

done to help the current system be better. That is what the Kassebaum-Kennedy bill does. It improves the current system of health care delivery in the private market health insurance system.

So let us ask what medical savings accounts do. Well, I like to call medical savings accounts patient choice accounts, because I think those who are tuned into what is going on in health care will tell you—and I am not talking just health care providers or insurers, I am talking about everybody who sees what is going on in health care—realizes that managed care is coming to dominate the marketplace and, in fact, will be, eventually, I believe, if nothing is done, take over the marketplace in most areas of the country. So the choices will be limited to just managed care options. The old fee-for-service, doctor-patient relationship in medicine will go by the wayside.

What I believe medical savings accounts do is give us a chance to keep that relationship available to patients who want that, to people who want the doctor-patient relationship. And what managed care is, you have a doctor, a patient, and you have a third party, an insurance company, who sort of regulates the transaction between doctor and patient. They are the ones who sort of dictate what services you can and cannot have. Well, before managed care, the doctor and patient determined what services you had. Well, the problem with that was that neither had incentive to control costs. On the patient's side, you had fee-for-service medicine with very low deductibles, so you did not pay anything for the services you got. You had no concern about how much they cost. Nobody asked how much it costs for health care. On the physician's side, the more you did, the more services you provided, the less chance you were going to be sued, and the more money you made. So there were no incentives here to control costs. Then managed care came in.

Well, what we are trying to do with medical savings accounts is very simple—that is, to put some incentives with the patient to be cost conscious, to encourage them to be careful about what kind of health care services they consume and how much they consume and where they consume them, to create some sort of a marketplace for health care. That is what medical savings accounts do.

I can explain the specifics of how it works, but the bottom line is that it empowers, it gives the individual the ability to control their own health care decisions again. It gives power to individual patients when it comes to their health care needs.

Now, why—why—would anyone be against giving an option to individuals? It does not require everyone to take a medical savings account, by any stretch of the imagination. It does not require anything. It just gives you an option to have a medical savings account. Why would anyone be opposed

to giving individuals powers to make medical decisions on their own, giving individual power in America?

I think you sort of have to step back and say, well, let us recall who were moving forward with the Clinton care health plan and what that plan did. What Clinton care did—sponsored by the Senator from Massachusetts—was take power from individuals, give it to Government-run organizations, and private sector insurance organizations, to manage care for everyone—big organizations controlling decisions of people. That is the model that many who were opposing this bill see as what we should be doing with health care. They do not believe—as Mrs. Clinton said, when asked about medical savings accounts—that individuals have the ability to make decisions on their own, that you are not informed enough, educated enough to make your own health care decisions.

There are people—and I hope and believe it is not a majority in this body—who believe that we need large organizations, whether it is Government or large insurance companies, to dictate to you what services are available to you. That is the fundamental debate here. That is the rub; that is the reason we are not moving forward with this. It is, who has the power to make decisions?

The Senator from Massachusetts believes it is large insurance companies or big Government. Those of us on this side of the aisle—and I think many on the other side of the aisle—believe individuals should at least have the choice to make those decisions themselves.

Mr. President, I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

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

The PRESIDING OFFICER. Under the previous order, the hour of 9:30 a.m. having arrived, the Senate will now resume consideration of S. 1745, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1745) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Nunn-Lugar amendment No. 4349, to authorize funds to establish measures to protect the security of the United States from proliferation and use of weapons of mass destruction.

Warner (for Pressler-Dashcle) amendment No. 4350, to express the sense of the Congress on naming one of the new attack submarines the "South Dakota".

AMENDMENT NO. 4349

The PRESIDING OFFICER. Under the previous order, there will now be 10 minutes of debate equally divided on amendment No. 4349.

Mr. NUNN. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is No. 4349.

Mr. NUNN. Mr. President, I ask unanimous consent that Senator HATCH be added as a cosponsor to the pending amendment.

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

Mr. NUNN. Mr. President, we had a good debate last night after most Members had gone home and after all the votes had been cast for the day. But, nevertheless, I hope some of our colleagues and their staff—and, indeed, the American people—heard some of that debate because, to me, this is an enormously important subject and a very important amendment.

This amendment is sponsored by Senator LUGAR, myself, Senator DOMENICI, Senator BIDEN, Senator GRAMM, Senator HATCH, and others.

It has three major thrusts.

First, it recognizes that one of our most serious national security threats is the proliferation of weapons of mass destruction—not just nuclear weapons but also chemical and biological weapons.

Just this week "The Nuclear Black Market" report came out by the Global Organized Crime Project, which is chaired by William Webster, former head of the FBI and CIA, with the project Director Arnaud de Borchgrave.

That publication made it very clear in the findings of this very distinguished group of Americans with considerable national security experience.

Quoting from that report:

The most serious national security threat facing the United States, its allies, and its interests is the theft of nuclear weapons or weapons-usable materials from the former Soviet Union. The consequences of such a theft—measured in terms of politics, economics, diplomacy, military response, and public health and safety—would be catastrophic.

Arnaud de Borchgrave said at the press conference:

We have concluded that we're faced now with as big a threat as any we faced during the cold war, when the balance of terror kept the peace for almost half a century.

We also have a quote that makes it clear that the foundation for this amendment is based on some of the findings in this report, as well as extensive hearings.

