plant in Rolla, North Dakota.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Authority—

(1) use the real and personal property and improvements conveyed under that subsection for economic development relating to the jewel bearing plant;

(2) enter into an agreement with an appropriate public or private entity or person to lease such property and improvements to that entity or person for such economic development; or

(3) enter into an agreement with an appropriate public or private entity or person to sell such property and improvements to that entity or person for such economic development.

(c) PREFERENCE FOR DOMESTIC DISPOSAL OF JEWEL BEARINGS.—(1) In offering to enter into agreements pursuant to any provision of law for the disposal of jewel bearings from the National Defense Stockpile, the President shall give a right of first refusal on all such offers to the Authority or to the appropriate public or private entity or person with which the Authority enters into an agreement under subsection (b).

(2) For the purposes of this section, the term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98(c)).

(d) AVAILABILITY OF FUNDS FOR MAINTENANCE AND CONVEYANCE OF PLANT.—Notwithstanding any other provision of law, funds available in fiscal year 1995 for the maintenance of the William Langer Jewel Bearing Plant in Public Law 103–335 shall be available for the maintenance of that plant in fiscal year 1996, pending conveyance, and for the conveyance of that plant under this section.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the Administrator.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under this section as the Administrator determines appropriate to protect the interests of the United States.

Mr. DORGAN. Mr. President, my amendment would expedite the conveyance of the William Langer Jewel Bearing plant in Rolla, ND, to the Job Development Authority of the city of Rolla. The amendment would enable the General Services Administration to transfer the plant to the Authority more quickly, and in a way that would enable the plant to continue as a going enterprise.

My senior colleague from North Dakota, Senator CONRAD, is cosponsoring this amendment, and the Defense Department and the General Services Administration have no objection to it. In fact, the Defense Department and GSA have cooperated in helping the plant to orient itself more toward commercial markets.

Let me describe the background and purpose of this amendment.

The Langer plant has roots in the cold war. Back in the 1950's, our defense leaders realized that we lacked the ability to produce jewel bearings, which are finely machined bits of carborundum. They were crucial components in military avionics systems. So the Congress located a jewel bearing plant in North Dakota. The Langer plant has been producing jewel bearings as a Government-owned, contractor-operated facility since then.

My colleagues should also know that the plant is a few miles from the Turtle Mountain Indian Reservation. Of the plant's 80 or so employees remaining after a downsizing, about 60 percent are native American. The Langer plant brings crucial skilled jobs to an economically depressed area—Rolette County, where the unemployment rate is one of the highest in the country.

However, changing technology means that the national defense stockpile no longer needs to buy jewel bearings. The Defense Department has now reported the plant to the General Services Administration as surplus property. Those of my colleagues who are dealing with base closures and defense downsizing know that this situation presents Rolla with a crisis and an opportunity.

The future of this factory depends on its ability to become a commercial manufacturer. The local community has a plan to bring this about: the Rolla Job Development Authority, through a subsidiary corporation, is already running the plant for the Federal Government. That subsidiary, called Micro-Lap Technologies, will continue to run the plant after the conveyance.

Normal surplus property rules would require the GSA to sell the plant for fair market value. The problem is that no local entity can afford the plant, which had an original cost of $4.2 million. The plant itself is not now healthy enough in a business sense to finance its own acquisition by a new management team.

In fact, the plant's economic position is so tenuous that the plant will likely run out of money in September, because it has not had a chance to build a strong commercial customer base to replace its defense contracts. The plant has worked hard to cut costs, and it has already had to cut its work force by 30 percent. I am deeply concerned that the plant may not survive without conveyance legislation.

My colleagues will understand that as a Government-owned facility, the plant is not able to compete freely, nor is it eligible for the kind of small business or economic development assistance that is available to private sector firms. However, once conveyed, the plant will be in a position to aggressively seek commercial contracts and assistance from the State and other agencies.

I would like to stress to the Senate that the Rolla community, the State of North Dakota, the Turtle Mountain Band of Chippewa, and the local business community have been working hard to ensure that the plant makes a successful transition to the private sector. The local community is united behind the plan to transfer the plant to the Job Development Authority of the city of Rolla. Of course, the conveyance is conditional on the community and the General Services Administration reaching a mutually acceptable legal agreement on the conveyance. But I am confident that the GSA and the community can reach that agreement swiftly.

Let me also remind my colleagues that in September 1995 the Senate approved by voice vote an amendment of mine to last year's defense authorization bill that was exactly identical to this amendment. And then, in January of this year, the Senate unanimously passed S. 1544, which was a freestanding version of this amendment. However, the House has not yet acted on that separate bill. This will actually be the third time that the Senate has passed this Langer plant conveyance. Fortunately, section 2852 of the House defense authorization bill is exactly the same provision as the amendment I am now offering. I think this means the third time will be the charm.

Let me thank the chair and ranking member of the Governmental Affairs Committee, Senators STEVENS and GLENN, for their support of this amendment. And the chair and ranking member of the Armed Services Committee, Senators THURMOND and NUNN, have been helpful to me on this issue for nearly a year now. Senator MCCAIN has also assisted in expediting this conveyance. I am deeply grateful to all five senators and their staffs for their support and assistance.

Mr. President, to sum up, I would simply say that this amendment tries to give a helping hand to the Langer plant and the city of Rolla. It also will relieve the Federal Government of a facility that the Defense Department no longer needs. I look forward to the Senate's unanimous approval of my amendment, and to its enactment into law.

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

Mr. CONRAD. Mr. President, I rise today to urge my colleagues to support an amendment offered on behalf of my esteemed colleague from North Dakota and myself by the distinguished ranking member of the Armed Services Committee, Senator NUNN. This amendment to the fiscal year 1997 Defense authorization bill would authorize the conveyance of the William Langer Jewel Bearing Plant from the General Services Administration [GSA] to the Job Development Authority of the city of Rolla, ND.

As my colleagues may be aware, for over 40 years the Langer plant has been serving the national defense stockpile, manufacturing jewel bearings. Its work has been outstanding. Last year, however, the plant was transferred to the GSA after having been declared surplus by the Department of Defense. Since that time the Rolla community has worked tirelessly to ensure that the plant will remain open and continue to play a vital role in the economic health of the region. Conveyance of this property to the Rolla Job Development Authority is necessary to ensure that this privatization initiative has a chance.

Mr. President, congressional support for this privatization effort is especially worthwhile in light of the very positive impact the plant has on an economically disadvantaged part of my State. Of the plant's 110 employees, about 60 percent are Native American. Unemployment is high on the Turtle Mountain Reservation, and loss of these jobs would be devastating.

Keeping this facility open makes good sense. The Langer plant utilizes unique micromanufacturing technology that helped form a critical part of our defense industrial base and can be reapplied to the private sector. Furthermore, the plant's existing production of dosimeters, used in measuring exposure to nuclear radiation, as well as its hopes to develop a large-scale production of fiber optic cable connectors, known as ferrules, will increase its potential to compete in commercial markets and meet possible future Federal needs.

Legislation introduced by Senator DORGAN and myself which passed the Senate in January would provide for conveyance, as would a provision in the version of the fiscal year 1997 Defense authorization bill passed by the House. Local businesses, community leaders from Turtle Mountain, and State officials are all working together to ensure the success of the plant and its growth as a viable enterprise, but now the Senate needs to act again to ensure that the Congress has done its part.

The Defense Logistics Agency has been very helpful in keeping the plant open until conveyance occurs, but action from Congress is essential if the plant is to continue to play a key role in the future of the Rolla community. This amendment will enable the plant to transition to the private sector, and I would urge all of my colleagues to support it. I thank the distinguished ranking member of the Armed Services Committee for his assistance in this important matter, and yield the floor.

Mrs. HUTCHISON. The amendment is cleared. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4298) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4299

(Purpose: To provide for a study of Department of Energy liability for damages to natural resources with respect to Department sites covered by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980)

Mrs. HUTCHISON. Mr. President, on behalf of Senator THOMAS, I offer an amendment that would require the Department of Energy to carry out a study to determine the extent of liability for natural resource damage at sites controlled and operated by the department.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. THOMAS, proposes an amendment numbered 4299.

The amendment is as follows:

At the end of subtitle D of title XXXI, add the following:

SEC. 3161. REPORT ON DEPARTMENT OF ENERGY LIABILITY AT DEPARTMENT SUPERFUND SITES.

(a) STUDY.—The Secretary of Energy shall, using funds authorized to be appropriated to the Department of Energy by section 3102, carry out a study of the liability of the Department for damages for injury to, destruction of, or loss of natural resources under section 107(a)(4)(C) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)(4)(C)) at each site controlled or operated by the Department that is or is anticipated to become subject to the provisions of that Act.

(b) CONDUCT OF STUDY.—(1) The Secretary shall carry out the study using personnel of the Department or by contract with an appropriate private entity.

(2) In determining the extent of Department liability for purposes of the study, the Secretary shall treat the Department as a private person liable for damages under section 107(f) of that Act (42 U.S.C. 9607(f)) and subject to suit by public trustees of natural resources under such section 107(f) for such damages.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report on the study carried out under subsection (a) to the following committees:

(1) The Committees on Environment and Public Works and Armed Services and Energy and Natural Resources of the Senate.

(2) The Committees on Commerce and National Security and Resources of the House of Representatives.

Mrs. HUTCHISON. I believe this amendment has been cleared by both sides.

Mr. NUNN. Mr. President, this amendment has been cleared, and I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4299) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4300

(Purpose: To require information on the proposed funding for the Guard and Reserve components in the future-years defense programs)

Mr. NUNN. Mr. President, on behalf of Senator ROBB and Senator WARNER, I offer an amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. ROBB, for himself and Mr. WARNER, proposes an amendment numbered 4300.

The amendment is as follows:

At the end of subtitle E of title X, add the following:

SEC. 1054. INFORMATION ON PROPOSED FUNDING FOR THE GUARD AND RESERVE COMPONENTS IN FUTURE-YEARS DEFENSE PROGRAMS.

(a) REQUIREMENT.—The Secretary of Defense shall specify in each future-years defense program submitted to Congress after the date of the enactment of this Act the estimated expenditures and proposed appropriations for the procurement of equipment and for military construction for each of the guard and Reserve components.

(b) DEFINITION.—For purposes of this section, the term ''Guard and Reserve components'' means the following:

(1) The Army Reserve.

(2) The Army National Guard of the United States.

(3) The Naval Reserve.

(4) The Marine Corps Reserve.

(5) The Air Force Reserve.

(6) The Air National Guard of the United States.

Mr. ROBB. Mr. President, this amendment directs the Secretary of Defense to specify in the future years defense plan—submitted to the Congress as required in title 10—the estimated expenditures and proposed appropriations for the procurement of equipment and for military construction for the National Guard and Reserve components.

The fact that this situation has reached this stage is a matter of some concern, Mr. President. Because the Congress cannot require the Executive to submit a budget recommendation at a set level for the Guard and Reserves, the Congress included a useful provision in last year's authorization that required the Secretary of Defense to submit a report on what actions DOD was taking to enhance the Guard and Reserves, how the Department would spend its fiscal year 1997 Guard and Reserves equipment and construction requests, and to provide its future years defense plan for the same. This would have allowed the Armed Services Committee this year to make a more informed judgement on how to increase, if necessary, the Guard and Reserve authorization. To date, DOD has provided no report—in direct contradiction of congressional direction.

Our intent last year was to fix a perennial problem, to wit, that the administration's budget request consistently fails to include any funding for National Guard and Reserve weapons or equipment, and that the MILCON request is consistently underfunded by several hundred million dollars a year. This, of course, necessitates congressional adds that must be drawn out of other defense programs or an increase in the total defense authorization level, neither of which is an acceptable way to effect public policy.

The Congress is compelled to make crucial decisions on weapons and construction procurement with no guidance from the administration. The end result is directed spending that does much for Member interests but little for achieving a balanced total force.

One solution—so-called generic authorization of funds—is a small improvement but far from perfect. With generic funding we abdicate our legislative responsibilities. We don't give the DOD blanket dollar amounts for aircraft and then let the department decide how many B–2's, F–22's and

other aircraft it needs to buy. The generic approach is also troubling because we authorize dollar amounts while pretending we don't know how we derived those amounts or what precisely they will be spent on, when in fact we do make assumptions about what precisely needs to be authorized in order to derive the generic funding totals.

Mr. President, my amendment echoes the requirements outlined in last year's provision on National Guard and Reserve authorizations, but it goes one step further in establishing a permanent marker for the Secretary of Defense. Currently, title 10 requires the Department to submit its future years defense program. This amendment will require in title 10 the submission of the same plan for the Guard and Reserve.

The Congress must have a foundation to work from in determining a rational topline for the Guard and Reserves. Congress may decide on a lower or higher amount, but at least it can make such a decision based on guidance from DOD on the Department's priorities.

Mr. President, I am hopeful that this amendment will persuade the Department of Defense on an annual basis to fully address Guard and Reserve funding in conjunction with deliberations on active-force budgets. To do less is to undermine the Department's concept of total force management—and to invite the Congress to distort and manipulate Reserve accounts based on individual Member interests in lieu of the national interest.

Mr. President, it is my understanding that this amendment has been accepted on both sides and I urge its adoption. I yield the floor.

Mr. NUNN. Mr. President, this amendment provides that DOD provide Congress each year information on the future years defense plan for procurements and military construction for support of the National Guard and Reserve forces. This would give Congress greater visibility on the Department's plan for these important programs. I urge adoption of the amendment.

Mrs. HUTCHISON. It has been cleared. I urge adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4300) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4301

(Purpose: To amend section 348, relating to shipboard solid waste control)

Mrs. HUTCHISON. Mr. President, on behalf of Senator CHAFEE, I offer an amendment that would modify section 348 of S. 1745 to provide for a report on compliance with annex V to the convention for the prevention of pollution on ships and publication of discharges in special areas.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. CHAFEE, proposes an amendment numbered 4301.

The amendment is as follows:

At the end of section 348, add the following:

(c) REPORT ON COMPLIANCE WITH ANNEX V TO THE CONVENTION.—The Secretary of Defense shall include in each report on environmental compliance activities submitted to Congress under section 2706(b) of title 10, United States Code, the following information:

(1) A list of the ships types, if any, for which the Secretary of the Navy has made the determination referred to in paragraph (2)(C) of section 3(c) of the Act to Prevent Pollution from Ships, as amended by subsection (a)(2) of this section.

(2) A list of ship types which the Secretary of the Navy has determined can comply with Regulation 5 of Annex V to the Convention.

(3) A summary of the progress made by the Navy in implementing the requirements of paragraphs (2) and (3) such section 3(c), as so amended.

(4) A description of any emerging technologies offering the potential to achieve full compliance with Regulation 5 of Annex V to the Convention.

(d) PUBLICATION REGARDING SPECIAL AREA DISCHARGES.—Section 3(e)(4) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(e)(4)) is amended by striking out subparagraph (A) and inserting in lieu thereof the following:

''(A) The amount and nature of the discharges in special areas, not otherwise authorized under this title, during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy.''.

Mrs. HUTCHISON. I believe this amendment has been cleared, and I urge its adoption.

Mr. NUNN. Mr. President, I urge passage of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4301) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4302

(Purpose: To require that the Secretary of Energy request funds in fiscal year 1998 for the U.S. portion of the cost of the Greenville Road Improvement Project, Livermore, CA)

Mr. NUNN. Mr. President, on behalf of Senator FEINSTEIN, I offer an amendment which would ask the Secretary of Energy to include sufficient funding in the budget for fiscal year 1998 to pay for the Government's cost of transportation improvements at the Livermore lab site. I believe the amendment has been cleared on the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mrs. FEINSTEIN, proposes an amendment numbered 4302.

The amendment is as follows:

At the end of subtitle D of title XXXI, add the following:

SEC. 3161. FISCAL YEAR 1998 FUNDING FOR GREENVILLE ROAD IMPROVEMENT PROJECT, LIVERMORE, CALIFORNIA.

(a) FUNDING.—The Secretary of Energy shall include in budget for fiscal year 1998 submitted by the Secretary of Energy to the Office of Management and Budget a request for sufficient funds to pay the United States portion of the cost of transportation improvements under the Greenville Road Improvement Project, Livermore, California.

(b) COOPERATION WITH LIVERMORE, CALIFORNIA.—The Secretary shall work with the City of Livermore, California, to determine the cost of the transportation improvements referred to in subsection (a).

Mrs. HUTCHISON. This amendment has been cleared. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4302) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4303

(Purpose: To require the Department of Defense to conduct a study to assess the cost savings associated with dismantling and neutralizing chemical munitions in place as opposed to incineration in place)

Mrs. HUTCHISON. On behalf of Senator BROWN, I offer an amendment which would require the Department of Defense to study the cost effectiveness of dismantling chemical munitions, neutralizing the chemical agent on site and transporting that agent to a centrally located incinerator for destruction versus building an incinerator at each facility. I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. BROWN, proposes an amendment numbered 4303.

The amendment is as follows:

At the end of subtitle B of title I, add the following:

SEC. 113. STUDY REGARDING NEUTRALIZATION OF THE CHEMICAL WEAPONS STOCKPILE.

(a) STUDY.—(1) The Secretary of Defense shall conduct a study to determine the cost of incineration of the current chemical munitions stockpile by building incinerators at each existing facility compared to the proposed cost of dismantling those same munitions, neutralizing them at each storage site and transporting the neutralized remains and all munitions parts to a centrally located incinerator within the United States for incineration.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of the Congress a report on the study carried out under subsection (a).

