

Further, I ask that following the vote on the Nunn amendment the Senate proceed to a cloture vote with respect to the DOD authorization bill with the mandatory quorum waived.

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

#### PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, there will be a vote, then, on the Nunn-Lugar-Domenici amendment, to be followed, if necessary, by a vote on a motion to invoke cloture, beginning at 9:40 a.m. tomorrow morning. The cloture vote may be vitiated if a reasonable list of amendments can be reached. However, if the cloture vote occurs, and it is invoked, it is hoped that the Senate will complete action on the defense bill in a timely manner. If cloture is not invoked, Senators who have amendments are encouraged to offer those amendments during Thursday's session to enable the Senate to complete action on the bill this week.

As I said earlier, if we do not get it done tomorrow night, we will go into Friday, and beyond that, if necessary. Rollcall votes will occur throughout tomorrow's session.

Mr. FORD. Will the Senator yield?

Mr. LOTT. I yield the floor.

Mr. FORD. Regarding the time allotted to Senator DORGAN from 8:45 to 9:00, would you kindly change that to be Senator BRADLEY?

Mr. LOTT. I am glad to amend the unanimous consent request agreement to that effect, if Senator DORGAN agrees with that.

Mr. FORD. Yes.

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

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

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

The Senate continued with the consideration of the bill.

Mr. NUNN. Mr. President, in just a moment, Senator LUGAR, myself, and Senator DOMENICI will explain this amendment. I know the chairman of the committee would like to make some comments on the amendment.

At this point, I will yield the floor for whatever the chairman is prepared to say.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise in support of the amendment offered by the Senators from Georgia, New Mexico, and Indiana, to authorize the establishment of an emergency assistance program to train and equip State and local authorities to respond to domestic terrorist use of weapons of mass destruction.

The amendment would also expand authorities for the DOD and DOE cooperative threat reduction programs, as well as increase the funding for these programs.

I have grave concerns about increasing the funding for DOD and DOE's cooperative threat reduction programs, as well as expanding the scope of the programs in DOD and DOE.

Based on my review of the amendment and the new activities authorized by this amendment, DOD and DOE will require significant funding authority in the outyears to complete these programs.

For example, how much money are we talking about in the defense bill to complete the program to replace the reactor cores at Toms 7 and Krasnoyarsk 26?

How much money will it take to convert, or eliminate, the chemical and biological facilities in all the independent states of the former Soviet Union?

We have not received any information from DOD, DOE, or the National Security Council on the budgetary impact of the increases for these two programs, or whether funds will be included in the future years defense plan for this program, as well as DOE plan.

I would point out that none of the funds necessary for the increases in this amendment have been appropriated.

Mr. President, I believe the efforts of the sponsors of this amendment are laudable. I do not question whether its appropriate, or not, to conduct these programs. I question whether its appropriate for the funds to come out of the defense budget for these foreign assistance programs.

I would also point out that DOE has not even spent the funds authorized for it currently in the materials, protection, control and accountability account. The same is true for funds in DOD's program. Although DOD has done a better job at proposing to obligate funds.

Clearly, with the recent terrorist events at the World Trade Center, in Oklahoma City, and in the Tokyo subway, we need to provide assistance to our State and local authorities to prepare them to provide emergency assistance, in the event a domestic terrorist WMD incident occurs.

I think that we should provide more in the way of establishing this particular program, and providing a regional NBC emergency stockpile.

I want to commend the senior Senator from Virginia, Senator WARNER, for the work that he has done throughout the years to ensure that DOD, DOE and the intelligence community are conducting activities to prevent or combat the proliferation of weapons of mass destruction. I also want to commend him for his work in authoring the provisions in the last two defense bills that provided the authority for DOD to provide emergency assistance to State and local authorities in the event of a domestic terrorist WMD incident.

I want to work with my colleagues, however, I want to emphasize my concerns about increasing funds in the DOD and DOE budget for cooperative

threat reduction activities, for which there are no appropriations.

Lastly, I would ask, is it wise for the United States to provide this type of assistance to Russia, while it continues to build SS-25's; continues to transfer nuclear technology and knowledge to Iran and China?

Mr. President, in closing, I want to re-emphasize my support for the efforts of the sponsors to provide assistance to State and local authorities to respond to domestic terrorist use of WMD. I hope that we can increase the funding for this assistance in the conference.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, I wish to commend the distinguished chairman of the Armed Services Committee. I particularly thank him for the references to the work he and I and others on the committee have done in previous years, which, in some respects, laid a modest foundation for the important additions that are presented in the amendment soon to be submitted by the senior Senator from Georgia.

However, I share with the chairman the views that I have, which coincide with his, regarding these expenditures at this particular time. And in the course of the deliberation on this amendment, I shall address specific questions to the Senator from Georgia, the Senator from New Mexico and, indeed, the Senator from Indiana on the points the chairman has raised.

Mr. NUNN. Mr. President, I first thank the chairman of the committee, as well as Senator WARNER, for their support of this amendment. I am pleased that we are able to present it this evening and that we are likely to get a vote on it tomorrow.

Mr. President, this amendment deals with one of the most urgent national security problems America faces today. That is the threat of attack on American cities and towns by terrorists, malcontents, or representatives of hostile powers using radiological, chemical, biological, or nuclear weapons.

Mr. President, because Senator LUGAR is on the floor, Senator DOMENICI is on the floor, and my statement will probably run 15 to 20 minutes, I ask to be notified in 10 minutes, and then I intend to yield and complete my statement after they have made their remarks.

If the Chair could notify me when 10 minutes expires.

The PRESIDING OFFICER. The Chair will do so.

Mr. NUNN. This threat is very different from the threat of nuclear annihilation with which our Nation and the world has dealt during the cold war. During the cold war, both we and the Soviet Union recognized that either side could destroy the other within about an hour, but only at the price of its own destruction.

In the course of carrying out that mutual assured destruction, most of the rest of the civilized world would have been destroyed, in greater or lesser degree, as well. Today, this kind of

cataclysmic threat is greatly reduced. And if we are able to continue to implement START I and START II Treaties on both sides, reducing the number of warheads dramatically, it will be reduced further.

Tragically, the end of the cold war, however, has not brought peace and stability, but rather has seemingly unleashed countless small bloody wars around the globe. The end of the cold war also encouraged a number of states that are hostile to the United States to try to acquire weapons of mass destruction and appropriate delivery means as an adjunct to their conventional military forces. They are motivated by two beliefs. One is that the possession of such weapons of mass destruction will advance regional status and power relative to neighboring and often rival states. Second is that they believe possession of weapons of mass destruction, coupled with the threat to use them, can both deter superpower states from interfering in regional conflicts and blackmail them into favorable courses of action.

While here I am not speaking of nuclear weapons, I am including that. In many of these countries, probably a greater threat is the chemical and biological proliferation we now see going on.

Finally, Mr. President, fanatics, small disaffected groups and subnational factions or movements who hold various grievances against governments, or against society, all have increasing access to, and knowledge about the construction of, weapons of mass destruction. Such individuals and groups are not likely to be deterred from using weapons of mass destruction by the classical threat of overwhelming retaliation.

In many past instances of terrorism, we have not even known who the perpetrators were or where they were based. It is very hard to threaten retaliation when you do not know who did it or where they came from or where they were based. These groups are not deterred by the threat of a nuclear counterstrike. A national missile defense system, no matter how capable, is sometimes and often irrelevant to this kind of terrorism.

The Permanent Subcommittee on Investigations, which Senator ROTH chairs, and I am the ranking Democrat on that committee, held a series of hearings over the last year on the proliferation of weapons of mass destruction. We heard from representatives of the intelligence and law enforcement communities, the Defense Department, private industry, State and local governments, academia, as well as foreign officials.

These witnesses described a threat that we cannot ignore and which we are virtually unprepared to handle. CIA Director John Deutch, for one, candidly observed that "we have been lucky so far."

Mr. President, the release of deadly sarin gas in the Tokyo subway system

should have been a warning bell for America. Prior to those attacks, this Aum Shrinkiyo sect that made this attack was unknown to the United States intelligence and was poorly monitored by Japanese authorities. The Aum Shrinkiyo sect actually conducted several test releases of lethal chemicals prior to the subway attack. Yet, their capacity to manufacture and store those chemicals was unknown to Japanese authorities, this in spite of the fact that they had over 50,000 members in Russia. They were recruiting nuclear scientists. They owned a radio station in Vladivostok and tested sarin gas in Australia against sheep. In addition to many other things they have done, they were not on the radar screen.

We received an even louder warning bell in the World Trade Center bombing which brought it home to America. It was here in the United States, not halfway around the world. The trial judge, at the sentencing of those responsible in that terrible terrorist incident, pointed to several factors that could have made the tragedy far worse.

First, in an effort to get that tower to fall down over its twin tower next door, the killers wanted to park the truck in front of a key structural member of the outer corner of the building. But they could not find an empty parking space. So they went elsewhere.

Second, the killers had access to chemicals to make lethal cyanide gas and, according to the judge, probably put them into the truck bomb. Fortunately, the chemicals appeared to have been vaporized by the force of the blast. Otherwise, the smoke and fumes that were drawn into and up through the tower would have been far more lethal.

So, Mr. President, in all likelihood, it is very likely that the United States has already had, without really focusing on it, our first chemical attack by terrorists. That is the World Trade Center bombing. Fortunately, those chemicals did not activate.

Mr. President, we had a third warning bell in the bombing of the Alfred P. Murrah Federal Building in Oklahoma City. This showed yet again the ease of access to simple, widely available commercial products that when combined can create powerful explosions. This knowledge, and much more, is available today over the Internet for anyone who wants to tune in.

The Department of Defense invested billions in the design and protection of binary chemical weapons. A binary chemical weapon contains two chemicals, each of which is harmless when used separately, and they are widely used industrial chemicals. Yet, when mixed together, they create lethal chemical weapons. You can find lists of the ingredients needed to make binary weapons on the Internet today.

Now let me turn to the current state of our domestic efforts to deal with nuclear, chemical, biological, or radiological attack.

In recent years, several modest test exercises have been held. In one large exercise, the first hundred or so emergency response personnel—police, firemen, medical personnel—arriving at the scene of the mock simulated disaster rushed headlong into the emergency scene and were promptly declared dead by the referees. In other words, the people who came to the rescue were among the first victims.

In the second exercise, featuring both chemical and biological weapons, contaminated casualties brought to the nearest hospital were handled so carelessly by hospital personnel that within hours most of the staff were judged to have been killed or incapacitated by spreading contamination.

Mr. President, my purpose is not to frighten the American people; it is to persuade the Congress and the American people that we face a new and severe national security threat for which all governments at all levels are woefully inadequately prepared. We must begin now to prepare what surely threatens us already. To do this effectively requires three things.

First, it requires taking the expertise that has been built up over the years in both the Department of Defense and Department of Energy by successive defense budgets and making that expertise available—and rapidly available—to Federal, State, and local emergency preparedness and emergency response teams.

The Department of Defense and the Department of Energy need to bring training to the other officials in our State, local, and Federal Government in the detection, recognition, containment, and treatment of acute crises arising from the use of some form of weapon of mass destruction to those on the front lines in our major metropolitan areas.

DOD and DOE need to train them in the use of detection equipment and in the use of protective gear to avoid becoming casualties themselves. DOD needs to train emergency medical personnel in the appropriate treatment, for triage, and the administration of antibiotics.

There is much to do, and doing it will require DOD and DOE funding. There is simply no other practical source of this kind of expertise. The time to do it is now and not after we suffer a great tragedy.

I, like many of my colleagues, believe there is a high likelihood that a chemical or biological incident will take place on American soil in the next several years. We do not want to be in a posture of demanding to know why we were not prepared. We do not want a domestic Pearl Harbor.

This training and equipping function is the heart of the amendment, but it is not the whole amendment. There are other parts of the amendment dealing with Customs and dealing with the stopping of these weapons of mass destruction at the source.

At this point in time, I will reserve the remainder of my remarks, and I

yield the floor to my two partners in this endeavor, Senator LUGAR and then Senator DOMENICI.

Mr. WARNER. Mr. President, I wonder if I might ask of the principal sponsor and two cosponsors about the availability of the three to respond to questions at an appropriate time this evening. I intend to pose a number of questions. I am quite anxious to join with these three distinguished Senators because I certainly wholeheartedly support the domestic portions of this legislation. But I would like to ask a question in terms of the overseas portion and designs, and I wonder if the Senators will be available.

Mr. DOMENICI. I would be available, if we do not stay too late. It is pretty tough for me to answer questions if we stay too late.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, when Chechen rebels placed a 30-pound package of radioactive material in a Moscow park last November, it marked the first act of nuclear terrorism in the post-cold-war era. Although the container was not equipped with the explosives needed to disperse the cesium, the Chechens demonstrated a credible terrorist threat to employ nuclear material attached to explosives as radiological dispersion devices in Russia.

The act crossed a new threshold in terrorism. Demonstrating on Russian television the ability to penetrate Moscow's increased security, Chechen rebels were now in a position to panic the Russian public by issuing similar threats of radiological contaminants.

Terrorism was alive and well in another part of the world at roughly the same time. The worldwide activities of the Japanese Dooms-Day Cult, the Aum Shrinkiyo were not on the radar screen of United States law enforcement and intelligence agencies before the sarin gas attack on the Tokyo subway last March. This is alarming, considering the cult accumulated over \$1 billion in assets and established offices in six countries on four continents.

Cult members actively recruited scientists and technical experts in Japan, Russia, and elsewhere in order to develop weapons of mass destruction. They succeeded in producing chemical weapons, including toxic chemical agents such as sarin, VX, and sodium cyanide; and they were in the process of developing biological weapons, including anthrax, botulism, and "Q" fever.

We have since learned how much more devastating the attacks in Tokyo could have been if the cult had simply perfected their delivery systems. The arrest and subsequent interrogation of members of the Japanese cult has shed more light on the activities of the group, particularly with respect to the extent and nature of its efforts in the area of offensive biological agents.

The Japanese cult conducted extensive research on the manufacture of of-

fensive biological agents, including anthrax and botulinum toxin, and tested their dispersal against specific targets on at least three occasions between 1990 and 1995.

The dispersal incidents were attempts to test the effectiveness on humans of Aum-produced toxins and to judge whether they could be used as weapons. Although the cult's tests caused no known casualties, the relative ease with which the botulinum bacteria and anthrax spores were obtained and the need for only basic scientific knowledge to conduct research on biological agents suggests either Aum members still at large or other terrorist groups may be more successful in the future.

We have also learned how close we have come to witnessing acts of terrorism involving weapons of mass destruction directed toward the United States. Listen to the words of Judge Duffy in his sentencing statement before the perpetrators of the World Trade Center bombing:

The harm actually caused by the World Trade Center bombing was enormous, but what is even more frightening is what was intended by you and your cohorts . . . The bomb was big and that's what you intended, but that's not quite all that was intended . . . The evidence clearly indicated that you attempted to enhance the destructive force of the (device) . . . If the bomb had the explosive force that you envisioned, placed as it was at the base of the north tower next to a diagonal brace, you might have succeeded in your nefarious plot to topple over the north tower into the south tower just like a pair of dominoes.

Had that happened, we'd be dealing with tens of thousands of deaths and billions of dollars of damage, but death is what you sought to cause. You had sodium cyanide around, and I'm sure it was in the bomb. Thank God the sodium cyanide burned instead of vaporizing. If the sodium cyanide had vaporized, it is clear that what would have happened is the cyanide gas would have been sucked into the north tower and everybody in the north tower would have been killed.

I say to my colleagues: Here we have three incidents involving materials and weapons of mass destruction—in Russia, in Japan, and in the United States. The fact that the destruction wrought by the attempted use of these materials was not more massive owes more to luck or accident than to prevention, deterrence, or consequence management.

The threat of weapons of mass destruction is real, and it is now.

As a consequence of the collapse of the Soviet totalitarian command and control society, a vast potential supermarket of weapons and materials of mass destruction is becoming increasingly accessible. The collapse of the Soviet Union and the subsequent decay of the custodial system guarding the Soviet nuclear, chemical, and biological legacy has eliminated this proliferation chokepoint, since states and possibly even sub-state groups can now buy or steal what they previously had to produce on their own. This central fact has transformed the nature of the

proliferation problem for the United States as well as the rest of the world.

If this is a fair description of the nature of this threat, the prevailing view that there is today no direct threat to U.S. national security is dead wrong. It is my view that the risk of a nuclear, chemical, or biological weapon detonation on American soil has increased. While the probability of large-scale nuclear war between the United States and Russia has mercifully decreased dramatically, the probability that one, or two, or a dozen weapons of mass destruction detonate in Russia, or Japan, or Europe, or the Middle East, or even the United States has increased.

However, because this new threat comes in a form so unfamiliar, indeed, so radically different from prior experience, and because the instruments and policies to address it are so unlike the business our White House and national security establishments have pursued for decades, the American political leadership, the Congress, and the American people have great difficulty in awakening to this fact.

But, let us be clear. Absent a U.S. response to this threat of leakage of weapons and materials of mass destruction that is as focused, serious, and vigorous as America's cold war strategy, Americans may have every reason to anticipate acts of nuclear, chemical, or biological terrorism against American targets before this decade is out.

To oversimplify, there are three main lines of defense against these emerging threats:

The first is prevention and this must entail activities at the source.

The second is deterrence and interdiction and involve efforts to stem the flow of illicit trade in these weapons and materials of death.

The third line of defense is crisis and consequence management and involves greater efforts at domestic preparedness.

As we have explored the weapons material leakage and proliferation problem, one point has become increasingly clear. If the United States is to have any chance of stopping the detonation of a weapon of mass destruction on our soil, prevention must start at the source, the weapons and materials depots and research institutions in the former Soviet Union.

We have found that the former Soviet storage facilities are unsafe and insecure. We have learned that there are people and organizations in the world who are attempting to acquire these weapons and materials for terrorist purposes.

The most direct line of defense against these dangers is negotiated, verified reductions in nuclear, chemical, and biological forces. It makes no sense to be for missile defenses and against the START treaties and the Chemical Weapons Convention. Likewise, defense spending that facilitates threat reduction in the former Soviet Union is a wise investment. This is the essence of the Nunn-Lugar or Cooperative Threat Reduction Program.

I favor a prudent approach to strengthening our third line of defense—namely crisis and consequence management, including defense against ballistic missiles—but not at the expense of shoring up the front lines of defense—namely, prevention and deterrence. It is important to point out that a ballistic or cruise missile is not the likely delivery vehicle a terrorist or rogue nation will use to attack the United States. Rather, a Ryder truck, an already proven form of delivery, or a minivan, is much more likely.

Many refuse to believe that this type of drive-up nuclear, chemical, or biological attack is likely. I say it is the most likely. We must protect ourselves from missile attack, but at the same time, we must also be willing to expend the resources necessary to prevent, deter, and interdict this much simpler and more likely form of attack.

In my view, the potential costs of ignoring the threats and problems associated with the spread of weapons of mass destruction are so enormous that they demand a national mission on par with the Manhattan Project—Manhattan II. We need to assemble the best minds, with massive resources, to come up with, in a relatively short period of time, the kinds of technical tools that will allow our policymakers to develop truly credible responses and plans in the areas of nonproliferation and counterproliferation.

It will take time. But we can jump start that effort here in the Congress today. And that is the purpose of the amendment being offered by Senator NUNN, Senator DOMENICI, and myself.

There are three basic elements or components to our amendment. The first component stems from the recognition that the United States cannot afford to rely on a policy of prevention and deterrence alone, and therefore must prudently move forward with mechanisms to enhance preparedness domestically not only for nuclear but chemical and biological incidents as well.

The second component addresses the supply side of these materials, weapons and know-how in the states of the former Soviet Union and elsewhere. Building on our prior Nunn-Lugar/CTR experience, and recognizing that it is far more effective, and less expensive, to prevent WMD proliferation in the first place than to face such weapons on the battlefield or the school playground, our amendment includes countermeasures intended to firm up border and export controls, measures to promote and support counterproliferation research and development, and enhanced efforts to prevent the brain-drain of lethal know-how to rogue states and terrorist groups.

The third and last major component stems from the recognition much of the current effort to deal with the NBC threat crosscuts numerous Federal departments and agencies and highlights the need for the creation of a national coordinator for nonproliferation and

counterproliferation policy in order to provide a more strategic and coordinated vision and response.

Let me deal briefly with each of these components.

The first component of our amendment concerns domestic preparedness for terrorism involving weapons of mass destruction. Senator NUNN has described this part of the amendment and I will not repeat his explanation. Let me simply say that our hearings have demonstrated that the United States is woefully unprepared for domestic terrorist incidents involving weapons of mass destruction. Although recent Presidential decision directives address the coordination of both crisis and consequence management of a WMD incident, the Federal Government has done too little to prepare for a nuclear threat or nuclear detonation on American soil, and even less for a biological or chemical threat or incident.