We had reports from the Harvard group headed by Graham Allison; reports from the Monterey Institute, and others.

So this is not the only report. This is the most recent and, I think, one of the more thorough reports that has been done on this subject.

But this report says:

A layered defense against nuclear trafficking is essential. Countermeasures must continue to emphasize securing warheads and

materials at the source because there are few opportunities for detecting, interdicting, and neutralizing these materials once they are beyond the source site. . . . [A]ttention and resources must be directed toward post-theft measures as well.

The magnitude of the problem, especially in Russia, remains enormous. The greatest need is for a sustained effort with sufficient resources and a clear, long-term vision of what needs to be accomplished.

So, Mr. President, we are trying to have three thrusts forward with this amendment. One is to beef up the Nunn-Lugar legislation which already is helping contain these weapons of mass destruction at their source;

Second, we want to beef up the Customs Department so that they can protect our borders better and also help the former Soviet states—not just Russia but all those states—protect their borders from this dangerous material and know-how leaking out;

And, third, to make sure that we are prepared here at home.

We are not prepared at home now. We need a major thrust forward to help our cities, to help our States to use certain National Guard units, to use the Department of Energy and the Department of Defense to train and equip over a period of time our State and local law enforcement officials so that we will be able to deal with this kind of crisis, if it occurs, and that we will be able to prevent it from occurring in the first place.

So that is the essence of the amendment. I know that Senator DOMENICI and Senator LUGAR will also want to speak on this. We have a very short period of time.

I urge approval of the amendment. I reserve any time I have remaining.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I commend to the Senate this morning an amendment that I believe will make a historic difference in American security, and it is our security we are talking about, the security of Americans, who would like relief from the possibilities of an ICBM attack in nuclear, chemical, or biological terms coming out of the former Soviet Union—or out of any country, for that matter—which might jeopardize it and who want some assurance that we here in the United States are prepared to coordinate the remarkable work of our Department of Defense in historic research efforts to combat potential difficulties for American personnel from biological, chemical, or nuclear attack that might be transferred to local officials who will work with these people.

All of these objectives are approached. They will never be fully achieved, but clearly the passage of this amendment will bring a greater sense of security to all Americans that our Government works, that we have talented people in our military and in our civilian components of government at all levels that will make a difference in the safety of Americans.

For these reasons, I commend this amendment. I am hopeful it will have very strong support in the Senate this morning.

I thank the Chair.

Mr. SPECTER. Mr. President, this amendment is of critical importance to the security of the United States and its allies: The proliferation of weapons of mass destruction. In my remarks on the Senate floor on April 17, 1996, I addressed this issue stating that we can no longer afford to treat this proliferation as some merely hypothetical threat.

The United States could soon be at risk from long-range Taepo Dong II missiles now being developed by North Korea. We have also seen evidence of Saddam Hussein's biological weapons program confirmed by Saddam's son-in-law who defected from Iraq last year. We have seen China sell missiles and other nuclear technology to Pakistan, and a tremendous missile race between India and Pakistan on the subcontinent. Finally, we have seen the murderous activities of the Supreme Truth cult in Japan, which was responsible for a poison gas attack that injured more than 5,500 Tokyo subway passengers.

As chairman of the Senate Intelligence Committee, and as chairman of the Judiciary Committee Subcommittee on Terrorism, I have long been concerned about the proliferation of weapons of mass destruction. I believe the administration was correct when it stated in the most recent edition of "A National Security Strategy of Engagement and Enlargement" that "weapons of mass destruction—nuclear, biological, and chemical—along with their associated delivery systems, pose a major threat to our security."

I also believe that the administration has not done nearly enough to prevent the spread of these weapons. In my view, Mr. President, we have a tremendously unwieldy U.S. Government bureaucracy for combatting proliferation. By my estimate, some 96 departments, agencies and other organizations have some responsibility in this area. Mechanisms for effectively integrating the activities of the Department of State, Defense, Justice, Treasury, and Commerce, to name just a few, are lacking. Given the complexity of the tasks involved, the need for marshaling resources from many agencies, and the necessarily protracted nature of these efforts, the failure to assign clear and empowered leadership has impeded the U.S. effort.

It was for that reason that I introduced legislation on April 17, 1996, that would create a high-level commission, appointed by the White House and the Congress, to conduct a governmentwide study of the complex organizational structure charged with combatting proliferation. Members of this commission would also be responsible for providing Congress and the President with a set of recommendations designed to improve U.S. Government perform-

ance, and reduce the amount of unnecessary duplication by the various agencies involved.

As I indicated in my remarks last April, I examined closely a number of possible organizational changes. One option, I noted, was the creation of a high-level czar, such as the drug czar empowered to coordinate activities against drug trafficking. I also mentioned that I have considered the creation of a high-level position on the National Security Council [NSC] staff. I was very pleased, therefore, to find while reviewing the Nunn-Lugar amendment now under consideration by the Senate that my distinguished colleagues advocated the creation of both a "national coordinator on nonproliferation," and a new standing NSC committee on nonproliferation, composed of the Secretary of Defense, State, Treasury, the Attorney General, the Director of Central Intelligence, and other cabinet-level officials. This committee, chaired by the national coordinator, would be responsible for reviewing and coordinating all Federal programs, policies, and directives relating to proliferation.