Mr. NUNN. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4303) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4304

(Purpose: To provide for preventive health care screening of military health care beneficiaries for colon or prostate cancer)

Mr. NUNN. On behalf of Senator WELLSTONE, I offer an amendment which would authorize male service members and former members who are entitled to medical care to receive preventive screening for colon cancer and prostate cancer at intervals prescribed by the service Secretaries. I believe this amendment has been cleared by the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. WELLSTONE, proposes an amendment numbered 4304.

The amendment is as follows:

At the end of title VII add the following:

SEC. 708. PREVENTIVE HEALTH CARE SCREENING FOR COLON AND PROSTATE CANCER.

(a) MEMBERS AND FORMER MEMBERS.—(1) Section 1074d of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by inserting ''(1)'' before ''Female''; and

(ii) by adding at the end the following new paragraph:

''(2) Male members and former members of the uniformed services entitled to medical care under section 1074 or 1074a of this title shall also be entitled to preventive health care screening for colon or prostate cancer at such intervals and using such screening methods as the administering Secretaries consider appropriate.''; and

(B) in subsection (b), by adding at the end the following new paragraph:

''(8) Colon cancer screening, at the intervals and using the screening methods prescribed under subsection (a)(2).''.

(2)(A) The heading of such section is amended to read as follows:

''§ 1074d. Primary and preventive health care services

(B) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

''1074d. Primary and preventive health care services.''.

(b) DEPENDENTS.—(1) Section 1077(a) of such title is amended by adding at the end the following new paragraph:

''(14) Preventive health care screening for colon or prostate cancer, at the intevals and using the screening methods prescribed under section 1074d(a)(2) of this title.''.

(2) Section 1079(a)(2) of such title is amended—

(A) in the matter preceding subparagraph (A) by inserting ''the schedule and method of colon and prostate cancer screenings,'' after ''pap smears and mammograms,''; and

(B) in subparagraph (B), by inserting ''or colon and prostate cancer screenings'' after ''pap smears and mammograms''.

Mr. WELLSTONE. Mr. President, I want to describe briefly an amendment which I am offering today to correct an oversight in the military health care system. My amendment would permit preventive prostate and colon cancer screenings for male servicemembers, and preventive colon cancer screenings for female servicemembers. This commonsense amendment was offered in the House to the DOD authorization bill by my colleague from Minnesota, Congressman OBERSTAR, and was adopted by the full House of Representatives with broad bipartisan support.

Mr. President, I offer this amendment to address a narrow, yet vitally important, shortcoming in current military health care law. Department of Defense health care law presently entitles current and former female servicemembers and dependents to receive preventive screenings for breast and cervical cancer and other diseases. Current and former male servicemembers and dependents, however, are not permitted to receive similar preventive screenings for prostate and colon cancer. Broadening the law to explicitly cover prostate and colon cancer screenings will save substantial money in averted health care costs, as well as countless lives.

The need for this amendment was called to my attention recently by Congressman OBERSTAR, who has been a crusader for responsible Federal health care and research policies designed to combat the scourge of cancer, and provide expanded treatment options for those who fight these terrible diseases. I'd like to dedicate this amendment to JIM's deceased wife, Jo Oberstar, whose long and heartbreaking struggle with cancer, passionate commitment to her family, and fierce determination inspired all of us who knew her. JIM's commitment to fight cancer in all its forms is fired by her memory, and issues in his tireless efforts to honor and redeem her death by fighting to improve Federal policies in this area, and to ensure access to care and preventive treatment for millions of Americans.

In the time since Congressman OBERSTAR offered this amendment to the House bill, the American Gastroentrological Association has brought to our attention the fact that colon cancer affects women in roughly equal numbers to men. The current list of available screenings for female servicemembers, however, does not include this necessary procedure. My amendment would take care of this oversight.

In a time of increasing pressure on the Department of Defense to enlist and retain the highest quality personnel which our Nation has to offer, modest changes such as these are needed to demonstrate our continuing commitment to the well-being of our men and women in uniform. This amendment has generated broad bipartisan support, including in the House National Security Committee, in the full House of Representatives, and in the Department of Defense. I am grateful for the support of those Members of the Committee, Democrats and Republicans alike, who have agreed to accept this amendment. It will be a modest, though important, advance in detecting and preventing colon and prostate cancer for those in our Armed Forces. It is sound social, economic, and medical policy, and I urge my colleagues to support its adoption.

Mrs. HUTCHISON. This amendment has been cleared. I urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4304) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4305

(Purpose: To provide funding for the Scorpius space launch technology program)

Mrs. HUTCHISON. On behalf of Senator DOMENICI, I offer an amendment which would authorize the use of up to $7.5 million in funds authorized for the ballistic missile defense organization to be used for the Scorpius space launch technology program.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. DOMENICI, proposes an amendment numbered 4305.

The amendment is as follows:

At the end of subtitle C of title II add the following:

SEC. 237. SCORPIUS SPACE LAUNCH TECHNOLOGY PROGRAM.

Of the amount authorized to be appropriated under section 201(4) for the Ballistic Missile Defense Organization for Support Technologies/Follow-On Technologies (PE 63173C), up to $7,500,000 is available for the Scorpius space launch technology program.

Mr. DOMENICI. Mr. President, I have long been concerned over the excessive cost of space launch. We have lost the commercial space launch industry, which America pioneered, to overseas competitors. The burden on the defense budget is inordinate. Current space launch vehicles are still using 1970's technology and have little margin for error. The military spends well over $1 billion per year on space launch. A 15,000-pound communications satellite launch is over $100 million; a 50,000-pound surveillance satellite over $350 million. Today's rockets are engineering miracles in an industry that needs to achieve manufacturing economies.

I have been closely following the progress of Microcosm, a small California company and its Scorpius program, a family of space launch vehicles. This is an effort to lower the space launch cost from its current over $7,000 per pound to low Earth orbit to under $1,000 per pound. For example, if Scorpius is successful, the current launch cost for a 15,000-pound military communications satellite would drop from over $100 million to less than $15 million.

Scorpius's launch crew would be 12 technicians, not the current hundreds,

even thousands of engineers needed for today's. Those same 12 technicians, when not actually firing the rocket, would be assembling them. It is truly a simple design.

Scorpius would be true launch on demand, able to lift off within 8 hours after the payload arrives at the launch site. Its short, squat design, though ugly compared to present rockets, makes it oblivious to weather limitations of today such as high wind. It would not require the extensive launch infrastructure such as a gantry, providing great flexibility of where it could be fired. Our military field commanders would be able to request and receive the satellite resources they need when and where they need them.

Microcosm has received seven SBIR contracts for Scorpius totalling roughly $2.6 million. All SBIR contracts and awarded competitively. The results have been impressive:

Seven engines built, each at a cost under $5,000;

Seven engines test-fired including;

The last test fired engine ran for 200 seconds on a continuous burn-thrust capable of getting a payload to LEO, low earth orbit, for under $1/pound was attained;

The flight computer was designed and built—its recurring cost is about $1,500; total on-board GN&C recurring costs will be under $30,000;

Preliminary tank design has been completed; including a LOX liner technique for the composite tanks; and

Technical spin-offs that could benefit non-Scorpius programs as well, such as the gas generator.

BMDO, which provided funding for the first award, has allocated $1.5 million in fiscal year 1996 money for this effort. The $7.5 million in the bill would allow for ground development and testing to be completed, four suborbital rockets to be built and real flight testing of the rockets. The first test flight would occur in fall of 1997.

The program has been subjected to many senior technical reviews by both government and industry experts. No significant technical problem has been identified.

Scorpius is a bargain. It is a leap-frog technology that could make space launch truly affordable and recapture an American industry—and jobs—now lost to foreign companies.

Mrs. HUTCHISON. I believe this amendment has been cleared.

Mr. NUNN. I urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4305) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4306

(Purpose: To clarify the applicability of section 1102, relating to the retention of civilian employee positions at military training bases transferred to the National Guard)

Mr. NUNN. Mr. President, on behalf of Senators HEFLIN and SHELBY, I offer an amendment which would expand the provision of the authorization bill which authorizes the Secretary of Defense to retain a number of civilian employees in any military base approved for closure by the 1995 BRAC round where an enclave is going to be maintained to support active and resserve training, and where the base is scheduled for transfer to the National Guard in 1997. Specifically, the amendment would remove the requirement that the base be scheduled for transfer in 1997.

I believe the amendment has been cleared on the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. HEFLIN, for himself and Mr. SHELBY, proposes an amendment numbered 4306.

The amendment is as follows:

In section 1102(a)(2), strike out ''during fiscal year 1997''.

Mr. HEFLIN. Mr. President, I rise today to offer an amendment to insure that the National Guard will be able to fully use the training infrastructure of Fort McClellan.

The Armed Services Committee has included a wise provision in its bill that allows the National Guard to retain certain key civilians at each installation they are gaining through the BRAC process. The committee's provision only covered training bases closed before the end of 1997. My amendment would extent this date to 1999, so that Fort McClellan would also be covered. I encourage my colleagues to support this needed change.

Mrs. HUTCHISON. Mr. President, This amendment has been cleared. I urge its adoption.

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 4306) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4307

(Purpose: To require a report on facilities used for testing launch vehicle engines)

Mrs. HUTCHISON. On behalf of Senator LOTT, I offer an amendment which would require a report on facilities for testing space launch vehicles.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. LOTT, proposes an amendment numbered 4307.

The amendment is as follows:

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

SEC. 1054. REPORT ON FACILITIES USED FOR TESTING LAUNCH VEHICLE ENGINES.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the National Aeronautics and Space Administration, shall submit to Congress a report on the facilities used for testing launch vehicle engines.

(b) CONTENT OF REPORT.—The report shall contain an analysis of the duplication between Air Force and National Aeronautics and Space Administration hydrogen rocket test facilities and the potential benefits of further coordinating activities at such facilities.

Mr. LOTT. Mr. President, this would require a report regarding space launch vehicle test facilities. The report would address duplication between the Air Force and NASA in the area of hydrogen engine testing. I am concerned that we have not adequately coordinated these activities and I believe that additional information is required. I am hopeful that the Secretary of Defense, in consultation with the Administrator of NASA, will provide a useful report as a guide to possible efficiencies. I urge my colleagues to support this amendment.

Mrs. HUTCHISON. I believe this amendment has been cleared by the other side.

Mr. NUNN. I urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4307) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4308

(Purpose: To provide an additional exception for the cost limitation for procurement of Seawolf submarines)

Mrs. HUTCHISON. Mr. President, on behalf of Senator THURMOND, I offer an amendment that would provide an additional exception for the cost limitation for procurement of *Seawolf* class submarines.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. THURMOND, proposes an amendment numbered 4308.

The amendment is as follows:

At the end of subtitle C of title I add the following:

SEC. 124. ADDITIONAL EXCEPTION FROM COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.

Section 133 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211) is amended—

(1) in subsection (a), by striking out ''subsection (b)'' and inserting in lieu thereof ''subsections (b) and (c)''; and

(2) by striking out subsection (c) and inserting in lieu thereof the following:

''(c) COSTS NOT INCLUDED.—The previous obligations of $745,700,000 for the SSN–23, SSN–24, and SSN–25 submarines, out of funds appropriated for fiscal years 1990, 1991, and

1992, that were subsequently canceled (as a result of a cancellation of such submarines) shall not be taken into account in the application of the limitation in subsection (a).''.

Mr. THURMOND. Mr. President, in the fiscal year 1996 Defense Authorization Act, Congress imposed a cost cap on procurement of the three *Seawolf* class submarines that Congress has authorized. The principal purpose of this cost cap was to cause the Navy to focus careful attention on the program to forestall the type of cost growth that plagued other major shipbuilding programs in the past. While the Navy was given ample opportunity to participate in its development, the cost cap is a tight one that will require constant attention throughout the construction of the ships.

The Navy has responded by implementing a number of management changes that proved successful during the past year in containing cost growth. Included was the creation of an independent cost review team that has an independent charter to examine the program's books and report any concerns that arise to the Navy's Senior Acquisition Executive. As the team has developed information the committee has been kept informed.

A concern that has emerged this year is the existence and status of program costs that have been allocated to canceled *Seawolf* submarines. As my colleagues will recall, the original Seawolf program called for construction of more than 20 submarines of the class. In the immediate aftermath of the cold war as the defense budget declined, the program was terminated. At the time funds had been fully or partially appropriated for six *Seawolf* submarines.

After careful review Congress has partially restored the Seawolf program to the extent that three or the submarines will be built. However, a considerable amount of sunk cost was incurred as a consequence of contracts detail design and for construction of various components for now canceled submarines that will never be built.

When the Navy was asked to assist in developing a cost cap total last year, it did not propose inclusion of these sunk costs in the cost cap. However, legitimate questions have been raised by the Navy's independent cost review team as to whether some portion of these costs, such as those for detail design or for components that may eventually be used in the three *Seawolf* submarines that are under construction, should be included in the cap.

The committee acted to address the matter of detail design costs in report language that accompanies this bill by acknowledging them and noting that they had not been included in the cost tap. Subsequent to our markup, however, additional sunk costs have been identified associated with the termination of nuclear and nonnuclear components for which an argument could be advanced on both sides as to whether they properly belong within the cost cap. These are not hidden costs that have suddenly appeared. They have been routinely reported by the Navy as part of the total program cost. The issue is whether they should or should not have been associated with the three subs presently under construction.

One course of action that we could have pursued as questions were raised by the conscientious efforts of the Navy's independent cost team would have been to ignore them. However, this course of action could have led to future acrimony as to whether the Navy had breached the cost cap. Another alternative would be to include them in the cost cap number. However, since the cost cap was put in place to safeguard against future cost growth vice documenting sunk costs, this approach would have contributed little, if anything, toward satisfying that objective.

Our recommended approach, the one reflected in this amendment, would be to first reaffirm last year's cost cap, a cap stringent enough to demand constant vigilance by the Navy and concurrently acknowledge in law that certain costs that have been associated with canceled submarines are excluded from it. This approach appears a more prudent means of avoiding any future legal disputes than to employ revised report language to accomplish the same objective.

In my opinion, adopting this amendment will address legitimate issues and also encourage the Navy to continue forthright discourse with Congress on the progress of the Seawolf program. I strongly encourage my fellow Senators to join me in supporting it.

Mr. MCCAIN. Mr. President, I have no objection to this amendment to provide a specific exception from the cost cap for $745.7 million which was expended for termination and other procurement costs associated with cancelled ships. These funds were not included in the calculations by the Navy for the original procurement cost cap.

I should note that the committee was advised earlier this year that $278 million in class detail design costs had been left out of the cost cap calculations. Since these amounts were not directly related to procurement of the three submarines currently under construction, the committee included in its report on this bill a section starting that these costs were not to be considered part of the cost cap.

Only a few weeks ago, the Navy advised the committee that an additional $467.7 million had not been addressed in calculating the cost cap. The Navy requested specific legislative relief from including these amounts in the *Seawolf* cost cap.

Mr. President, again, I have no objection to this amendment. It is clear that the $745.7 million identified in this amendment cannot be appropriately tied to procurement of any of the three *Seawolf* submarines. However, I find it disconcerting at best that the Navy only recently identified these amounts to Congress. In the future, I hope and expect that the Navy's program management team will be able to better track all amounts associated with *Seawolf* submarine procurement in order to remain within the legislative cost cap.

Mrs. HUTCHISON. I believe the amendment has been cleared.

Mr. NUNN. I urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4308) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4309

(Purpose: To strike section 2812 relating to the disposition of proceeds of certain commissary stores and nonappropriated fund instrumentalities and to amend section 634 to sunset the authority under that section to pay annuities)

Mrs. HUTCHISON. Mr. President, on behalf of Senator THURMOND, I offer an amendment which would strike section 2812 relating to the disposition of proceeds of certain commissary stores and nonappropriated fund instrumentalities and sunset section 634 relating to forgotten widows.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. THURMOND, proposes an amendment numbered 4309.

The amendment is as follows:

At the end of section 634, add the following:

(e) EXPIRATION OF AUTHORITY.—The authority to pay annuities under this section shall expire on September 30, 2001.

Strike out section 2812, relating to the disposition of proceeds of certain commissary stores and nonappropriated fund instrumentalities.

Mr. THURMOND. Mr. President, my amendment would strike section 2812 and sunset section 634 of the Defense authorization bill.

Section 2812 would have allowed the proceeds from sales of facilities at base closure sites built with commissary store funds or nonappropriated funds to be deposited into established funds to support commissary stores and nonappropriated fund activities.

Section 634, would authorize the Secretary of Defense to pay an annuity to the surviving spouses of retired service members who died before March 1974. This group of surviving spouses has become known as the ''Forgotten Widows'' since they were widowed before the Survivor Benefit Plan was enacted.

Mr. President, the Congressional Budget Office scored these provisions as direct spending, which is not in the committee's allocation, I am requesting that section 2812 be stricken and section 634 be terminated effective September 30, 2001.

Mr. President, I know of no objection to the amendment and ask that the Senate adopt the amendment.

Mrs. HUTCHISON. I believe this amendment has been cleared by the other side.

Mr. NUNN. I urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4309) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4310

(Purpose: To state the sense of the Senate on Department of Defense sharing of its experiences under military youth programs)

Mr. NUNN. Mr. President, on behalf of Senator KENNEDY and Senator COATS, I offer an amendment which would provide a sense of the Senate that military and civilian youth program coordinators could benefit from greater exchange of information and close relationship between military installations and the local communities that support them.

I believe this amendment has been cleared by the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. KENNEDY, for himself and Mr. COATS, proposes an amendment numbered 4310.