The second component of our amendment focuses on further constricting the supply side of the proliferation of weapons of mass destruction. Since the disintegration of the Soviet Union, the Nunn-Lugar or cooperative threat reduction program and related initiatives has sought to address the threat to United States security posed by the nuclear weapons, scientists, and materials of the former Soviet Union. The mission to secure these nuclear assets, as well as their chemical and biological equivalents, is unfinished.

We seek to capitalize on the progress achieved in dismantling nuclear weapons of the former Soviet states and in preventing the flight of weapons scientists over the past 5 years and to expand the core mission of the program so as to address strategically the emerging WMD threats that compromise our domestic security. The resources that will be required to implement programs proposed in the amendment are not intended to supplant, but rather to supplement, current Nunn-Lugar funding levels.

More specifically:

First, cooperative programs to improve the protection, control, and accounting of nuclear materials must be accelerated and expanded to encompass all of the nuclear facilities that handle sensitive nuclear materials and components.

Second, the security of nuclear materials during transportation between nuclear facilities must receive greater attention. Transportation risks will grow as more nuclear warheads are disassembled and their materials are shipped to interim or permanent storage sites.

Third, greater programmatic emphasis needs to be placed on safeguarding highly enriched uranium fuel used in Russian naval propulsion. We need to accelerate and expand our programs with the Russian Navy to encompass all unirradiated enriched uranium fuels used for ship propulsion.

Fourth, we need to get on with the business of closing down plutonium

production facilities in Russia. Russia agreed to a United States proposal to cease plutonium production for weapons but action has been stymied by the fact that the three reactors in question also produce heat and electricity. These reactors can be converted so that they can no longer produce weapons-grade plutonium while permitting them to continue to produce heat and electricity.

Fifth, in order to expand our transparency program efforts with the Russians, we need to undertake new efforts to evaluate technologies and techniques to verify that weapons are being dismantled and to verify the quantities of nuclear materials from disassembled warheads.

Sixth, in the area of securing weapons and materials, it is time to make a concerted effort at chemical and biological threat reduction. Opportunities do exist to secure materials that can be used to make chemical and biological weapons, and we need to determine the feasibility and priority of moving beyond nuclear threat reduction and beyond chemical-weapons demilitarization efforts to explore possibilities for improving security for chemical and biological weapons materials.

Seventh and last, in addition to enhanced efforts to secure the weapons and materials of mass destruction, we must recognize that the combination of organized crime, porous borders, severe economic dislocation and corruption in the states of the former Soviet Union has greatly increased the risk that lethal materials of mass destruction as well as the know-how for producing them can pass rather easily through the borders of the former Soviet Union.

Although Nunn-Lugar programs have begun to offer training and equipment to establish controls on borders and exports throughout the former Soviet Union, much more needs to be done. Much of the training that is done by the U.S. Customs Service will lapse this year.

The third component of the amendment focuses on the need for a national nonproliferation coordinator. There is a broad consensus that WMD proliferation is now, and will remain for the foreseeable future, the top threat to U.S. national security interests. Yet the American response to this proliferation threat remains scattered and unfocused.

The present nonproliferation and counterproliferation efforts include dozens of departments and agencies that have responsibilities in one way or another to protect the United States from such threats. This patchwork effort suffers from lack of coordination, overlap, and duplication. The very nature of the WMD threat demands not just the attention of our armed services and diplomatic corps, but also our law enforcement community, our scientific community, and our intelligence community.

In my view, our Nation's nonproliferation effort is in need of a strategic and coordinated government-wide plan.

In order to best address the cross-cutting nature of the proliferation challenge, we propose to establish the position of the national nonproliferation coordinator who will be charged with coordinating policies and activities to combat the threat posed by WMD both domestically and internationally. The coordinator should have the authority to review the budgets of all agencies with programs in nonproliferation, counterproliferation, and related areas of intelligence and law enforcement. The office of the coordinator should be augmented with nonproliferation and counterproliferation experts from the Departments of State, Defense, Justice, Energy, Commerce, the intelligence community, and such other agencies as may contribute to the mission of the national coordinator.

To support a comprehensive approach to nonproliferation, the national coordinator should chair a new committee on proliferation, crime, and terrorism, to be established within the National Security Council. That committee should include the Secretaries of State, Defense, Justice, Energy, the DCI, and other department and agency heads the President deems necessary. This committee within the National Security Council should serve as the focal point for all government nonproliferation, counterproliferation, law enforcement, intelligence, counterterrorism, and other efforts to combat threats to the United States posed by weapons of mass destruction.

Mr. President, it is time to go beyond a recitation of the threats posed by the proliferation of weapons of mass destruction and to start developing an appropriate strategic, coordinated response. We know what the threats and the problems are. We even have the knowledge and expertise to deal constructively with these threats.

Difficult as it is, identifying a new challenge is the easier part of the problem. Summoning the political leadership, the political will and resources, and the support of the American people to act is harder still. Despite the threat of loose weapons of mass destruction and weapons-usable materials, will the political leadership of this country, including this Congress, step up to the plate?

Or will this new threat be given the priority it deserves only on the morning after the first act of nuclear, chemical, or biological terrorism takes place on American soil? What will we wish we had done?

This amendment represents our considered judgment as to the appropriate starting points for a national effort to deal with the threats posed by the proliferation of weapons of mass destruction. We have held over 20 hearings during the course of the last year. We have worked with experts in the execu-

tive branch—in the law enforcement area, in the Energy Department, in our national laboratories. And we have consulted with officials at the State and local levels—with first responders who will be on the firing line if our efforts at prevention and deterrence should fail.

Senator NUNN, Senator DOMENICI and I are convinced that the programs and measures outlined in the amendment are doable. And we ask for the support of our colleagues in agreeing to this amendment.

I yield the floor.

Mr. DOMENICI addressed the Chair.

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

Mr. DOMENICI. Mr. President, I first want to indicate to my good friends, Senator NUNN and Senator LUGAR, how appreciative I am that we have been able to work together to put this comprehensive amendment before the U.S. Senate.

While this is not a session this evening attended by very many Senators, I believe if this amendment is adopted tomorrow and if it remains part of the authorization bill and if it is signed by the President, then this will have been a red-letter day in the future of the United States and our people, because it appears to me that we ought to do everything we can to avoid a catastrophe that can occur in the United States with reference to a nuclear weapon being detonated here or a biological or chemical weapon, which I believe most experts say is probably more apt to happen and more dangerous today to America's future. If we can get our country started in a preventive program and in a coordinated program of using the finest talent we have, scientific and technological, to bear down on this issue, then I believe this will have been an extremely productive defense authorization bill.

Having said that, I would like to make a part of the RECORD the following: a letter dated June 26 to myself from the Secretary of Energy. I will merely paraphrase it. The Secretary says:

Finally, the amendment will improve both our near-term and long-term work to prevent and counter the growing threat of weapons of mass destruction to the United States. We look forward to working with the Congress to address these priority concerns . . .

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

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

THE SECRETARY OF ENERGY,  
Washington, DC, June 26, 1996.

Hon. PETE V. DOMENICI,  
U.S. Senate, Washington, DC.

DEAR SENATOR DOMENICI: I am writing to state my strong support for your efforts to enhance U.S. national security in the face of the increasing threat posed by weapons of mass destruction.

The Amendment No. 4181 that you have proposed to the Defense Authorization bill and published yesterday in the Congressional

Record would contribute significantly to our ability to protect the American people and the world from threats posed by unsafeguarded nuclear material.

It would enable us to complete nuclear materials upgrades on an urgent basis at key sites in Russia which were agreed to between Vice President Gore and Prime Minister Chernomyrdin since our budget was submitted. It would aid our ability to fund our very successful "Lab-to-Lab" materials, protection, control and accounting program which has been the pace setter in gaining access to vulnerable sites in the former Soviet Union where nuclear materials are stored and are in need of security upgrades. Our progress in these areas has outpaced available funding. The faster such sites are secured, the less likely that weapons grade material will be diverted to rogue states or terrorist groups. The costs of prevention are far less than the costs of defending against diverted material or coping with the potentially catastrophic consequences of terrorist use of such material.

The amendment also augments our Nuclear Emergency Search Team, or NEST, capability to be transported quickly anywhere in the United States or the world to deal with finding and disarming a nuclear device.

The amendment would leverage existing research and development capabilities of the Department's National Laboratories to better verify and secure U.S. and Russian nuclear weapons pits awaiting disposition, and make full use of DOE's capabilities to detect and counter nuclear smuggling and other weapons of mass destruction.

Finally, the amendment will improve both our near term and long term work to prevent and counter the growing threat of weapons of mass destruction to the United States. We look forward to working with the Congress to address these priority concerns of the Administration.

Sincerely,

HAZEL R. O'LEARY.

(Mr. LUGAR assumed the chair.)

Mr. DOMENICI. Mr. President, on June 26, Senator NUNN received a letter—it was actually for all of us and for this amendment—from Defense Secretary Perry. I quote the last paragraph:

Taken together, the amendment's provisions will result in important improvements to the Defense Department's capabilities to prevent and respond to the threats both here and abroad posed by terrorists and weapons of mass destruction.

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

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

THE SECRETARY OF DEFENSE,  
Washington, DC, June 26, 1996.

Hon. SAM NUNN,  
U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: I am writing to express my appreciation and support for your efforts to improve our ability to protect the American people, our troops and allies from the threats posed by weapons of mass destruction and terrorists who might use them.

The amendment you have proposed to the Defense Authorization bill on this issue would provide important support to enhance our defense capabilities against these threats. It would assist us in our efforts to improve our domestic preparedness to prevent and, if necessary, deal with a potential domestic terrorist incident involving weapons of mass destruction. It would also strengthen our ongoing efforts in Cooperative Threat Reduction and other programs to

prevent proliferation by reducing and improving control over such lethal weapons and materials at the source and strengthening the international community's ability to interdict them at borders.

Taken together, the amendment's provisions will result in important improvements in the Defense Department's capabilities to prevent and respond to the threats both here and abroad posed by terrorists and weapons of mass destruction.

Sincerely,

WILLIAM J. PERRY.

Mr. DOMENICI. Mr. President, within the last 3 or 4 days, a very interesting report has been forthcoming. I believe it is a godsend for us. It is called "A Nuclear Black Market," and it was a report issued under the auspices of the Center for Strategic and International Studies. It is very significant, because many of the participants in this study have great credibility with many Senators with reference to issues of this type.

Arnaud De Borchgrave, who many know as former editor of the *Washington Times*, was the project director of this report. I am not going to make it a part of the RECORD; I am merely going to suggest to those who wonder whether this amendment moves us in the right direction, I suggest if they want the recommendations of this group, headed by the person that I just talked about, under the auspices of a very reliable think-tank group and containing the following prognosis—and if this does not sound something like the speeches just given by Senators NUNN and LUGAR—let me share it with you.

The prognosis says—and that is all I will read and urge that Senators or their staffs interested should read it—the prognosis says:

In the near term, several key variables in the nuclear smuggling equation appear likely to remain bad or may even worsen. Barring an unlikely economic turnaround in the former Soviet Union, struggling nuclear workers will continue to be tempted to steal material. Disarray in the Russian military is apt to worsen in the near term, threatening security at nuclear weapons storage sites.

The current trafficking situation shows a disturbing upward trend. Substantial quantities of materials are likely to remain at large, and the potential for an accident or use of smuggled nuclear materials probably is increasing, partly as a result of dismantling.

By contrast, certain trends are favorable. Improvements in the materials protection and controlled accounting in the former Soviet Union are progressing slowly. The number of deployed warheads and assembled weapons is shrinking and facilities are consolidating. Transit states are beginning to deploy technical detectors and are acquiring needed training and experience. Meanwhile, the international community is starting to respond to this severe challenge. Although any prediction is tenuous, the situation seems likely to get worse over the near term and will not improve unless immediate security enhancements are made.

Then one might be surprised to read the recommendations. The recommendations begin to sound like this bill. For that, I am very pleased, because the three of us and our staffs and

an assemblage of experts, not including those who put this report together, have worked very hard in an effort to bring a comprehensive bill before the U.S. Senate tonight.

So, Mr. President, after yesterday's bombing in Saudi Arabia, my colleagues do not need to be reminded of the devastation of a conventional bomb. I am not aware of any of my colleagues who had the opportunity to observe an above-ground nuclear blast, but I believe my colleagues recognize the devastation that such an explosion would have if a nuclear weapon were to explode in New York City or in Indianapolis or in Atlanta or in Chicago.

We are less familiar, however, with the threat of chemical weapons, although we do have some experience from the Tokyo subway incident, which has been discussed thoroughly here tonight, from observing the use of chemical weapons in the Iran-Iraq war, and from dealing with accidental chemical leaks in events such as railroad car derailments.

I think very few of us are aware of what could happen if a rogue nation or group attacked the United States with a biological device. The device could very well be made in a laboratory the size of a kitchen.

My colleagues recognize all the equipment necessary to culture a biological agent. Most of it can be found in a high school or college chemistry laboratory, or ordered, I might say, from a number of mail-order houses in the United States and around the world.

In that kitchen laboratory, the first drop of an agent would be cultured until it multiplied billions of times. To turn those germs into a weapon would be very straightforward. The biological agent would be placed in a container designed to open and disperse the material into the air, possibly with a small fan. The device would be most effective placed in locations of which significant airflows interact. And when that interacts with large numbers of people, they have almost a special place for this kind of destruction: A metro station, the air-conditioning system of a large building, an airport.

People passing through would breathe the agent into their lungs, where it would continue to multiply with every breath. The unknowing transporter would exhale some of the agent, to be breathed in by others. The first illness might not occur for several days. First, those directly exposed would start to die. Then their co-workers, their families, their friends would start to die.

Initially hospitals would be overwhelmed, like we found when we have had viruses before, including the Ebola virus. The virus would flourish at the hospitals, turning them into killing grounds. I could go on.

I do this because I truly think it is imperative that somehow we get the message to the policymakers of this country and ultimately to the people of

this Nation that just as we amassed in the Manhattan project the greatest of our scientists with a mission, a mission to save America by developing the atomic bomb, it is imperative that we coordinate our best efforts and resources, our best scientists and technicians to lodge an attack on the impending potential disasters that can come from biological and chemical destruction and the forces that can be set forth and lay millions of people to waste.

There are no easy answers. But there were not easy answers to some of these gigantic technical and scientific problems that we have faced in the past. The longer we sit by and assume it will all be taken care of because a lot of people are working on these kinds of issues, the longer we are being fooled. So we have put together a bill that addresses these issues on many fronts.

Clearly, it addresses the issue of the nuclear black market. That has already been discussed in great detail. I merely want to say to Senators who might wonder whether it is in America's interests to negate this black market or whether it is in somebody else's interest, there can be no question, it is in our interest, the whole notion of a black market coming out of the Soviet Union, because they are dismantling, are in a state of disarray, building down their nuclear weapons, all of which contributes an enormous potential for the dissemination of those kinds of things from whence nuclear bombs can be made.

It is in our interest that we continue, as difficult as it is, to put some resources into trying to tame that which is being loosed on the world through individual conduct in the Soviet Union and in some cases through organized conduct. The genie is out of the bottle there, but it behooves us to try to make that as small as humanly possible. And we can do better.

If we adopt this amendment, and find the resources to fund it, it will be just another very positive stride in the direction of doing what is prudent for our people in reference to this very, very serious threat.

It is kind of amazing and somewhat ironic that as we end the cold war, we turn loose a new hot substance. It is no longer necessarily the fleet of rockets aimed at us, but it is the tremendous inventory from plutonium to enriched uranium and everything in between that can be turned loose because a country cannot control its people and does not have the money to pay its scientists to keep working and do productive things. What a tremendous, difficult situation we are confronted with, difficult enough to do something serious about.

This bill clearly takes some giant steps in the right direction. It directs the Department of Defense to create an emergency response team similar to the Department of Energy's nuclear emergency search team. This team

could be called upon to locate and deactivate chemical or biological devices or try to contain them once detonated.

The amendment directs the Departments of Energy and Defense to develop new technologies to detect the production and transportation of these agents. Just think of how tough this one is. But if we do not tell our scientists to try to find ways to detect these devices and the places of their origin, then what chance do we have to make any real strides in inhibiting the devastating potential, a little piece of which I described in my early remarks.

Metro medical strike teams are established. I will not go into great detail. Joint exercises are provided for, and an effort to help our local law enforcement, not take over, but to help them become more proficient in this potential and thus more able to be of help and be part of prevention rather than wait until something happens and then have the clamor that nobody knew what to do, nobody was trained.

We are smart enough to know that these things can happen. Tonight my two colleagues have already explained how they have already happened and how close we have come in our own country to a major—to a major—biological disaster in New York City.

There is much more I could say tonight. Most of my remaining remarks would have to do with the former Soviet Union and certain programs that are working fairly well, some that we ought to enhance and make better. But I will not do that because between Senators NUNN and LUGAR, they have touched on it. I am sure when Senator NUNN finishes his remarks tonight, since he has started in this arena in the former Soviet Union, he will make additional remarks about what we ought to be doing.

I merely want to say that I got some very good education about this from some of our national laboratories. I participated in two national seminars hosted by Los Alamos National Laboratory, and in the last case by them and Harvard University, when they brought the best thinkers together to tell us about the reality of this situation.

Are we pipe dreaming or is it real? If it is real, what should we be doing about it? From those kinds of contacts, I have arrived at the conclusion that if one is going to leave a legacy around here, one ought to leave a legacy in this area of calling this kind of problem to the attention of the policymakers and then doing something about it.

If one would have been part of originating the Manhattan project, one might have been very proud of having a part in assembling this massive talent, managed in an appropriate way, to bring America the first atomic bomb. The same thing might be happening here, for our great scientists might permit us to evolve from this legislation into something that might really preserve and save literally millions of

people and literally millions of Americans now and in the future.

Now, let me turn to the threat of nuclear weapons. At its peak in 1992, the Soviet Union possessed approximately 45,000 nuclear warheads and weapons grade nuclear material to fabricate thousands more.

The Soviet Union also produced an unknown amount of highly enriched uranium for reactors and for their nuclear navy. That material is also weapons usable.

While we will never know for certain how much of this material exists, the number 1,200 metric tons of weapons-usable material is frequently used.

If one considers that a simple nuclear weapon requires 15 kilograms of highly enriched uranium and 4 kilograms of plutonium, there is enough weapons usable nuclear material in Russia to build more than 63,000 nuclear weapons, each of which could fit in a briefcase.

That material cannot be accounted for—the best concrete example we have is Project Sapphire.

Project Sapphire occurred when the Government of Kazakhstan found 600 kilograms—enough material for 32 nuclear weapons—of highly enriched uranium that had been inadvertently left in Kazakhstan when the Soviets left.

Not only was 600 kilograms left behind, but the inventory of that material conducted according to Soviet measuring techniques was off by 4 percent—enough to make almost two nuclear weapons.

In the Sapphire case, the Department of Energy secured that material and transported it to the Oak Ridge National Laboratory. But that case demonstrates how lacking inventory control systems are in the former-Soviet Union.

Even when the material is in dedicated storage facilities it represents a threat. At Chelyabinsk-65, bulk plutonium is stored in a warehouse with glass windows and a padlock on the door. Inside the facility are over 10,000 ingots of separated plutonium stored in thermos-sized containers—perfect for picking up and walking out.

If the terrorists who tried to blow up the World Trade Center had used a nuclear weapon made of that weapons usable nuclear material, Manhattan—all the way up to Gramercy Park, would have disappeared. If such a device had been set off in Oklahoma City, most of Oklahoma City would have disappeared.

The examples I have given are using a simple weapon design that is available over the Internet. If a rogue nation were to hire a Russian weapons designer and have access to the necessary material, that designer could build a sophisticated, multiple-stage weapon many times more powerful.

My colleagues need to understand that the weapons used in Nagasaki and Hiroshima were much cruder designs than are easily available today. If a terrorist or rogue nation gains control

of weapons usable nuclear material—they immediately become a nuclear power more advanced than the United States was when we bombed Hiroshima and Nagasaki. We cannot let that happen.

For the past 5 years, under the leadership of Senators NUNN and LUGAR, Congress has provided \$300-\$400 million per year to address this problem. Unfortunately, when the original legislation authorizing that work was enacted in 1991, it included numerous restrictions on its use.

I understand why those restrictions were put in place—when Nunn-Lugar was first enacted, the hammer and sickle of the Soviet Empire still flew over Red Square. But there have been some real successes—a lot of which resulted from the less formal interactions of the Department of Energy with their counterparts in the Russian Ministry of Atomic Energy.

It turns out that these scientists; ours at Los Alamos, Lawrence Livermore, and Sandia; and theirs at Arzamas, Tomsk, and Chelyabinsk; think alike. They have been following each other's work for years and have tremendous respect for one another. So when the Cold War ended, they started getting together and found they have a great deal in common.

Out of those informal relationships have developed some very important programs.

#### MATERIALS PROTECTION, CONTROL, AND ACCOUNTING

The Department of Energy has already secured nuclear material at 35 facilities in the former-Soviet Union. Those security systems include, cameras, gates, portal monitors, and tagging devices to track nuclear material.