Mr. President, I believe that this legislation is a critically important step in our efforts to improve the ability of the United States to combat proliferation. Creating a single body with overall responsibility for this critical national security responsibility is a step in the right direction.

U.S. efforts to combat proliferation are not well organized. Significant institutional and organization changes in the U.S. Government are required if the United States is to improve its ability to combat proliferation of weapons of mass destruction.

Mrs. KASSEBAUM. Mr. President, I want to strongly support this initiative and to commend Senators NUNN and LUGAR, as well as Senator DOMENICI, for their continued strong leadership in this area vital to our national security.

The single greatest threat to American soil today is that nuclear, chemical or biological weapons will be used against us by terrorist organizations or other rogue entities. Perhaps the supreme irony of the cold war's end is that while the risk that America will be devastated from coast to coast has abated, the prospects that a weapon of mass destruction will in fact detonate on our soil have grown substantially.

The threats today are much more complex, and our response must be more complex as well. In plain terms, it is no longer enough that America's defenses be strong—they must also be smart, agile, flexible, and intuitive.

The Senate, for example, has yet to consent to ratify the Chemical Weapons Convention that President Bush negotiated. I think we should do so without delay. It is another of the many tools we need to meet the diverse new threats to our security.

For several years, we have been engaged in the Nunn-Lugar program to help secure and destroy weapons of

mass destruction at their source in parts of the former Soviet Union. This program has been successful, and I believe it should be expanded while that is still possible.

Today we are considering the so-called Nunn-Lugar II program. While the existing program seeks to contain dangerous weapons material at its source, this new proposal would put in place mechanisms to deal with material that leaks.

This amendment would let us help strengthen the export control regimes of countries that are the source of much of the weapons material. It is in our interest to help countries like Russia to keep weapons material inside their borders and out of international commerce.

The amendment also would strengthen our own border controls to help keep illicit weapons material out of the United States.

Finally, it would put in place a coordinated effort to ensure that the public safety personnel in communities across America know how to respond in the terrible event of a nuclear, chemical or biological incident.

I hope this contingency planning is never needed, but I support this amendment in case it is.

Mr. GLENN. Mr. President, I rise to express my intention to vote in favor of the amendment offered by my colleagues, Senators NUNN, LUGAR, and DOMENICI, concerning America's actions to alleviate threats to our country's security coming from Russia and from terrorists. This is important legislation, perhaps one of the most significant provisions in this entire bill, and I think it deserves some high praise and a few cautionary notes.

First, the praise. I cannot think of a better investment in America's security than working to reduce the number of weapons of mass destruction that could be targeted or used against our country. The assistance provided in this bill aims at enhancing the security of controls over materials in the former Soviet Union that are associated with such weapons, and reducing the amounts of these materials. It is to me without doubt a sound public investment.

The bill provides funds for improving the material protection, control, and accounting of materials that could be used in nuclear weapons—material that someday could otherwise either be illicitly exported to dozens of countries around the world or even targeted against the United States. It just makes sense to enhance controls over these materials.

The bill also provides funds for improving the means to verify the dismantlement of nuclear warheads, a function that is vital if we are to have the confidence to proceed with deep cuts of United States and Russian strategic arsenals under the START process.

The bill contains a program aiming at the total elimination of the produc-

tion of plutonium in Russian for use in weapons. I regret, however, that the amendment contains a provision (sec. 1332(a)(2)(C)) that also encourages Russia to convert this plutonium into non-weapons uses, which to me looks like a green light to a larger U.S. role in encouraging large scale stockpiling and transportation in plutonium for dubious commercial purposes. This is, in other words, a friendly pat on the back for the plutonium economy in Russia.

I am not at all confident that the United States, any of our friends in Europe and Japan, and indeed any country on earth—not just the countries in the former Soviet Union—has truly adequate capabilities not just to protect but even to track or account for the disturbingly large amounts of weapon-useable nuclear materials that are floating around the world in the civilian sector. This is not the type of trade we should be promoting, either directly or indirectly.

It is quite easy to stereotype this problem—as many of the findings of this particular amendment regrettably do—as one that is limited to Russia, rogue nations, rogue regimes, fanatic third world dictators, maniacal terrorists, and underworld gangsters. But the problem is of course much more complex than this caricature indicates. As I have stated many times before, the problem of controlling these materials and getting them out of world commerce is truly global in scope. Plutonium and highly enriched uranium can be made into devastating city-busting nuclear weapons even if they do not come from facilities in the former Soviet Union—the national origin of such materials is less significant than their potential availability for illicit uses and, surely, the ability of our country and international organizations to keep close track of the precise location and disposition of such materials.

If anybody of my colleagues doubts that the problem of tracking such materials is exclusively a Russian problem, I would encourage each and every Member to read closely the recent work of the General Accounting Office on this subject.

On December 27, 1994, GAO issued a report entitled, "U.S. International Nuclear Materials Tracking Capabilities Are Limited," which reached the following conclusions concerning the system—called NMMSS or the Nuclear Materials Management and Safeguards System—used by our government to track U.S. nuclear materials that are exported to other countries. Listen to what GAO had to say about America's own system for nuclear material tracking—

The United States relies primarily on the NMMSS to track the nuclear materials exported to foreign countries. However, this system does not have all the information needed to track the specific current location (facility) and status of all nuclear materials of U.S. origin that are supplied to foreign countries. For example, the system does not track exported U.S. nuclear materials that are moved from facility to facility within

countries, nor does it show the current status of the nuclear materials (e.g., irradiated, unirradiated, fabricated, burned up, or reprocessed). Thus, the NMMSS may not contain correct data on where (at which facility) these materials are located within foreign countries or on their current status.