The amendment is as follows:

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

SEC. 1072. SENSE OF THE SENATE ON DEPARTMENT OF DEFENSE SHARING OF EXPERIENCES UNDER MILITARY YOUTH PROGRAMS.

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

(1) Programs of the Department of Defense for youth who are dependents of members of the Armed Forces have not received the same level of attention and resources as have child care programs of the Department since the passage of the Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

(2) Older children deserve as much attention to their developmental needs as do younger children.

(3) The Department has started to direct more attention to programs for youths who are dependents of members of the Armed Forces by funding the implementation of 20 model community programs to address the needs of such youths.

(4) The lessons learned from such programs could apply to civilian youth programs as well.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Department of Defense, Federal, State, and local agencies, and businesses and communities involved in conducting youth programs could benefit from the development of partnerships to foster an exchange of ideas, information, and materials relating to such programs and to encourage closer relationships between military installations and the communities that support them;

(2) such partnerships could benefit all families by helping the providers of services for youth exchange ideas about innovative ways to address barriers to the effective provision of such services; and

(3) there are many ways that such partnerships could be developed, including—

(A) cooperation between the Department and Federal and State educational agencies in exploring the use of public school facilities for child care programs and youth programs that are mutually beneficial to the Department and civilian communities and complement programs of the Department carried out at its facilities; and

(B) improving youth programs that enable adolescents to relate to new peer groups when families of members of the Armed Forces are relocated.

(c) REPORT.—Not later than June 30, 1997, the Secretary of Defense shall submit to Congress a report on the status of any initiatives undertaken this section, including recommendations for additional ways to improve the youth programs of the Department of Defense and to improve such programs so as to benefit communities in the vicinity of military installations.

Mr. KENNEDY. Mr. President, today Senator COATS and I offer two amendments addressing the military's child development programs. The first amendment commends the Department of Defense for its successful implementation of the Military Child Care Act of 1989. This landmark legislation has greatly improved the availability, affordability, quality, and consistency of the child care services provided by the Department to service members.

Our second amendment commends the equally important contributions of the Department's youth programs in meeting the diverse needs of older children and encourages continued progress in this area.

Before the implementation of the 1989 Act, children of military personnel were cared for in substandard facilities and received virtually no developmental care. Child care was little more than custodial care. Care givers lacked adequate training, were paid less than grocery baggers at the base commissary, and had a job turnover rate of 300 percent. Worst of all, inadequate oversight led to several documented cases of child abuse.

Since the 1989 Act, developmental care has replaced custodial care and is providing military children with a genuine learning environment. Successful completion of training by child care providers is now tied to wage increases, and the result is a well-trained and highly motivated group of care givers. Their job turnover rate has fallen from 300 percent to 31 percent. Inspections without notice and a national hotline to register complaints are now in place to protect the children being cared for. In short, the Military Child Care Act has dramatically improved the quality of life for thousands of children in military families.

Quality child care is a priority for civilian parents too. It makes no sense for civilian child care providers to waste their time and valuable resources reinventing wheels that have already been developed by the Armed Forces. Military-sponsored internship programs, access to training classes on a space-available basis, and assistance with accreditation are all cost-effective ways for civilian child care providers to benefit from the expertise available in the Department of Defense. The Department in turn benefits from an increased number of quality civilian child care resources available to its military personnel, and from the feedback it receives about its own program.

Our child care amendment encourages closer partnerships between military installations and local communities to encourage an exchange of ideas, information, and materials relating to their child care experiences. These are simply and cost-effective steps to improve the quality of care for all children.

Older children deserve as much concern about their developmental needs as younger children do. Yet military youth programs have not received the same level of attention and resources that have been available for child care since the passage of the 1989 Act. Youth programs are an effective way to combat violence, gangs, and juvenile crime by giving young people a place to turn for support and assistance in finding positive peer groups and activities.

The Department of Defense has begun to address these issues by funding the implementation of 20 model community programs to meet the needs of its youth. Lessons learned in these programs can obviously benefit the civilian community too.

Our youth program amendment encourages continued emphasis on youth programs and a similar exchange of information as with child care programs.

The amendment we are proposing today require no additional funding. They give the Department of Defense the flexibility to implement initiatives that it feels are worthwhile. The Department played a key role in the development of those amendments and is enthusiastic about implementing them.

I urge my colleagues to vote in favor of these important amendments as a needed step toward improving the quality of life for all children.

I would also like to take this opportunity to thank my colleague Senator COATS for his admirable service as chairman of the Personnel Subcommittee. His support for military child care and other quality of life programs has had a positive and lasting influence on the lives of our men and women in uniform.

Mrs. HUTCHISON. I urge adoption of the amendment.

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

The amendment (No. 4310) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4311

(Purpose: To state the sense of the Senate on Department of Defense sharing of experiences with military child care)

Mr. NUNN. Mr. President, on behalf of Senators KENNEDY and COATS, I offer an amendment which would provide a sense of the Senate that military and civilian child care providers could benefit from a greater exchange of information and a closer relationship between military installations and the local communities that support them.

I believe this amendment has also been cleared by the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. KENNEDY, for himself and Mr. COATS, proposes an amendment numbered 4311.

The amendment is as follows:

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

SEC. 1072. SENSE OF THE SENATE ON DEPARTMENT OF DEFENSE SHARING OF EXPERIENCES WITH MILITARY CHILD CARE.

(a) FINDING.—The Senate makes the following findings:

(1) The Department of Defense should be congratulated on the successful implementation of the Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

(2) The actions taken by the Department as a result of that Act have dramatically improved the availability, affordability, quality, and consistency of the child care services provided to members of the Armed Forces.

(3) Child care is important to the readiness of members of the Armed Forces because single parents and couples in military service must have access to affordable child care of good quality if they are to perform their jobs and respond effectively to long work hours or deployments.

(4) Child care is important to the retention of members of the Armed Forces in military service because the dissatisfaction of the families of such members with military life is a primary reason for the departure of such members from military service.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the civilian and military child care communities, Federal, State, and local agencies, and businesses and communities involved in the provision of child care services could benefit from the development of partnerships to foster an exchange of ideas, information and materials relating to their experiences with the provision of such services and to encourage closer relationships between military installations and the communities that support them;

(2) such partnerships would be beneficial to all families by helping providers of child care services exchange ideas about innovative ways to address barriers to the effective provision of such services; and

(3) there are many ways that these partnerships can be developed, including—

(A) cooperation between the directors and curriculum specialists of military child development centers and civilian child development centers in assisting such centers in the accreditation process;

(B) use of family support staff to conduct parent and family workshops for new parents and parents with young children in family housing on military installations and in communities in the vicinity of such installations;

(C) internships in Department of Defense child care programs for civilian child care providers to broaden the base of good-quality child care services in communities in the vicinity of military installations; and

(D) attendance by civilian child care providers at Department child-care training classes on a space-available basis.

(c) REPORT.—Not later than June 30, 1997, the Secretary of Defense shall submit to Congress a report on the status of any initiatives undertaken this section, including recommendations for additional ways to improve the child care programs of the Department of Defense and to improve such programs so as to benefit civilian child care providers in communities in the vicinity of military installations.

Mrs. HUTCHISON. I urge adoption of the amendment.

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

The amendment (No. 4311) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4312

(Purpose: To exclude members of the Selected Reserve assigned to the Selective Service System from the limitation on end strength of members of the Selected Reserve and to limit the number of members of the Armed Forces who may be assigned to the Selective Service System)

Mrs. HUTCHISON. Mr. President, for Senator THURMOND, I offer an amendment that would provide continued military support to the Selective Service System.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. THURMOND, proposes an amendment numbered 4312.

The amendment is as follows:

At the end of subtitle B of title IV, add the following:

SEC. 413. PERSONNEL MANAGEMENT RELATING TO ASSIGNMENT TO SERVICE IN THE SELECTIVE SERVICE SYSTEM.

Section 10 of the Military Selective Service Act (50 U.S.C. App. 460) is amended—

(1) in subsection (b)(2), by inserting ", subject to subsection (e)," after "to employ such number of civilians, and"; and

(2) by inserting after subsection (d) the following:

"(e)(1) The number of armed forces personnel assigned to the Selective Service System under subsection (b)(2) may not exceed 745, except in a time of war declared by Congress or national emergency declared by Congress or the President.

"(2) Members of the Selected Reserve assigned to the Selective Service System under subsection (b)(2) shall not be counted for purposes of any limitation on the authorized strength of Selected Reserve personnel of the reserve components under any law authorizing the end strength of such personnel.".

Mr. THURMOND. Mr. President, I propose an amendment that would provide for continued military support to the Selective Service.

Mr. President, the downsizing of the reserve component force is causing the military leadership to reevaluate their ability to continue providing support to the Selective Service. This amendment will exempt the reservists who are assigned to duty with the Selective Service from counting against the selective reserve end strength. In order to preclude any part from taking advantage of this exemption, the amendment would limit the number of reservists who could be assigned to duty with the Selective Service at the 1996 level.

Mr. President, this is a no-cost amendment which will benefit the Selective Service and the reserve component personnel assigned in support of the unique mission of the Selective Service. I urge my colleagues to support the amendment.

Mr. President, I thank the Chair and yield the floor.

Mrs. HUTCHISON. I believe this amendment has been cleared by the other side.

Mr. NUNN. This amendment has been cleared. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4312) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4313

(Purpose: Relating to the participation of the State of Oregon in remedial actions at the Hanford Reservation, Washington)

Mrs. HUTCHISON. On behalf of Senators HATFIELD and WYDEN, I offer an amendment which would require information associated with cleanup of the Hanford Nuclear Reservation in Washington State be provided to the State of Oregon.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. HATFIELD, for himself and Mr. WYDEN, proposes an amendment numbered 4313.

The amendment is as follows:

At the end of subtitle D of title XXXI, add the following:

SEC. 3161. OPPORTUNITY FOR REVIEW AND COMMENT BY STATE OF OREGON REGARDING CERTAIN REMEDIAL ACTIONS AT HANFORD RESERVATION, WASHINGTON.

(a) OPPORTUNITY.—(1) Subject to subsection (b), the Site Manager at the Hanford Reservation, Washington, shall, in consultation with the signatories to the Tri-Party Agreement, provide the State of Oregon an opportunity to review and comment upon any information the Site Manager provides the State of Washington under the Hanford Tri-Party Agreement if the agreement provides for the review of and comment upon such information by the State of Washington.

(2) In order to facilitate the review and comment of the State of Oregon under paragraph (1), the Site Manager shall provide information referred to in that paragraph to the State of Oregon at the same time, or as soon thereafter as is practicable, that the Site Manager provides such information to the State of Washington.

(b) CONSTRUCTION.—This section may not be construed—

(1) to require the Site Manager to provide the State of Oregon sensitive information on enforcement under the Tri-Party Agreement or information on the negotiation, dispute resolution, or State cost recovery provisions of the agreement;

(2) to require the Site Manager to provide confidential information on the budget or procurement at Hanford under terms other than those provided in the Tri-Party Agreement for the transmission of such confidential information to the State of Washington;

(3) to authorize the State of Oregon to participate in enforcement actions, dispute resolution, or negotiation actions conducted under the provisions of the Tri-Party Agreement;

(4) to authorize any delay in the implementation of remedial, environmental management, or other programmatic activities at Hanford; or

(5) to require the Department of Energy to provide funds to the State of Oregon.

SEC. 3162. SENSE OF SENATE ON HANFORD MEMORANDUM OF UNDERSTANDING.

It is the sense of the Senate that—

(1) the State of Oregon has the authority to enter into a memorandum of understanding with the State of Washington, or a memorandum of understanding with the State of Washington and the Site Manager of the Hanford Reservation, Washington, in order to address issues of mutual concern to such States regarding the Hanford Reservation; and

(2) such agreements are not expected to create any additional obligation of the Department of Energy to provide funds to the State of Oregon.

Mr. HATFIELD. Mr. President, the Pacific Northwest is home to what many believe is the worst environmental mess on Earth—the Hanford Nuclear Reservation. Today, I am pleased to join with my colleague, Senator WYDEN, to enhance the voice of Oregonians in the cleanup of this site of such tremendous importance to the health and safety of our State.

Let me thank the Senators from the State of Washington, Senators GORTON and MURRAY, for their cooperation in resolving the technical details of this amendment. I look forward to continuing to the cooperative relationship our two States have shared with respect to this complex cleanup process.

Let me also thank the chairman of the Armed Services Committee, Senator THURMOND, and the ranking member, Senator NUNN, for working with Senator WYDEN and myself to resolve a number of concerns with this amendment.

The Hanford facility is located on the Columbia River within the State of Washington. From the early 1940's to the late 1980's, the U.S. Government made plutonium for nuclear weapons at the Hanford site. In the process, Hanford emitted enormous volumes of radioactive and chemical wastes, much of which found its way—through air or water—into the State of Oregon.

Hanford is just 35 miles north of the Oregon border. Not far downstream from Hanford, the Columbia River forms the border between Oregon and Washington. The cool waters of the Columbia River were vital to the locating and operation of the Hanford facility. Hanford used large amounts of water from the Columbia to cool nuclear fuel in eight reactors between 1944 and 1971. Through the years, those waters included high levels of contaminants from Hanford.

As many of my colleagues on this committee know, the shutdown of the weapons production facilities at Hanford and its subsequent cleanup efforts have been a top priority of mine during my tenure as a U.S. Senator. The waste problem at Hanford has immediate and deadly ramifications for the people of Oregon. Some specific areas of concern are the transportation of waste to and from the Hanford Reservation, the seepage of liquid waste into the Columbia River drainage from Hanford's underground storage tanks, and the past aerial releases of radioactive gasses from the reservation in the 1940's and 1950's.

Over the last 10 years, through the energy and water appropriations bill, I have been able to stop funding for the operation of the N-Reactor and Purex facilities at Hanford. I am proud of the fact that DOE's mission at Hanford has successfully been refocused from weapons production to environmental restoration. While I am pleased with the financial priority the Federal Government has placed on the Hanford cleanup operation, and recognize improvements in recent months, I share the concerns of many of my colleagues that sufficient progress has not been made to warrant the billions that have been spent.

My colleagues are also aware of my concern that Oregon is too far removed from the information flow and decision-making process at Hanford. More specifically, Oregon does not possess sufficient access to information upon which cleanup decisions are made. Nor does Oregon have the right to comment upon the important cleanup decisions that are made there.

The amendment now before the Senate will greatly enhance the information available to the State of Oregon and the voice of Oregonians in the decision-making process at Hanford. The State of Oregon will have access to all information required to be provided to the State of Washington under the Hanford Tri-Party Agreement. Oregon will have notice and comment rights in all instances where the State of Washington has such rights. The amendment makes clear that this new requirement will not slow cleanup and will not give the State of Oregon the right to participate in Tri-Party Agreement negotiations. Finally, the amendment makes clear that the States of Oregon and Washington and the Department of Energy have the authority to enter into a memorandum of understanding on areas of mutual concern to the States with regard to this important site.

Mr. President, under this amendment, Oregonians will at last be brought into the loop on Hanford cleanup. We have many decades of cleanup ahead of us. Some believe the site will never be clean. It is therefore of great importance that Oregonians have meaningful access to information about Hanford and the right to comment on that information.

Again, I thank my colleagues for their assistance in this matter and urge adoption of the amendment.

I yield the floor.

Mr. WYDEN. Mr. President, the amendment that Senator HATFIELD and I are proposing is a right-to-know act to help protect Oregonians from the unusual and highly dangerous hazards that the Hanford Nuclear Reservation poses for the people of Oregon.

There is no other contaminated Federal property in the country that has caused the serious injuries to residents of another State that Hanford has already caused to citizens of Oregon. And no other Federal site currently poses anywhere near as serious a threat to the health and safety of citizens of another State as Hanford does to our citizens.

Because of this special situation, the State of Oregon needs direct access to the same information that the Energy Department is now required to provide the State of Washington under the Hanford Tri-Party Agreement. And Oregon needs to have an opportunity to review and comment on how DOE proposes to clean up the Hanford site.

Recognizing the unique conditions present at Hanford and the immediate danger they pose for Oregonians does not set a precedent for other Federal facilities besides Hanford. It will not turn every military base with a leaking gasoline tank into a multi-State cleanup issue.

Let me put that concern to rest. First, there is simply no facility in this country—Federal or non-Federal—that compares to Hanford. In fact, Hanford is generally considered to be the most contaminated site in the Western hemisphere. You would have to go to the former Soviet Union to find a site as polluted as Hanford.

The extent of the environmental problems is mind boggling.

Over the years, 200 billion gallons of toxic and radioactive liquids from nuclear weapons production were dumped at the site. That is enough to cover Manhattan to a depth of 40 feet.

The Hanford site currently contains 56 million gallons of high-level radioactive wastes in 177 tanks. Some of these tanks are as big as the Capitol dome. At least 54 of these tanks are known or suspected to be leaking or pose risks of explosion.

The site also is currently storing 2,300 metric tons of high-level nuclear fuel rods in leaking basins located only a quarter mile from the Columbia River.

And these are just a few of the problems that we know about.

Second, there is also no other site in the country that has affected the

health and safety of residents in another State the way Hanford has affected the citizens of Oregon.

Oregonians living downwind from Hanford have suffered from thyroid cancers and other medical problems caused by airborne releases of radioactive iodine. Starting in the late 1940's and continuing through the 1950's, these releases averaged between 100 and 2,000 curies per month. To put that into perspective, the residents around Harrisburg, PA, were evacuated in 1979 when the Three Mile Island accident released 15–24 curies into the Pennsylvania countryside.