At the January Gore-Chernomyrdin meeting, six more sites were added to the list of sites to which DOE will have access to secure nuclear materials.

Because these sites were only agreed to in January, funds were not included in the President's budget request. However, these sites are a top priority—one of the sites is Krasnoyarsk-26, one of the sites of Russia's remaining three plutonium production reactors.

The amendment includes an additional \$15,000,000 for the program.

#### LAB-TO-LAB

The close relationships developing between the national laboratories here and the Russian Institutes is the foundation of our success to date.

Lab-To-Lab efforts are intentionally diverse. Currently, efforts are focusing on ways to safeguard and transport assembled Russian nuclear weapons.

This amendment expands the Lab-To-Lab Program to include all the states of the former-Soviet Union and provides an additional \$20,000,000.

#### COOPERATION WITH RUSSIAN NAVY ON NUCLEAR MATERIALS SECURITY

Highly enriched uranium intended for naval propulsion can be used in nuclear weapons. To date, our material protection, control, and accounting efforts have focused on the Ministry of



Atomic Energy and have not involved the Russian Navy.

Through the Lab-To-Lab Program, the Department of Energy has met with Russian naval officers. In April, a delegation of Russian naval officers visited Oak Ridge, Sandia, and Los Alamos to familiarize themselves with our protection, control, and accounting systems.

In turn, Department of Energy officials have visited Murmansk and an agreement is now in place to secure fresh Russian naval fuel at two locations.

The amendment includes \$6,000,000 to initiate this work and expand to eventually include 10 to 15 locations and a navy-wide accounting system.

#### INDUSTRIAL PARTNERING PROGRAM

Weapons usable nuclear material is a clear threat. However, if that material is combined with someone knowledgeable enough to build a sophisticated, multiple-state system, the threat increases dramatically.

The Industrial Partnering Program seeks to bring together Russian nuclear scientists with U.S. industry to provide new careers so those individuals are less likely to be lured into the service of rogue nations or groups.

U.S. companies benefit from the exceptional technical capabilities of these scientists and engineers, but we also gain the knowledge that at least some of these potentially dangerous people have found a way to feed their families without endangering our national security.

Because the Armed Services Committee has already increased funding for IPP to \$50,000,000 from \$15,000,000, this legislation simply expands IPP's mandate to include facilities once used to produce biological and chemical weapons.

#### TECHNOLOGY DEVELOPMENT

The United States has to develop better means of detecting nuclear, biological, and chemical materials.

Using current remote sensing technology, a chemical or biological weapons factory is almost impossible to differentiate from a fertilizer factory or a brewery. Our experience in Iraq demonstrates that, even in a country that allows International Atomic Energy Agency inspections, it is difficult to detect a covert nuclear program.

The amendment includes an additional \$20,000,000 to develop technologies so that we can assess whether our enemies are developing nuclear, biological, or chemical weapons capabilities.

#### PLUTONIUM REACTOR CORE CONVERSION

Unlike the United States, the reactors used to produce plutonium for Soviet nuclear weapons, also produced electricity to heat surrounding towns. Three of those reactors continue to operate and produce plutonium; two at Krasnyarsk-26 and one at Tomsk-7.

Russia has refused to shut the reactors down because they are desperate for the electricity. However, the Rus-

sian Ministry of Atomic Energy has agreed to convert the cores of the three reactors so they no longer produce weapons grade plutonium.

It is my understanding that the conversion will cost \$70,000,000 to \$90,000,000.

The amendment includes \$15,000,000 to complete the necessary design analysis and to begin procuring the necessary components.

#### VERIFICATION, CONVERSION, AND DISPOSITION OF WEAPONS GRADE MATERIAL

Russia is currently dismantling 2,000 warheads per year and storing the nuclear components in facilities one Russian advisor has referred to as "an old warehouse".

The first priority must be to secure that material through the MPC&A Program but our long term objective must be the permanent disposition of that material.

Recently Los Alamos National Laboratory won an R&D 100 award for a new technology that enables us, for the first time, to transform plutonium from weapons into non-weapons usable forms in a verifiable manner.

This is a significant accomplishment because the Russians refuse to let us see the plutonium from their weapons since the shape of the plutonium is one of their most closely guarded secrets.

However, the new ARIES technology will enable us to verifiably transform weapons grade plutonium, removed directly from a weapon, into an ingot of plutonium oxide or hydride unsuitable for weapons use.

The amendment provides \$10,000,000 to initiate a joint program in this area.

#### THIS IS NOT FOREIGN AID

These are the programs we have determined are of the highest national security—they are not foreign aid.

As a result of these programs, we will safely and permanently dismantle and inventory Russian nuclear weapons, and tie up their weapons expertise.

When the original Nunn-Lugar legislation was enacted, it was accompanied by all sorts of requirements for certifications that Russia was meeting certain requirements. That logic is exactly backwards—we are undertaking these programs where they are in our national security interest and the Russian Federation is willing to cooperate.

Again, I am very proud to be part of this amendment. We have worked very hard together on it. I am very grateful to the two Senators, the occupant of the chair and Senator NUNN, for letting me join you in this effort. I hope it does reach fruition. I yield the floor.

Mr. NUNN. Mr. President, I thank my friend from New Mexico and my friend from Indiana who now occupies the chair. This has truly been a partnership. I say that the Senator from New Mexico has been really a part of this overall effort from the very beginning.

I remember very well when we had the original Nunn-Lugar amendment on the floor and the Senator from New Mexico came and spoke up very vigor-

ously in favor of that, as did the Senator from Virginia. The Senator from Virginia has been very helpful in this legislation from the very beginning.

So the Senator from New Mexico has made immense contributions here and in the DOE lab program, the many other programs that the Department of Energy is involved in. And primarily it is the work of the Senator from New Mexico. So we are very proud to be partners in this endeavor, and it is truly a bipartisan endeavor.

I know the Senator from Virginia would like to ask questions. I am going to abbreviate my concluding remarks.

Mr. President, as I said earlier, this training and equipping function is the heart of this amendment, but not the whole amendment. Other parts of the amendment are designed to beef up our customs capability to try to interdict the smuggling of weapons of mass destruction and their components into the United States, and to provide the latest detection technology to customs officials. The best way to prevent a terrorist incident involving a nuclear, radiological, chemical, or biological weapon is to stop these dangerous materials at our ports and airfields and borders. While some equipment is available that is capable of detecting materials related to these weapons, this equipment is not yet widely deployed, and we must speed up the process. In addition, we must speed the development of new technologies that can detect nuclear, chemical, and biological materials before they reach the terrorist who will assemble them, or detect the materials in an assembled weapon before it can be set off. Better technology is essential to guard our borders, and it is essential for our domestic law enforcement.

We are also concerned about interdicting supplies of dangerous materials across frontiers in Eastern Europe, the Caucasus, and along the southern flank of the former Soviet Union, where many newly-independent states effectively have no customs capability. Therefore, the amendment provides modest funding for US customs to train counterparts in those countries, upon request.

In addition, the amendment allocates some funds for expansion and continuation of the original Nunn-Lugar concept through programs run both by the Department of Energy and by the Department of Defense's Cooperative Threat Reduction Program. We are seeking to expand these programs both in Russia, and, increasingly, in other states of the former Soviet Union. My cosponsors will describe these activities in more detail.

Finally, there are three serious deficiencies in planning for contingencies. First is the lack of coordination of activities across the many Federal agencies who have some responsibility for some portions of the overall problem. Second is the lack of coordination of Federal agencies and activities with those of the states and municipalities



who will be first to bear the brunt of future attacks. Third is the lack of a national security funding mechanism to match the new national security missions in many of the Federal agencies whose actions must ultimately be integrated with those of DOD and DOE. To address these fundamental problems, this legislation establishes a coordinator in the office of the President to try to bring a degree of order to the fragmented responsibilities that exist today.

With this introduction and description of the main purpose of the legislation, Mr. President, let me next give a brief section-by-section overview of the amendment.

Title One focuses on the need to better train, equip and coordinate our emergency response personnel who are presently unprepared to deal with terrorist incidents involving nuclear, chemical or biological agents. Our bill makes efficient use of the expertise in our military and energy departments to train local officials to respond to incidents involving WMD. Our hearings highlighted weaknesses in federal preparedness for WMD incidents, especially regarding coordination among agencies. Our legislation goes a long way toward improving this situation by establishing a chemical and biological response team, modeled after the Department of Energy's nuclear emergency search team. Such assistance and expertise could only be brought to bear if called up by civil authorities to implement the Federal disaster response plan, and would be limited by language that respects the proper demarcation between our military and civilian agencies. Keeping in mind these precautions, it is possible to apply our Nation's hard-won expertise in chemical and biological warfare to this urgent national security threat without infringing on our political traditions.

Additionally, this legislation creates medical responses teams throughout the United States. These highly trained and deployable health care teams will assist the existing local resources in our cities and towns to respond to and mitigate a WMD incident.

Title II includes countermeasures against the smuggling of WMD materials when they do leak from their source. This legislation supports efforts to tighten border security and export controls both at our borders, and elsewhere on likely routes that these lethal materials might take through states of the former Soviet Union. It also supports research for development of technical means to detect the unauthorized transportation of these lethal materials. Finally, it recommends greater penalties for those criminals involved in smuggling of these materials.

Title III builds upon the successes of the Nunn-Lugar program to address the full range of the proliferation threats to our country. The Nunn-Lugar/cooperative threat reduction programs focus on the problem at its

source by improving safeguards on weapons, weapons materials, and expertise inside the FSU. Since its inception, this program had made an enormous contribution to improving the security of our Nation. As of June 1, Ukraine, which held far more nuclear weapons than any state other than the United States and Russia, is no longer a nuclear state. Kazakhstan became nuclear free last year, and Belarus will become nuclear free by this fall. Our legislation provides funds to the Defense and Energy Departments in order to promote efforts at control of these weapons and materials, and conversion of facilities that produce them. I often ask the critics of these programs how much it is worth—in terms of our security—to destroy Soviet missiles and to dismantle their warheads, and to keep the resulting nuclear weapons materials out of the hands of terrorists and rogue nations? How much did we spend to deter the use of these same missiles during the cold war?

Finally, what is needed is a comprehensive strategy that encompasses the many facets of the proliferation threat. The time has come to adopt our Government to the complexities of the post cold war national security situation. WMD proliferation crosscuts numerous agencies and departments, including some such as the Customs Department, the FBI and the Department of Health and Human Services, that have not previously been recognized as having major responsibilities for national security. The convergence of proliferation with terrorism and organized crime, the growing awareness of the potential use of chemical and biological agents in a terrorist incident, further complicates the implementation of a comprehensive approach to this problem.

Title IV establishes a national coordinator to pull together the different parts of our nonproliferation policy. The national coordinator would be appointed by the President to serve in the Executive Office of the President. He or she would oversee the senior directors for nonproliferation, counterproliferation, arms control, terrorism and global crime to assure that we remain focused, that our priorities receive consistent high-level attention, and that vital proliferation threats do not slip through the cracks.

I am convinced that we must address this issue before the unthinkable happens. Can we afford to dismiss the possibility that another World Trade Center or Oklahoma City bombing could involve chemicals, biological organisms or radioactive materials? We do so at our peril. The trends are clear: more nations and groups are exploiting increased availability of information, technology, and materials to acquire mass destruction or mass terror capabilities. There is no reason to believe they are not willing to sue them. I have heard too many experts whose opinions and credentials I respect, tell me that it is not a question of if but

only of when. I believe this legislation, while only a beginning, responds to a very urgent national security concern of our Nation.

Mr. President, in essence, we have three different ways of trying to protect the American people from weapons of mass destruction in terms of proliferation.

One way is the original Nunn-Lugar program, which is an effort to stop the material at its source, not to have the material, the scientists, the know-how come out of the former Soviet Union and spread all over the world, ending up threatening either the United States and our people or our allies. That is what we are beefing up here. We are trying to accelerate some of the good programs that are ongoing there. So that is step No. 1. Just as we have tried to stop drugs at their source, we are trying to prevent this proliferation from getting out of the former Soviet Union. That is not just Russia.

I hear people talk about "foreign assistance." This is not foreign assistance. We have other programs that are foreign assistance. This program is national security. It is in our national security interests not to have the Russian nuclear weapons, nuclear material, nuclear know-how, scientists all over the world ending up threatening both the United States and our military forces wherever they are deployed, but also threatening American people. This is in no way foreign assistance. As a matter of fact, there is no cash involved here. We are not furnishing cash to Russians. They do not have any way to convert this cash to their own defense programs that do not relate to this. They are basically being furnished equipment and know-how for a specific purpose. There is one cash provision, I believe, going to the Ukraine. That is the only one and that is subject to very strict accounting procedures.

Stopping the proliferation at its source is the best, most productive, the most effective, the most efficient way of dealing with this problem. We ought to continue that effort as long as the window of opportunity is open. It remains open today in Russia and it remains open in Belarus, and it remains open in Ukraine and Kazakhstan. We have succeeded beyond what any of us thought was possible in this regard. Since September 1990, over 4,000 warheads have been removed from operational status in the former Soviet Union; over 1,000 missiles have been removed from launches; over 800 missile launchers and bombers have been destroyed; controls, safety guards and a myriad of nuclear facilities in Russia have been enhanced, adding new layers of defense against proliferation efforts.

Outside of Russia, the most significant event, which I know the occupant of the Chair now, and I, believed at one time was not likely to happen, and that is the other countries that could have become nuclear powers—Ukraine, Kazakhstan and Belarus—are no longer headed down that road. In Kazakhstan,

all the nuclear weapons have been removed. No nuclear hand on the trigger or finger on the trigger in Kazakhstan. About a week and a half, 2 weeks ago, the last nuclear warhead came out of the Ukraine. I have been informed by people in Belarus and my own officials that the last warhead will come out of Belarus this year. If nothing else, if nothing else, having one nuclear hand on the trigger, that is Russia, instead of four countries that we have to deal with and defend against and worry about is an enormous accomplishment.

How much would we have paid during the cold war to basically find three countries that had weapons of mass destruction and be able to get rid of them? If the CIA or the Department of Defense had come in and said, "If you will give us x number of dollars in our budget, we will guarantee you that we will get rid of the weapons in three countries that are now aimed at the United States," how much would we have paid for that? Ten billion dollars, \$20 billion, \$30 billion, \$40 billion, \$50 billion? Probably \$60 billion or \$70 billion. It would have been enormous. We spent trillions of dollars defending over the years. Now we have been able to accomplish this not because they were doing us a favor, but because these countries realized it was in their own best interests, their own national security interests to get rid of these weapons, to ship them back to Russia to keep them under central control.

We were able to use these funds to give them the incentive and the priority and the reason to their own people, to their own legislative bodies, to help justify what was fundamentally in their interests. Stopping these weapons at their source is the No. 1 effective way. I am very much in favor of the other parts of this bill, but this is the most effective money we will spend. I hope everyone recognizes that. If you look at what has been accomplished, you can see that very clearly.

The second way we are trying to deal with the problem is through the Customs Service. We are using, yes, DOD and DOE money to help the Customs Service beef up their capability to prevent weapons from coming into this country, so that the Customs Service is able to get from DOD and DOE the best technology we have to be able to detect weapons coming across the border—not just nuclear, but chemical and biological, as well. Also, we are beefing up the DOD-DOE work in finding better ways to detect these weapons.

I have been briefed many times on this subject, most recently this last week, and it is very clear that even with all the work DOD and DOE have done, we still have a long way to go to find, really, effective state-of-the-art methods of detecting particularly chemical and biological weapons. We are better at nuclear detection than chemical and biological. Those are the threats that are more likely to happen. Not only detecting coming across the borders but detecting these in airports,

ports and major cities where an attack may be suspected. That is the second way, beefing up customs.

The other facet is customs will also, under this bill, be given a mandate and some money to help these other countries like Kazakhstan, Belarus, the southern countries in the former Soviet Union so that they will be able to beef up their own customs. These countries want to help, they want to be able to help prevent the spread of these weapons, but they do not have the know-how or the expertise. In many cases, they do not have the training, and they certainly do not have the equipment. This is the second way we are dealing with this problem.

Finally, we are dealing with it by acknowledging that we have a serious and fundamental problem in terms of our cities, our States, particularly our metropolitan areas, in being able to, No. 1, detect the materials that may be used for attack against soft targets, against population centers, against airports, against major sporting events, whatever, to detect it and prevent it. Second, to be able to deal with it if it happened. We are woefully unprepared to deal with this kind of catastrophic act of terrorism if it occurs. There is no doubt about that.

We have had before the permanent Subcommittee on Investigations, and the occupant of the Chair has had similar hearings in his Foreign Relations Committee, and we have had hearings in the Subcommittee on Investigations, and there is no doubt the police departments, the fire departments, are on record as saying, "We need help." That is what we are trying to do here.

This will not solve the problem. This is a beginning. This is an effort to help train, probably first of all, some Federal people who can go out and train others. Probably we will have the FEMA people involved. They are not ready to do this now, but it is my hope that we will be able to phase DOD and DOE out of this kind of training for domestic law enforcement officials and firemen, sometime in the next 2 to 3 years. They are the best source now, but perhaps the administration will decide with the flexibility they have been given to train the Federal emergency management people so they can continue this training in the future. Right now, we have no choice but to deal with the expertise we have, and that is in the Department of Defense and the Department of Energy. We are encouraging that.

I know the Senator from Virginia, being a former Marine, would be very interested, and I know he is aware that the Marine Corps is beefing up a considerable amount of talents and capability now to be able to deal, as the NEST team does in the Department of Energy, with nuclear threat, to deal with the chemical and biological threat. The Department of Defense will make that decision as to who is the main resource there, but the Marine Corps is out front, and our special oper-

ation forces also very much are involved in this area. So we have some military capability there that is going to be developed.

Mr. President, the only other thing I add, we are beefing up the research capabilities of both DOE and DOD. I emphasize that because we need better methods, we need better tools, we need better equipment, we need better protective gear and we need to do everything we can to bring our considerable technology to bear to deter and to prevent and to detect and finally to deal with this threat, if necessary.

Rather than take more time now, I thank my colleagues. I thank the Senator from Virginia for his patience. I know he has some questions and I know they will be pertinent and relevant questions. Those should be answered here. I thank all of our colleagues and I thank the cosponsors of this amendment, Senator BIDEN, Senator GRAHAM, Senator SPECTER, Senator DASCHLE, and others who will be speaking. I am sure, on this subject in the hours ahead.

I yield the floor.

Mr. WARNER. Mr. President, I do join and commend the principal sponsors for their work product and for their many, many hours of labor devoted, together with staff, in preparing the amendment. I will ask some questions of my colleagues and I am certain they will see these in the spirit of constructive dialog.

First, the joint DOD-DOE report on preparedness of the Government to respond to nuclear, chemical and biological incidents.

That report, which was just issued recently—I think, in the last few weeks—recommended provided authority to establish a training program, authority to establish a chemical biological response team, and the establishment of a regional NBC stockpile, particularly for medical stockpiles and the like.

Can the proponents of the amendment inform the Senate with respect to that report and the parallelism in the amendment and that report?

Mr. President, I just learned of the report. It may well be that the sponsors have not had the opportunity to see it.

Mr. NUNN. I will supplement it for the RECORD. I have not studied that report at this stage. We have had a number of hearings in our committee. We have heard from these same officials, such as the Department of Energy Secretary, and I believe the Senator from New Mexico put a letter in the RECORD from the Department of Energy and Secretary of Defense Perry endorsing this legislation.

It is a strong endorsement for this effort from the DOE and DOD. So I am confident that this report, based on those endorsements, based on the numerous meetings we have had, and based on the testimony—I am sure this amendment would reinforce, supplement, and give impetus to the recommendations in that report. I would

have to supplement the RECORD on that particular answer because I have not had a chance to study the report itself.

Mr. WARNER. Mr. President, that is quite satisfactory. I will be glad to work with my colleagues.

Mr. DOMENICI. I just wanted to say we put in the Secretary Perry letter.

Mr. NUNN. Thank you.

Mr. WARNER. My understanding is that the pending amendment includes authority for the Department of Defense to provide assistance to the Department of Justice. There was a comparable attempt made in the antiterrorism bill, but that was specifically dropped in the conference. Can my colleagues enlighten me on that problem?

Again, Mr. President, I am perfectly understanding. Your amendment, Senator, has a provision for the Department of Defense to provide assistance to the Department of Justice. A similar effort was made in the antiterrorism bill, and that comparable provision was dropped in conference.

Mr. NUNN. Yes. I talked to Senator HATCH about that this evening. I have also conversed with Senator BIDEN, and our staffs have been in touch with both of them. This provision we have in this bill is very close to the amendment that passed the Senate overwhelmingly and that was worked out carefully between Senator HATCH and myself and Senator BIDEN. It does provide an extraordinary circumstance that the DOE and DOD can help State and local officials. For instance, if there were a subway attack in New York, if the fire department and police department were overwhelmed with the chemical sarin gas, there would be the ability to ask for emergency assistance. Then the Departments of Defense and Justice—the Secretary of Defense and Attorney General—could respond. It would have to be very narrowly prescribed circumstances, where they could respond to that situation only, in very unique circumstances, where the State and local governments and the normal law enforcement officials would not be capable of responding.