OK, so that was the situation in 1994. In August 1995, GAO released another report bearing a now-familiar title: "Poor Management of Nuclear Materials Tracking System Makes Success Unlikely." This report found that the Department of Energy, "has not implemented any of the recommendations contained in our prior report and has no plans to do so." According to GAO, "Due to its lack of sound planning, DoE does not know if the [NMMSS] system will fulfill the needs of its major users or be cost-effective."

Well how about 1996? On May 29, 1996, I received a letter from GAO commenting once again on the U.S. system for tracking nuclear materials abroad. Here is what GAO had to say: "We continue to believe that the nuclear materials tracking system is significantly limited in its ability to track nuclear materials internationally and that the replacement system faces a high probability of failure because it has not been completely developed and tested." This letter is available from GAO as document B-271592, 5/29/96.

Let us keep in mind what we are talking about here. The Department of Energy described the NMMSS system in a news release dated June 27, 1994, as follows: " \* \* \* it is the official record used to maintain compliance with the Nonproliferation Treaty."

So are these limitations in America's ability to track nuclear materials of recent origin? Hardly. GAO issued a report on August 2, 1982—that is almost 14 years ago—bearing the title, "Obstacles to U.S. Ability to Control and Track Weapons-Grade Uranium Supplied Abroad." Then on January 14, 1985, GAO issued another report entitled, "The U.S. Nuclear Materials Information System Can Improve Service to Its User Agencies," once again documenting numerous shortcomings in America's own system of nuclear materials accounting.

My point here is to emphasize that we should not be deluding ourselves that the amendment before us today will address the kinds of problem that GAO has been documenting or almost two decades in America's ability to monitor global—I repeat, global—tracking of nuclear materials. Scenarios involving so-called loose nukes just flowing out of Russia make for great speeches and play well in the media, but they offer just too simplistic an approach for understanding a vastly more complex and, once again, more global threat.

I would like to turn now to the second highly positive feature of this bill, its emphasis on the need for greater attention to the problem of domestic preparedness to cope with incidents involving the use or threatened use of weapons of mass destruction by terrorists inside the United States. This

year's hearings of the Permanent Subcommittee on Investigations has adequately and competently documented the scope of this threat as well as America's lack of preparedness to deal with it. It may be that history will record that the sums provided in this bill to correct this problem were, if anything, inadequate to the job, given the magnitude of the challenges that lie ahead. Nevertheless, the authors of this legislation deserve credit for having spotted a key deficiency in America's responses to the global weapons proliferation threat and for taking some concrete steps to correct the problem.

I regret that the bill merely contains hortatory language about increasing the penalties for offenses relating to the importation, attempted importation, exportation, and attempted exportation of nuclear, biological, and chemical weapons materials or technologies. Even this hortatory language, moreover, does not include the Atomic Energy Act in its list of relevant laws that need to be reexamined. The Atomic Energy Act is the law that governs America's foreign trade in nuclear equipment and materials.

There is also nothing in this bill encouraging the Government to make use of the reward authorities that were created in the Nuclear Proliferation Prevention Act of 1994, which as I understand it, the State Department is reluctant to implement. In this respect, I would like to comment briefly on a letter dated March 18, 1996, that I have received from Mr. Andrew Fois, and Assistant Attorney General in the Justice Department, addressing the subject of the payment of Government rewards for information about illicit transfers of nuclear materials or nuclear weapons. My specific inquiry focused on the record of the U.S. Government in implementing the Atomic Weapons and Special Nuclear Materials Rewards Act of 1955. The Justice Department's response states that: "The FBI has not promulgated special guidelines addressing the payment of rewards for information pursuant to the Atomic Weapons and Special Nuclear Materials Rewards Act." The letter goes on to say: "The FBI is not aware of any previous payment of a reward for information relating to the illicit transfer of nuclear materials or weapons." Furthermore, the letter adds, "The FBI has not utilized the nuclear trafficking information rewards authority because the opportunity to do so has not arisen." The letter also indicates some concern that the act of offering rewards "might generate a 'market' which does not now exist, and would not resolve any existing problem."

It might come as somewhat of a surprise to most observers that the United States has not used a rewards authority which has been on the statute books for 41 years, almost as long as the entire existence of the Nuclear Age. I only hope that it does not take

a catastrophic nuclear explosion or act of terrorism involving radiological weapons to inspire a reexamination of this longstanding Government practice of neglecting a potentially useful tool against both nuclear weapons proliferation and terrorism. I believe that rewards will have to play a role dealing with these threats.

It seems to me pretty ironic to watch all these heroic efforts now underway to enhance our preparedness to deal with future weapons of mass destruction threats here at home, without recognizing the need for the U.S. Government to obtain information about the nature of these threats. It is a regrettable fact of life, one that may well reflect a less admirable feature of human nature, that obtaining such information sometimes does require the payment of rewards.