The airborne releases from Hanford were 10 to 100 times what were released from Three Mile Island, and these releases were occurring every month. Ongoing epidemiological studies have linked these releases to increased cases of thyroid cancer and other adverse health effects on Oregonians living near the site.

Hanford also poses a serious health threat to the more than 1 million Oregonians who live downstream from the site. Radioactive materials have been released into the Columbia River when water from the River was pumped through the sites nuclear reactors to cool them. Other hazardous and radioactive materials that were dumped at the site have and are continuing to seep into the River.

The bottom line is many Oregonians are suffering adverse health effects from living near Hanford. And many more are at risk of future harm because of conditions at the site.

Finally, our amendment does not set a precedent for Federal facilities nationwide because it only requires information to be provided to Oregon that is required to be provided to Washington under the Hanford Tri-Party Agreement, which is an agreement between the State of Washington, the Department of Energy, and the EPA governing the Hanford cleanup. The linkage to the Tri-Party Agreement puts the site into a special category of Federal facility cleanups, because there are only a handful of sites with comparable agreements in effect or under negotiation. It draws a bright line that divides Hanford and other major DOE weapons production sites from the hundreds of other contaminated Federal facilities around the country.

The unique factors involved in the Hanford cleanup justify granting the State of Oregon direct access to information about contamination at Hanford and an opportunity for reviewing plans for cleaning up the site.

The State of Washington and its elected representatives in the Senate, Senators GORTON and MURRAY, recognize the importance of this amendment to Oregon and have no objection to incorporating the amendments in S. 1745.

I urge my colleagues to recognize how Hanford has harmed and continues to pose a serious hazard to the people of Oregon by giving our State critical information about conditions at the site and the opportunity to play a greater role in cleanup decisions at the site.

Mrs. HUTCHISON. I believe this amendment has been cleared on the other side.

Mr. NUNN. I urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4313) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4314

(Purpose: To propose an alternative section 3158 relating to the redesignation of the Defense Environmental Restoration and Waste Management Program)

Mrs. HUTCHISON. Mr. President, on behalf of Senator MURKOWSKI, I offer an amendment that would modify section 3158 of the National Defense Authorization Act for fiscal year 1997. The amendment would express the sense of Congress that the Department of Energy program known as the Defense Environmental Restoration and Waste Management or Environmental Management Program be redesignated as the Defense Nuclear Waste Management Program. The amendment would retain the reporting requirement relating to the program redesignation.

I believe this amendment has been cleared by both sides.

Mr. NUNN. I urge the adoption of the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. MURKOWSKI, proposes an amendment numbered 4314.

The amendment is as follows:

Strike out section 3158 and insert in lieu thereof the following new section 3158:

SEC. 3158. SENSE OF CONGRESS RELATING TO REDESIGNATION OF DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the program of the Department of Energy known as the Defense Environmental Restoration and Waste Management Program, and also known as the environmental Management Program, be redesignated as the Defense Nuclear Waste Management Program of the Department of Energy.

(b) REPORT ON REDESIGNATION.—Not later than January 31, 1997, the Secretary of Energy shall submit to the congressional defense committees a report on the costs and other difficulties, if any, associated with the following:

(1) The redesignation of the program of known as the Defense Environmental Restoration and Waste Management Program, and also known as the Environmental Management Program, as the Defense Nuclear Waste Management Program of the Department of Energy.

(2) The redesignation of the Defense Environmental Restoration and Waste Management Account as the Defense Nuclear Waste Management Account.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4314) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4315

(Purpose: To require the Secretary of the Army to complete as soon as is practicable the previously authorized land conveyances involving Fort Sheridan, IL)

Mr. NUNN. For Senators SIMON and MOSELEY-BRAUN, I offer an amendment which would complete the land conveyances at Fort Sheridan, IL. I believe the amendment has been cleared on the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. SIMON, for himself and Ms. MOSELEY-BRAUN, proposes an amendment numbered 4315.

The amendment is as follows:

At the end of subtitle C of title XXVIII add the following:

SEC. 2828. REAFFIRMATION OF LAND CONVEYANCES, FORT SHERIDAN, ILLINOIS.

As soon as practicable after the date of the enactment of this Act, the Secretary of the Army shall complete the land conveyances involving Fort Sheridan, Illinois, required or authorized under section 125 of the Military Construction Appropriations Act, 1996 (Public Law 104–32; 109 Stat. 290).

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4315) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4316

(Purpose: To authorize a land conveyance, Crafts Brothers Reserve Training Center, Manchester, NH)

Mrs. HUTCHISON. Mr. President, on behalf of Senators SMITH and GREGG, I offer an amendment which would authorize the Secretary of the Army to convey 3 acres of property to Saint Anselm College in New Hampshire.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. SMITH, for himself and Mr. GREGG, proposes an amendment numbered 4316.

The amendment is as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC 2828. LAND CONVEYANCE, CRAFTS BROTHERS RESERVE TRAINING CENTER, MANCHESTER, NEW HAMPSHIRE.

(a) CONVEYANCE AUTHORIZATION.—The Secretary of the Army may convey, without consideration, to Saint Anselm College, Manchester, New Hampshire, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 3.5 acres and located on Rockland Avenue in Manchester, New Hampshire, the site of the Crafts Brothers Reserve Training Center.

(b) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not make the conveyance authorized by subsection (a) until the Army Reserve units currently housed at the Crafts Brothers Reserve Training Center are relocated to the Joint Service Center to be constructed at the Manchester Airport, New Hampshire.

(c) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. SMITH. Mr. President, I join today with my friend and colleague Senator GREGG in offering an amendment to convey approximately 3.5 acres of land to Saint Anselm College in Manchester, NH. This land is currently owned by the Army, but will soon be vacated upon completion of a military construction project that is authorized in this bill.

Saint Anselm College is a liberal arts college that was founded in 1889. The college is conducted by the Benedictine Order, and has a longstanding relationship with the U.S. Armed Forces. In fact during the two world wars, Korea, and Vietnam, members of the Benedictine community volunteered to serve as chaplains in the military.

During World War II, Saint Anselm was among the first colleges to participate in the military ''V–1'' program to assist in training young men for military service. In March 1943, the college turned its campus over to the Army Air Corps which used Saint Anselm as a pre-flight school until the end of the war. Members of the faculty were used as teachers of the pre-flight cadets in mathematics and science subjects.

In 1950, Saint Anselm College cooperated with what was then known as the ''organized reserve'' to establish an Army reserve unit on campus. The organized reserve used college facilities, classrooms in storage facilities, and college students served as members of the Reserve in a field artillery battery. The U.S. Government incurred no costs for the use of these facilities which were provided willingly by the college.

In 1954, when the Army decided it needed to establish a permanent reserve facility, Saint Anselm generously offered a building on campus. When none of the on-campus facilities proved suitable to the Corps of Engineers, the Army looked elsewhere. In the end, the site ultimately determined to be most desirable was on property that was part of the Saint Anselm campus.

Again, the college expressed its willingness to cooperate and sought to give the U.S. Government a lease at no cost for as long as the Army needed the property. Unfortunately, Government regulations prohibited building military structures on leased land. Nonetheless, in its continuing effort to cooperate with the needs of the Government, Saint Anselm gave the land to the Army free of charge. When the college donated the property, it retained an easement for a major sewer line that runs through the tract. That sewer line continues to be the principal line flowing from the campus to connect with the Manchester system.

Mr. President, Saint Anselm's had two principles in mind when it agreed to give this valuable tract of land to the Government. The first was that it intended to conduct itself as a good citizen to promote the readiness of our country, and the U.S. Army in particular—an organization with which the college had a long history of service. The second was that students of Saint Anselm College were to be an integral part of the plans which the Army had for the new reserve center.

This relationship did in fact continue, and students of the college became part of the reserve unit, receiving their military training, earning a commission, and fulfilling their military obligation. In fact, more than 50 alumni of Saint Anselm College have given their lives in wartime service to the Nation.

Mr. President, the Army Reserve will soon vacate the crafts brother facility and be absorbed into a new joint service reserve center at the Manchester Airport. The Army will have no further need for this property, which is valued at approximately $300,000. In fact, in this bill we are authorizing the final installment on the military construction project that will render the property excess. I can think of no more fitting or appropriate action than for us to convey this land back to Saint Anselm College just as the college so generously donated it to the Army some 40 years ago.

It is my understanding that the Army has no objection to this conveyance, and that it is agreeable to the managers on both sides. If it is now appropriate, I would move the adoption of this amendment.

Mrs. HUTCHISON. I believe this amendment has been cleared by the other side.

Mr. NUNN. Let me make sure I know which amendment we are talking about now. We are talking about amendment No. 4316—this is the Smith-Gregg amendment? This amendment has been cleared. I urge its adoption.

The PRESIDING OFFICER. The amendment is agreed to.

The amendment (No. 4316) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4317

(Purpose: To provide for the treatment of the Hanford Reservation, Washington, and other Department of Energy defense nuclear facilities as sites of demonstration projects for the clean-up of Department of Energy defense nuclear facilities)

Mrs. HUTCHISON. Mr. President, on behalf of Senator GORTON, I offer an amendment which would create a pilot program at the Department of Energy's Hanford Nuclear Reservation to grant the site manager enhanced authorities to accelerate cleanup and direct site operations.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. GORTON, proposes an amendment numbered 4317.

The amendment is as follows:

At the end of title XXXI, add the following:

Subtitle E—Environmental Restoration at Defense Nuclear Facilities

SEC. 3171. SHORT TITLE.

This subtitle may be cited as the ''Defense Nuclear Facility Environmental Restoration Pilot Program Act of 1996''.

SEC. 3172. APPLICABILITY.

(a) IN GENERAL.—The provisions of this subtitle shall apply to the following defense nuclear facilities:

(1) Hanford.

(2) Any other defense nuclear facility if—

(A) the chief executive officer of the State in which the facility is located submits to the Secretary a request that the facility be covered by the provisions of this subtitle; and

(B) the Secretary approves the request.

(b) LIMITATION.—The Secretary may not approve a request under subsection (a)(2) until 60 days after the date on which the Secretary notifies the congressional defense committees of the Secretary's receipt of the request.

SEC. 3173. DESIGNATION OF COVERED FACILITIES AS ENVIRONMENTAL CLEANUP DEMONSTRATION AREAS.

(a) DESIGNATION.—Each defense nuclear facility covered by this subtitle under section 3172(a) is hereby designated as an environmental cleanup demonstration area. The purpose of the designation is to establish each such facility as a demonstration area at which to utilize and evaluate new technologies to be used in environmental restoration and remediation at other defense nuclear facilities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal and State regulatory agencies, members of the surrounding communities, and other affected parties with respect to each defense nuclear facility covered by this subtitle should continue to—

(1) develop expedited and streamlined processes and systems for cleaning up such facility;

(2) eliminate unnecessary administrative complexity and unnecessary duplication of regulation with respect to the clean up of such facility;

(3) proceed expeditiously and cost-effectively with environmental restoration and remediation activities at such facility;

(4) consider future land use in selecting environmental clean up remedies at such facility; and

(5) identify and recommend to Congress changes in law needed to expedite the clean up of such facility.

SEC. 3174. SITE MANAGERS.

(a) APPOINTMENT.—(1)(A) The Secretary shall appoint a site manager for Hanford not

later than 90 days after the date of the enactment of this Act.

(B) The Secretary shall develop a list of the criteria to be used in appointing a site manager for Hanford. The Secretary may consult with affected and knowledgeable parties in developing the list.

(2) The Secretary shall appoint the site manager for any other defense nuclear facility covered by this subtitle not later than 90 days after the date of the approval of the request with respect to the facility under section 3172(a)(2).

(3) An individual appointed as a site manager under this subsection shall, if not an employee of the Department at the time of the appointment, be an employee of the Department while serving as a site manager under this subtitle.

(b) DUTIES.—(1) Subject to paragraphs (2) and (3), in addition to other authorities provided for in this subtitle, the site manager for a defense nuclear facility shall have full authority to oversee and direct operations at the facility, including the authority to—

(A) enter into and modify contractual agreements to enhance environmental restoration and waste management at the facility;

(B) request that the Department headquarters submit to Congress a reprogramming package shifting among accounts funds available for the facility in order to facilitate the most efficient and timely environmental restoration and waste management at the facility, and, in the event that the Department headquarters does not act upon the request within 30 days of the date of the request, submit such request to the appropriate committees of Congress for review;

(C) negotiate amendments to environmental agreements applicable to the facility for the Department; and

(D) manage environmental management and programmatic personnel of the Department at the facility.

(2) A site manager shall negotiate amendments under paragraph (1)(C) with the concurrence of the Secretary.

(3) A site manager may not undertake or provide for any action under paragraph (1) that would result in an expenditure of funds for environmental restoration or waste management at the defense nuclear facility concerned in excess of the amount authorized to be expended for environmental restoration or waste management at the facility without the approval of such action by the Secretary.

(c) INFORMATION ON PROGRESS.—The Secretary shall regularly inform Congress of the progress made by site managers under this subtitle in achieving expedited environmental restoration and waste management at the defense nuclear facilities covered by this subtitle.

SEC. 3175. DEPARTMENT OF ENERGY ORDERS.

Effective 60 days after the appointment of a site manager for a defense nuclear facility under section 3174(a), an order relating to the execution of environmental restoration, waste management, technology development, or other site operation activities at the facility may be imposed at the facility if the Secretary makes a finding that the order—

(1) is essential to the protection of human health or the environment or to the conduct of critical administrative functions; and

(2) will not interfere with bringing the facility into compliance with environmental laws, including the terms of any environmental agreement.

SEC. 3176. DEMONSTRATIONS OF TECHNOLOGY FOR REMEDIATION OF DEFENSE NUCLEAR WASTE.

(a) IN GENERAL.—The site manager for a defense nuclear facility under this subtitle shall promote the demonstration, verification, certification, and implementation of innovative environmental technologies for the remediation of defense nuclear waste at the facility.

(b) DEMONSTRATION PROGRAM.—To carry out subsection (a), each site manager shall establish a program at the defense nuclear facility concerned for testing environmental technologies for the remediation of defense nuclear waste at the facility. In establishing such a program, the site manager may—

(1) establish a simplified, standardized, and timely process for the testing and verification of environmental technologies;

(2) solicit and accept applications to test environmental technology suitable for environmental restoration and waste management activities at the facility, including prevention, control, characterization, treatment, and remediation of contamination;

(3) consult and cooperate with the heads of existing programs at the facility for the certification and verification of environmental technologies at the facility; and

(4) pay the costs of the demonstration of such technologies.

(c) FOLLOW-ON CONTRACTS.—(1) If the Secretary and a person demonstrating a technology under the program enter into a contract for remediation of nuclear waste at a defense nuclear facility covered by this subtitle, or at any other Department facility, as a follow-on to the demonstration of the technology, the Secretary shall ensure that the contract provides for the Secretary to recoup from the contractor the costs incurred by the Secretary pursuant to subsection (b)(4) for the demonstration.

(2) No contract between the Department and a contractor for the demonstration of technology under subsection (b) may provide for reimbursement of the costs of the contractor on a cost plus fee basis.

(d) SAFE HARBORS.—In the case of an environmental technology demonstrated, verified, certified, and implemented at a defense nuclear facility under a program established under subsection (b), the site manager of another defense nuclear facility may request the Secretary to waive or limit contractual or Department regulatory requirements that would otherwise apply in implementing the same environmental technology at such other facility.

SEC. 3177. REPORTS TO CONGRESS.

Not later than 120 days after the date of the appointment of a site manager under section 3174(a), the site manager shall submit to Congress and the Secretary a report describing the expectations of the site manager with respect to environmental restoration and waste management at the defense nuclear facility concerned by reason of the exercise of the authorities provided in this subtitle. The report shall describe the manner in which the exercise of such authorities is expected to improve environmental restoration and waste management at the facility and identify saving that are expected to accrue to the Department as a result of the exercise of such authorities.

SEC. 3178. TERMINATION.

The authorities provided for in this subtitle shall expire five years after the date of the enactment of this Act.

SEC. 3179. DEFINITIONS.

In this subtitle:

(1) The term ''Department'' means the Department of Energy.

(2) The term ''defense nuclear facility'' has the meaning given the term ''Department of Energy defense nuclear facility'' in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

(3) The term ''Hanford'' means the defense nuclear facility located in southeastern Washington State known as the Hanford Reservation, Washington.

(4) The term ''Secretary'' means the Secretary of Energy.

Mr. GORTON. Mr. President, in the far southeastern corner of Washington State, workers at the Hanford Reservation helped America win World War II and fight the cold war with the strength of our science and technological advancements. We did a good job there, but work remains—and that is the business of cleanup.

For years the Department of Energy has managed Hanford, and all of its sophisticated problems, with varying degrees of competency. I have an amendment today, that has been cleared by the committee, which I hope changes the very nature of management at our site.

A similar version of this amendment appears in the House version of the National Defense Authorization Act, thanks to the hard work of the Congressman from the Fourth District in Washington, Doc Hastings. His dedication to Hanford issues has been unparalleled; his knowledge and perseverance profound. I have worked closely with the Congressman, and am hopeful that when this bill goes to conference, our work will remain intact.

Let me briefly describe for you the origins of this amendment, and what Doc and I are hoping to accomplish.

For fiscal year 1996, Hanford enjoyed a budget that totaled near $1.7 billion. With that money, the Department of Energy oversees the cleanup of 77 million gallons of the worst stuff on Earth: highly contaminated sludge, salt cake, and effluence. DOE employs over 13,000 employees, manages 80 percent of the Nation's plutonium and has stewardship of 562 square miles some of the most beautiful land in Washington State. These are tremendous responsibilities, and it is often overlooked just what type of impact the Department of Energy has on the livelihood of so many Washingtonians and the health of our environment.