So that provision is in this bill. It was dropped—the Senator from Virginia is correct—from the antiterrorism bill in conference. I think that was a fundamental mistake, a flaw. But it is a part of this legislation.

Mr. WARNER. Mr. President, in essence, we have now renewed the attention of the Senate to the need for that provision.

Mr. NUNN. The Senator is correct.

Mr. WARNER. Two years ago, Mr. President, the Congress authorized \$10 million for a joint DOD-FBI training program to assist the independent states of the former Soviet Union, the Baltics, and Eastern Europe to control the export of weapons of mass destruction.

Is there a current status report on that program available, and, if so, at some appropriate time, could it be made a part of the RECORD?

Mr. NUNN. I would also like to supplement that for the RECORD. Director Louis Freeh took a trip to the former Soviet Union, including Eastern Europe, and established liaison offices in a number of those countries. I also know that those countries were very anxious to have FBI cooperation. It also is clear that our Customs Service has liaison with their colleagues in these former Soviet Union countries, as well as all around the world. What we are trying to do here is give the Customs Service of this country the ability, the wherewithal, the mandate, and the funding to begin a much more vigorous program and that kind of coordination. That is where we stand on it, to the best of my knowledge.

Mr. WARNER. I thank my colleague. The costs of eliminating or converting chemical and biological facilities, as we know, are very high both here at home and indeed abroad in the former Soviet Union. What is the justification that we would provide to our taxpayers for authorizing funds for such activities in the former Soviet Union, and, particularly, why would we be authorizing an activity that would, in some respects, contravene our requirement under the CWT, which is to completely destroy the chemical facilities?

Mr. NUNN. I do not know of any contradiction between this legislation and the Chemical Weapons Treaty. Perhaps the Senator could amplify on that question. In fact, everything in this would be aimed toward helping the former Soviet Union countries—not just Russia, but others—comply with their obligations under the arms control agreements, including chemical, but not limited to that.

Mr. WARNER. The question dealt with the conversion as opposed to the destruction in the facility. I would suggest that, at some point, that be supplemented into the RECORD, if I might have that.

Mr. NUNN. We can look at that. Basically, a facility that is converted, from my definition of conversion, would lose its ability to have any kind of production capability. That would be my definition of conversion. If a facility were being assisted in terms of conversion by any of the funding here, it would certainly be my view that that facility should not continue to produce chemical weapons. But we have a long way to go in that regard. There is nothing that I know of that is taking place in that kind of conversion. There has been some conversion with the nuclear facilities, particularly missile fields and that kind of thing.

Mr. WARNER. Mr. President, speaking for myself, although other colleagues and the chairman spoke earlier, I wholeheartedly support the portions of this amendment which relate to the domestic requirements here in the United States. I thought the Senator from New Mexico spoke most eloquently about the contingencies; indeed, all three Senators did, but I was particularly taken by the remarks of

the Senator from New Mexico. I, likewise, studied these and have spoken on the floor of the Senate, and elsewhere, about my deep concern facing the United States in view of the simplicity, particularly in the area of chemical and biological, and about the creation of even very small weapons of mass destruction.

My concerns with the amendment, however, are directly and primarily to the continued assistance to the former Soviet Union and the states therein. This is a substantial increase in spending, Mr. President, on this particular program. I point out that, according to my rough calculations here, we are in this bill for the cooperative threat, that is the CTR, with the Soviet Union, \$327 million in DOD funds, \$108 million in DOE funds, and this amendment would add around another \$143 million to this sum.

I think Members of the Senate are hopeful that this amendment will pass. We should address these expenditures either in conference, or at some point in time, to determine the capability of expending such large numbers. Would the Senator wish to comment on that? I stated them in the aggregate. I do not think either Senator that presented it mentioned the other parts of the bill.

Mr. NUNN. If I could just elaborate on that last question, let me state that on the conversion and elimination what we have done in this amendment is provide flexibility because the Chemical Weapons Treaty has not entered into effect yet. So until that enters into effect there would be flexibility for us to assist in. But once it enters into effect, when and if it does—and, of course, we have not ratified it here in the Senate yet—at that stage the parties to that would be obligated to eliminate. And basically that elimination provision would be required. There would be no more conversion.

But I think it is clear that we would not intend to help them convert unless they stopped production. But they could convert, stop production, and not eliminate. But once the treaty goes into effect they would have to eliminate.

If I could elaborate just briefly because I have been handed the report that the Senator from Virginia alluded to between the Department of Energy and the Department of Defense signed by Walter Slocombe and Thomas Grumbly, Slocombe being Undersecretary of Defense, and Grumbly being Undersecretary of Energy. And I think that is the one the Senator referred to.

Mr. WARNER. Mr. President, will the Senator give the date of the document?

Mr. NUNN. This was June 13. So that is it. I will quote one paragraph which I think goes right to the point that I think the Senator was asking about, page 24 of the report, paragraph 3:

The focus of efforts to significantly improve our ability to manage the consequences of a terrorist incidence, however, should be on the first response by local police, fire, and rescue organizations. Local authorities need quick access to NBC detection—that is nuclear, biological, chemical—and

decontamination and transport equipment. When an incidence involving NBC materials is suspected, lack of timely arrival in well trained, community based teams, fully equipped with the state of art equipment, could cost thousands of lives in most communities today across the Nation. These casualties would include unacceptable numbers of irreplaceable emergency personnel.

So I think the heart of what we are trying to do is also in this joint report. I think the report is entitled "Preparedness and Response to a Nuclear, Radiological, Biological, Chemical Terrorist Attack."

Mr. WARNER. If I could just summarize that, as I understand for the proponents of the amendment, the objectives to the amendment are in parallel to, consistent and supportive of, the objectives in that report.

Mr. NUNN. That is correct.

I say to my friend from Virginia that in terms of the amount of money here it is not an insignificant sum. We are talking about a total amount under the Nunn-Lugar program thus far of \$1.5 billion that has been spent.

Mr. WARNER. Since the inception of the program.

Mr. NUNN. Yes. This amendment tonight represents \$235 million. It is not additional money to the DOD-DOE bill. It is shifting of funds within the bill.

So this is not an increase in DOD-DOE funding. I happen to believe—the Senator from Virginia may not share this; others may not—but I think it is clear and in that report that the CSIS just issued by Judge Webster, former head of the FBI and former head of the CIA—there is great respect for him I know in this body on both sides of the aisle, and for others on that very distinguished panel—they came to the conclusion, and I have come to this conclusion and stated it often, that this is our No. 1 one national security threat.

In the era we are in, this is the No. 1 one security threat to American people; that is, the proliferation of weapons of mass destruction—chemical, biological, nuclear, scientific know-how, and scientists themselves ending up in countries like Libya, Iran, Iraq.

As the Senator from Virginia will recall, after World War II the biggest contest we had in the first stages of the cold war was who was going to get the German scientists, whether it would be the Soviet Union or the United States. We got more of them than they did. Much of our space age came from that.

So we are in that unusual period of time when an empire has collapsed still containing 30,000 nuclear weapons, over 40,000 tons of chemical weapons, and no one knows how much in the way of biological weapons—tens of thousands of scientists and technicians that know how to make these weapons, know how to make weapons of mass destruction, with many of those people not knowing where their next paycheck is coming from and how they are going to feed their families.

So this is an unprecedented era that we are in. We have a window of oppor-

tunity now that may not be open very long, certainly not with all the countries there. We hope it will. But we could not have any assurance of that. While we have this window of opportunity open, I think that it is a priority expenditure in terms of helping them, focusing enough money, but not doing the job for them because they are spending far more of their money than we are. Ours is only a small part. It is seed money. But what it has succeeded in doing is it has focused their attention and helped them make this a priority.

In the final analysis, Russia, Kazakhstan, Ukraine, and Belarus are not doing us any favor and the other countries. They are going to take steps in their own national security interests. They are in very dire financial straits having cut back on their procurement budget in Russia by 80-some odd percent from the peak in that kind of condition. This kind of funding helps focus the attention and it gives us the ability to communicate with them. It opens them up for us telling them what we think about the threat, and it has an enormous psychological effect in terms of their capability.

I recall Secretary Cheney said—not on this program but on the START II treaty when that one was signed, I believe under the Bush administration—he said then that he recommended that we give substantial amount of aid to Russia so they could accelerate the START II schedule, and take down those missiles on a more rapid pace. That probably is still good advice.

So it is within that context that Secretary Cheney was saying this is our national security. And I would say this is a very small amount of money compared to the \$260-some odd billion in our defense budget each year. This is a small amount of money if you compare it to almost any category of expenditure, and what we are getting for it. I think it may be the highest leverage defense money in terms of national security that we spend.

Mr. WARNER. Mr. President, let me reply. I want to make it very clear that the Senator from Virginia agrees entirely with the Senator's premise that this is the most serious national security threat posed against our Nation indeed, and I think the nations of the Western World. So I concur in that.

I simply feel it necessary to ask these various questions so that we have a complete record before the Senate such as they can vote I think in a fully informed manner tomorrow. I agree. I shall not expand beyond that.

I so stated my concern about weapons of mass destruction and about proliferation many, many times on the floor of this Senate, and I hope, may I say, for many years to come.

I yield the floor.

Mr. DOMENICI. Let me go through three or four things that we are doing, and point out to the Senate and in a roundabout way respond to one of your questions.

Some people are going to say that this is foreign aid. Right? This is not foreign aid as I see it. Let me cite a couple of these things we are doing and let us see what kind of aid it is: Materials protection control and accounting. What have we done and what are we going to do with the money?

The Department of Energy has already secured nuclear materials at 35 facilities in the former Soviet Union. Those security systems include cameras, gates, portal monitors, tagging devices to track nuclear materials. And in January when our Vice President met, six more sites were added to the list which the DOE will have access to secure these materials. Because these sites were only agreed upon in January, funds were not included in the President's budget request. We are including them here. And, obviously, that is another \$15 million for that entire program.

Then there is a lab-to-lab program. It was developed informally. But because the Soviet nuclear scientists trusted the scientists of our nuclear laboratories in some very strange way they would rather deal with those who made the bombs while they were making the bombs than they would with a bunch of politicians or a bunch of State Department people. And all of a sudden the lab-to-lab relationship grew into something that is very fundamental. They are working together. They are doing things that will cause those labs to move in peaceful ways instead of military ways to produce peaceful products instead of military products, and we are gaining from it. That is a \$20-million investment.

Is that foreign aid? It would appear to me that probably is the best kind of investment in national security that we could ever have. Not only what I have just described—but these great scientists who produce this nuclear capability in Russia are now friends with great American scientists. I mean that is sort of worth something even if they were not accomplishing the other things that they are.

Then we have the cooperation with the Russian Navy on nuclear materials—a tough one, a huge undertaking, but if it works, and if we get it started, it is not giving anything to the Soviet Union. In a sense, they get something, but look what we get from it.

We have an industrial partnering program that developed with a one-time expenditure of \$35 million. It is doing marvelously. Can you imagine private sector American companies working with Soviet institutions and American laboratory scientists to disengage Soviet scientists from producing nuclear proliferation? They are producing things for their domestic market and moving dramatically away from what they have been doing for all these years.

Now, there are many more things that we are trying to do. We do not have enough money to do everything that is mentioned by our scientists and

military people. But I think the Senator asked some wonderful questions, and it is our responsibility here tonight to make sure our colleagues understand this is not foreign aid.

Mr. WARNER. Mr. President, let me press on with another question, perhaps the most troublesome one certainly from this Senator's standpoint, and that is, what do I say to the American taxpayer in reply to the following. It is my understanding as a member of the Armed Services Committee that Russia continues to develop and deploy a new generation of land-based ICBM's, follow-on to the SS-25, first. Second, Russia is pursuing a new generation of sea-launched ballistic missiles, follow-on to the SSN-20, second. Third, our intelligence community forecasts that the Russians are developing a new submarine for the purposes of sea-launched ballistic missiles.

Now, by comparison, the United States currently has no plans for any follow-on strategic systems—land-based, sea-based, not a one. Money is a fungible product. Money in Russia in the defense budget goes to these programs. How do we answer to the American taxpayer, why are they pursuing their modernization program and the United States is not, and yet we will be called upon for these significant expenditures to hopefully pursue and continue the demilitarization of a number of their strategic programs? That is a question with which I conclude tonight's debate with my colleagues.

Mr. NUNN. I say to my friend from Virginia, that is a very good question, and the American people have every right to get an answer to that question.

First of all, this program is much more broader than Russia, and we are encouraging in this amendment that it be broadened beyond the four former nuclear States, primarily to be focused on Kazakhstan, Ukraine, Belarus, and Russia, but we think, for instance, the border States with Iran and the southern tier of Russia are very important in terms of border control, in terms of lab work. They may not have nuclear weapons now but the know-how and the chemical weapons and those kinds of technologies are there.

So, first of all, it is not just Russia. It is much broader than that.

Second, I would say to the Senator from Virginia that, as he well knows, the whole thrust of American arms control efforts for years was to get the Russians, then the Soviet Union, to de-MIRV, to get rid of the multiple warheads and move to single warhead weapons. That was what we ended up getting in START I and START II under the two Republican Presidents, President Reagan and President Bush.

That was the subject of an awful lot of debate on the MX, as you know. We felt that MIRV'd warheads had a chance of basically being used in a first strike, whereas single-warhead missiles, if you used one of them and you basically would be going after another single-warhead missile, therefore the

ratio did not favor the offense, it did not favor the first strike—if we both had single warhead weapons. But if we had MIRV'd weapons, and they were vulnerable on a first strike and you could take 10 warheads and destroy 100 warheads by MIRVing and having them moved to different targets, then everybody was on more of an alert hair trigger.

So the effort of U.S. arms control, beginning really with Senator Jackson's amendment in this Chamber back in SALT I, was to move towards de-MIRVing and getting rid of the Soviet very heavy missiles.

That is what the Russians are now building, is the SS-25, a single-warhead missile. It would be the ultimate paradox if we told them, after all these years arguing with them and getting them to move toward that weapon, that we now expect them not to de-MIRV and not to replace. That is a replacement missile for the de-MIRVing that we hope is going to take place under START I and START II.

I would prefer that nobody in the world have weapons but us, but that is not the real world. I would say if you look at the U.S. expenditures in these areas the Senator has named compared to the Russian expenditures now, our expenditures overwhelm them both in submarines and submarine warfare and classified programs, as well as in our overall strategic deterrent.

I think that is appropriate because we have a responsibility all over the world, our allies. We do not have any longer the same equation we had then. The Russians have cut back very substantially. I do not defend some of the expenditures they are making. For instance, we are very concerned about the underground facility. That has come out in the paper. I do not know the answer to that, and we are probing that now, as we should. But I would still say that we are gaining when we can get the Russians to take down weapons that are aimed towards us.

I do not think the goal of this legislation can be or should be realistically to say to the Russians that we expect them to completely demilitarize. They have been a great power. One of these days they will be a great power again.

I do not think that is in the cards. I do think we can demand they use the funds wisely, that we can demand that as long as we are giving them assistance, they be used for their purpose. And I think we can measure that purpose in a way to make sure it is in our national security interest.

I see this as self-interest. If someone says, well, if the Russians were not getting these funds, then perhaps they would have to use their funds they are now using to build SS-25's or submarines for these purposes and thereby not build SS-25's and submarines. I think that would be very unlikely, based on anything I know about not just Russian history but about the history of any country, because no country is going to completely demilitarize.

No country is going to put the control of warheads and dismantle warheads in front of what it perceives to be its own national security. We would not, and I think it is not realistic for us to expect them to completely demilitarize.

I would say, though, that one of the original provisions of the Nunn-Lugar amendment that has been certified by the President over and over again is that the Russians are living up to their arms control obligations, and that is a requirement of this amendment. If we find that they are breaching the arms control obligations, then the money is not supposed to be forthcoming. They either are in compliance or the President has to certify that they are intending to be in compliance, as in the case of the CFE Treaty where we know there have been problems, and so forth, but where they are moving forward.

There are occasions where the Russians do things with this equipment that we loan them that we think breach the spirit of the agreement, and in those instances that have come to my attention where that has happened, where we have gotten in touch with them and we have complained about it, they have taken immediate and corrective steps on it.

So we have to be vigilant. We have to be alert. We have to make sure that we understand all the time what is happening here, but again, while this window is open, I think it is very much in our fundamental national security interest to pursue it.

The bottom line, as I mentioned a few minutes ago, is that we have had thousands of warheads dismantled. We have had thousands of missiles that were pointed at the United States and our cities and our targets which are no longer pointed toward us. We have had a tremendous decrease in the risk of nuclear war, and we have had three nuclear states give up their nuclear weapons voluntarily.

In addition to that, we had Kazakhstan basically get in touch with us and tell us they had some weapons-grade uranium, highly enriched, that they would like to have us help them store safely and move out of that territory. That could have been sold for billions of dollars in places all over the globe. We use this Nunn-Lugar funding to help secure that, and that is no longer a threat.

So I would say if we stop right now and put up a scorecard of how much we basically improved our national security compared to the amount of money we have spent, it would be my view, and I may be biased on this one—I do not think too biased, though—that this would be the most effective defense expenditure we have had in many years.

Mr. WARNER. Mr. President, I thank my distinguished colleague. It is a debate he and I have had, I think, for about 3 years. On this very spot on the floor in years past, I posed this question.

I also mentioned, for the RECORD, we well know the United States, likewise,

has destroyed a number of its missile launchers and so forth. But all at the expense of the American taxpayer.

I just want to close out my comments tonight reading from a very interesting document called "Worldwide Submarine Proliferation in the Coming Decade."

Today, for the first time, Russia's front-line submarines are as quiet or quieter in some aspects than America's best. Programs to provide still further reductions in radiated noise are active today and expected to continue. By the year 2000, over half the remaining submarines in Russia will have incorporated stealth technologies on a par with those of modern Western submarines, and 20 percent of Russia's nuclear-powered attack submarines will be quieter than the U.S. Navy's front-line improved Los Angeles class SSN's.

That, to me, represents a tremendous expenditure of money. I do not know what the threat is, other than I suppose to our U.S. submarine force, to require them to pursue that much expenditure in an area where the United States has been preeminent for these many years.

Mr. President, I have no further questions at this time to propose to my distinguished colleagues. Therefore, I observe perhaps the debate on this amendment has concluded, and the Senate could now turn to conclusion of wrapup matters. Would that be correct?

Mr. NUNN. I certainly think so. I appreciate very much the questions and comments of the Senator from Virginia this evening. Perhaps the Chair would like to make further remarks in answer to these questions, because no one has more knowledge in these areas than the Senator from Indiana, who is now presiding.

Other than that, I think we are prepared to basically dispose of the amendments.

Mr. WARNER. I will be happy to take the Chair if the Presiding Officer cares to speak.

The PRESIDING OFFICER. The Chair observes there have been important questions and excellent responses, and suggests we proceed on to wrapup.

Mr. NUNN. I thank the Chair.

Mr. WARNER. Mr. President, at this time I advise my distinguished colleague there are several amendments on the pending bill, which I believe have been cleared and can be acted upon by the Senate, if the Senator from Georgia is prepared to proceed.

AMENDMENT NO. 4350

(Purpose: To express the sense of the Congress that the Secretary of the Navy should name one of the new attack submarines of the Navy the *South Dakota*)

Mr. NUNN. Mr. President, I believe we are ready to proceed. The first amendment I have, I believe, is the Pressler-Daschle amendment.

Mr. WARNER. That is correct. On behalf of Senators PRESSLER and DASCHLE, I offer an amendment that would express the sense of Congress that a submarine, one of the new attack submarine class, should be named the *South Dakota*.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. PRESSLER, for himself and Mr. DASCHLE, proposes an amendment numbered 4350.

The amendment is as follows:

On page 311, between lines 9 and 10, insert the following:

**SEC. 1072. SENSE OF CONGRESS ON NAMING ONE OF THE NEW ATTACK SUBMARINE THE "SOUTH DAKOTA".**

It is the sense of the Congress that the Secretary of the Navy should name one of the new attack submarines of the Navy the "South Dakota".

Mr. WARNER. Mr. President, if I might inquire of staff, what is the definition of a new class of submarine? Is it the current 688's or *Seawolf* class? What is the new attack submarine? I think we ought to lay this aside until we get clarification.

Being one who follows carefully matters of this nature, I suggest we lay this amendment aside and take it up later. I urge the sponsors of the amendment to advise the managers with respect to the meaning of the phrase "new class of submarines," because that could apply to the 688 class being completed, the *Seawolf* class, the contemplated class of new attack submarines which are the subject of discussion.

I think we will just await a further time. I withdraw from further consideration the amendment.

The PRESIDING OFFICER. Amendment No. 4350 is laid aside.