The final subject I would like to address today concerns subtitle D of the bill, which will create a "National Coordinator for Nonproliferation Matters"—in other words, a *de facto* nonproliferation czar. I am not at all enthusiastic about this proposal and believe that its best feature might well turn out to be its sunset clause, which relieves the President of having such a post after September 30, 1999.

I do not dispute the need for greater coordination between the various agencies in many areas relating to nonproliferation policy. The recent hearings of the Permanent Subcommittee on Investigations, for example, revealed serious lack of coordination at both the Federal-State-local levels and at the interagency level. I suspect that one could add to this list, coordination between the Executive and Congress, or even the organization of Congress for dealing with these threats, but such topics were omitted from the scope of this bill.

I find it rather extraordinary that the so-called Committee on Non-Proliferation would be composed of such agencies as Commerce, Treasury, and the Federal Emergency Management Agency—but not the Arms Control and Disarmament Agency, the entity within our Government that has an explicit statutory nonproliferation mission. This amendment might have offered an excellent opportunity to enhance the role of ACDA in our Government, but instead the agency was not even cited in this portion of the amendment. I am very disappointed by the structure of this committee.

The function of the coordinator also gives me some serious concerns. Though the word "czar" is not used in descriptions of this office, it is an apt term. Nonproliferation, after all, is an unbelievably complex activity. It involves intelligence matters. It involves diplomacy. It involves export controls which touch upon—or occasionally are even driven by—commercial considerations. It involves extremely technical issues. It involves the weighing of competing values and policy priorities. It involves coordinating the activities of

many diverse organizations throughout our Government and our military. It involves research and analysis. It involves a huge number of Government contractors, subcontractors, laboratories, think tanks, academic establishments, consultants, and the media. And it involves Congress.

So when we create a coordinator in charge of what we call nonproliferation we are talking about quite a lot—hence the notion of a czar.

With such an expansive authority, one would have perhaps expected that any such individual occupying such a post would be expected to be accountable to the public for that person's actions. But there is no provision in his bill for Senate confirmation of this official. Moreover, as a member of the National Security Council, it is doubtful that Congress could even succeed in inveigling such individual to come to Capitol Hill to testify on the activities of that office. Honestly, as a former chairman of the Committee on Governmental Affairs and present ranking member of that committee, I think it is absolutely essential for individuals inside our Government with such sweeping authorities to be held strictly accountable to Congress and the public.

Will the so-called coordinator prove to be a zealous advocate of commercial uses of plutonium? Will the coordinator come to this office with a disposition that proliferation only has military solutions? Will this coordinator place commercial considerations ahead of America's global nonproliferation treaty obligations? Will this coordinator take the view that proliferation is merely a problem dealing with so-called rogue regimes instead of a genuinely global threat? Will this coordinator simply be ignored by the current or future President by means of an internal organizational mechanism worked outside the NSC? Will this coordinator have adequate staff, budget, and control over budgets to give the individual the ability to perform the ostensible coordinating functions that the office is supposed to have under this legislation?

These are just some of the too-many unanswered questions concerning the nonproliferation czar.

Overall, however, I must support this legislation because of the good it does. I will work to address the shortcomings in this amendment the best I can and am optimistic that, without doubt, this legislation is in the overall interest of our country.

Mr. HARKIN. Mr. President, I commend my colleagues, Senators NUNN, LUGAR, and DOMENICI, for developing this amendment which is a good first step in addressing the principal security threat facing the citizens of the United States today. I am pleased to join them in sponsoring this important antiterrorism proposal. I have always been in favor of the wise use of taxpayers' funds and this amendment meets that test. We have to be prepared to combat terrorism.

Currently we have precious few means to deal with the threat of a terrorist attack of any kind, let alone nuclear, chemical, or biological terrorism. This amendment focuses on that vacuum.

Events from Oklahoma City to Tokyo show that there is a major security risk in the ordinary—a rental truck or a subway. Training local emergency officials to recognize the signs of weapons of mass destruction in these mundane circumstances will help prevent these insidious attacks in the first place. Further training will allow local officials to ameliorate the impact should such a tragedy occur.

Mr. President, this is the right amendment at the right time for the people of Iowa and the United States. If my colleagues care about protecting Americans on American soil, I urge them to support this amendment.

Mr. THURMOND. Mr. President, once again, I congratulate the Senators from Georgia, New Mexico, and Indiana, on their efforts to craft an amendment 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.

I want to reiterate my concerns with parts of the amendment that would increase funding and expand authorities for the Cooperative Threat Reduction Program, both in DOD and in DOE.

I trust that the sponsors will provide us with information on the justification for these new activities and the impact on the DOD future years defense plan and DOE as soon as possible. The sponsors submitted letters from the Secretary of Defense and the Secretary of Energy in support of this new initiative last night. I assume that the sponsors will provide us with copies of these two letters as well.

Mr. President, I have urged the sponsors of this amendment to consider a few recommendations that would enlist the assistance of the National Academy of Sciences in developing the emergency assistance program; that would specifically authorize a chemical-biological emergency response team; and, that would specifically authorize funding for a regional NBC emergency stockpile from which the State and local authorities could draw in an emergency.

Lastly, I want to mention just a few other concerns I have with this amendment. There are no appropriations for these new initiatives. The amendment contains a broad transfer authority that would allow funds to be transferred from accounts within the defense budget, as well as from within the defense activities portion of the energy budget, for the two CTR programs.