Hanford is run by the Department of Energy, which has a manager who oversees all of the site's operations. He makes decisions, everyday, impacting the region's economies and its well being. He does everything from attend Kiwanis Club functions to deciding if hundreds of rods of spent plutonium should be moved away from the Columbia River. It is not an easy job, and we in Congress and the Department's headquarters have done little to make it easier.

Let me give you an example of some of the systemic problems which Hanford, and its site manager, face. Last year the Hanford site manager, John Wagoner, saw the urgent need to move spent plutonium rods sitting mere yards from the Columbia River, away from their present location to a new and safer home far from the riverbanks. Doing this would, of course, cost money—more than the Department allotted for in that fiscal year.

John also knew that there was $30 million available from another program at the site that was simply no longer needed. So rather than simply moving the money from one of the accounts he oversees to another, John was forced to prepare what is known as a reprogramming request.

In a reprogramming request, Department headquarters puts together a list of projects complexwide where money needs to be moved from one account to another and submit them to the Congress for approval. These packages are vetted through departmental budgetary processes and then sent expeditiously to Congress for approval. Or so it happens in a perfect world. Instead, as we saw with John Wagoner's request last summer, the request will languish in a bureaucratic maze. The Department has a ploy which goes something like this: Wait for a number of requests from the sites to arrive at headquarters and place all of them in a reprogramming package and submit them to the various committees, so that those that are objectional will be lost in the flood of requests. So John sent up his simple request, and he waited. And waited. And waited. Almost 7 months went by—while the plutonium remained at the river's edge—while someone, somewhere was sitting on this request, or ignoring it deep in that concrete bunker known as the Forrestal Building.

I wish I could tell my colleagues that the request was found, its importance realized by the Department, and it was rushed to the Hill with an eager Department championing its merits. Well, I am sorry to report that that scenario never occurred.

Instead, the contractor-manager of the K-Basin project, a tenacious young man named John Fulton, contacted my office for our help. So help we did—in fact, I amended last year's defense authorization bill to shift funds so that John Wagoner could do the job he needed to do. It shouldn't be that way—and all of the explaining DOE cares to do on this issue isn't worth the ink it is printed with.

So what my amendment does is this: it says that if a site manager submits a reprogramming request, department headquarters has 30 days to do one of the following: First, accept the request and forward it to Congress; second, reject the request or; third, simply ask for more time to assess its significance.

Not very strict—and at the end of the day quite reasonable. Now if DOE fails to act, then the site manager can take his reprogramming request directly to Congress and it can be vetted through the normal congressional processes.

What we accomplish here is simple: Give the site manager in charge of a defense nuclear facility the stature he or she deserves. I said earlier that Hanford's budget was around $1.7 billion last year. Our site manager can move, at his own discretion without headquarters or congressional oversight, less than one-third of 1 percent of his total budget. In real dollars, that is somewhere near $3 million. The responsibility is so disproportional to the authority we invest with our site manager, it's no wonder in the past we have had so much paperwork and so few results. But that is changing, and the steps taken here will spur that progress forward.

This amendment also directs the Secretary to review just what qualifications are necessary for the job of site manager. We need to turn the spotlight on the job and give site manager the clout and stature his position deserves. It also seems logical that since we are altering the responsibilities and authorities vested in the position today, the position description needs to be revisited. There is ample room here for the Secretary to conduct that review at her discretion. Whomever the Secretary appoints to this position, be it the current site manager or someone else, that person will have the benefit of the Secretary's full trust, as well as the benefit of these extended authorities.

On the matter of new departmental orders, DOE frequently approves orders that are cumbersome and unrelated to cleanup activities at the site. These orders can contribute to excessive overhead costs. Since the Department has taken positive steps to streamline existing orders, this provision applies only to future DOE orders by requiring that any new order be found by the Secretary of Energy to be essential to human health and safety or the fulfillment of critical administrative functions.

Finally, the deployment of innovative and new technologies at Hanford is one of the site's major accomplishments over the past year. The site manager is required to promote the demonstration, verification, certification and implementation of innovative environmental technologies at the facility. New technologies will enable the Department to achieve cleanup at a heightened pace, and with real cost savings to the American taxpayer.

I am happy that my colleagues in the Senate have approved my amendment, and look forward to seeing this bill signed into law.

Mrs. HUTCHISON. Mr. President, I believe this amendment has been cleared by the other side.

Mr. NUNN. Mr. President, this amendment has been cleared. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4317) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4318

(Purpose: To provide funds for the construction and improvement of certain reserve facilities in the State of Washington)

Mrs. HUTCHISON. Mr. President, on behalf of Senator GORTON, I offer an amendment which would authorize certain military construction projects for the Navy and Army Reserves in the State of Washington.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. GORTON, proposes an amendment numbered 4318.

The amendment is as follows:

At the end of title XXVI of the bill, insert the following:

SEC. 2602. FUNDING FOR CONSTRUCTION AND IMPROVEMENT OF RESERVE CENTERS IN THE STATE OF WASHINGTON.

(a) FUNDING.—Notwithstanding any other provision of law, of the funds appropriated under the heading ''MILITARY CONSTRUCTION, NAVAL RESERVE'' in the Military Construction Appropriations Act, 1995 (Public Law 103–307; 108 Stat. 1661), that are available for the construction of a Naval Reserve Center in Seattle, Washington—

(1) $5,200,000 shall be available for the construction of an Army Reserve Center at Fort Lawton, Washington, of which $700,000 may be used for program and design activities relating to such construction;

(2) $4,200,000 shall be available for the construction of an addition to the Naval Reserve Center in Tacoma, Washington;

(3) $500,000 shall be available for unspecified minor construction at Naval Reserve facilities in the State of Washington; and

(4) $500,000 shall be available for planning and design activities with respect to improvements at Naval Reserve facilities in the State of Washington.

(b) MODIFICATION OF LAND CONVEYANCE AUTHORITY.—Paragraph (2) of section 127(d) of the Military Construction Appropriations Act, 1995 (Public Law 103–337; 108 Stat. 1666), is amended to read as follows:

''(2) Before commencing construction of a facility to be the replacement facility for the Naval Reserve Center under paragraph (1), the Secretary shall comply with the requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) with respect to such facility.''.

Mrs. HUTCHISON. Mr. President, I believe the amendment has been cleared by the other side.

Mr. NUNN. I urge the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4318) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4319

(Purpose: To increase penalties for certain traffic offenses on military installations)

Mrs. HUTCHISON. Mr. President, on behalf of Senators THURMOND and NUNN, I offer an amendment which would increase the penalties for certain traffic offenses on Federal property.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. THURMOND, for himself, and Mr. NUNN, proposes an amendment numbered 4319.

The amendment is as follows:

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

SEC. 1072. INCREASE IN PENALTIES FOR CERTAIN TRAFFIC OFFENSES ON MILITARY INSTALLATIONS.

Section 4 of the Act of June 1, 1948 (40 U.S.C. 318c) is amended to read as follows:

''SEC. 4. (a) Except as provided in subsection (b), whoever shall violate any rule or regulation promulgated pursuant to section 2 of this Act may be fined not more than $50 or imprisoned for not more than thirty days, or both.

''(b) Whoever shall violate any rule or regulation for the control of vehicular or pedestrian traffic on military installations that is promulgated by the Secretary of Defense, or the designee of the Secretary, under the authority delegated pursuant to section 2 of this Act may be fined an amount not to exceed the amount of a fine for a like or similar offense under the criminal or civil law of the State, territory, possession, or district where the military installation is located, or imprisoned for not more than thirty days, or both.''.

Mrs. HUTCHISON. Mr. President, I believe this amendment has been cleared by the other side.

Mr. NUNN. Mr. President, this amendment has been cleared, and I urge its approval.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4319) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4320

(Purpose: To extend the term of the remaining transitional member of the United States Court of Appeals for the Armed Forces)

Mrs. HUTCHISON. Mr. President, on behalf of Senator THURMOND, I offer an amendment which would extend the term of the remaining transitional member of the United States Court of Appeals for the Armed Forces.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. THURMOND, proposes an amendment numbered 4320.

The amendment is as follows:

At the end of section 1061 add the following:

(c) REPEAL OF 13-YEAR SPECIAL LIMIT ON TERM OF TRANSITIONAL JUDGE OF UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—(1) Subsection (d)(2) of section 1301 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1575; 10 U.S.C. 942 note) is amended by striking out ''to the judges who are first appointed to the two new positions of the court created as of October 1, 1990—'' and all that follows and inserting in lieu thereof ''to the judge who is first appointed to one of the two new positions of the court created as of October 1, 1990, as designated by the President at the time of appointment, the anniversary referred to in subparagraph (A) of that paragraph shall be treated as being the seventh anniversary and the number of years referred to in subparagraph (B) of that paragraph shall be treated as being seven.''.

(2) Subsection (e)(1) of such section is amended by striking out ''each judge'' and inserting in lieu thereof ''a judge''.

Mrs. HUTCHISON. Mr. President, I believe this amendment has been cleared by the other side.

Mr. NUNN. Mr. President, this amendment has been cleared. I would like to note for the Record that Mr. Effron, who has worked on a number of these amendments, recused himself from any consideration of this amendment since his name has been sent up as a member of the Court of Military Appeals, if approved by the Senate. So, Mr. Effron played no part in this amendment whatsoever, and it was cleared by other staff members. I think that should be noted for the Record.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4320) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4321

(Purpose: To prohibit the collection and release of detailed satellite imagery with respect to Israel and other countries and areas)

Mrs. HUTCHISON. Mr. President, on behalf of Senators KYL and BINGAMAN, I offer an amendment which would prohibit the collection and release of detailed satellite imagery with respect to Israel and any other country or geographic area designated by the President for this purpose. However, satellite imagery that is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources may be released.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for Mr. KYL, for himself, and Mr. BINGAMAN, proposes an amendment numbered 4321.

The amendment is as follows:

At the end of subtitle D of title X, add the following:

SEC. 1043. PROHIBITION ON COLLECTION AND RELEASE OF DETAILED SATELLITE IMAGERY RELATING TO ISRAEL AND OTHER COUNTRIES AND AREAS.

(a) COLLECTION AND DISSEMINATION.—No department or agency of the Federal Government may license the collection or dissemination by any non-Federal entity of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

(b) DECLASSIFICATION AND RELEASE.—No department or agency of the Federal Government may declassify or otherwise release satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

Mr. KYL. Mr. President, I rise today with my colleague from New Mexico, Senator JEFF BINGAMAN, to offer an amendment which would,

prohibit any department or agency of the federal government from issuing licenses for the collection and dissemination of satellite imagery with respect to Israel, or any other country or geographic area concerned that is routinely available from commercial sources. The amendment further prohibits the declassification or otherwise release of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

This amendment is necessary, Mr. President, because on February 24, 1995, President William J. Clinton issued Executive Order 12951, which authorized the release of ''certain scientifically or environmentally useful imagery acquired by space-based national intelligence reconnaissance systems known as the Corona, Argon, and Lanyard missions.'' The Executive order is scheduled to come into effect 18 months after issuance, that is on August 24, 1996.

This broadly written, and seemingly harmless, Executive order could unintentionally have a deleterious impact on the national security of the state of Israel. The Corona series of images contains spy-quality 2-meter resolution details of some of Israel's sensitive fixed target facilities, such as air bases and scientific installations. Enemies of Israel could use the photos released under Executive Order 12951 to target Israel for long-range attacks or assaults by terrorists.

Mr. Presidents, in 1994 I was pleased to moderate an agreement between Orbcom, a private company seeking to sell high-resolution commercial satellite imagery, and supporters of Israel, which resulted in Orbcom volunteering not to image Israel. I applauded Orbcom's decision in 1994, and I applaud it again today, reflecting as it does a keen understanding that images of Israel represent a unique and potentially ominous threat to its national security. This is not precisely the same issue, but it is my hope that the executive branch will work out an agreement with Israel regarding the release of these photos. Unfortunately, to date, little progress has been made in the negotiations.

I understand there will be those who oppose this action, claiming that the commercial market will be stifled. The Commerce Department claims that the Russians are today selling 2-meter resolution images. I know that the Russians have indicated a willingness to do

this, but I have not seen any evidence that this has actually occurred. And France's policy is still to restrict French SPOT imagery to no less than 5-meter resolution. Rather than driving the market to even higher resolution imagery, I believe the United States should establish a memorandum of understanding with France and Russia regarding the type and quality of images to be released publicly. Without such an agreement, we may be creating risk where none exists today and potentially undermining the security of our friend and ally, Israel.

Mr. BINGAMAN. Mr. President, I rise in support of Senator KYL'S amendment with regard to the collection and release of intelligence quality imagery of Israel and other countries.

Mr. President, the Senator from Arizona and I have been working on this issue since he was in the House and serving on the House Armed Services Committee. Back in 1994, when it first came to our attention that a United States firm which was then called Eyeglass was planning to enter into an agreement with a Saudi firm, EIRAD, to establish a ground station in Riyadh that would be capable of receiving and distributing spy-satellite quality imagery of Israel throughout the Middle East, we organized letters from House and Senate Members urging the administration to reject this proposal. Over 60 Senators signed the Senate version of the letter in October 1994. A similar large number of House Members signed the letter organized by then Congressman KYL.

Mr. President, that problem was ultimately resolved in May 1995 with an exchange of letters between the Commerce Department and the firm, by then called Orbimage, in which the firm agreed to exclude the territory of Israel from its viewing area and to put a technical fix on the satellite that would prevent such viewing. With that assurance, the Commerce Department agreed to the rest of the EIRAD deal.

Unfortunately, that did not solve Israel's problem because there are several other United States firms who are planning to launch so-called commercial imaging satellites with resolutions at ground level as low as one meter. Israel, as one of our closest allies, has been working with the administration for the past year, to see if its concerns can be accommodated under the licenses of the other potential American operators of commercial high-resolution satellites. Frankly, the industry and the Commerce Department have been resisting these reasonable requests while many in the national security agencies have been trying to extend the policy established in the Orbimage case.

Why is Israel concerned? Israel is a small country that takes its security very, very seriously. It has enjoyed total air superiority over its territory for decades. A lot of its qualitative advantage over its numerically superior potential foes derives from its control of its airspace and the inability of its foes to find, let alone target critical defense facilities. Obviously, the United States and the former Soviet Union were able to image Israel with their spy satellites, as they were able to image the entire globe. But those spy photos were not shared with Israel's foes, certainly ours were not.

Now with the end of the cold war the United States is leading the way toward commercialization of what once was a treasured secret. There is a technological imperative to do this because as a result of decades of Federal investment and many billions of Federal dollars, our firms clearly have a technological lead. Israel finds this very threatening. It has asked for our help in preserving its qualitative edge as long as possible. I believe we should give our friend this help. Doing so is clearly permitted under the administration's 1994 policy on commercial high-resolution imaging. As the Eyeglass/Orbimage case demonstrated and as the 1992 Remote Sensing Act envisioned, the U.S. Government retains the right to control the shutters of our commercial satellites for foreign policy and national security reasons.

This is a time for such control.

Mr. President, the argument against granting Israel's request was summed up in an editorial in this week's Space News. It claims that our whole nascent industry will come crashing down if this precedent is set. That frankly is hogwash. Our industry cannot and should not try to make profits by providing spy satellite images of Israel to Syria and Libya and Iraq and Iran. If they ever thought that market would be allowed to them, they were misreading the Congress. As I said earlier, the precedent was set in the Eyeglass case that we would go the extra mile for Israel's security.

There are a very limited number of similar cases around the globe. Our policy will ultimately have to deal with those as well, for instance South Korea and Bosnia where Americans are deployed. But the vast majority of the Earth's surface will be available to our imaging firms if there really is a multibillion-dollar commercial market for geographic information systems with 1 meter resolution. I have my doubts about the size of that market, as apparently many investors do as well. But if it's there, excluding Israel from it for the next decade or so will do no damage to our firms' prospects or profits.

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

Mrs. HUTCHISON. Mr. President, I am told this amendment has been cleared by the other side.

Mr. NUNN. Mr. President, this amendment has been cleared, and I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4321) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4322

(Purpose: To make funds available for research, development, test, and evaluation activities relating to humanitarian demining technologies)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator LEAHY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. LEAHY, proposes an amendment numbered 4322.

The amendment is as follows:

At the end of subtitle A of title II, add the following:

SEC. 204. FUNDS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION RELATING TO HUMANITARIAN DEMINING TECHNOLOGIES.

Of the amounts authorized to be appropriated by section 201(4), $18,000,000 shall be available for research, development, test, and evaluation activities relating to humanitarian demining technologies (PE0603120D), to be administered by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

Mr. LEAHY. Mr. President, I am very pleased that the managers of the bill, Chairman THURMOND and Senator NUNN, have accepted my amendment to increase the budget of the Humanitarian Demining Technologies Program to $18 million for fiscal year 1997. This represents about a $10 million increase above the President's request, but my amendment is supported by the Department of Defense. I have no doubt, based on the inquiries I have received from other Senators who have expressed support for this effort, that if there were a rollcall vote on the amendment it would pass overwhelmingly, if not unanimously. I also want to thank Senators THURMOND and NUNN for finding an acceptable offset for my amendment in the Advanced Concept Technology Demonstration Program—PE#0603750D.

Adequate funding for demining technologies is urgently needed, as the experience of our troops in Bosnia has so graphically illustrated. They found themselves surrounded by millions of hidden landmines that had been scattered randomly over the countryside, with virtually no way to locate them besides hand-held metal detectors and probes. This is the same technology that has been used for decades, and although effective, it is terribly time consuming and dangerous.