AMENDMENT NO. 4351

(Purpose: To extend the authority of the Secretary of the Army to carry out the Armament Retooling and Manufacturing Support (ARMS) initiative)

Mr. WARNER. Mr. President, I offer an amendment which extends the Department of Defense authority to conduct the armament retooling and manufacturing support initiative for past fiscal year 1996.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 4351.

Mr. WARNER. 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 I, add the following:

**SEC. 113. PERMANENT AUTHORITY TO CARRY OUT ARMS INITIATIVE.**

Section 193(a) of the Armament Retooling and Manufacturing Support Initiative Act of 1992 (subtitle H of title I of Public Law 102-484; 10 U.S.C. 2501 note) is amended by striking out "During fiscal years 1993 through 1996," and inserting in lieu thereof "During fiscal years 1993 through 1998".

Mr. WARNER. Mr. President, I rise to offer this amendment to extend the Armament Retooling and Manufacturing Support [ARMS] Initiative. The ARMS program is intended to provide

assistance to DOD ammunition depots in order for them to retool so that they can produce a commercial product while maintaining the industrial capacity to support the National Security Strategy. By producing commercial and defense products, the depots are able to utilize any excess infrastructure and operate more efficiently. Since the initiation of this program several years ago, it has been a remarkably successful defense conversion program.

Mr. President, the Committee recommended an authorization of \$58.0 million for this program this year. While this should be sufficient authority to continue the program, this amendment would ensure that there is no question regarding this authority.

Mr. President, I ask my fellow Senators to support the ARMS program and vote to approve this amendment.

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

Mr. WARNER. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 4351) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4352

(Purpose: To require a transfer to the Army of jurisdiction over certain lands in the Vernon Ranger District, Kisatchie National Forest, Louisiana)

Mr. NUNN. Mr. President, on behalf of Senators JOHNSTON and BREAUX, I offer an amendment that would direct the Secretary of Agriculture to transfer 85,000 acres of the national forest in Louisiana to the Secretary of the Army for use in connection with training and maneuver activities in connection with Fort Polk, LA.

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

Mr. WARNER. The Senator is correct.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. JOHNSTON, for himself and Mr. BREAUX, proposes an amendment numbered 4352.

The amendment is as follows:

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

**SEC. 2828. LAND TRANSFER, VERNON RANGER DISTRICT, KISATCHIE NATIONAL FOREST, LOUISIANA.**

(a) TRANSFER PURSUANT TO ADMINISTRATIVE AGREEMENT.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of the Army and the Secretary of Agriculture shall enter into an agreement providing for the transfer to the Secretary of the Army of administrative jurisdiction over such portion of land currently owned by the United States within the Vernon Ranger District of the Kisatchie National Forest, Louisiana, as the Secretary of the Army and the Secretary of Agriculture jointly determine appropriate for military training activities in connection

with Fort Polk, Louisiana. The agreement shall allocate responsibility for land management and conservation activities with respect to the property transferred between the Secretary of the Army and the Secretary of Agriculture.

(2) The Secretary of the Army and the Secretary of Agriculture may jointly extend the deadline for entering into an agreement under paragraph (1). The deadline may be extended by not more than six months.

(b) **ALTERNATIVE TRANSFER REQUIREMENT.**—If the Secretary of the Army and the Secretary of Agriculture fail to enter into the agreement referred to paragraph (1) of subsection (a) within the time provided for in that subsection, the Secretary of Agriculture shall, at the end of such time, transfer to the Secretary of the Army administrative jurisdiction over property consisting of approximately 84,825 acres of land currently owned by the United States and located in the Vernon Ranger District of the Kisatchie National Forest, Louisiana, as generally depicted on the map entitled "Fort Polk Military Installation map", dated June 1995.

(c) **LIMITATION ON ACQUISITION OF PRIVATE PROPERTY.**—The Secretary of the Army may acquire privately-owned land within the property transferred under this section only with the consent of the owner of the land.

(d) **USE OF PROPERTY.**—(1) Subject to paragraph (2), the Secretary of the Army shall use the property transferred under this section for military maneuvers, training and weapons firing, and other military activities in connection with Fort Polk, Louisiana.

(2) The Secretary may not permit the firing of live ammunition on or over any portion of the property unless the firing of such ammunition on or over such portion is permitted as of the date of the enactment of this Act.

(e) **MAP AND LEGAL DESCRIPTION.**—(1) As soon as practicable after the date of the transfer of property under this section, the Secretary of Agriculture shall—

(A) publish in the Federal Register a notice containing the legal description of the property transferred; and

(B) file a map and the legal description of the property with the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Armed Services of the Senate and the Committee on Resources, the Committee on Agriculture, and the Committee on National Security of the House of Representatives.

(2) The maps and legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this subsection, except that the Secretary of Agriculture may correct clerical and typographical errors in the maps and legal descriptions.

(3) As soon as practicable after the date of the enactment of this Act, copies of the maps and legal descriptions prepared under paragraph (1) shall be available for public inspection in the following offices:

(A) The Office of the Secretary of Agriculture.

(B) Such offices of the United States Forest Service as the Secretary of Agriculture shall designate.

(C) The Office of the Commander of Fort Polk, Louisiana.

(D) The appropriate office in the Vernon Parish Court House, Louisiana.

(f) **MANAGEMENT OF PROPERTY.**—(1) If the transfer of property under this section occurs under subsection (a), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the agreement entered into under that subsection.

(2)(A) If the transfer of property under this section occurs under subsection (b), the Sec-

retary of the Army and the Secretary of Agriculture shall manage the property in accordance with the management plan under subparagraph (B) and the memorandum of understanding under subparagraph (C).

(B)(i) For purposes of managing the property under this paragraph, the Secretary of the Army shall, with the concurrence of the Secretary of Agriculture, develop a plan for the management of the property not later than two years after the transfer of the property. The Secretary of the Army shall provide for a period of public comment in developing the plan in order to ensure that the concerns of local citizens are taken into account in the development of the plan. The Secretary of the Army may utilize the property pending the completion of the plan.

(ii) The Secretary of the Army shall develop and implement the plan in compliance with applicable Federal law, including the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(iii) The plan shall provide for the management of the natural, cultural, and other resources of the property, including grazing, the management of wildlife and wildlife habitat, recreational uses (including hunting and fishing), and non-public uses of non-Federal lands within the property.

(C)(i) For purposes of managing the property under this paragraph, the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding in order to provide for—

(I) the implementation of the management plan developed under subparagraph (B); and

(II) the management by the Secretary of Agriculture of such areas of the property as the Secretary of the Army and the Secretary of Agriculture designate for use for non-military purposes.

(ii) The Secretary of the Army and the Secretary of Agriculture may amend the memorandum of understanding by mutual agreement.

(g) **REVERSION.**—If at any time after the transfer of property under this section the Secretary of the Army determines that the property, or any portion thereof, is no longer to be retained by the Army for possible use for military purposes, jurisdiction over the property, or such portion thereof, shall revert to the Secretary of Agriculture who shall manage the property, or portion thereof, as part of the Kisatchie National Forest.

(h) **IDENTIFICATION OF LAND FOR TRANSFER TO FOREST SERVICE.**—The Secretary of Defense shall seek to identify land equal in acreage to the land transferred under this section and under the jurisdiction of the Department of Defense that is suitable for transfer to the Secretary of Agriculture for use by the Forest Service.

Mr. JOHNSTON. Mr. President, it is with a great sense of urgency that I speak today with my good friend, the Senator from Louisiana [Mr. BREAU], to bring to the attention of my colleagues an extremely important issue in my State of Louisiana.

Mr. President, since 1991, Fort Polk, Leesville, LA has been home to the Army's Joint Readiness Training Center, or the JRTC, and to elements of the Second Armored Cavalry Regiment. Fort Polk has the only combat training center in the continental United States dedicated to light infantry training. The National Training Center at Fort Irwin, CA, provides a somewhat comparable service to our men and women who train for armored units combat.

Each year, some 50,000 soldiers, sailors, airmen, and marines arrive at Fort

Polk for rotational training in infantry maneuvers and joint operations. This involves special operation training, counterinsurgency operations, live fire, brigade defense, and brigade counter-attack. The training received is unique, not only because of the terrain at Fort Polk, with its tree-covered grassy areas which are indigenous to western Louisiana, but the total realism this sort of training provides. Even to the extent that there is a complete field hospital set up to attend to simulated wounds and casualties. Our soldiers are given a certain level of comfort, knowing that if they are injured in combat, that they will be evacuated and receive treatment, quickly and efficiently.

Mr. President, I am proposing this amendment to increase the land area of Fort Polk, which will enable the Joint Readiness Training Center to train and maneuver over a larger land area. This is crucial to the continued usefulness of Fort Polk.

Some may ask, why is it necessary to provide additional land to Fort Polk? The answer, Mr. President, is fairly simple.

Fort Polk has a requirement for additional maneuver training lands to support its mission of conducting joint readiness training for Army rotational units as well as maintaining the combat readiness of units permanently home stationed at Fort Polk. Fort Polk and the JRTC currently have access to 40,000 acres of Forest Service land under an intensive-use permit but need additional access to the 45,000 acre limited-use permit parcel below it to meet its training requirements.

The total of 85,000 acres will enable the JRTC to conduct its primary mission—training infantry soldiers. Longer range weapons and sensors are changing the nature of land warfare. Greater ranges are now covered by a smaller force. A brigade will now maneuver in the space once used by a division. Our military must keep abreast of these changes, to maintain the utmost efficiency and to protect our troops in the event of real combat.

Some have raised concerns about how the Army would manage this new acreage. I submit that it would be substantially similar to how Fort Polk is currently managed, in full compliance with all laws and regulations. The Army has forest and land management plans for the Forest Service land it currently uses. When the transfer of land occurs, the Army will comply with all applicable Federal laws including NEPA. All existing land uses for fish and wildlife, hunting, cultural and natural resources management, forestry operations as well as private holdings will be followed.

Fort Polk is a good neighbor and steward of the natural resources they manage. The fort has received a non-jeopardy opinion for both their recovery plan and their training plan regarding the red-cockaded woodpecker. In less than 3 years the woodpecker population has almost doubled. Fort Polk



manages the forest using an ecosystem management approach rather than a commercial approach, i.e., the goal is to maximize a balanced ecology, not profit. The fort has reduced sediment loading, mapped all wetlands, and is in compliance with the Clean Water and Scenic Stream Act.

The fort is also a State Wildlife Management Area whose hunting seasons are adjusted to take into account training rotations. These practices will continue on the expansion area. An historic preservation plan has been completed and protection for known sites is in place. Curation facility meets State standards.

The fort is the winner of numerous environmental awards: Louisiana Association of Conservation Districts Good Land Use Award—first time awarded to a Federal facility. Second place winner, Secretary of Defense Natural Resources Conservation Award. U.S. Environmental Protection Agency, Region VI Beneficial Re-Use Award. National Park Service, Southeast Region Preservation Award. Environmentalist of the Year, Dr. Charles H. Stagg, Fort Polk, LA.

Let me go over some of the provisions of this amendment. Our amendment would provide 6 months for the Army and the Forest Service to come to an agreement on transfer of all or some portion of this property. The 6 months may be extended by another 6 months, by mutual agreement. The land transfers automatically if no agreement can be reached between the USDA and the Army.

The amendment does not allow for any live firings on transferred land, except on that land currently used for that purpose. It directs the Department of the Army to develop a management plan, and provides for the return of the property to the Agriculture Department if the land is no longer used by the Army for training purposes. The legislation would prohibit the Army from condemning any private inholdings.

This amendment has strong, broad support. The Army supports this initiative. There is overwhelming civic support, as the following communities and legislative bodies have passed resolutions supporting the transfer: Louisiana State Legislature; Vernon Parish, the local parish; Beauregard Parish; as well as the surrounding communities of Leesville, De Ridder, Alexandria, Pineville, Many, and Natchitoches.

Mr. President, Fort Polk is very important to Louisiana and to the Nation's overall military readiness and the Louisiana delegation overwhelmingly supports the transfer. The land transfer is critical to the fort's mission, light infantry training, and its future. The U.S. Army needs to train its infantry brigades in the most realistic manner possible. The time for our soldiers to learn from their mistakes is while at the Joint Readiness Training Center, not while in harm's way. Additional land will give the JRTC the re-

sources it needs to properly train our Armed Forces to the highest level of readiness.

I ask unanimous consent a letter from the Deputy Assistant Secretary of the Army to Mr. Lauffer of the Committee on Armed Services, be printed in the RECORD.

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

DEPARTMENT OF THE ARMY,  
OFFICE OF THE ASSISTANT SECRETARY,  
Washington, DC, June 19, 1996.  
GEORGE W. LAUFFER,  
Deputy Staff Director, Committee on Armed  
Services, U.S. Senate, Washington, DC.

DEAR MR. LAUFFER: The Department of the Army supports the legislation proposed by Senator J. Bennett Johnston, "To require a transfer to the Army of jurisdiction over certain lands in the Vernon Range District, Kisatchie National Forest, Louisiana." The transfer would provide the Army with greater flexibility in accomplishing its training mission at Fort Polk, Louisiana.

Sincerely,

PAUL W. JOHNSON,  
Deputy Assistant Secretary of the Army  
(Installations and Housing) OASA (I, L&E).

Mr. BREAU. Mr. President, I rise today in support of the amendment I offered with Senator JOHNSTON transferring acreage in the Kisatchie National Forest to the Army at Fort Polk, LA. Fort Polk has a requirement for additional maneuver training lands to support its mission of conducting joint readiness training for Army rotational units as well as maintaining the combat readiness of units permanently home stationed at Fort Polk. Fort Polk, home of the Joint Readiness Training Center [JRTC], is very important to the Nation's overall military readiness and national security. It is the only place in the world where light infantry brigades are trained as a unit, complete with Air Force, Navy, and Marine Corps units. Between 50,000 and 64,000 troops are trained at Fort Polk every year. This amendment will enable Fort Polk to expand its training exercises while continuing its unique mission of providing our troops the best training possible.

At the JRTC, our troops participate in training scenarios that help prepare them for all type of missions, including combat, and the terrain in the Kisatchie Forest provides our troops ideal training area for this purpose. We need to ensure that Fort Polk's unique role in training our soldiers continues. Our goal is to train our troops effectively and in an environmentally sensitive way. This is an important point. Some concerns have been about the environmental impact this transfer would have but if you look at the Army's record over the past 5 years, this criticism is unfounded. Fort Polk is a good neighbor and steward of the natural resources they manage. Fort Polk has received a nonjeopardy opinion for both their recovery plan and their training plan regarding the red-cockaded woodpecker on the JRTC. In less than 3 years the woodpecker population has almost doubled. Fort Polk has also won

several awards for its conservation and preservation efforts around the JRTC. Additionally, if this transfer occurs, the Army would comply with all applicable Federal laws including National Environmental Policy Act [NEPA].

This amendment would give the Forest Service and the Army 6 months to sit down and try to negotiate a transfer. Ideally, we would like this issue to be solved administratively and have both sides sit down and try to figure out a way to work this out. But if that can't happen, this amendment would automatically transfer the land. The JRTC can't wait a decade for this important transfer to happen. Additionally, the Secretary of Defense will seek to identify an equal number of acres, not required for military use, for conveyance to the Forest Service in exchange for this land. We also provide that if the Army no longer needs the land, it would be transferred back to the Forest Service.

All existing land uses for fish and wildlife, hunting, and forestry operations would remain.

I have also heard from private landowners who are concerned about the impact the transfer would have on them. Our amendment tries to address this concern by prohibiting the Army from expropriating any private property in the forest. The Army would still be able to enter into negotiations with willing sellers but could not condemn any private land.

To address the concerns of these groups and others, this amendment also provides for a period of public comment when the Army develops a management plan to ensure that the concerns of the local citizens are taken into account.

While there is some opposition to this transfer, there is also widespread support for it from the local communities. The transfer has been endorsed by the city councils in Leesville, DeRidder, Pineville, Many, Alexandria and Natchitoches, Beauregard Parish, the Vernon Parish Chamber of Commerce, and the Vernon Parish School Board. They understand that if the Army doesn't get this additional land, the future of Fort Polk and the surrounding communities could be affected. The fort has an annual economic impact in Louisiana of approximately \$720 million.

Mr. President, the bottom line is that our Army needs to train its infantry brigades in the most realistic manner possible. The time for our soldiers to prepare for combat and other situations is during training at the JRTC, not while in harm's way. The additional land we are seeking will give the JRTC the resources it needs to properly train our Armed Forces and make them ready to meet military challenges when they arise.

As importantly, we authorize this transfer with conditions attached which are sensitive to environmental and private property owners' needs. I

thank Senator JOHNSTON for his leadership and I urge adoption of the amendment.

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

The amendment (No. 4352) was agreed to.

Mr. WARNER. 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. 4353

(Purpose: To authorize a land conveyance, Air Force Plant No. 85, Columbus, OH)

Mr. WARNER. Mr. President, on behalf of Senator DEWINE, I offer an amendment which would authorize the conveyance of approximately 240 acres from the former Air Force Plant No. 85 to the Columbus, OH, airport authority.

I believe this amendment has been cleared.

Mr. NUNN. It has been cleared. I urge the approval of the amendment. I urge its adoption.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DEWINE, proposes an amendment numbered 4353.

The amendment is as follows:

At the end of title XXVIII, add the following:

#### SEC. 2828. LAND CONVEYANCE, AIR FORCE PLANT NO. 85, COLUMBUS, OHIO.

(a) CONVEYANCE AUTHORIZED.—(1) Notwithstanding any other provision of law, the Secretary of the Air Force may instruct the Administrator of General Services to convey, without consideration, to the Columbus Municipal Airport Authority (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, together with improvements thereon, at Air Force Plant No. 85, Columbus, Ohio, consisting of approximately 240 acres that contains the land and buildings referred to as the "airport parcel" in the correspondence from the General Services Administration to the Authority dated April 30, 1996, and is located adjacent to the Port Columbus International Airport.

(2) If the Secretary does not have administrative jurisdiction over the parcel on the date of the enactment of this Act, the conveyance shall be made by the Federal official who has administrative jurisdiction over the parcel as of that date.

(b) REQUIREMENT FOR FEDERAL SCREENING.—The Federal official may not carry out the conveyance of property authorized in subsection (a) unless the Federal official determines, in consultation with the Administrator of General Services, that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONDITION OF CONVEYANCE.—The conveyance required under subsection (a) shall be subject to the condition that the Authority use the conveyed property for public airport purposes.

(d) REVERSION.—If the Federal official making the conveyance under subsection (a) determines that any portion of the conveyed property is not being utilized in accordance with subsection (c), all right, title, and interest in and to such portion shall revert to the United States and the United States shall have immediate right of entry thereon.

(e) 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 Federal official making the conveyance. The cost of the survey shall be borne by the Authority.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Federal official making the conveyance of property under subsection (a) may require such additional terms and conditions in connection with the conveyance as such official considers appropriate to protect the interests of the United States.

Mr. DEWINE. Mr. President, this amendment provides for the transfer of 240 acres from the U.S. Air Force to the Port Columbus International Airport. The Columbus Airport Authority is seeking this transfer for the purpose of constructing a new 10,250-foot south runway. This amendment has been cleared by both the majority and minority side of the Armed Services Committee, the Air Force, and the General Services Administration.

I am pleased that Senator GLENN joins me in offering this amendment to facilitate this public benefit conveyance.

Mr. GLENN. Mr. President, I rise to endorse the amendment offered by my colleague from Ohio, Senator DEWINE, and I ask unanimous consent that I be added as an original cosponsor. This amendment conveys to the Columbus Municipal Airport Authority approximately 240 acres of land owned by the Air Force. This parcel is part of an Air Force industrial facility which has operated at the site for a number of years. In 1988 during consideration of the fiscal year 1989 Defense authorization bill, Congress directed that the entire parcel of more than 400 acres be sold, and the proceeds from the sale be used to pay for the environmental remediation of the property.

As a result of the 1988 legislation, the Air Force and the General Services Administration entered into an agreement to sell the property in 1992, with GSA acting as the Government's property manager. However, the Air Force and its contractors continued to use the facility until 1994. During this time, GSA made a determination after consulting with State and local authorities, that it would be in the best interest of all parties to divide the parcel into two pieces—a so-called industrial parcel and an airport parcel. GSA is currently marketing the industrial parcel and expects to complete the sale later this year. Since 1994 necessary actions, such as consultations with other Federal and DOD agencies, the State of Ohio Historical Preservation Office and some needed environmental remediation, have occurred.

When this amendment was originally brought to my attention, I had some concerns. In particular, I was concerned that the amendment would disrupt the planned sale of the industrial parcel. I was also concerned that the airport parcel be screened for other Federal interest. It is my understanding that in the absence of the 1988 leg-

islation, the airport parcel would be eligible for conveyance to the Columbus Municipal Airport Authority as a public benefit conveyance. The amendment now accomplishes the goal of a public benefit conveyance, under conditions of a satisfactory Federal screen, without affecting the sale of the industrial property. It is also my understanding that this amendment will not alter the fact that the Air Force is liable for the environmental remediation of the site.