I am also concerned with language in the amendment that would promote the import of foreign weapons-grade material to the United States for storage. Currently, the Department of Energy is not prepared, nor does it have the ability to accept more weapons-grade material.

Mr. President, once again, the efforts of the sponsors of this amendment are laudable. However, we are not merely talking about increasing funding for the two cooperative threat reduction programs. We are expanding the scope of activities within those two programs. I would ask the sponsors of the amendment to provide the committee with information on how much money Russia is contributing for these efforts?

The amendment broadens the authority of the program to include all the independent states of the former Soviet Union. However, the bulk of the funding in this amendment is specifically going toward activities with Russia.

I support the efforts of the sponsors of this amendment to combat terrorism. We need to provide assistance to our State and local authorities so that they are prepared to respond to terrorist incidents where weapons of mass destruction are used.

We will work together in the conference to enlist the support of the National Academy of Sciences, increase the funding for the emergency assistance program, and provide the regional NBC emergency stockpile.

Mr. FEINGOLD. Mr. President, I voted for the Nunn-Lugar amendment, but there are provisions included in that amendment that are quite troubling for me.

Obviously, like every Member of this body, I am deeply concerned about the need for the United States to be fully prepared to protect our people from the threat of terrorist attacks, particularly those involving weapons of mass destruction.

The amendment contains provisions to provide military assistance to State and local officials responsible for crisis management to deal with nuclear, chemical, or biological emergencies. This assistance includes areas such as locating, neutralizing, dismantling, and disposing of nuclear, chemical, and biological weapons, and generally supporting State and local preparedness to deal with potential emergencies in this area. I support these provisions as they take the proper approach of having the Federal Government provide training and technical assistance to local entities who might face these disasters.

I am also very strongly in support of efforts to reduce the worldwide threat of nuclear weapons getting into the hands of potential terrorists, and the amendment contains important provisions aimed at helping reduce these threats. In particular, the Nunn-Lugar program, which is aimed at dismantling of Russian nuclear warheads and converting the plutonium removed from those warheads into other forms that are not likely to be used for weapons is critical to reducing the threat of misuse of nuclear weapons from the former Soviet Union. The provisions in the amendment build upon and expand this program to help make this Nation and the world safer from this threat.

However, there is one section of the amendment that I do not support. Section 1313 of subtitle A of the amend-

ment contains provisions relating to military assistance to civilian law enforcement officials in emergency situations involving weapons of mass destruction. I have long expressed my opposition to the concept underlying these provisions. This language is based upon provisions included in the antiterrorism bill considered by the Senate last year. When the terrorism bill was voted on in the Senate, I expressed my opposition to those provisions and indicated that I could not support such an exception to the posse comitatus law, the 1878 statute which limits the role of the military in domestic law enforcement activities. I fundamentally do not believe that we should give the military arrest powers within the United States. If the military needs to be involved in a domestic investigation, I believe that civilian law enforcement officials should be present and available to make any arrests needed. If authority is needed to detain an individual until a civilian law enforcement official arrives, arguments can be made for that authority, but that does not justify, in my view, granting a direct power to make an arrest by the military under any type of circumstances.

The amendment offered by the Senator from Georgia does make an improvement in the language considered last year. It provides that the military does not have the power to make such an arrest unless the action is considered necessary for the immediate protection of human life, and civilian law enforcement officials are not capable of taking the action. The provision relating to the unavailability of civilian personnel is a step in the right direction; however, I remain fundamentally opposed to the military taking a direct arrest role. Moreover, the decision as to whether a civilian law enforcement official is capable of taking action, under this amendment, would clearly be made by the military official involved. Thus, the military itself is vested with the decisionmaking power as to whether such an arrest should be carried out by military personnel rather than civilian law enforcement.

Although I support the other important provisions of this amendment, I want the record to show that for the reasons stated I do not support this provision which would permit the military to arrest individuals within the United States.

Mr. BIDEN. Mr. President, I rise as an original cosponsor of the proposed amendment by Senators NUNN, LUGAR, and DOMENICI to better protect our Nation against the threat posed by weapons of mass destruction. Here is a *Defend America Act* that we should all support because, unlike the bill which bears that title, this amendment responds to a clear and present threat.

In my mind, the possibility that weapons of mass destruction could be

acquired by rogue states, criminal organizations, or individual terrorists and used against American targets is the single greatest security threat to our Nation in the post-cold war world. I commend my distinguished colleagues from Georgia and Indiana for their tireless resolve in exposing the potential magnitude of this threat, and for their diligence in crafting legislation that addresses it head on.

The legislative package has four important sections that together make up a comprehensive and strategic response to the threat of weapons of mass destruction.

First, the amendment would improve our domestic preparedness. This is really the last line of defense against weapons of mass destruction. In the horrible case that our prevention and non-proliferation efforts fail, we need to be prepared to deal with a biological, chemical, or nuclear emergency here in the United States.

The amendment includes an important counter-terrorism provision to authorize the Department of Defense to provide badly needed training and advice to local, State, and Federal officials. These are the men and women who would be the first to respond to a nuclear, chemical, or biological emergency.