Bosnia is just one example. There is wide recognition that the problem of unexploded landmines, particularly in countries where our troops are most likely to be sent on peacekeeping missions, has reached crisis proportions. There are an estimated 100 million of these hidden killers in over 60 countries, each one waiting to explode from

the pressure of a footstep. Many of them are made of plastic, and cannot be detected with standard metal detecting equipment. The cost of locating and destroying the mines is immense, in both dollars and lives.

A great deal of money has been spent to develop more and more sophisticated landmines, and to develop countermine warfare technology to enable our forces to breach enemy minefields. But cutting a path through a minefield quickly and safely is a very different problem from humanitarian demining, which involves getting rid of every single mine in a large area. That is the only way to assure the local population that it is safe to return. Yet until this program, almost nothing had been done to improve the technology for demining. Imagine the time it takes to demine an area the size of half of Angola with a hand-held probe, where there are an estimated 10 million mines, or Bosnia, where there are 3 million mines. It will take generations.

The generally accepted estimate of the cost of demining is from $300 to $1,000 per mine, when you factor in the cost of training and equipment. That is obviously completely unaffordable for countries like Bosnia or Angola.

The Pentagon's Humanitarian Demining Technologies Program was started 2 years ago with $10 million that I requested in the Fiscal Year 1995 Defense Appropriations bill. It was supported by Chairman THURMOND and Senator NUNN at that time. For the past 2 years, the program, which is managed by the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict [SOLIC] and is located at Fort Belvoir, has been supporting research and conducting tests on a wide range of demining technologies. Some of them have been put to use by our troops in Bosnia.

Unfortunately, there is no silver bullet solution to the mine problem, because there are so many variables. Mines are scattered in jungles, rivers, sandy deserts and mountainous terrain. The purpose of the Humanitarian Demining Technologies Program is to pursue any promising concept. We are not looking for high-tech solutions, although we do not rule them out. It will require a combination of technologies to locate the mines in such varied conditions. Most important, we need technologies that are appropriate for low budget operations in places where spare parts may be unavailable.

The Office of the Assistant Secretary for Special Operations and Low Intensity Conflict is the appropriate overseer of this program. Unlike the Army, which does not have a demining mission, SOLIC also manages the Humanitarian Demining Program which sends U.S. military personnel overseas to train foreign personnel in landmine clearance. SOLIC has been a proponent of efforts to rid the world of mines, and has done a good job of managing the demining technologies program so far. My amendment assures that it will continue to do so.

Mr. President, the United States cannot solve this problem by itself. It is going to require the involvement and resources of the international community. But we have capabilities that other nations do not, and there is intense interest in the private sector to develop better demining technology. Every week, my office receives inquiries from representatives of private industry who have ideas about how to do this. Some are impractical, others are promising. This program aims to separate the wheat from the chaff, and I am confident that this relatively small investment in funds will reap real rewards for our troops and millions of innocent civilians.

I thank Chairman THURMOND and Senator NUNN for their support, and the Defense Department for its support and recognition of the need to intensify and expand this program. I ask unanimous consent that a Department of Defense position paper expressing support for my amendment be printed in the RECORD.

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

POTENTIAL AMENDMENT TO S. 1745—SASC VERSION OF THE FY97 DEFENSE AUTHORIZATION BILL

Amendment Number:

Service Affected: OSD, Army.

Statement of Amendment: The amendment would make available $18 million for research, redevelopment, test and evaluation activities relating to humanitarian demining technologies to be administered by the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict.

Effect of Amendment: This amendment would increase the funding level of the humanitarian research and development program, and in truth, accelerate the development and testing of additional systems and equipment to determine with reliability the presence of minefields, detect mines and discriminate between mines and other objects, and facilitate volume clearance of mines with increased safety and reliability. The amendment would also allow new states that explore solutions in higher technology areas that are unaffordable at budgeted levels.

DoD Position: Support:

On May 16, 1996, the President announced an initiative to ''significantly expand'' DoD's humanitarian demining program.

The additional funds will accelerate the development and the availability of highly effective systems equipment for Humanitarian demining.

This amendment will allow the Department to implement a robust research, development, test, and evaluation program for humanitarian demining.

Mr. LEAHY. Mr. President, I also ask that the RECORD reflect that Senator BOXER is a cosponsor of my amendment.

Mr. NUNN. Mr. President, I understand this amendment has been cleared on the other side of the aisle. The purpose of this amendment is to increase the funding for RDT&E related to humanitarian demining technologies to $18 million from the requested and authorized $7.746 million and provide for it to be administered by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

I understand this amendment has been cleared. I urge its adoption.

Mrs. HUTCHISON. It has been cleared. I urge adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4322) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HUTCHISON. Mr. President, I believe that is the end of the cleared amendments. We have made, I think, significant progress, and I just hope that we can continue to make progress on this bill so that we will be able to finish it in the next 2 days.

Mr. NUNN. I share that sentiment.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

AMENDMENT NO. 4090

Mr. LAUTENBERG. Mr. President, I want to take a few minutes to discuss an amendment that is pending, as I understand it, and has been reviewed in some conversations on the floor. I want to make sure the record is clear, because I think in the process of comments, I have been accused of holding up an amendment. I want to make sure that everyone clearly understands my position.

I support the amendment offered by the distinguished Senator from Virginia which would help address the problem of the stalking of military personnel and their families. Although limited in scope, this amendment builds on the stalking legislation in the Violence Against Women Act, enacted as part of the 1994 Anticrime Act, which I strongly supported.

That act represented an important national commitment to eliminate domestic violence, a plague that undermines the security, health, and future of millions of American women and their families.

Currently, all 50 States have stalking laws on the books, and these are primary legal tools for addressing the problem of stalking, but the Federal statute also is important in addressing certain types of interstate stalking. Yet, the current Federal statute is drawn narrowly and applies only to a spouse or someone who can be described as an intimate partner.

This amendment would expand the statute to include anyone, including a stranger, who travels across State lines with the intent to injure or harass or coerce or verbally abuse any member of the Armed Forces or their immediate family.

I think it makes sense to include strangers in the scope of the Federal statute, Mr. President, because not all

stalkers are related to their victims, and anyone victimized by this crime deserves protection, no matter who is doing the stalking.

I also think it should not matter who is being stalked, so I support covering all stalking victims, not just those who are in the Armed Forces.

Still, Mr. President, I support this amendment as a limited, but positive, step forward, even though I would like it to go further.

Some of my colleagues may wonder why we are considering an amendment on stalking on a Defense Department authorization bill. In fact, the House of Representatives has already approved a bill similar to this amendment, but that applies to all stalking victims, not just military personnel. That bill is ready for floor action here in the Senate.

I have written to the majority leader to urge that the legislation be taken up as soon as possible. I also indicated in my letter that I would like an opportunity to amend the bill in order to strengthen the protections that it fundamentally is recommending.

My amendment is very simple. It would prohibit any person who has been convicted of domestic violence from possessing a firearm. The amendment says, pretty simply, that those who beat their wives, who abuse their children ought not to have a gun, period. That is the way I see it.

Mr. President, in my view, that would greatly strengthen the antistalking law, and it is a logical complement to it. I have been hoping that both my proposal and the antistalking proposal could be enacted together.

Mr. President, we have heard about the appropriateness of my amendment on this and why it should not be. Mr. President, I would ask why an antistalking amendment of this general nature belongs on a defense bill anyway. I can understand it and would support it because I think whatever we do to protect the health and well-being of our citizens ought to be considered top priority and injected wherever it can be.

So, Mr. President, the thing that I find confusing is, why is it OK to protect people from stalking but not to protect those abused wives and children from a man, husband, or intimate who flies into a rage, rage enough to beat up a woman, beat up a child, and say, ''Well, perhaps that wouldn't be acceptable here.'' Let us find out. Let us find out. Let us have a vote instead of these kinds of personal accusations, ''He's holding it up.''

Senator LAUTENBERG is not holding up this legislation. I want the record to be perfectly clear. Those accusations do nothing to further the cause of protection of women and their families.

Let us face it, the majority has declined to give me an opportunity to have this amendment heard. Why? Is it because people on that side of the aisle, maybe even some on this side, are afraid to say no, that someone ought to have a gun even though they are a wife beater and can fly into a rage at any time, rage enough to beat up a woman. You see scars and abuse, physically, on women constantly.

Courts have an inclination, we unfortunately find, to dismiss charges against wife beaters, saying, ''Well, he's really not a criminal. You know, he just lost his temper.'' As a matter of fact, in Baltimore, not far from here, a man who murdered his wife was sentenced to weekends in jail and not a long time on probation. Why? Because the judge said, ''How can you give a noncriminal a criminal conviction?''

So, Mr. President, what we are looking at here is process, not protection. In my view, this antistalking legislation is important, and so is the ''no guns for wife beaters and child abusers.'' It ought to be enacted together.

The junior Senator from Texas has been opposed to that. As a matter of fact, in conversations that we have had, she suggested, well, it will not pass. Let us find out. You know what I would like to do? I would like to have the public find out. I would like them to see who is going to vote to continue gun possession by wife beaters, by child abusers. That is what I want the public to see. But the junior Senator from Texas said, no, we will keep that little secret among us. We do not want that on this bill.

It is time to fish or cut bait, I think, Mr. President. The concern is, it is too controversial, apparently, to take guns out of the hands of wife beaters and child abusers. That concept is just too controversial.

It is hard for me to believe that many of my colleagues, even those who generally oppose gun control, really believe that wife beaters and child abusers should have guns. At least until now no Senator—no Senator—has been willing to stand on the floor and explain to me why they disagree with my proposal. I would like to hear the Senator from Texas explain why it is a bad idea besides, ''It's a process, and perhaps we'll never get it through.'' Let us find out. Are we interested in politics, or are we interested in protection?

Mr. President, my amendment does not propose broad controls on firearms. At its heart it is a proposal to reduce domestic violence. That is why it is so strongly supported by people like the National Coalition Against Domestic Violence, the National Network to End Domestic Violence, and many others who are concerned about the problem of domestic violence.

So, Mr. President, I continue to hope that we can enact both the broad antistalking proposal and my legislation to keep guns away from wife beaters and child abusers. I hope that the majority will permit the full Senate to take up these proposals without delay.

With that, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

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

Mrs. HUTCHISON. Mr. President, I am, I have to say, disappointed that the Senator from New Jersey did not come to the floor to say that he would take his hold off the antistalking bill that he made a great statement of support for. I had hoped that he would come and do that, because when he first put his hold on the bill, I thought that perhaps we could work something out so that he would be able to have his gun amendment on some piece of legislation.

In fact, his amendment has not been cleared through the Judiciary Committee and has not gone through the process. I hope that it will be able to be heard in the Judiciary and be able to have its day in court.

But he is mixing apples and oranges when he says that he wants the bill to go through with his amendment on it. That is not the option we have before us. The Senator from New Jersey well knows that it is not that his amendment will not pass. I do not know if it will pass or it will not. It is that his amendment will keep my bill to protect women and children who are victims of harassment and threats, who are victims of people who cross interstate boundaries, my bill will not be brought up. That is the effect of his hold on my bill.

I would love to see Senator LAUTENBERG go to the Judiciary Committee, comply with the rules that everyone else complies with, and let the Judiciary Committee take his amendment, do with it as it will. But for him to say that he requires that his amendment be taken up with this bill, which has been cleared by 99 Members of the Senate, I think is a smokescreen.

I hope that Senator LAUTENBERG, who professes to agree with the merits of this bill, will in fact let this bill go before this week is out. This bill has been pending for a month. He knows it will not be brought up with an amendment. So why not provide the protections that are going to be provided in this Armed Services authorization bill for people in the military and on military bases for every other woman and child that might be a victim of this kind of harassment around the country?

I implore the Senator from New Jersey to lift his hold on this bill, to go through the Judiciary Committee, as this bill already has, and join with every Member of the House of Representatives and every Member of the U.S. Senate and send this bill to the President.

We have every reason to believe that the President will sign this bill, and he would do it quickly. We would provide those protections immediately for the women and children who have known the threats and the harassment and the terror that not only has been perpetrated on people around this country, but, in fact, the sad thing is, Mr.

President, because we do not have all of the tools to prevent this harassment, the threats have in some cases been realized. In fact, women have been murdered in this country by people who have been threatening for months, but we did not have the ability to stop the threat because we did not have the laws on the books that recognized that this could, in fact, lead up to an actual crime. Now we have the ability to do something about this, and Senator LAUTENBERG is holding that bill up. He is holding it hostage for another amendment.

We do not have to argue the merits of his amendment. All we have to argue is whether he will allow my bill to come to the floor, my bill which has been cleared by every other Member of the Senate and the House. Senator FEINSTEIN had an amendment that she wanted to add to this bill, and I asked her if she would allow her amendment to go on another bill and let this bill go. She was a wonderful person. She said, ''Of course I will,'' because she understands that getting this amount of help for the women and children who are victims of harassment and threats in this country is a worthy goal, and she sees it could be realized. She did step back on her amendment.

Senator GRAMM asked if he could put on a very good amendment that would require a registration and notification capability for a person that would move into a neighborhood that had a record of conviction for harassment or even actual sexual crimes against a child. He asked that amendment be put on. It is a great amendment. It is an amendment I am a cosponsor of. He agreed to step aside, because this was a unanimous agreement that we could come to and he did not want to hold up the progress of the bill.

Senator GRAMM and Senator FEINSTEIN both asked for amendments that were good amendments, amendments I support, to be put on this bill, but because it would have to go back to the House, they agreed not to put their amendments on this bill so it could go directly to the President. I hope Senator LAUTENBERG will hear my plea and the plea of Joy Silverman, who was here, who is a victim herself, and others around the country who might be protected if Senator LAUTENBERG would lift this hold. I urge Senator LAUTENBERG to do that. I ask unanimous consent that he be allowed to be named a cosponsor of my bill. I would love for him to be a part of this effort.

Mr. President, Senator LAUTENBERG still has the opportunity to lift his hold and do what is right on this bill, just as Senator FEINSTEIN and Senator GRAMM have done. I hope he will see his way clear to do that before tomorrow so the President can sign this bill and it will not have to go back to the House and we will have more protection on the books for women and children in this country who are victims today of threats and harassment that could be realized if we do not give them the tools to protect themselves.

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

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

Mr. THURMOND. Mr. President, I ask unanimous consent to vitiate the yeas and nays on the Warner-Hutchison second-degree antistalking amendment.

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

Mr. THURMOND. I urge adoption of the antistalking amendment and the underlying Kempthorne amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4090.

The amendment (No. 4090) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4089

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4089, as amended.

The amendment (No. 4089), as amended, was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. HUTCHISON. Mr. President, I thank the Senator from South Carolina and the Senator from Georgia for clearing this amendment. I want to particularly thank Senator WARNER and Senator KEMPTHORNE. When I was not able to get the full stalking bill through that would protect every woman and child in America from interstate stalking, it was Senator WARNER who came forward and said, ''Well, let us make sure that our military personnel have this, and we will take the next part of this up another day.''

So I am very thankful to Senator WARNER and Senator KEMPTHORNE for their great leadership in providing the stalking protection for the women and children in the armed services and everyone who is on a military base. This is a great step forward. I applaud them in their leadership, and I hope this encourages Mr. LAUTENBERG to help us do the full job.

I thank the Chair and yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

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

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

AMENDMENT NO. 4266

(Purpose: To limit the total amount authorized to be appropriated by the bill to the amount requested by the President and to apply the excess to budget reduction)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Mr. HARKIN, proposes an amendment numbered 4266.

Mr. WELLSTONE. 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:

After section 3, insert the following:

SEC. 4. GENERAL LIMITATION.

(a) LIMITATION.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated by this Act may not exceed the amount requested by the President for fiscal year 1997 for the national security activities of the Department of Defense and the Department of Energy in the budget submitted to Congress by the President for that fiscal year under section 1105 of title 31, United States Code.

(b) ALLOCATION OF REDUCTIONS.—The Secretary of Defense shall allocate reductions in authorizations of appropriations that are necessary as a result of the application of the limitation set forth in subsection (a) so as not to jeopardize the military readiness of the Armed Forces or the quality of life of Armed Forces personnel.

(c) EXCESS AUTHORIZATIONS TO BE USED FOR DEFICIT REDUCTION.—The reduction under subsection (a) of the total amount that, except for that subsection, would otherwise be authorized to be appropriated for fiscal year 1997 by this Act shall be applied to reduce the budget deficit for fiscal year 1997.

Mr. THURMOND. Mr. President, I ask unanimous consent that the time on this amendment be limited to 1 hour equally divided in the usual form, 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. WELLSTONE. Mr. President, this amendment we are now debating, which I propose with Senator HARKIN from Iowa, is an amendment to the 1997 defense authorization bill to eliminate the nearly $13 billion in extra military spending that the Armed Services Committee has authorized above what was requested by the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and to use the funds to reduce the deficit.

The total funding authorized, $267.4 billion, is well above what the President had requested. It is also about $1.7 billion above the Republican budget resolution that was passed earlier, a month or two ago.

Mr. President, let me repeat that. The total funding authorized, $267.4 billion, is well above the President's request. It is also $1.7 billion above the

Republican budget resolution passed earlier, a month or two ago.

At the request of the Republican leadership, the committee has authorized $12.9 billion more than was requested. That is right. The majority wants to spend $12.9 billion more than the Pentagon has requested, or than they have indicated they will be able to responsibly use next year.