I am pleased to work with Senator DEWINE on this amendment, and I congratulate him for offering it.

Mr. WARNER. I urge adoption of the amendment.

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

The amendment (No. 4353) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 4354

(Purpose: To delete \$25,000,000 from the North Atlantic Treaty Organization Security Investment Program; to add \$6,600,000 for phase II construction of the Consolidated Education Center at Fort Campbell, KY; and to add \$10,800,000 for phase III construction of the Western Kentucky Training Site)

Mr. NUNN. Mr. President, I believe the next amendment will also have an amendment to it by Senator WARNER on behalf of Senator McCain.

On behalf of Senator FORD, I offer an amendment which would delete \$25 million for the NATO Security Investment Program, to add \$6.6 million for phase II construction of the Consolidated Education Center at Fort Campbell, KY; and \$10.8 million for phase 3 of the construction of the Western Kentucky Training Site.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. FORD, proposes an amendment numbered 4354.

The amendment is as follows:

In the table in section 2101(a), strike out the item relating to Fort Campbell, Kentucky, and insert in lieu thereof the following:

Kentucky .....	Fort Campbell	\$67,600,000
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Strike out the amount set forth as the total amount at the end of the table in section 2101(a), and insert in lieu thereof "\$363,050,000".

In section 2104(a), in the matter preceding paragraph (1), strike out "\$1,894,297,000" and insert in lieu thereof "\$1,900,897,000".

In section 2104(a)(1), strike out "\$356,450,000" and insert in lieu thereof "\$363,050,000".

In section 2502, strike out "\$197,000,000" and insert in lieu thereof "\$172,000,000".

In section 2601(1)(A), strike out "\$79,628,000" and insert in lieu thereof "\$90,428,000".

Mr. FORD. Mr. President, I have an amendment that will provide \$6.6 million for phase two construction of the

Consolidated Education Center at Fort Campbell, KY and provide \$10.8 million for phase three construction of the Western Kentucky Training Site.

Not only are the costs of my amendments fully offset, but I know my colleagues will agree that because these two projects are already underway and because they represent an integral part of the training of our troops, continued funding is both appropriate and necessary.

This Congress has already invested \$14.5 million into phase one of Fort Campbell's Education Center. Funding for the final phase, phase two, will provide additional needed classrooms, office space, and additional parking. As many of you may know, Fort Campbell has the largest educational program of any division-level installation in Forces Command. Funding for this last phase will assure we can take a state-of-the-art education program out of World War II-era buildings.

In addition, this Congress has dedicated funds to the first two phases of the Western Kentucky Training Site for a total of \$11.1 million. Because this is a five-phase project, providing funding for phase three is critical to keeping this project on time and on track for completion.

The Western Kentucky training facility, in conjunction with the high-technology training available at Fort Knox, puts Kentucky at the forefront of this country's military training. Last year, 16,000 soldiers trained there. But those numbers represent just the beginning in a long line of soldiers who will receive the best state-of-the-art training this country has to offer.

I believe this is an amendment my colleagues will have no trouble supporting.

AMENDMENT NO. 4355 TO AMENDMENT NO. 4354

(Purpose: To provide that funds may not be obligated or expended for the project if the project is not included in the current future-years defense program of the Department of Defense)

Mr. WARNER. I send to the desk on behalf of Senator McCAIN an amendment to the Ford amendment, to provide the funds may not be obligated or expended until the Secretary of Defense certifies to Congress that the projects are included in current future-years defense program.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. McCAIN, proposes an amendment numbered 4355 to amendment No. 4354.

The amendment is as follows:

At the end of the amendment, add the following:

At the end of title XXVII, add the following:

**SEC. 2706. PROHIBITION ON USE OF FUNDS FOR CERTAIN PROJECTS.**

(a) PROHIBITION.—Notwithstanding any other provision of this Act, no funds authorized to be appropriated by this Act may be obligated or expended for the military construction project listed under subsection (b) until the Secretary of Defense certifies to

Congress that the project is included in the current future-years defense program.

(b) COVERED PROJECTS.—Subsection (a) applies to the following military construction project:

(1) Phase II, Construction, Consolidated Education Center, Ft. Campbell, KY.

(2) Phase III, Construction, Western Kentucky Training Site.

Mr. MCCAIN. Mr. President, as my colleagues know, I have consistently opposed funding for military construction projects that were not requested by the administration and which do not meet the Senate's criteria for consideration of unrequested military construction projects.

Let me reiterate the criteria to which the Senate agreed 2 years ago. Each project not included in the administration's budget request is judged against four criteria, namely: (1) it is mission essential; (2) it is not inconsistent with any BRAC actions; (3) it is executable during the fiscal year; and (4) it is included in the Future Years Defense Program (FYDP). In addition, there should be a reduction in some other defense program to offset the increased funding for each project.

The bill before the Senate includes \$600 million for unrequested military construction projects which, for the most part, meet the first four criteria. However, none of these projects were funded by an offsetting reduction in some other defense account. Therefore, they do not meet all of the Senate's established criteria.

The amendment offered by my colleague from Kentucky, Senator FORD, as originally proposed, does not meet all five criteria. The amendment does include an offsetting reduction in another defense account, which makes it unique among the projects included in this bill. But according to information provided to the Committee by the Department of Defense, the project is not included in the current FYDP.

I am pleased to note, however, that my colleague from Kentucky, Senator FORD, has agreed to accept an amendment to his amendment. The second-degree amendment would prohibit obligation of the funds for this project until the Secretary of Defense certifies that the project is in the FYDP. If that certification is received, the project will then meet all five of the Senate's criteria, and the funds will become available to proceed with the project.

Mr. President, subject to the conditions stated in the modified amendment, I have no objection to including this military construction project in the authorization bill. I appreciate very much the opportunity to work with my colleague from Kentucky. His willingness to work together to resolve this matter is greatly appreciated, and I thank him for his understanding of my position with respect to military construction add-ons.

Mr. GLENN. Mr. President, members of this chamber have heard the Chairman of the Readiness Subcommittee and me speak on several occasions in opposition to funding unrequested

military construction projects. Once again, I rise to speak in opposition to this on-going practice. The amendment offered by the Senator from Kentucky would add additional funds for phase II of an Education Center at Fort Campbell and phase III of the Western Kentucky Training Range for the Army National Guard. I would like to voice my opposition to this amendment and express my support for the Chairman of the Readiness Subcommittee's second degree amendment which would require the Secretary of Defense to certify that these projects are in the military services' Future Years Defense Plan (FYDP) before obligating the construction funds.

During the Committee's markup of the defense authorization bill, the two projects addressed in the amendment were screened by the services to determine if the projects met the Committee's criteria. The services indicated, at that time, that the projects were not in the FYDP. However, I understand that different information regarding these projects has been made available to the Committee. Given the conflicting data on these projects, I believe it is appropriate, as the Senator from Arizona's amendment would require, for the Secretary of Defense to certify information on these projects before the funds are released.

As I have stated before, I will continue to work with the Chairman of the Readiness Subcommittee to reverse the practice of adding millions of dollars to the budget for unrequested projects.

Mr. WARNER. I ask unanimous consent to have the second-degree amendment adopted as well as the underlying amendment.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendment (No. 4355) was agreed to.

The amendment (No. 4354), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4356

(Purpose: To amend section 2821, relating to the transfer of lands at Arlington National Cemetery, VA, in order to place conditions on the transfer of certain lands)

Mr. NUNN. Mr. President, on behalf of Senators ROBB and WARNER, I offer an amendment which would modify section 2821 of S. 1745 to require the Secretaries of the Interior and the Army to submit summaries of the land-use plan, environmental assessment and cultural resources studies regarding the land transfer at Arlington Cemetery.

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

Mr. WARNER. The Senator is correct.

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 4356.

The amendment is as follows:

Strike out subsection (a) of section 2821 and insert in lieu thereof the following new subsection (a):

(a) REQUIREMENT FOR SECRETARY OF INTERIOR TO TRANSFER CERTAIN SECTION 29 LANDS.—(1) Subject to paragraph (2), the Secretary of the Interior shall transfer to the Secretary of the Army administrative jurisdiction over the following lands located in section 29 of the National Park System at Arlington National Cemetery, Virginia:

(A) The lands known as the Arlington National Cemetery Interment Zone.

(B) All lands in the Robert E. Lee Memorial Preservation Zone, other than those lands in the Preservation Zone that the Secretary of the Interior determines must be retained because of the historical significance of such lands or for the maintenance of nearby lands or facilities.

(2)(A) The Secretary of the Interior may not make the transfer referred to in paragraph (1)(B) until 60 days after the date on which the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives—

(i) a summary of the document entitled "Cultural Landscape and Archaeological Study, Section 29, Arlington House, The Robert E. Lee Memorial";

(ii) a summary of any environmental analysis required with respect to the transfer under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(iii) the proposal of the Secretary and the Secretary of the Army setting forth the lands to be transferred and the general manner in which the Secretary of the Army will develop such lands after transfer.

(B) The Secretary of the Interior shall submit the information required under subparagraph (A) not later than October 31, 1997.

(3) The transfer of lands under paragraph (1) shall be carried out in accordance with the Interagency Agreement Between the Department of the Interior, the National Park Service, and the Department of the Army, Dated February 22, 1995.

(4) The exact acreage and legal descriptions of the lands to be transferred under paragraph (1) shall be determined by surveys satisfactory to the Secretary of the Interior and the Secretary of the Army.

Mr. NUNN. I urge adoption of the amendment.

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

The amendment (No. 4356) was agreed to.

Mr. WARNER. 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. 4357

(Purpose: To authorize funding for the Corps surface-to-air missile (SAM/Medium Extended Air Defense System (MEADS) program at the level requested by the President)

Mr. NUNN. Mr. President, I send to the desk an amendment by Senator LIEBERMAN from Connecticut that would authorize funding for the Corps surface-to-air missile, known as Corps SAM, at the level requested by the

President. I am a cosponsor of this amendment. I believe it has been cleared on the other side of the aisle.

Mr. WARNER. The Senator is correct.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. LIEBERMAN, for himself, and Mr. NUNN, proposes an amendment numbered 4357.

The amendment is as follows:

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

#### SEC. 237. CORPS SAM/MEADS PROGRAM.

(a) FUNDING.—Of the amount authorized to be appropriated under section 201(4)—

(1) \$56,200,000 is available for the Corps surface-to-air missile (SAM/Medium Extended Air Defense System (MEADS) program (PE63869C); and

(2) \$515,711,000 is available for Other Theater Missile Defense programs, projects, and activities (PE63872C).

(b) INTERNATIONAL COOPERATION.—The Secretary of Defense may carry out the program referred to in subsection (a) in accordance with the memorandum of understanding entered into on May 25, 1996, by the governments of the United States, Germany, and Italy regarding international cooperation on such program (including any amendments to the memorandum of understanding).

(c) LIMITATIONS.—Not more than \$15,000,000 of the amount available for the Corps SAM/MEADS program under subsection (a) may be obligated until the Secretary of Defense submits to the congressional defense committees the following:

(1) An initial program estimate for the Corps SAM/MEADS program, including a tentative schedule of major milestones and an estimate of the total program cost through initial operational capability.

(2) A report on the options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the requirement for the Corps surface-to-air missile, including an assessment of cost and schedule implications in relation to the program estimate submitted under paragraph (1).

(3) A certification that there will be no increase in overall United States funding commitment to the project definition and validation phase of the Corps SAM/MEADS program as a result of the withdrawal of France from participation in the program.

Mr. LIEBERMAN. Mr. President, I would like to propose an amendment to S. 1745 in order to correct an issue with important national security implications. Development of the corps-level surface to air theater missile defense system, called the Medium Extended Air Defense System [MEADS] is adversely affected by the current legislation. Unless the corrections, which I will describe in a moment, are made, the current provisions will likely halt the development of this important program.

First, let me address the necessity for MEADS. There are currently under development a number of theater missile defense systems. However, no system, except for MEADS, protects front-line troops in the corps' maneuver area. Hence, MEADS will fulfill an existing, urgent U.S. operational requirement for a rapidly deployable, highly mobile, robust air defense system designed to protect maneuver forces and

expeditionary forces of the U.S. Army and Marine Corps. Both services are in strong agreement on the need for protection against short- to medium-range ballistic missiles and the full spectrum of air-breathing threats—aircraft, cruise missiles, and unmanned aerial vehicles. The urgency of the need for MEADS is testified to by the support of the Commanders-in Chief of Central Command, Atlantic Command, Korean Command and of course, the European Command/NATO. These operational commanders, as well as, the Commandant of the Marine Corps and the Chief of Staff of the Army are all on the record documenting the urgency of the requirement for this system.

It should be noted that this operational need will only become greater with time. Estimates of future threats include the increasing ability of both major and lesser powers, as well as, substate actors, to acquire and utilize the rapidly accessible and increasingly affordable ballistic and cruise missile technologies against our forward deployed units.

The operational need for MEADS has been made clear by our allies. In addition to our partnership with Germany and Italy, in developing a theater missile defense system, for forward deployed, mobile forces, other nations have expressed a strong interest in purchasing such a system to meet their own security requirements.

I must repeat this most essential point: no other planned theater missile defense system can satisfy operational requirements with respect to defending soldiers and marines deployed in the forward area of the theater.

The MEADS system has additional advantages other than this most important operational requirement. It is the most cost-effective approach to meeting the operational requirements for forward coverage in the theater. Two U.S. industry teams, Hughes/ Raytheon and Lockheed/Martin/Loral, have been awarded contracts to participate in the first phase of the program, largely because their proposals effectively leverage technology used in current surface to air and air to air missile systems. Both of the U.S. industrial teams propose a system architecture based on proven components and technology.

The program is further leveraged by participation of two key Allies, Italy and Germany. Both countries require a modern system to replace their aging HAWK systems. As a footnote, there are 22 additional nations currently employing HAWK. Those other users will require a replacement system during the next decade. Both partner countries provide technical capabilities that significantly enhance the MEADS Program's access to the world's best technology.

As a result of the leveraging of technology and the significant contributions of Italy and Germany, the United States funding requirement for system development has been reduced from the

original \$3.1 Billion baseline estimate to about \$1.7 Billion. This accounting of costs does not include the revenue and employment benefits that will accrue due to the expected high demand for the purchase of this system.

Given all of these benefits, the current bill does two disruptive things to the MEADS development program. It reduces the program authorization by \$10.8 millions and it prohibits the United States from contributing above 50 percent of the funding among her allies. On the face of it, these bill items do not seem very damaging. However, the international nature of the program makes these problems quite damaging. The difficulties in the current bill are due, I believe, to costing assumptions that are no longer valid. The biggest change from last year's authorization bill is the withdrawal of France from the international agreement. However, the bill appears to have inadvertently placed cost constraints on the MEADS project as if France were still in the agreement. Let me now lay out some of the adverse consequences of the current bill's language.

First, the proposed \$10.8 million reduction in authorizations for fiscal year 1997 will mean greater overall costs to the U.S. for developing MEADS in the project definition-validation phase of the project. This is due to the obvious stretching out of the development time period.

Second, and more importantly, Germany and Italy are committed to the MEADS Program at the highest levels of government. Neither country views any other system as a viable alternative to meeting its national requirements. As of May 28, 1996, Germany, Italy and the United States have formally agreed upon terms for the program and have signed an international agreement governing the initial program definition and validation phase of the program. Incidentally, this satisfies the Armed Services Committee Report's requirement for a Memorandum of Understanding [MOU] among the Allies before funds are obligated.

Of course the memorandum of agreement just described is much different than the one envisioned a year ago. The withdrawal of France from the partnership on MEADS means that the United States cannot meet the 50 percent ceiling on funding, required in the committee report, given the previously agreed upon percentages among the Allies on burden sharing. The restructuring—resulting from the withdrawal of France—results in cost shares, now, of 60 percent for the United States, 25 percent for Germany, and 15 percent for Italy. Previously planned on percentages were: 50 percent for United States, 20 percent for Germany, 10 percent for Italy, and 20 percent for France. All countries in the international agreement have picked up some of the burden that was once assigned to France.

At this point, I must make clear that the requirement for the Corps SAM ca-

pability is a unilateral one. The United States needs this capability now, and would need to fund now, with or without Allied participation. The benefits of the partnership are clear. Also, the higher percentage of costs now assumed by the United States also means an accompanying higher percentage of revenues gained from the sale of the weapon system to U.S. Allies.

Paradoxically, restructuring of the program will actually reduce the U.S. cost for the PD/V phase of the program by \$4 million, despite the percentage change that I just described. With the pull-out of France, the participating nations have adjusted the scope of the program so that the costs for the development phase are reduced. The reasons are reduced duplication and redundancies, and the elimination of French-unique program requirements which are not demanded by the other participating countries.

Because MEADS is the first major system new start the United States has attempted as a cooperative program in some time, it has received a great deal of attention around the world. Our friends and allies see MEADS as the litmus test of U.S. resolve to carry through on our promise to improve our record in armaments cooperation. MEADS demonstrates that our defense industry can work in concert with the defense industries of other nations.

The committee's report sends a negative signal concerning MEADS. Difficulties in resolving this partnership will invariably impact on other future, international armament partnerships; our credibility will be damaged. Partnerships such as JSTARS for NATO are put at risk by the proposed actions with respect to MEADS.

The Senate Armed Services Committee recommended the program be reduced by \$10.8 million, a reduction that makes the program outlined in the recently completed international agreement unexecutable. Given such a reduction, our Allied partners will almost certainly consider the MOU null and void. This, in combination with the 50 percent ceiling, is very debilitating for the success of further cooperative efforts.

In sum, the legislative provisions in the current bill, unless corrected, will likely halt the international agreement on MEADS, halt MEADS development, and cause other international cooperative defense efforts to become suspect.

I believe the amendment that I am proposing will address these issues while also addressing the Armed Services Committee's very valid concerns that cost overruns not emerge from the program. Instead of limitations on percentages with respect to burden sharing among the allies, I propose a spending cap, as outlined in the amendment. This spending cap meets the rightful concerns of the SASC that costs be controlled in the development of MEADS. The \$10.8 million put back into the program in this amendment is

offset by reducing funding in a catch-all program entitled "Other Theater Missile Defense programs, projects, and activities."

The amendment ensures that the United States complies with her obligations under the international agreement between the United States, Germany, and Italy. By doing so, we bolster our credibility among our allies, while maintaining the existence and effectiveness of an important defense development program for our front-line troops.

Mr. NUNN. I urge adoption of the amendment.

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

Mr. WARNER. 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. 4358

(Purpose: To prohibit certain actions relating to the reorganization of the Army ROTC pending a report on the Army ROTC)

Mr. WARNER. Mr. President, on behalf of Senators THURMOND, FORD, SARBANES, BREAUX, DOMENICI, SANTORUM, HOLLINGS, WARNER, and JOHNSTON, I offer an amendment that would prohibit the Secretary of the Army from closing any Reserve officer training corps units until a comprehensive study is complete and the results reported to the Congress of the United States.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, for himself, Mr. FORD, Mr. SARBANES, Mr. BREAUX, Mr. DOMENICI, Mr. SANTORUM, Mr. HOLLINGS, Mr. WARNER, and Mr. JOHNSTON, proposes an amendment numbered 4358.

The amendment is as follows:

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

**SEC. 523. PROHIBITION ON REORGANIZATION OF ARMY ROTC CADET COMMAND OR TERMINATION OF SENIOR ROTC UNITS PENDING REPORT ON ROTC.**

(a) PROHIBITION.—Notwithstanding any other provision of law, the Secretary of the Army may not reorganize or restructure the Reserve Officers Training Corps Cadet Command or terminate any Senior Reserve Officer Training Corps units identified in the Information for Members of Congress concerning Senior Reserve Officer Training Corps (ROTC) Unit Closures dated May 20, 1996, until 180 days after the date on which the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report referred to in subsection (a) shall—

(1) describe the selection process used to identify the Reserve Officer Training Corps units of the Army to be terminated;

(2) list the criteria used by the Army to select Reserve Officer Training Corps units for termination;

(3) set forth the specific ranking of each unit of the Reserve Officer Training Corps of the Army to be terminated as against all other such units;

(4) set forth the authorized and actual cadre staffing of each such unit to be termination for each fiscal year of the 10-fiscal year period ending with fiscal year 1996;

(5) set forth the production goals and performance evaluations of each Reserve Officer Training Corps unit of the Army on the closure list for each fiscal year of the 10-fiscal year period ending with fiscal year 1996;

(6) describe how cadets currently enrolled in the units referred to in paragraph (5) will be accommodated after the closure of such units;

(7) describe the incentives to enhance the Reserve Officer Training Corps program that are provided by each of the colleges on the closure list; and

(8) include the projected officer accession plan by source of commission for the active-duty Army, the Army Reserve, and the Army National Guard.

(9) describe whether the closure of any ROTC unit will adversely effect the recruitment of minority officer candidates.

Mr. THURMOND. Mr. President, as an Army ROTC Program graduate and one who believes the program is vital to the national security of our Nation, I was disappointed to learn that the Army announced on May 20, 1996, that it will terminate the program at 31 universities and colleges throughout the Nation, including two in South Carolina.