The extensive hearings held by the Senator from Georgia earlier this year demonstrated that police and fire departments in our cities are not trained and equipped to detect or contain biological or chemical agents used in a terror attack. Indeed, local officials would be risking their own safety while attempting to respond to such an attack.

At present, only the Armed Services have the expertise and equipment needed in locating, neutralizing, dismantling, and disposing of such weapons or deadly material. Only the military can impart this desperately needed training on the urgent basis that it is required.

This bill, moreover, gives the Armed Forces the authority to actually assist law enforcement if, God forbid, we should ever face an emergency involving a chemical or biological weapon.

This is a provision that I worked hard on last year with Senator NUNN on the Anti-Terrorism Act. The provision was included in the Senate version of the act but taken out by Members in the House of Representatives. The Nunn-Lugar-Domenici amendment provides an opportunity to restore this important anti-terrorism measure.

Right now, the Armed Forces have the authority to provide assistance when it comes to a nuclear attack. But that authority does not extend to an emergency situation involving a chemical or biological weapon of mass destruction.

It should.

This is a carefully tailored provision. It doesn't give the military the power to make arrests or to conduct searches or seizures—unless necessary for the immediate protection of human life.

What it does is make sure that—if we were ever faced with such a nightmare—the people who are best trained, best equipped and most capable will be on the scene assisting our State and locals.

Mr. President, I want to make clear for the record that I intend to seek additional vehicles to restore the other two key provisions excluded from the Anti-Terrorism Act—those dealing with wiretapping and prohibiting information on the Internet about making bombs.

The second section of the Nunn-Lugar-Domenici amendment addresses our ability to interdict weapons of mass destruction before they reach U.S. soil. The Department of Defense would provide to the U.S. Customs Service specialized training and equipment capable of detecting weapons of mass destruction. Additional funds for the Departments of Defense and Energy would help develop new technologies to better detect such weapons and material.

Mr. President, the border controls throughout the former Soviet Union are notoriously weak. This amendment also seeks to assist the Customs officials of these countries in improving their ability to detect and interdict nuclear weapons or material.

The third area this amendment addresses is the need to continue the important work of the Nunn-Lugar programs that over the past 4 years have quietly worked to enhance the security of all Americans by dismantling nuclear weapons and protecting material at its source in the former Soviet Union. These prevention programs form our first line of defense.

Mr. President, in many ways the world has never seemed a safer place in which to live for our citizens. Our democratic way of life prevailed over totalitarian communist ideology in the cold war; Soviet nuclear missiles no longer point at American cities; we are the undisputed world power.

But these events should not give us a false sense of security. Russia and other States of the former Soviet Union are literally strewn with nuclear weapons and material. By some estimates there is at present enough nuclear material in the former Soviet Union to make over 100,000 weapons. It only takes a tiny fraction of this abundant supply, finding its way into the wrong hands to wreak unspeakable damage.

We also know that there is demand for such material by, among others, dangerous rogue States, such as Iran and Libya. Once they have secured the requisite nuclear material, the rest is relatively easy. Bomb designs are not difficult to find. Transport of a device to its intended target in an open society such as ours is painfully simple, as terrorists have demonstrated in New York and Oklahoma City.

The centralized Soviet system that prevented the possible theft or diversion of these tons of fissile material no

longer exists. We regularly hear stories of nuclear facilities with no perimeter fences, no security monitors, and workers who have not been paid in months.

The key challenges before the United States and Russia are to develop an accounting system for all nuclear material in the former Soviet union, to physically protect this material in a limited number of sites, to safely dispose of excess nuclear weapons and material, to prevent theft and smuggling of nuclear material, and to prevent former Soviet nuclear experts from selling their know-how to rogue states or terrorists.

These are exactly the challenges that the Nunn-Lugar programs address. The Materials Protection, Control and Accounting Program has provided safe storage and security monitors at nuclear facilities in Russia. The Industrial Partnership Program has found productive employment for thousands of former Soviet technicians with the know-how to build nuclear weapons. These programs have proven effective and should be expanded.

Under the amendment, funds would be provided to the Department of Energy to verify the dismantlement of Russian nuclear warheads and convert the plutonium removed from the warheads. Funds also would be provided to convert the remaining three weapons-grade plutonium reactor cores in Russia. Clearly, such efforts are in the interest of the United States.

The fourth section of the amendment creates a nonproliferation coordinator, who will chair a committee on nonproliferation, and report to the President. The many levels of the threat posed by weapons of mass destruction do not fit neatly into our current bureaucratic structure. There are a plethora of agencies with some connection to the problem—including Justice, Energy, Commerce, Treasury—which do not immediately come to mind as traditional national security departments.

The coordinator would ensure a clear, comprehensive U.S. policy toward proliferation, terrorism, and global crime. By bringing together these diverse agencies to form a common policy, we will be able to use their specific strengths and expertise in combating the greatest security threat to our Nation.

I wish to add that although the amendment does not require it, I believe that the Arms Control and Disarmament Agency must play a central role in the coordinator's activities.

Mr. President, the question will undoubtedly be asked as to whether we can afford to add funds for these efforts? I believe that we cannot afford not to.

Over the last 5 years, funding for the Nunn-Lugar program has totaled \$1.5 billion—an average of \$300 million per year, or about one-tenth of 1 percent of our annual defense budget. The amendment today could lead to an additional expenditure of \$235 million in the next fiscal year. These are meager sums



when compared to the magnitude of the threat we face. This is not a giveaway program for Russia and other independent states of the former Soviet Union. These expenditures serve our interests.