So we have a proposal here that calls for almost $13 billion more than the Pentagon actually wants. About $4.6 billion of that figure was not included in the Pentagon's 5-year plan, and much of that was not even on the so-called wish lists that were solicited by the congressional defense committees. The Pentagon has said clearly that they do not need these funds now. The projects are not in their 5-year plan, and they are not even on their wish list.

My amendment seeks to redirect these billions in wasteful and unnecessary Pentagon spending, and instead put all of the money into deficit reduction.

Mr. President, about a year ago, the Pentagon's own spending watchdog, its comptroller general, John Hamre, conceded that the Department of Defense could not account for about $13 billion in spending. It has just been lost in an ocean of paperwork at the Pentagon and likely will not be sorted out. In fact, the comptroller has all but given up on trying to find out what happened to most of the money, arguing that it would be more expensive than it would be worth to account for these funds.

They cannot even find out what has happened to about $13 billion in the Pentagon's budget. Coincidentally, the bill provides about $13 billion more than was requested by the Pentagon.

Mr. President, while I appreciate the symmetry here, it is particularly outrageous that the Armed Services Committee has proposed these hefty increases at the same time that the Defense Department is being called to task for not being able to account for billions of dollars in its own spending. Waste, possible fraud in Pentagon spending, and certainly egregious abuses of basic accounting rules. These are serious problems. But no one seems to be doing very much about them. Indeed, instead of vigorously overseeing spending in this budget, we are trying to foist off on the Pentagon an extra $13 billion in military hardware and other spending that they have not requested. We should instead use this money for deficit reduction.

If we pass this bill without my amendment, my Minnesota constituents will continue to pay their taxes to bolster the Treasury of bloated defense contractors, who are building ships and planes and weapon systems that we do not need, cannot use, and that will not make our Nation any more secure.

Mr. President, so there is no mistake, let me repeat that for those who are listening.

We are considering today a defense bill that wants to spend a full $13 billion more than the President has requested in his budget. We are doing this despite the fact that there is no sudden extraordinary threat to justify such an increase. And many of those in this body who are pressing for such a huge increase are precisely the same people who are out here on the floor day after day, week after week, month after month, howling about how we must simply get the deficit under control.

Again, the very people that want to authorize $13 billion more than the Pentagon says it needs are also the very people who are talking about how we need to reduce the deficit.

This amendment is simple. It says that we should not go forward with the additional $13 billion that the Pentagon does not want. We should put it into deficit reduction. And the cuts should be made by the Secretary in a way which protects military readiness and the quality of life of our servicemembers.

Mr. President, while some of my colleagues are talking about deficit reduction, at the same time they are larding the defense bill with billions in spending for the benefit their local shipyards, weapons contractors, or plane manufacturers.

Mr. President, we ought to be very straightforward with people in this country. Is there no sense of limits in this body when it comes to wasteful and unnecessary weapons programs? Controlling the deficit is important, and I have supported reasonable fair-minded deficit reduction proposals totaling hundreds of billions of dollars. But I cannot let this debate move forward without pointing out this contradiction.

If we are serious about deficit reduction, what do we do? Do we spend $13 billion more than the Pentagon says it needs? I don't think so. For the past couple of years we have heard from many of our Republican colleagues who have sought to look like they were reducing the Federal deficit through various proposals and schemes, most of them involving rather nonspecific formulas. Even when they have offered something specific, they tend to go after education or Medicare, or medical assistance, or programs that protect our air, our lakes, our rivers, and so on.

Mr. President, I cannot understand why it is that the very folks who want to cut Pell grants, want to cut Head Start, want to cut programs for kids that come from difficult backgrounds, want to cut environmental protection programs, want to cut into health care programs, are the very people who now want to authorize almost $13 billion in spending above and beyond what the Pentagon has requested.

I know some argue that there has been a drop in defense spending. In fact, one thing is clear: this bill provides more for defense, in dollar terms, than last year. This is in stark contrast to the fact that non-defense spending as a whole is frozen or declining substantially in many areas. And when you consider the recent re-estimates of the likely future inflation rate, it's clear that in the next few years, we can buy as much for our defense dollar as we had planned, but spend almost fifty billion less than we expected we'd have to spend last year.

I see my colleague from North Dakota on the floor. I think I would like to defer to him for a while and then come back a little bit later to conclude. But before I do, let me say clearly: This is a vote for deficit reduction, and it is a vote for priorities that people in the country are demanding from us.

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

The PRESIDING OFFICER. The Senator has 22½ minutes remaining.

Mr. WELLSTONE. I ask my colleague how much time he may need? I would like to yield to my colleague from North Dakota 10 minutes.

Mr. DORGAN. Mr. President, I shall not use the entire 10 minutes. I only observe this.

I have said previously that I admire very much the chairman, Senator THURMOND, and Senator NUNN, for the work they have done. But I am inclined to feel that we ought to accept the recommendations of the Pentagon in terms of what they choose to spend, while we might want to move some money around here and there.

It seems to me that this issue of dealing with deficits and so on is not one that is an issue in theory. The issue of deficit reduction is not an exercise in theory. It is not an exercise in changing the U.S. Constitution. It is not an exercise in idle discussion, or rumination. When you have an authorization bill coming to the floor of the Senate or when you have an appropriations bill coming to the floor of the Senate, it is an exercise in making choices. What is important? What is not? What can you afford? What can we not afford?

It seems to me that the two guiding issues ought to be on virtually everything we do—whether it is education, environment, health care, or defense—to answer two questions: Do we need this? Can we afford this? If the answer is yes on both counts then we ought to proceed.

The Senator from Minnesota asks the question with his amendment, which I intend to vote for, whether we should at this point add nearly $13 billion to the request that was made of the Congress for spending by the Pentagon. I have no objection to moving some of the funding around, if we feel that some priorities requested have a lower value than other priorities that were not requested. I have no problem with that.

But the judgment that Congress would exercise in saying we think that, even though we talk about reducing the deficit, we should add $13 billion to this authorization bill for the Department of Defense is a curious and I

think questionable judgment at a time when the Department of Defense has not requested that. If the Department of Defense had come to this Congress and said here is what we need in order to adequately defend this country, and here is why we need it, and had made a compelling case in both instances, then I would support it because I think that it is a critically important step to assure that we have the necessary investments and the money available to defend this country adequately. That is not what is at issue here. The Department of Defense has said here is what we need; here is what we want. Then the Congress had said, ''but we would like to authorize some $13 billion above that.''

As I said, I intend to support the amendment offered by the Senator from Minnesota even though, as I have said before, I believe that Senator NUNN and Senator THURMOND do an excellent job. And I commend them for the work they do. My own preference is that—as we address these issues to the Federal deficit that on appropriations and authorization bills where we can, when we can, when it is appropriate—we try in each instance to hold down costs; not boost costs.

So I feel very strongly that this is an amendment that the Congress should look upon favorably and vote for.

Let me yield my time back to the Senator from Minnesota.

Mr. WELLSTONE. I reserve the remainder of my time.

Mr. President, I ask unanimous consent to add Senator BUMPERS as a cosponsor and the Senator from North Dakota, Senator DORGAN, as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. Who yields time?

Mr. WELLSTONE. Mr. President, I would prefer to use my time to respond to some of the arguments that were made on the other side.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. WELLSTONE. Mr. President, I am trying to move things forward. I know my colleague from South Carolina and my colleague from Georgia have a whole agenda of amendments. I thought I would take another 5 minutes on the amendment, and, if it is OK, I want to reserve a little bit of time to respond to the arguments that have been made on the other side.

Mr. President, I wanted to point out that if this amendment goes down, I will have another amendment that I will introduce either later on today, or tomorrow, with Senator HARKIN and others. It will say that we ought to take the $1.3 billion in this authorization that is even above the budget resolution that we passed, which is only about 10 percent of the $13 billion over what the Pentagon says it wants, or needs, and we ought to put that into restoring funding for Pell grants, low-interest Perkins loans, programs for dislocated workers, and summer jobs programs, and reform of the job training system. We ought to at least put that money into those programs. That to me is really I think the priority that people in the country are interested in. I will do that later on.

I want to make it clear that in this whole argument about whether or not this additional money is needed, I think the reason the Pentagon said we do not need this $13 billion, the reason the President said we do not need it, the reason the Chairman of the Joint Chiefs of Staff says we do not need it, is because right now we spend along with our allies about $510 billion on defense and on our interests worldwide. According to estimates prepared by respected arms control think tanks and other experts, all of our potential enemies combined spend about $140 billion. It is not as if we do not spend a considerable amount of resources for defense. It is not as if we do not need to be concerned about defense. We do. It is not as if we do not need to be concerned—God knows the news of yesterday makes us concerned—about the threat of terrorists and arms proliferation. We do. We all agree on that.

But I'm talking about eliminating waste. I have recited studies already about just some of the inefficiencies within the Pentagon, some of the waste, some of the ways in which we can cut down on expenses internally, not to mention the fact that we can give our allies a larger share of the burden, so on and so forth. There are a whole lot of ways to save money by simply scaling back waste and reassessing our spending priorities, Mr. President.

Let me quote from a New York Times editorial from the other day on defense spending. I find this editorial on the mark in its characterization of the Republican defense authorization bill.

> The not-so-hidden agenda for many Members of Congress is delivering Federal spending to their districts, and there are few better ways to do that than fattening the Pentagon budget and ordering up expensive new weapons systems. The cold war provided cover for this wasteful practice, but it is now indefensible. With vital domestic programs shrinking to bring the budget into balance, Congress should not be buying military hardware the Nation does not need.

Mr. President, we need to maintain a strong defense. We can increase burdensharing by allies. We can impose cost and accountability controls called for by the General Accounting Office. We can eliminate unnecessary weapons programs. We can reassess some of the assumptions that continue to drive continued high Pentagon spending, like the requirement that we be able to fight two major wars at once. But really this debate gets back to an even more simple point. We have in the Republican authorization bill a request for $13 billion more than the Pentagon says it needs.

I think it is just unconscionable for us to be cutting programs and educational opportunities for young people, cutting financial aid programs for higher education, cutting into health care programs that are so important for senior citizens, cutting into environmental protection programs, and say that we are for deficit reduction and then turn around and authorize $13 billion more than the Pentagon says it needs for our defense.

The New York Times editorial was right on the mark, and it is for this reason that I bring this amendment to the floor with Senator HARKIN, Senator DORGAN, and Senator BUMPERS. Senator BUMPERS, probably more than any other Senator, has been the most vigilant and the most eloquent and the most powerful in pointing out we have to be serious about deficit reduction, but we have to do it based upon a standard of fairness. If we are going to talk about administrative inefficiencies, and we are going to talk about waste, then yes, we should focus on waste wherever it is. We should, as some of my colleague has done, focus on the Departments of Energy, or of Commerce, or other agencies. And we should, and we can, hold all these agencies accountable for their own budgets. But what happens when it comes to the Pentagon budget? I can think of very few times in my adult life where the Congress has proposed spending more money than the Pentagon has asked for. I cannot think of a worse time for us to do this. Frankly, it is just downright embarrassing. We should take this $13 billion and put it into deficit reduction.

I withhold the remainder of my time to respond to arguments on the other side.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. Mr. President, I suggest the absence of a quorum, the time to be equally divided.

The PRESIDING OFFICER. Is there objection to the unanimous consent request that time in the quorum call be equally divided?

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. THURMOND. Mr. President, I yield myself such time as may be required.

The PRESIDING OFFICER. The Senator is recognized.

Mr. THURMOND, Mr. President, I rise today to oppose the amendment offered by Senators EXON, BINGAMAN, and

KOHL. Both the Committee on the Budget and the Committee on Armed Services determined there is a sound and compelling need to set the level of funding for defense at the budget resolution level. The amendment, as proposed, reduced defense to the President's level. The Committee on Armed Services has received compelling testimony from the Secretary of Defense, the Chairman and Vice Chairman of the Joint Chiefs of Staff, the Chiefs of the military services, and the secretaries of the military departments that the procurement accounts are dangerously underfunded.

Defense spending, as measured by outlays, continues to decline. From fiscal year 1990 to fiscal year 2002, defense spending declines by 34 percent. However, the same is not true for nondefense or mandatory spending programs. Nondefense discretionary programs do not decline, but in fact increase by 8.5 percent over the same period. Mandatory programs increase at an even greater rate. It is not clear to me why defense is the only part of the Government that should take such reductions.

In reality, the Department of Defense continues to get smaller. From fiscal year 1993 through fiscal year 1997, civilian personnel will have been reduced 18 percent. However, nondefense Government civilian personnel will have been reduced just 5 percent. Furthermore, these figures do not take into account the reduction in active duty end strengths of 688,000 active duty service members in the last 10 years.

Mr. President, I continue to hear concerns that the funds added to programs in our bill were not requested by the administration, and, therefore, should not be added. Let me make clear that we do not agree with the President's budget request nor his Future Years' Defense Plan. We believe both are inadequate. If we agreed with them, we would not be proposing to add funds above the request. It should, therefore, not be surprising that we would propose to buy things that are not in the President's budget or Future Years' Defense Plan.

The facts are that the administration's defense budget request barely covers the costs for current operations and does not budget adequately for modernizing the force. The defense budget requires our men and women in uniform to perform their duties without the resources they need. I believe this is wrong.

Deputy Secretary White told the members of the committee that the outyear tail associated with this bill is $20 billion. Last week I inserted the Congressional Budget Office's cost estimate of the defense authorization bill into the RECORD. Their estimate clearly shows there is no outyear tail associated with this bill. We have determined that this claim has no basis in fact and is not supported by any sensible analysis. It just does not make common sense.

Some critics have grown fond of saying the committee added funds that the senior military leadership neither wants nor needs. The record of testimony shows that this criticism is unfounded. The Chairman of the Joint Chiefs of Staff, General Shaikashvili, testified:

> I am very concerned that our procurement accounts are not where I think they ought to be * * * [We] must commit ourselves to a sufficient procurement goal, a goal I judge to be approximately $60 billion annually.

However, this year's procurement request was for $39 billion. Far less than what General Shalikashvili considers necessary. The former Vice Chairman of the Joint Chiefs of Staff, Admiral Owens testified:

> I want to talk . . . about procurement because I believe it is the crisis in the defense budget today.

The Chief of Staff, Army, General Dennis Reimer testified that:

> The issue still is that we are underfunded in modernization.

The Chief of Staff, Air Force, General Fogelman testified that:

> I [have watched] the Air Force procurement accounts decrease by some 60 percent . . . we are living off the procurement of the past. It has to stop.

Mr. President, we have been down this road before, but it seems that some of my colleagues have forgotten where it leads. Those who oppose a strong defense often attempt to justify their position by reminding us that the cold war is over. They conclude that defense spending should be lower because we do not face an obvious danger from a threat like the Soviet Union. They make a simple argument. This argument is appealing because it provides an easy solution to our funding problems—but the argument is wrong and dangerous.

It is true, our Nation no longer faces a cold war danger from the Soviet Union, but the world is still a dangerous place. The belief that continual reductions to defense are in order is not only flawed, but it also ignores reality and the requirement for both present and the future force readiness. We ask our men and women in the services to respond to crises all over the world. At the same time, the administration seeks to continue to reduce defense spending. This is not right. Right now, we have United States troops on duty in Bosnia, in the skies over Iraq, and on ships at sea near any actual or potential trouble spot in the world.

The Chief of Staff of the Army, General Reimer, testified that,

> Requirements have risen 300% . . . Excessive time away from home is often cited by quality professionals as the reason for their decision to leave the military. It is common to find soldiers that have been away from home . . . for 140, 160 or 190 days of this past year.

The Secretary of the Air Force, Dr. Widnall, testified that,

> Since Desert Storm, we have averaged three to four times the level of overseas deployment as we did during the Cold War.

The administration itself has been telling Congress, year after year, that it must increase defense spending. Congress has agreed, but the administration has consistently failed to honor its own pledges.

The defense budget requests have continued to decline. The Department of Defense has already been reduced significantly in size and funding, but some continue to seek more reductions.

Mr. President, do we have to learn the same painful lesson over and over? As General Reimer testified,

> . . . a lack of modern equipment will cost the lives of brave soldiers.

I do not know when we will have to commit our Armed Forces. No one knows where the next conflict will occur, but I agree with the testimony of General Reimer who stated:

> We will sometime place soldiers in harm's way, on short notice and ask them to defeat a determined and dangerous foe. When that happens, we should be satisfied that we have done our best to prepare them for the task at hand.

Mr. President, I believe that is our solemn obligation, and I sincerely hope we will heed the hard lessons we have already learned. I thank the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me just say to my colleague from South Carolina that part of this authorization is, in fact, even above the majority party's budget resolution. Again, I point out to my colleagues that if this amendment fails, I will have another later on, with Senator HARKIN and a good many other Senators, I believe—I hope Democrats and Republicans alike—which will take that $1.3 billion above even the budget resolution that the majority party passed and say that ought to go, not to the Pentagon, that ought to go into restoring the funding for Pell grants and low interest loans for higher education up to the President's request.

The second point is, with all due respect to some of my colleagues who have a different point of view, I do not think people should be fooled about what is going on here. Yesterday we voted for an amendment, introduced by Senator LIEBERMAN—I bet it was unanimous, or virtually so, I am not sure—which said, ''Let us take a look at our force structure and let us look at the whole question of modernization of weapons. Let us do a very thorough study and see where we need to go.''

Why in the world, after the U.S. Senate agrees to that unanimously, are some of my colleagues in such a hurry with all of these add-ons for these weapons systems which represent projects back home? This is pork, that is what this is. Let us be crystal clear about it. This is pork. Much of these are special add-on projects, or acceleration of spending for weapons systems which may or may not even be necessary. The Pentagon said it did not need this spending now. And yet we press it on them anyway.