I expect that many of my Senate colleagues have a strong affiliation for the ROTC Program and are prepared to speak to the merits of the program. I believe that many would echo the comments of Dr. Lee Vickers, the president of Francis Marion University who described the need for the ROTC Program as follows:

Service to one's community and to the Nation as one of the constituent values of the United States and one that is being heard more and more frequently throughout the higher education community these days. What more vital service can there be than that discipline, skills, and service learned by young men and young women fortunate enough to experience the leadership training of the ROTC Program? No one can easily deny the importance and the value of the present and future citizen-soldiers leaders that the ROTC Program has produced and continues to produce.

Mr. President, it troubles me that the Army terminated programs, not only at Francis Marion University, but also at Presbyterian College, and its two satellite programs at Lander University and at New Berry College. According to U.S. News and World Report Presbyterian College ranked second among 117 regional liberal arts colleges in the South. A key contributor to that reputation has been the ROTC Program which was started in 1919 with the activation of the Scottish Highlander Battalion. For 77 years, ROTC has been a respected and integral part of campus life at Presbyterian College, sending graduates to every major military campaign since World War I. To date, Presbyterian College has graduated 14 general officers and one Medal of Honor recipient and currently more than 100 Presbyterian College graduates serve in uniform.

Mr. President, when I asked the Army to tell me why these programs

were being terminated, their answer was the requirements for commissioned officers has decreased and therefore the number of ROTC programs must be reduced. Although that answer may be rationale, the Army could not provide me with the criteria for selecting the ROTC programs to be terminated.

My amendment would require the Army to provide a report detailing the selection criteria and other information to justify the closure of the 31 ROTC units in 20 States. It would further require the Army to wait 180 days after submitting the report before initiating any action to reorganize the ROTC Program.

Mr. President, this is a reasonable amendment in view of the Army's action to terminate such an important program—a program that not only supports the security of our Nation but also impacts the lives of thousands of America's future leaders. I ask my Senate colleagues to show their support for the ROTC Program and adopt this amendment.

Mr. FORD. Mr. President, I rise in support of Senator THURMOND's amendment to the Defense Authorization bill to impose a temporary moratorium on college ROTC unit closures.

The current guidelines will adversely affect several universities across the country, including Murray State University in Kentucky, where the Army ROTC program is scheduled for closure at the end of the 1996-97 school year.

Murray State has a long and distinguished ROTC tradition. Since its inception in 1952, over 1,000 ROTC graduates have passed through the program. Many of those graduates went on to serve this country with great distinction and honor both in times of war and peace.

Like ROTC programs across the country, the Army ROTC program at Murray State is not only an important component of the western Kentucky community, but of the entire armed services. And so, I urge my colleagues to support Senator THURMOND's amendment.

Mr. President, I ask unanimous consent that a letter from the president of Murray State University, Kern Alexander, be printed in the RECORD.

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

MURRAY STATE UNIVERSITY,  
OFFICE OF THE PRESIDENT,  
Murray, KY, June 17, 1996.

Hon. WENDELL FORD,  
U.S. Senate, Senate Russell Office Bldg.,  
Washington, DC.

DEAR SENATOR FORD: The Department of the Army has recently announced that the ROTC program at Murray State University will be closed at the end of the 1996/1997 school year. I am seeking your support and assistance in reversing this decision.

ROTC at Murray State University is an integral part of our campus. With over a thousand graduates since 1952, our ROTC program has a long and distinguished history. Many of the Army officers commissioned through our program have served their country with great honor in war and peace. It is important

to our country and our Army that future commissioned officers understand and represent the regional values of the soldiers that they will lead in the various components of the Total Army.

As described in the attached fact sheet, our ROTC program has made a threefold enrollment increase in the last three years and has every expectation of fulfilling the requisite enrollment and commissioning goals in the future. We have initiated several dynamic programs to improve recruiting and retention.

I understand that shrinking defense resources will require the closure of several other regional ROTC programs to include Southeast Missouri University and the University of Tennessee at Martin. Given our historic support of ROTC, close proximity to Fort Campbell, excellent ROTC support facilities, and the academic excellence of our University, we could easily accommodate students from these other schools. In fact, we could easily become a primary commissioning source for Army nurses, a commissioned officer specialty of great demand.

I have made a personal commitment to the support of ROTC and intend to see the program flourish. I look forward to your assurance of commitment to this proposal.

Sincerely,

KERN ALEXANDER,  
President.

Attachment.

#### FACT SHEET—REASONS TO KEEP MSU ROTC

1. We serve 38 counties in Western Kentucky plus we receive a large number of students from Northwest Tennessee, Southern Illinois, Indiana, and Southwest Missouri.

These students come to MSU for its high academic standing (top quartile of small regional liberal arts universities by *U.S. News and World Report*) as well as our rural setting.

With the closure of University of Tennessee at Martin, a large portion of West Tennessee and Western Kentucky would be excluded from participation in ROTC in a regional university.

MSU could cover both areas meeting the needs of rural families coupled with our border county agreements to provide in-state tuition.

2. MSU has tripled its overall enrollment over the past three years. We have commissioned nine lieutenants for the past two years, project nine for the next school. Enrollment numbers in ROTC have increased along with the enrollment figures for the University due to the faculty taking ownership of the program and recruiting.

3. We have taken great strides toward attracting ROTC students:

Ten \$1,000 dorm scholarships for ROTC scholarship students.

Free room for all four-year ROTC scholarship students who attend MSU.

Ten guaranteed positions in our Nursing Program.

Due to this good rapport between ROTC and Nursing we have requested to be designated a Center for Nursing Excellence.

Nursing elective credit for Nurse Summer Training Program.

Academic Minor in ROTC.

Process of gaining General Education Credit for ROTC courses.

Extensive promotion of ROTC in University publications, brochures, and videos.

4. No other class gives students the education in leadership as does ROTC. We stress oral and written communication, self-confidence, and development of leadership skills.

5. ROTC provides between \$250,000-\$300,000 annually to MSU and the City of Murray in stipends, scholarships, salaries, and operating and recruiting funds. This money is



spent in restaurants, movie theaters, MSU's Bookstore, electric company, gas stations, and in MSU's general accounting office for tuition.

6. ROTC attracts top notch students and provides national marketing for MSU by having a program on campus. Additionally, it helps attract and promotes solid academic performance in athletes and minorities. (Currently 20% female, 10% African American, and 15 athletes enrolled.)

7. MSU has a strong tradition of providing officers for four state National Guard units—Kentucky, Tennessee, Illinois and Indiana. Additionally, numerous officers have played significant roles in the U.S. Army Reserve—most notable, Major General (Retired) Lindsay Freeman who was Commander of the 100th Training Division out of Fort Knox, Kentucky.

8. Long tradition of ROTC at MSU: Has been an academic program since 1952. Commissioned over 1,039 officers. Produced three General officers.

Mr. NUNN. I urge adoption of the amendment.

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

The amendment (No. 4358) was agreed to.

Mr. WARNER. 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. 4359

(Purpose: To provide service credit for service as senior ROTC cadets and midshipmen in the Simultaneous Membership Program)

Mr. NUNN. Mr. President, on behalf of Senator BYRD, I offer an amendment which would provide service credit for longevity and pay to individuals who simultaneously are senior ROTC cadets or midshipmen and members of the Selected Reserve under the Simultaneous Membership Program.

I believe this amendment has been cleared on both sides of the aisle. I urge the adoption of the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BYRD, proposes an amendment numbered 4359.

The amendment is as follows:

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

#### SEC. 506. SERVICE CREDIT FOR SENIOR R.O.T.C. CADETS AND MIDSHIPMEN IN SIMULTANEOUS MEMBERSHIP PROGRAM.

(a) AMENDMENTS TO TITLE 10.—(1) Section 2106(c) of title 10, United States Code, is amended by striking out “while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve” and inserting in lieu thereof “performed on or after August 1, 1979, as a member of the Selected Reserve”.

(2) Section 2107(g) of such title is amended by striking out “while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve” and inserting in lieu thereof “performed on or after August 1, 1979, as a member of the Selected Reserve”.

(3) Section 2107a(g) of such title is amended by inserting “, other than enlisted service performed after August 1, 1979, as a member

of Selected Reserve” after “service as a cadet or with concurrent enlisted service”.

(b) AMENDMENT TO TITLE 37.—Section 205(d) of title 37, United States Code, is amended by striking out “that service after July 31, 1990, that the officer performed while serving on active duty” and inserting in lieu thereof “for service that the officer performed on or after August 1, 1979.”.

(c) BENEFITS NOT TO ACCRUE FOR PRIOR PERIODS.—No increase in pay or retired or re-entainer pay shall accrue for periods before the date of the enactment of this Act by reason of the amendments made by this section.

Mr. BYRD. Mr. President, I propose an amendment that will modify Titles 10 and 37 of the United States Code. This amendment will correct a long-overlooked enlisted service period of selected military members. This amendment allows creditable service for military members who are serving, or have served as enlisted members of our National Guard and Reserve, while also earning a commission through the Simultaneous Membership Program [SMP]. Since the program's inception in 1979, a select number of enlisted soldiers have not received longevity credit for honorably performed duty that they so justly deserve. SMP cadets are enlisted soldiers with contracts and service obligations, they are deployable assets to their units, they are military occupational service qualified, and they are subject to all the regulations and reviews of any other enlisted soldier. This enlisted concurrent service must be creditable for all purposes. I urge my colleagues to support this worthy amendment.

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

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

The amendment (No. 4359) was agreed to.

Mr. NUNN. 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. 4360

(Purpose: To authorize the Secretary of the Army to accept less than full reimbursement of costs under the agreement for instruction of civilian students at the Foreign Language Center of the Defense Language Institute)

Mr. NUNN. Mr. President, on behalf of Senator BOXER, I offer an amendment which would authorize the Secretary of the Army to accept less than full reimbursement costs under the agreement for instruction of foreign students at the Foreign Language Center of the Defense Language Institute. I believe the amendment has been cleared by the other side.

Mr. WARNER. That is correct, Mr. President.

Mr. NUNN. 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. BOXER, proposes an amendment numbered 4360.

The amendment is as follows:

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

#### SEC. 368. REIMBURSEMENT UNDER AGREEMENT FOR INSTRUCTION OF CIVILIAN STUDENTS AT FOREIGN LANGUAGE INSTITUTE OF THE DEFENSE LANGUAGE INSTITUTE.

Section 559(a)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2776; 10 U.S.C. 4411 note) is amended by striking out “on a cost-reimbursable, space-available basis” and inserting in lieu thereof “on a space-available basis and for such reimbursement (whether in whole or in part) as the Secretary considers appropriate”.

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

The amendment (No. 4360) was agreed to.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 4361

(Purpose: To provide additional pension security for spouses and former spouses of civil service employees with respect to the military service of such employees)

Mr. NUNN. Mr. President, on behalf of Senator MOSELEY-BRAUN, I offer an amendment which would provide that a former spouse of a military retiree whose military retired pay is part of a divorce settlement would continue to receive the amount of money directed by court order if the military retiree becomes an employee of the Federal Government and has military service count toward Civil Service retirement benefits.

I believe the amendment has been cleared.

Mr. WARNER. The Senator is correct.

Mr. NUNN. 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 Ms. MOSELEY-BRAUN, proposes an amendment numbered 4361.

The amendment is as follows:

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

#### SEC. 636. PREVENTION OF CIRCUMVENTION OF COURT ORDER BY WAIVER OF RETIRED PAY TO ENHANCE CIVIL SERVICE RETIREMENT ANNUITY.

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8332 of title 5, United States Code, is amended by adding at the end the following:

“(4) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this subchapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court



order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408."

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking "Except as provided in paragraph (2)" and inserting "Except as provided in paragraphs (2) and (4)".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8411 of title 5, United States Code, is amended by adding at the end the following:

"(5) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this chapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408."

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking "Except as provided in paragraph (2) or (3)" and inserting "Except as provided in paragraphs (2), (3), and (5)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 1997.

Ms. MOSELEY-BRAUN. Mr. President, the amendment I am offering to the Department of Defense authorization bill would protect the military pension benefits awarded to a spouse upon divorce in cases where the retiree rolls the military pension into a civil service pension.

The Uniformed Services Former Spouses' Protection Act of 1982 provides that a court may only treat a military retirees "disposable" retired pay as marital property, and award no more than 50 percent of that amount to the former spouse in a divorce. The definition of disposable retired pay includes, among other deductions, a government pension.

The allowed deductions can leave former wives without pension benefits. For example, if an ex-husband leaves the military and enters the civil service, he can choose to waive his military retired pay and instead, have his military service counted in figuring his civilian retirement benefits. This leaves him without military retired pay and thus leaves his ex-wife without any of the pension benefits she was awarded by the court.

This amendment would merely require the transfer of the court award to the Government retirement system at the same time as the military retirement credits are transferred to the Government retirement system.

A woman's access to pension income determines, in no small part, the kind of life she will live in her older years. For a former military spouse, her access to her husband's pension can mean the difference between poverty and security.

Women married to men serving in the military are often prevented from earning pensions of their own, because they must live on or near a base, transfer from location to location, or live overseas in order to keep their family together. These requirements lessen job opportunities and limit job tenure.

Without working full-time, earning a decent salary, and spending many years at a particular job, it is nearly impossible to secure a pension at retirement. This amendment would provide women, divorced after many years of marriage, with a share of the pension earned during that marriage.

On May 14, I introduced the "Women's Pension Equity Act of 1996," as a first step toward making pension law simpler and more equitable for women. The bipartisan legislation begins to tackle the problems created by a pension system that is not designed for working women, either those in the workforce or in the home. This amendment is one piece of that legislation.

In the population as a whole, women make up 60 percent of seniors over 65—but 75 percent of the elderly poor. Unmarried, widowed, and divorced women are particularly apt to be living in poverty. Nearly four times as many widows live in poverty as married women of the same age.

Too many elderly women spend their retirement years in poverty because less than one-third of all female retirees have pensions, and the majority of those that do, earn less than \$5,000 a year. Women who are widowed or divorced are particularly hard hit. The current pension laws are often confusing and illogical, and leave widows and divorced women without any of the pension benefits earned by their husbands over many years of marriage. It is estimated that nearly 80 percent of women who are poor as widows were not poor before their husbands died.

I am keenly aware that we must address broader issues as well. And we will address them. We should focus on making participation in private pension plans easier, and not the game of roulette which all too often leaves people surprised at their retirement. This amendment is one step in the right direction, however, and I urge my colleagues to join me in supporting this amendment today.

The women, now divorced, who have spent their lives married to men in the military, should not spend their retirement years in poverty because of a loophole in the law.

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

The amendment (No. 4361) was agreed to.

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

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

The motion to lay on the table was agreed to.

COMMITTEE AMENDMENTS OF THE SELECT COMMITTEE ON INTELLIGENCE, EN BLOC

Mr. WARNER. Mr. President, I ask unanimous consent that the amend-

ments to S. 1745, offered by the Select Committee on Intelligence, be considered and agreed to, en bloc, and considered original text for the purpose of further amendment.

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

The committee amendments were agreed to.

AMENDMENT NO. 4254

(Purpose: To improve the committee amendments)

Mr. WARNER. Mr. President, I ask unanimous consent that Senator Thurmond be allowed to modify the committee amendments in more than one place with amendment No. 4254; that no further amendments be in order to the Intelligence Committee amendments; and that the Thurmond modification be deemed to be agreed to.

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

The amendment (No. 4254) was deemed agreed to, as follows:

On page 219, line 11, insert ", for the Secretary's consideration," after "of Defense".

On page 223, strike out lines 1 and 2 and insert in lieu thereof the following:

"(a) ESTABLISHMENT.—The National Imagery and Mapping Agency is a combat support agency of the Department of Defense and has significant national missions.

On page 223, strike out line 17 and all that follows through page 224, line 2 and insert in lieu thereof the following:

"(3) If an officer of the armed forces is appointed to the position of Director under this subsection, the position is a position of importance and responsibility for purposes of section 601 of this title and carries the grade of lieutenant general, or, in the case of an officer of the Navy, vice admiral.

Mr. THURMOND. Mr. President, for approximately the last 7 weeks, the Armed Services Committee and the Select Committee on Intelligence have been engaged in negotiations in an attempt to settle differences between the two committees on a range of intelligence reform measures in both the Defense authorization bill and the Intelligence authorization bill. I am pleased to report that most of our differences have been worked out. With regard to the Defense authorization bill, all our areas of difference have been completely settled.

Mr. President, on May 13, 1996, S. 1745, the Defense authorization bill, was referred to the Select Committee on Intelligence on sequential referral. This unprecedented action has delayed consideration of the Defense authorization bill and, in my view, made it more difficult to work out sound compromises in a timely manner. Although I have been clear and consistent in expressing my willingness to negotiate, I have made it equally clear that I would not be coerced into accepting bad compromises simply because the Defense authorization bill had been taken hostage.

The Intelligence Committee reported S. 1745 out of committee on June 11, 1996, with a series of proposed amendments. With three relatively minor exceptions, I support the Intelligence

Committee's amendments. With regard to the three areas where I do not agree with the Intelligence Committee's amendments, we have nonetheless worked out agreements. It is my intention to offer three perfecting amendments to the package of Intelligence Committee amendments. These have been cleared with the Intelligence Committee. Overall, therefore, I believe that we have an acceptable agreement.

Let me briefly describe the three areas that are the subject of the amendment that I will offer along with Senator NUNN.

The Intelligence Committee amendment would strike several sections from the Defense authorization bill that do not relate directly to the National Imagery and Mapping Agency. It also would insert a new section 906 relating to the role of the Director of Central Intelligence in the appointment and evaluation of the heads of certain intelligence agencies within the Department of Defense. With one exception, I do not oppose these changes. The amendment offered by myself and Senator NUNN would modify the Intelligence Committee language having to do with performance evaluations. In my view the Director of Central Intelligence should not be in the business of writing performance evaluations for the heads of defense agencies. The DCI himself has confirmed that this would be inappropriate. The alternative that Senator NUNN and I have offered would allow the DCI to provide input for consideration by the Secretary of Defense in preparation for his annual evaluations of the Defense Department intelligence agency heads. This would make it clear that the authority to write such evaluations resides with the Secretary of Defense, but that the views of the DCI must be taken into account.

The amendment offered by the Intelligence Committee makes a number of changes to the Armed Services Committee's reported legislation establishing the National Imagery and Mapping Agency. For the most part, these changes are the product of agreements that we have reached with the Select Committee over the last few weeks, with two exceptions. I will briefly describe these areas and the changes that the Thurmond/Nunn amendment will make.

First, the Intelligence Committee would strike the reference in the establishment clause to the National Imagery and Mapping Agency being a combat support agency. Since there are ambiguities regarding this issue in title 10 of the United States Code, and since the Department of Defense and the Joint Chiefs of Staff have insisted on NIMA being a combat support agency, the amendment that I am offering with Senator NUNN will restore the language on combat support to the establishment clause. Our amendment would also clarify that the new agency will also have "significant national mis-

sions" to make absolutely clear that it serves more than tactical military operations.

Second, the Intelligence Committee proposes a waiver of the cap on three star general officers for the director of the National Imagery and Mapping Agency, if the director is a military officer. The Armed Services Committee has a long standing position in opposition to providing waivers to this cap for defense agency heads. Senator NUNN and I simply propose to eliminate this waiver, while leaving the Intelligence Committee's language regarding the director otherwise unchanged.

Mr. President, given that the amendment offered by Senator NUNN and myself is agreed to between the two committees, it would be my recommendation that the Intelligence Committee amendment, as modified also be adopted. I believe that Senator NUNN and I have proposed reasonable and justifiable adjustments to the Intelligence Committee amendment. It is my intention to oppose any effort to undermine the agreements that have been reached between the two committees, either on the floor or in conference.

Mr. SPECTER. Mr. President, the Select Committee on Intelligence has been engaged over the last year in an intense examination of the Intelligence Community and its role in the post-cold-war world. The Intelligence Authorization Act for fiscal year 1997 reflects the conclusions of the Committee and its proposals for renewal and reform of U.S. intelligence and I hope the Senate will have an opportunity to vote on these proposals in the near future. Similarly, the National Defense Authorization Act for fiscal year 1997, as reported by the Armed Services Committee contained a number of intelligence reform provisions, including authorization for a major reorganization of the intelligence community through the creation of a new agency, the National Imagery and Mapping Agency, as well as a number of provisions directly conflicting with the committee's efforts this year to make substantial improvements in the management and operation of U.S. intelligence activities. In order to consider these provisions in the context of our overall reform effort, the Intelligence Committee sought referral of the Defense bill, pursuant to the Committee's charter, Senate Resolution 400.

After careful review, including extensive discussions and negotiations at the staff and member level with the Armed Services Committee and with the Director of Central Intelligence, the Deputy Secretary of Defense, and the Vice Chairman of the Joint Chiefs of Staff, the committee voted to report the bill with amendments on June 11—well before the expiration of the 30 days of session allotted in Senate Resolution 400 for consideration upon referral.