Mr. President, we are already on borrowed time. We are fortunate that an attack involving weapons of mass destruction has not yet occurred on U.S. soil. But we cannot continue to rely on fate to prevent the proliferation of these deadly weapons.

This amendment offers us a substantive means to act, prevent, and prepare against the menace of weapons of mass destruction. I urge its adoption.

Mr. NUNN. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 4349. The yeas and nays having been ordered, the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri [Mr. ASHCROFT], the Senator from Missouri [Mr. BOND], and the Senator from Arizona [Mr. MCCAIN] are necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS] is necessarily absent.

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

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 177 Leg.]

#### YEAS—96

Abraham	Frahm	Lugar
Akaka	Frist	Mack
Baucus	Glenn	McConnell
Bennett	Gorton	Mikulski
Biden	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Boxer	Grams	Murkowski
Bradley	Grassley	Murray
Breaux	Gregg	Nickles
Brown	Harkin	Nunn
Bryan	Hatch	Pell
Burns	Hatfield	Pressler
Byrd	Hefflin	Pryor
Campbell	Helms	Reid
Chafee	Hollings	Robb
Coats	Hutchison	Rockefeller
Cochran	Inhofe	Roth
Cohen	Inouye	Santorum
Conrad	Jeffords	Sarbanes
Coverdell	Johnston	Shelby
Craig	Kassebaum	Simon
D'Amato	Kempthorne	Simpson
Daschle	Kennedy	Smith
DeWine	Kerrey	Snowe
Dodd	Kerry	Specter
Domenici	Kohl	Stevens
Dorgan	Kyl	Thomas
Exon	Lautenberg	Thompson
Faircloth	Leahy	Thurmond
Feingold	Levin	Warner
Feinstein	Lieberman	Wellstone
Ford	Lott	Wyden

#### NOT VOTING—4

Ashcroft	Bumpers
Bond	McCain

The amendment [No. 4349] was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. 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.

#### UNANIMOUS-CONSENT AGREEMENT—CLOSURE VOTE

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote to begin immediately be postponed to occur later today at a time to be determined by the two leaders.

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

Mr. LOTT. Mr. President, for the information of all Senators, it is the hope of the leadership the Senate can reach a consent agreement that will limit the number of amendments that remain in order to the DOD authorization bill.

While these negotiations are continuing and an effort is being made to identify the amendments that are serious and need to be offered and dealt with or voted on, we are trying to suspend the cloture vote to give us time to get this list worked up. If we can, then the cloture vote will not be necessary and could be vitiated.

So I urge the Senators to come forward now. It is Thursday morning. We would like to finish up before too late tonight, but if we do not, we will be here tomorrow.

Mr. THURMOND. I wish to thank the majority leader for the statement he has made, and I am in accord with him.

Mr. GREGG. Will the leader yield?

Mr. LOTT. I yield.

Mr. GREGG. Mr. President, I would like to note for the RECORD, Senators BOND and ASHCROFT were unavoidably absent at the last vote due to the attendance of the funeral of Congressman Emerson.

Mr. LOTT. I yield the floor.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, may I inquire of the Chair as to what the pending business is of the Senate?

The PRESIDING OFFICER. The pending amendment is the Warner amendment No. 4350.

Mr. PRYOR. Mr. President, I ask unanimous consent that the Warner amendment be temporarily set aside.

Mr. NUNN. Mr. President, reserving the right to object—Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. PRYOR. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The legislative clerk continued with the call of the roll.

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

The PRESIDING OFFICER. The Senator from New Hampshire.

#### PRIVILEGE OF THE FLOOR

Mr. GREGG. Mr. President, I ask unanimous consent that Bill Parlett, a congressional fellow in my office, be granted floor privileges during the consideration of the Department of Defense authorization bill, S. 1745, and that immediately after the approval of this unanimous consent request we go back into a quorum call.

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

The legislative clerk proceeded to call the roll.

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

Mr. PRYOR. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

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

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank Senator PRYOR and Senator HELMS for their forbearance and consideration in allowing the quorum call to be called off. I promise that I will reinstitute the quorum call upon the completion of my remarks.

#### ALCOHOL INDUSTRY ADVERTISING

Mr. BYRD. Mr. President, this is a time when our Nation is working to curb alcohol abuse. I am troubled by a disturbing step backward by at least one member of the alcohol industry that I consider a significant threat to our society. There has been much recent opposition expressed by other Members of Congress to the Joseph E. Seagram & Sons Corp. blatant violation of a liquor industry advertising ban.

In 1948, the liquor industry in this country adopted a code of good practice, a self-imposed decision not to advertise distilled spirits products over the airwaves of the emerging radio and television technology. In the past 38 years that I have been a U.S. Senator, liquor companies have voluntarily complied with that agreement, abstaining from advertising on the influential mediums of radio and television—until now.

Earlier this month, Seagram Corp. began airing commercials for its Crown Royal Canadian Whiskey on a television station in Texas, defiantly breaking the industry's promise to our country, and self-indulgently putting sales dollars ahead of the future of our children.

I have long decried the quality of much of television programming. The overwhelming influences of television