Again, it seems to me that, given the position that the Defense Department has taken, given the position the President has taken, given our concern about deficit reduction, what are we doing spending almost $13 billion on these sort of special pet projects that go into different States that represent, essentially, pork, much of which or some of which are just add-on projects? Yesterday we said we ought to do a thorough force modernization study. What is the hurry to spend the additional $13 billion? Are some worried that an independent panel might urge a major reassessment of al this spending?

I actually could just go over some of these different projects. But there are so many of them it would probably take me more than the little time I have left. Instead, I will simply urge my colleagues: Let us not be in such a hurry to add on $13 billion for pork projects for our States for military weapons contracts and programs that we do not need. Let us not spend $13 billion more than the Pentagon asked for, than the President asked for, than our military leadership asked for, not when we say we are serious about deficit reduction.

Mr. President, let me also make it crystal clear that I think part of what is going on here is a definition of defense. I thought it was in our national defense to invest in education.

I think education is a defense against prejudice. I think education is a defense against ignorance. I think education is a defense against hopelessness. I think education is a defense against poverty. I think education is a defense against despair and bitterness and anger and cynicism.

We have a majority party—not everyone but unfortunately the vast majority of the majority party—wants to cut education programs. They say they are for deficit reduction and now want to authorize $13 billion more than the Pentagon says it needs.

This is a vote for deficit reduction. This is a vote that says, take almost $13 billion and put it into deficit reduction; do not authorize $13 billion of spending more than the Pentagon says it needs for our national defense. This is a reasonable proposition, and I hope it will receive strong support.

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

While waiting, I ask unanimous consent to add on Senator FEINGOLD as an original cosponsor.

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

Mr. WELLSTONE. Mr. President, if there will be no more response, it is fine to go to a vote. I do not know what my colleague would like to do. I will defer to the Senator from South Carolina.

Mr. THURMOND. Mr. President, we have several amendments we are going to take up. I suggest we complete debate on this amendment and set it aside and stack the votes, if that is agreeable with the Senator.

Mr. WELLSTONE. I say to my colleague from South Carolina, it certainly is agreeable. I yield back the remainder of my time.

Mr. THURMOND. I believe Senator NUNN wants to speak against this amendment, so I suggest the absence of a quorum, Mr. President, and ask that the time not be charged to either side.

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. THURMOND. I now yield the able Senator from Georgia such time as he may require.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, please notify me in 6 minutes so I know how much time I consume.

I rise in opposition to the Wellstone amendment which reduces defense funding authorized in this bill by $13 billion. For several years I have been expressing my concern that the actual and projected declining defense budgets are not sufficient from force standpoints, one, to maintain the current readiness of our military forces, two, to provide the standard of living that military personnel and their families expect and deserve, three, supporting the force structure necessary to carry out the full range of missions that we expect our military forces to be able to perform, and, fourth, to provide for the modernization that is the key to the future capability and future readiness of these forces.

Mr. President, modernization is our greatest deficiency. We are in effect living off of the capital of our previous investment in terms of the modernization account. Mr. President, while we all recognize you can live off your previous investments for awhile, you cannot do it forever. We cannot do it in our personal lives; and we cannot do it in our Government; and it certainly cannot be done in our defense budget.

National defense is a continuing obligation of our Government under the Constitution, and the tools we need to do the job simply do not last forever. They have to be replaced. They have to be updated. They have to be modernized. We have to invest in new capital. In this age of rapidly declining technology, our previous investments can become obsolete even before they wear out physically.

The men and women in the military continue to perform superbly every time they are called on. And we are calling on them all the time all over the world. We owe it to them to give them the support they need to do their job. We also have to ensure that the men and women who will be called on in 5 years, 10 years, or 20 years, will have the same advantages vis-a-vis our potential opponents that our military forces have today, including our technological superiority. I do not think we can expect our men and women who volunteer to defend our country to do so with obsolete technology.

During the long defense drawdown, I think military services have done a remarkable job reducing our force in a way that was fair as far as possible to the men and women in uniform as well as the civilian employees of the Department of Defense and the defense industry.

We have gone to great lengths with special incentives to ensure we did not break the force in terms of morale during the drawdown. With some limited exceptions, we have also kept the readiness high while accomplishing this drawdown. Readiness overall is in good shape today. But the problem is, we have been borrowing from the future to accomplish these other desirable goals: Protecting readiness, reducing the force structure gradually enough to keep the quality up, giving generous early retirement benefits to make sure that we treat our forces fairly, and keeping the turmoil in the force drawdown to a manageable level.

I believe the defense spending levels included in the fiscal year 1997 budget resolution are about right. We do know we are going to need to bring our level down by a little over $1.7 billion to get it in compliance with the budget resolution. It is my view that we should do that on the floor. And we should make it clear, before it goes to conference, that we are in full compliance with the budget resolution. The bill is now slightly over. I believe we will have to cut about $1.7 billion from this bill now before us in order to get it in compliance with the budget resolution, which is the guideline that this committee is bound to live by.

While the 1997 defense topline is an increase from the President's budget, it still is below last year's budget level in defense in real dollar terms. So when people talk about the increase in the defense budget in the budget resolution and in this bill, they are really talking about an increase relative to the President's budget, they are not talking about an increase compared to last year. I hope people understand that. Defense, even if the Wellstone amendment is defeated, will still be coming down in real dollar terms. I hope we will start moving towards stabilizing the defense budget by the end of this decade even though it will be at a much lower level than we had at the start of the decade.

While I believe that the funding levels requested for readiness, military pay raises, and quality of life initiatives in the President's budget are about right, I think there are clearly insufficient funds going into modernizing our force. Modernization, for the most part, is delayed into the outyears under the current future years defense program. We all know from experience how illusory these projections become 4 years or 5 years down the road.

The fiscal squeeze on the budget is already intense. As we seek to balance the budget, we should not make it worse by trying to enact tax cuts at the same time, which is what the overall budget resolution calls for. I do not agree with that. I think that is not the right way to go, but this is not the time for that debate. I hope, in the final analysis, we will understand that if we really want a balanced budget, we need to go ahead and get that job done and declare the dividend later, rather than declaring a dividend and having a celebration with a tax cut before we have even gotten the job done and before the U.S. Treasury is in decent shape. Anyway, that is another story.

While outyear projections show funds for defense modernization increasing, I have great concern on that score because I do not think that is in the cards in light of the effort to get the budget balanced in 2002, a goal that I completely agree with. I think we need to remember, first of all, the funding differences between the administration and the budget before us are not that great. The budget resolution is 1 percent higher over the next 6 years.

The PRESIDING OFFICER. The Senator has consumed 6 minutes.

Mr. NUNN. If the Senator will give me 2 or 3 more minutes.

Mr. THURMOND. I yield the Senator such time as he may require.

Mr. NUNN. I thank the Senator.

Mr. President, we need to understand that while the defense spending levels in the budget resolution are higher than the President's budget this year, they are actually lower than the Clinton administration's defense plan in terms of budget authority starting in the year 2001. In other words, the administration is lower than the Congress this year, but higher in the outyears.

I think the administration's outyear defense plan for 2001 and 2002 is about what we are going to need in terms of the defense budget, but I think the budget resolution is probably more realistic in terms of what we can afford for defense if we really are going to drive for a balanced budget in 2002.

However, I feel that both the President's balanced budget plan and the Republican budget resolution, which is also aimed at balancing the budget, both of them assume unrealistic cuts in the outyears in overall discretionary spending, which includes defense, but is not limited to defense. That is betting on the future, and I think is an illusion. We are not going to make those size cuts in the outyears. That means under neither the budget resolution, nor the administration's proposal, are we likely to make the kind of cuts required to get the budget balanced in 2002.

That is why I supported the Chafee-Breaux alternative, which in my view, represented a much more realistic picture of what is achievable, sustainable and sensible in terms of both defense and nondefense spending.

In my view, Mr. President, we need to increase the defense topline now, to restore the balance to our defense program. We also need to extend the firewalls that the Senator from New Mexico has reinstated for fiscal years 1996, 1997, and 1998 in the budget resolution to protect any defense increases we are able to achieve and to provide some stability in the defense budget.

Firewalls do not mean the defense budget cannot be cut. It can be. It does mean it will not be shifted to other nondefense purposes.

We have been reducing the defense budget for a long time. The current builddown started during President Reagan's second term, significantly before the fall of the Berlin Wall. It continued and was accelerated through the Bush administration and the Clinton administration. However, Mr. President, the time has come to stabilize the defense budget as much as possible. The defense budget has already made a major contribution to deficit reduction, more so than any other part of the budget.

I am often intrigued by the arguments made about how many Federal employees we have cut out in the last several years. Mr. President, if you look at the numbers—I do not have the exact numbers in my mind—something like 70 percent of all the Federal employees that have been cut from the payroll have been cut from the Department of Defense. Defense is doing its part, has done its part. We need to begin to level it off. Even if we defeat this amendment, there would still be a decrease in the defense budget in real-dollar terms from last year.

Mr. President, modernization funding should be increased. The future readiness and future capability of the Defense Department requires modernization and it requires research and development. Those are the programs that have been cut most deeply during the defense drawdown.

The pressure to achieve and maintain a balanced budget will make it very difficult to increase the defense budget above current levels—yet current levels are still artificially low as we work back towards a normal level of procurement and a normal level of infrastructure investment.

Because we were reducing the size of the force and were able to keep the most modern equipment as we downsized, a temporary decline in procurement was appropriate. But we are now reaching the point where we have to get our modernization budget back up to a long-term level that will sustain our forces for the future. We have to start increasing the procurement budget to prevent the average age of our weapons technology from reaching unacceptable levels. At the same time, because the personnel drawdown is nearly complete, we are not going to be able to continue to reduce that part of our defense budget. It is unrealistic to expect this long period of declining defense budgets to continue.

Similarly, during the BRAC era we underinvested in facilities modernization because nobody wanted to waste money modernizing facilities we might be about to shut down. But now that we have made those decisions and the BRAC process is over we are going to have to put more money in modernizing and maintaining the facilities we have left.

So our children will be to have a budget that is slightly larger than the ones now planned. If we are going to balance the budget, it is unrealistic to plan for more than a slight increase. The budget resolution only increases the defense budget by about 1 percent over the levels in the administration's request—in order to have adequate funds for capital investments in weapons and facilities.

This is why I oppose amendments which would reduce the defense topline number below the levels agreed to in the budget resolution. The funds added to the administration request by the committee have gone almost entirely to modernization—in other words, they have been invested in the future. I think my colleagues will find that the funds the Armed Services Committee added to the modernization accounts have gone mostly, not completely, to programs the service chiefs have requested, and most of these were programs the administration was already planning to do.

So, I urge my colleagues to vote ''no'' on the Wellstone amendment.

Mr. WELLSTONE. Mr. President, I ask the Senator from South Carolina if I can reclaim my 3 minutes for a brief response to the Senator from Georgia.

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

Mr. WELLSTONE. I want to make sure I understand. You do intend to propose an amendment to bring the authorization down to the budget resolution, the $1.7 billion, is that correct?

Mr. THURMOND. Yes, we do.

Mr. WELLSTONE. I ask the Senator from Georgia, did I hear correctly that you intend to propose an amendment to bring the authorization down to $1.7 billion, down to the budget resolution?

Mr. NUNN. Yes, that is my belief of what we should do. I am not absolutely certain that will be done yet. I hope that would be done.

Mr. WELLSTONE. If you do that, please include me as a cosponsor.

Mr. NUNN. I say to the Senator, is he assuming his amendment may not pass. If it is adopted, I will not be proposing that $1.7 billion.

Mr. WELLSTONE. I think it will be very close, but it may not pass.

Mr. NUNN. I will include the Senator on that if we are so fortunate as to defeat the Wellstone amendment.

Mr. WELLSTONE. I thank the Senator.

I point out to the Senator from Georgia the wording of the amendment is important, because I listened to what he said about readiness and quality of life.

On the allocation of reductions, the amendment reads, ''The Secretary of Defense shall allocate reductions in authorizations of appropriations that are necessary as the result of the application of the limitation set forth in subsection (a) so as to not jeopardize the military readiness of the Armed Forces or the quality of life of Armed Forces personnel,'' my assumption being that clearly the Pentagon and Defense Department in their budget request have already taken this into account.

I wanted to be clear about the wording of this.

Mr. NUNN. I understand. I know what the Senator was doing. I will respond briefly.

There is the problem, though, that the reduction here will have to come out of modernization. This is a procurement account, which is already where the problem is.

Mr. WELLSTONE. Finally, Mr. President, in response to that, I was pointing out before the Senator came to the floor, we voted 100 to 0 for what I think is an important study of force structure and modernization yesterday, but my concern is that what we have here is an acceleration of weapons programs that may not be necessary, may be obsolete, and we ought to go forward with that study.

I finish up quoting from Senator MCCAIN's view on the Armed Services Committee. His comments:

> Again, I believe this is overall a very good defense bill, and I voted in favor of reporting the bill to the Senate. However, I feel that the additional $13 billion included in this bill may not survive the congressional budget review process this year. In the event that this bill must be reduced by $3 billion or $4 billion or more, I hope my colleagues will look carefully at these pork-barrel add-ons. We must protect the high-priority military programs which contribute to the future readiness of our Armed Forces. If this bill must be reduced, we should cut out the pork first.

That is what this amendment is about. I really believe in cutting out this pork and doing the deficit reduction, going after the $13 billion above and beyond what the Pentagon requested, the President requested, the military leadership requested.

I yield back the rest of my time.

UNANIMOUS-CONSENT REQUEST—H.R. 3525

Mr. THURMOND. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, may proceed to the consideration of Calendar No. 453, H.R. 3525, relating to damage to religious property, and that time on the bill be limited to the following: Senator LOTT, 10 minutes; Senator DASCHLE, 10 minutes; Senator FAIRCLOTH, 10 minutes; Senator KENNEDY, 10 minutes. Further, that the bill be limited to one amendment to be offered by Senators FAIRCLOTH, KENNEDY and HATCH. Further, no other amendments be in order, and that immediately following the disposition of that amendment and the expiration or yielding back of the time, the bill be read a third time and the Senate then immediately proceed to a vote on passage of H.R. 3525 as amended, if amended.

Mr. EXON. Mr. President, I rise to raise an objection. I was sorry I was not able to hear fully what the unanimous consent agreement was by the Senator from South Carolina. As the Senator from South Carolina and the Senator from Georgia know, I have been trying to work through several things that are pending to move this bill along. I think it is important that we finish the defense authorization bill. I say that as a member of the committee.

Would the Senator from South Carolina please restate, basically, to this Senator what his unanimous consent request was. I may not object, but I was not able to ascertain what the thrust of the unanimous consent request was.

Mr. THURMOND. I have another unanimous consent, if that might please the Senator.

I also ask unanimous consent upon the expiration or yielding back of time on the WELLSTONE amendment, that amendment be temporarily set aside to consider a Thurmond-Nunn amendment regarding the authorized funding levels in the bill, with no second-degree amendments in order, so that the amendment following the debate on the Thurmond-Nunn amendment, S. 1745, be temporarily set aside and the Senate return to consideration of the church burning bill under the provisions of the unanimous consent agreement.

Mr. EXON. I object.

The PRESIDING OFFICER (Mr. THOMAS). The objection is heard.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 4266

Mr. EXON. Mr. President, I ask unanimous consent that the WELLSTONE amendment be temporarily set aside for the purpose of this Senator offering an amendment.

Mr. THURMOND. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

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

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

Mr. EXON. Mr. President, I had asked for unanimous consent to temporarily set aside the WELLSTONE amendment for the purpose of the Senator from Nebraska offering an amendment. That has been objected to by the chairman of the subcommittee, which blocks my attempt to offer the amendment. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COATS. 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. COATS. Mr. President, may I inquire how much time is left on the Wellstone amendment.

The PRESIDING OFFICER. The Senator from South Carolina has 5 minutes remaining.

Mr. COATS. Mr. President, I wonder if the Senator from South Carolina will yield me the 5 minutes.

Mr. THURMOND. I yield 5 minutes to the Senator from Indiana.

Mr. COATS. Mr. President, while we are debating and straightening out a procedural quandary we are in with a number of amendments, let me use up the remaining time on the Wellstone amendment and speak in opposition to it.

The assumption behind the amendment is that defense is overfunded. We talk about the adding of additional billions of dollars to the defense bill as if the adding was over and above what the defense ought to be and, therefore, is surplus pork barrel, extraneous money.

I think it is important to understand that, first of all, defense has been declining, as has been stated, for 12 straight years. Funding, overall, for defense is down 41 percent in real terms since 1985, at 1950 levels of funding; modernization is at 1975 levels of funding, and the budget resolution funds defense at $7.4 billion below last year's defense level in real terms.

Maybe this chart can better illustrate what I am trying to say. In fiscal year 1996, the Appropriations Committee appropriated $264.4 billion in spending for defense for fiscal year 1996. That represented the 12th straight year of decline in defense spending in real terms.

Now, the Clinton administration came in and said, even though that is a reduction from previous years, we want to reduce it even further. They brought the level down to $254.4, an additional $10 billion cut.

Then we in the Senate brought forward legislation which would fund defense at last year's spending level—adjust it, in other words, to buy the same amount of defense this year that we bought last year. Without increasing it, but just buying the same level, it would have been, because of inflation, $273 billion.

What we have proposed in this legislation is a $267.3 billion total, which is,