#### PRIOR COMMITTEE ACTION

These amendments to the National Defense Authorization Act, along with

the Intelligence Authorization Act for fiscal year 1997, S. 1718, reflect the conclusions this committee has reached through 6 years of efforts aimed at making the U.S. intelligence community operate more effectively, more efficiently, and with greater accountability in light of the significant changes in the world over the last decade. In 1994, this effort led Congress, at the urging of Senator WARNER, Senator GRAHAM, and others, to establish a Commission on the Roles and Capabilities of the U.S. Intelligence Community—the "Aspin-Brown Commission"—to conduct a "credible, independent, and objective review" of U.S. intelligence. The Commission was given a deadline of March 1, 1996, with the expectation that its report would inform a legislative debate resulting in enactment of needed changes during this Congress.

Armed with the Commission's report and enlightened by the committee's own examination, including numerous hearings, briefings, and interviews, the Select Committee on Intelligence voted on April 24, 1996, to report S. 1718, the Intelligence Authorization Act for fiscal year 1997, containing a number of measures to improve policy guidance to the intelligence community, strengthen the DCI's ability to manage the community on behalf of all intelligence consumers, and enhance the ability of the Congress and the American public to ensure that the secrecy necessary for the conduct of intelligence does not prevent the vigilance and oversight necessary for an effective democracy. The Armed Services Committee took the bill on a 30-day sequential referral as they have done every year since the establishment of the Select Committee on Intelligence.

On May 13, the Armed Services Committee reported out S. 1745, the National Defense Authorization Act for fiscal year 1997, which included a number of provisions for intelligence reorganization, including the creation of a new national imagery agency and a new structure for military intelligence under a Director of Military Intelligence [DMI]. The bill also included a number of other provisions that directly conflicted with the reform attempts of the Intelligence Committee contained in S. 1718. The Intelligence Committee requested referral of the bill to consider these intelligence provisions, pursuant to section 3(b) of Senate Resolution 400, which provides for referral to the Committee of any legislation containing provisions within its jurisdiction for up to thirty days, not counting days on which the Senate is not in session.

#### DISCUSSIONS WITH ARMED SERVICES COMMITTEE

During the weeks of negotiations that followed, the Intelligence Committee agreed to a number of changes in S. 1718 to address concerns raised by the Armed Services Committee about protecting the equities of the Secretary of Defense and the Joint Chiefs of Staff. Notwithstanding that the objective of the reform provisions in S.

1718 was to improve the quality of intelligence provided to all consumers, including the Department of Defense, the Armed Services Committee did not want any change that might diminish the current authority of the Secretary of Defense, who now controls about 85 percent of the intelligence community budget. The Intelligence Committee is concerned that the current arrangement, under which the Director of Central Intelligence is responsible for ensuring the nations intelligence needs are met effectively and efficiently yet has direct authority over only the CIA—which represents only a small portion of the intelligence budget—has led to problems. One clear example is the recent revelations regarding several billion dollars at the National Reconnaissance Office (NRO) in funds that were never expended and were carried forward year after year.

As the current DCI John Deutch, who was formerly Deputy Secretary of Defense, testified on April 24,

[t]he Deputy Secretary of Defense has got a tremendous set of issues covering a much larger range of resources—10 times—managing ten times the resources \* \* \* of the whole intelligence community. So to say that you are going to go to the deputy—and I am not talking about personalities—and say to the Deputy Secretary of Defense, why didn't you catch this, he's going to say, well, I count on the DCI to keep track of this and to let the Secretary of Defense know. So in some sense, if we are going to say that the Director of Central Intelligence does not view himself or herself as being responsible for the NRO, fundamentally nobody will be.

The Director of Central Intelligence is in a unique position to balance the cost and effectiveness of intelligence programs throughout the government. It makes sense to hold this person responsible for ensuring that the various elements of the intelligence community are more responsive to this national objective than to parochial, turf-driven goals that too often typify bureaucratic. Yet he lacks the authority needed to accomplish this objective, particularly with regard to the intelligence elements within the Department of Defense. The DCI can be given enhanced authority without removing the elements of the intelligence community from the various agencies in which they reside or interfering with the ability of those agency heads to manage their departments, i.e., without creating a "Department of Intelligence." The reform provisions in the Intelligence Authorization Act for Fiscal Year 1997 were designed to accomplish this goal.

This fundamental difference of opinion over the need to strengthen the authority of the DCI to match his responsibility as the overall manager of US intelligence made reaching consensus with the Armed Services Committee over its provisions in the DOD bill and the provisions in the Intelligence bill difficult. However, both sides made accommodations and ultimately resolved all but a few issues, agreeing to changes in both bills. On June 6, the

Armed Services report S. 1718 with amendments that reflected the consensus and one remaining area of disagreement. The next week, on June 11, the Intelligence Committee reported S. 1745, the DOD Authorization bill, with amendments that similarly reflected the compromises reached with Armed Services Committee. Subsequently, the Armed Services Committee proposed some changes to our amendments, which we agreed to.

The area of disagreement that remains is a provision in the Intelligence bill that gives the DCI the ability to make adjustments in the allocation of funds within the National Foreign Intelligence Program (NFIP) during the fiscal year to meet unexpected intelligence needs. Director Deutch, along with all former DCI's who testified before the Committee, publicly supported this enhanced authority as important to effective management of the national intelligence community. The DCI has the authority today to make the initial allocations within the NFIP in formulating the budget. However, when unforeseen requirements arise during the fiscal year and funds are available from a lower priority intelligence activity, the DCI does not have the authority to transfer those funds unless the affected agency head does not object. S. 1718 contained a provision to enhance the DCI's authority by shifting the burden to the affected agency to convince the President or his designee that the transfer is unwarranted. The Armed Services Committee objected to giving the DCI this authority and amended S. 1718 to delete the provision.

With the exception of this reprogramming issue, the Committee believes the consensus reached by the two committees preserves significant elements of the reform effort and significantly enhances the ability of the DCI to manage intelligence activities. In addition, the Committee is comfortable that, with the changes agreed upon, the DCI will have the ability to ensure that a new National Imagery and Mapping Agency will be responsive to the needs of all national customers.

Specifically, the amendments we have agreed upon to the National Defense Authorization Act will strike provisions that were in direct conflict with the reform efforts in the Intelligence Authorization Act, a number of which would have seriously hampered the ability of the Intelligence Community to function even under existing mechanisms. For example, our amendments strike a prohibition on any non-DOD employee obligating DOD funds. This provision, apparently intended to ensure the DCI did not gain any additional budget execution authority, would have restricted non-DOD employees detailed to DOD intelligence agencies, such as NRO, from managing contracts or performing numerous other tasks they now commonly perform. It also would have interfered with transfers of funds under the Econ-

omy Act, which take places regularly when one agency performs a function of common concern on behalf of another agency for reasons of efficiency and effectiveness. In addition, our amendments mandate a larger and more formal role for the DCI in the appointment and evaluation of the heads of the key national agencies: NSA, NRO, and the new NIMA.

As I have noted, the Committee focused a good deal of effort on the provisions in the DOD bill that establish a new National Imagery and Mapping Agency—NIMA. Our amendments add statutory language giving the DCI clear authority to set imagery collection requirements and priorities, and to resolve conflicts among priorities. In addition, the Committee worked out language with Armed Services to ensure that NIMA's mission as stated in its establishment clause includes both combat support and its significant national missions. Finally, our Committee had concerns with the changes Armed Services had made to the provisions relating to the appointment and status of the Director of NIMA as worked out by the Administration. Our amendments restore the balance initially proposed by providing that (1) the Director of NIMA can be either a civilian or a military officer; and (2) that the Secretary of Defense must obtain the concurrence of the DCI, or note the non-concurrence of the DCI, when recommending an individual to the President for appointment as Director of NIMA.

The past few weeks have not been easy, but I believe they have produced a good outcome for U.S. intelligence and the nation and, based on assurances that the leadership of the Armed Services Committee will do likewise, I wish to state my commitment to joining my colleagues in supporting prompt disposition of both bills, opposing any effort to undermine the agreements we have struck, and fully supporting the Senate positions in our respective conferences.

Mr. KERREY. Mr. President, the bill the Senate is now considering, S. 1745, the National Defense Authorization Act for fiscal year 1997, raises many issues essential to our national security. None are more important, however, than the Intelligence Committee's amendments regarding renewal and reform of the Nation's intelligence apparatus, intended to enable that apparatus to respond effectively to the security threats of today and tomorrow.

The amendments under consideration were added to the bill when the Select Committee on Intelligence considered it on sequential referral. All of these amendments have been accepted by the Senate Armed Services Committee during the course of negotiations between our two committees regarding the intelligence provisions in S. 1745 and in S. 1718, the Intelligence Authorization Act for fiscal year 1997.

I would like to make special mention of the Intelligence Committee's proposed amendments to the provisions of

S. 1745 relating to the new National Imagery and Mapping Agency, or NIMA. NIMA would be created by consolidating nearly a dozen agencies or offices within the Department of Defense and the Central Intelligence Agency, including the Defense Mapping Agency, the Central Imagery Office, CIA's National Photographic Interpretation Center, into a single agency within the Department of Defense. The creation of NIMA will reduce redundancies in the processing and analysis of imagery, ensure more challenging career opportunities for those in the imagery and mapping fields, and create an important synergy between mapping and imagery—allowing maps to leave the paper and attain all the benefits of today's digital technology.

The creation of NIMA has been jointly proposed by the Director of Central Intelligence, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff. The establishment of a single national imagery agency was also endorsed by the Brown Commission. Nevertheless, the creation of NIMA constitutes a major reorganization of U.S.C. intelligence activities and includes the transfer of several imagery-related offices out of the CIA and into the Department of Defense. Accordingly, the Intelligence Committee focused considerable attention on the specific provisions in S. 1745 that would establish NIMA and define its responsibilities. We concluded that these provisions need to be modified in several key respects.

Most important, the committee concluded that the role of the Director of Central Intelligence with respect to the tasking of imagery satellites should be clarified. The DCI must have clear authority to set imagery collection requirements and priorities, and to resolve conflicts among priorities. The DCI has such authority under existing executive orders and presidential decisions, but, in light of the establishment of NIMA as an agency of the Department of Defense, the Committee believes the DCI's authorities should be restated in statute. The committee has amended S. 1745 to include these authorities in both title 10, U.S. Code (together with other provisions establishing NIMA) and in the National Security Act of 1947 in title 50 (which specifies the DCI's authorities as director of the intelligence community).

The committee also focused on the provisions of S. 1745 that define the responsibilities of NIMA to support intelligence consumers outside the Department of Defense. These provisions are especially important because with the consolidation of most of the imagery-related activities of the intelligence community into an agency within the Department of Defense there is a risk that the imagery needs of non-DOD customers might not be met. We concluded that the language of the provisions is sufficient to protect the interests of national consumers but that the provisions should be moved from title

10 to title 50, where they are more appropriately placed since they relate to the authorities of the DCI rather than the organization of the Department of Defense.

The committee was also concerned that, as reported by the Armed Services Committee, the very first provision relating to NIMA in S. 1745 would have stated that NIMA "is a combat support agency of the Department of Defense." The term "combat support agency" was first used in the Goldwater-Nichols Department of Defense Reorganization Act of 1986 to describe certain DOD agencies that have wartime support functions and that are subject to periodic review by the Chairman of the Joint Chiefs with respect to their combat readiness. The four defense agencies designated by Congress as combat support agencies in 10 U.S.C. 193 are the Defense Communications Agency, the Defense Intelligence Agency, the Defense Logistics Agency, and the Defense Mapping Agency.

When Congress passed the Goldwater-Nichols Act, it specifically declined to list the National Security Agency as a combat support agency because NSA serves customers outside the Department of Defense. Congress, however, subjected NSA to the same JCS review procedures as other combat support agencies but only with respect to its combat support functions. The Intelligence Committee believes that it would have been most appropriate to treat NIMA like NSA, i.e. not list NIMA as a combat support agency but subject it to JCS review with respect to its combat support functions. The Department of Defense and the Armed Services Committee, however, have insisted that NIMA be listed as a combat support agency because the Defense Mapping Agency was listed as a combat support agency.

Given that the Defense Mapping Agency will comprise the largest activity within NIMA, the Intelligence Committee has agreed to have NIMA listed as a combat support agency in 10 U.S.C. 193 for purposes of JCS review (but only with respect to its combat support functions). But we continue to believe that it would be a mistake to establish NIMA as a combat support agency in the very first sentence, even if subsequent statutory provisions specifically state that NIMA also has national missions. The implication would be left that NIMA's primary purpose is to provide combat support, and the imagery support to other customers might suffer as a result.

Accordingly, the Intelligence Committee reported S. 1745 with an amendment to the provision establishing NIMA that would delete the reference to NIMA's establishment as a combat support agency. The Armed Services Committee has proposed to reinsert the reference to NIMA's status as a combat support agency in the establishment provision but to add in the same sentence that NIMA has significant national missions. We would not object to

this formulation because it emphasizes that NIMA has two equally important functions: combat support and support for national missions.

Our Committee also had concerns regarding the provisions relating to the appointment and status of the Director of NIMA. The legislative package drafted by the Administration to create NIMA provided that (1) the Director of NIMA could be either a civilian or a military officer; and (2) that the Secretary of Defense must obtain the concurrence of the DCI, or note the non-concurrence of the DCI, when recommending an individual to the President for appointment as Director of NIMA. As reported by the Armed Services Committee, S. 1745 would have required that the Director of NIMA be a military officer and that the Secretary of Defense simply consult the DCI before recommending a nominee to the President. The Armed Services Committee's formulation would have prevented the President from appointing a civilian Director of NIMA (thus implying that NIMA performs exclusively military functions) and would have given the DCI only a minor voice in the appointment of the head of a critical national intelligence agency. The Armed Services Committee formulation was opposed by the DCI and by the Secretary of Defense. Accordingly, the two Committees agreed to amend the bill to revert to the Administration's proposal.

Finally, the two Committees agreed to delete from S. 1745 a provision that would have prohibited the Inspector General of the Central Intelligence Agency from conducting any inspection, investigation, or audit of NIMA without the written consent of DOD Inspector General.

We believe that, taken together, our amendments will help to clarify the responsibilities of the DCI with respect to the operation of NIMA and will serve to ensure that the imagery needs of consumers outside the Department of Defense are satisfied.

Mr. NUNN. Mr. President, I rise to support the agreement worked out by the Armed Services and Intelligence Committees on the provisions of our respective bills pertaining to the creation of a new DoD agency, the National Imagery and Mapping Agency known as NIMA, and the renewal and reform of the intelligence community.

By way of background, I want to note that the Armed Services and Intelligence Committees have been negotiating over a number of items in our respective authorization bills. In the course of these negotiations, a number of thorny issues have been settled and only one issue remains which relates to a provision in the Intelligence Authorization bill.

I want to make note of one issue in particular that we have worked out. That issue relates to the establishment of a new Department of Defense agency, called the National Imagery and Mapping Agency or NIMA, which combines the Defense Mapping Agency, the

Central Imagery Office, and the National Photographic Interpretation Center. NIMA will provide imagery intelligence and mapping support to both the Department of Defense and other agencies of the Government.

An issue arose concerning the designation of NIMA as a combat support agency. Under the agreement reached between our two committees, the new National Imagery and Mapping Agency will be designated in the agency's establishment clause as a combat support agency and it would also state that the Agency has significant national missions to meet the Intelligence Community's concerns. Director Deutch, in a letter to Senator THURMOND dated June 6, 1996, stated in pertinent part that, and I quote, "The essence of the NIMA concept for both the Intelligence Community and the Department of Defense is that NIMA be a combat support agency." I ask unanimous consent that the entire text of Director Deutch's letter to Senator THURMOND be printed in the RECORD.

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

THE DIRECTOR OF  
CENTRAL INTELLIGENCE,  
Washington, DC, June 6, 1996.

Hon. STROM THURMOND,  
Chairman, Committee on Armed Services,  
Washington, DC.

DEAR MR. CHAIRMAN: I write to underscore my previous statements to the leadership of the Select Committee on Intelligence and the Committee on Armed Services concerning legislation creating a National Imagery and Mapping Agency (NIMA) and permitting the collection of foreign intelligence on non-U.S. persons in support of U.S. law enforcement.

The essence of the NIMA concept for both the Intelligence Community and the Department of Defense is that NIMA be a combat support agency. At the same time, it is equally important that there be a clear statement of its national mission and that the authorities of the Director of Central Intelligence to manage and support the national mission of NIMA be undiminished except as required to establish NIMA, i.e., the transfer of operational control of CIA employees and funds to NIMA. NIMA must be responsive to the direction of the Secretary and the Chairman of the Joint Chiefs in its combat support role, but it must also follow the direction of the DCI in matters of collection and tasking to satisfy NIMA's national mission. NIMA resource issues obviously affect both the military and national missions and, as the Administration's legislative proposal makes clear, should be decided jointly. I strongly affirm the statements I made on these points during our meeting of May 23, 1996 including the placement of statutory language in titles 10 and 50 of the U.S. Code.

I also believe, as I have indicated in our previous conversations, that it is important to clarify the authority of the Intelligence Community to provide assistance to law enforcement agencies outside the United States by collecting intelligence information on non-U.S. persons. Much progress has been made in this area over the last few years, but I believe it is important to give the Intelligence Community clear statutory authority to provide such assistance so that our agencies can work together in an efficient and effective manner. Both the Intelligence Community and the Department of Justice

support the legislative clarification contained in Sec. 715 of S. 1718.

It is my strongly held view that the Intelligence Community can provide important assistance to law enforcement agencies outside the United States in a far more effective manner than would be the case if law enforcement agencies were to expand their activities into areas traditionally dealt with by the Intelligence Community.

For decades, the Intelligence Community, and the CIA in particular, have developed close working relationships with law enforcement agencies and intelligence services outside the United States. This network of contacts and relationships provides a rich environment from which information required by U.S. law enforcement agencies can be gleaned. There is no reason to replicate it with an extensive law enforcement presence outside the United States. Indeed, such a presence would be counterproductive because it would be confusing, duplicative and undermine longstanding intelligence relationships. It would permit local governments to play one U.S. Government agency off against another and would lead, in my view, to less information reaching the United States, not more.

If I can provide any additional information on these or other matters, please do not hesitate to contact me directly.

An original of this letter is also being sent to Ranking Minority Member Nunn and to the Chairman and Vice Chairman of the Senate Select Committee on Intelligence.

Sincerely,

JOHN DEUTCH.

Mr. NUNN. I am pleased that we have been able to resolve our differences over the provisions in the Department of Defense authorization bill and I look forward to working with the Chairman and Vice Chairman of the Intelligence Committee on the one remaining issue relating to the Intelligence authorization bill. I urge the adoption of these amendments.

Mr. WARNER. Mr. President, I believe that it is the judgment of the managers that all matters relating to this bill that can be concluded on this day have been concluded. The Senate may now proceed to address the remaining matters.

Mr. NUNN. I concur with my friend from Virginia. I think we handled all the amendments we are able to handle now that have been cleared on both sides. We have a lot of amendments remaining, probably in the neighborhood of 50, 60 amendments on this bill. But there are an awful lot of them that are not relevant to this bill, and I hope they will be withdrawn or can be worked out. So I believe that today has been a productive day.

We have stayed on the defense bill by and large. The amendment that we took up that was not relevant to the defense bill was worked out, agreed to, and supported overwhelmingly in this body. So I think it has been a good day. I know Chairman THURMOND has put in a lot of hard hours. The Senator from Virginia has put in a lot of hard hours. We are working together. I think we can make further progress tomorrow. And with good luck, cooperation, good spirit, good will, we can finish this bill tomorrow night, if all that happens.

Mr. WARNER. Mr. President, I just do not know how many times the good

Senator from Georgia and I have stood here and wished the Senate well. Let us do it once again. I do so on behalf of the distinguished chairman, Senator THURMOND.

Mr. NUNN. I thank the Senator. I can say, I have been here many times on defense bills when the light in the tunnel was not apparent at all, and I believe I saw a little glimmer earlier this evening.

Mr. WARNER. I am sure we did. I think we should also commend the respective leaders, Mr. LOTT and Mr. DASCHLE, because they indeed became engaged today to assist the matters.

Mr. NUNN. I agree.

Mr. WARNER. Mr. President, I ask unanimous consent that Senators have until the hour of 9:30 a.m., Thursday, in order to file second-degree amendments to the DOD bill.

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

#### MORNING BUSINESS

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

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

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting one nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

#### REPORT ON AERONAUTICS AND SPACE FOR FISCAL YEAR 1995—MESSAGE FROM THE PRESIDENT—PM 156

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

#### To the Congress of the United States:

I am pleased to transmit this report on the Nation's achievements in aeronautics and space during fiscal year 1995, as required under section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476). Aeronautics and space activities involved 14 contributing departments and agencies of the Federal Government, and the results of their ongoing research and development affect the Nation in many ways.