I want to inform our colleagues on both sides, if the cloture vote is passed, none of these amendments will be able to go on this bill. I do not have a problem myself, but I do think a lot of our colleagues will have a problem.

I hope that cloture is not invoked. It is also my hope, though, that we are going to be able to get this list down and people are going to drop amendments and that we are going to break this impasse between the Senator from New Jersey and the Senator from Texas. I hope that can be done and that we can move this bill forward.

It is also my view that a lot of these amendments, even those that look like they are going to take rollcall votes, are likely to disappear as the planes start flying out this afternoon. But if we do not get these unanimous consent requests, we are going to be here a long time, according to the majority leader, and we are going to be here tonight. So everyone should be on notice of that.

Mr. President, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I, too, want to see this bill moved. There has been a lot of hard and very thoughtful work that has gone into it. We are at a time when passage, or at least an attempt at passage, would be the best order of business.

Mr. President, this is the defense authorization bill. The effects of this bill begin on October 1 of this year. The results of the authorization that might pass here today will be put into place starting October 1, 1996, 4 months from now. So there is an urgency because of the amount of work that has gone into it.

My friend and colleague, the Senator from Georgia, and the floor manager, Senator MCCAIN, have worked very hard to get us to a point in time when action can be taken to resolve some differences. I would like that done. I feel badly that we are in this momentary state of suspension. When I hear from our friends on the other side that they want to work cooperatively, then I am prepared to move things along expeditiously.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

EXECUTIVE SESSION

NOMINATION OF ALFRED C. DECOTIIS, OF NEW JERSEY, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination: Calendar No. 529, Alfred C. DeCotiis, of New Jersey, to be a representative of the United States of America to the 50th session of the General Assembly of the United Nations.

I ask for immediate consideration of his nomination.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read the nomination of Alfred C. DeCotiis, of New Jersey, to be a representative of the United States of America to the 50th session of the General Assembly of the United Nations.

Mr. MCCAIN. Mr. President, I ask unanimous consent the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then immediately return to legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Alfred C. DeCotiis, of New Jersey, to be a Representative of the United States of America to the Fiftieth Session of the General Assembly of the United Nations.

Mr. NUNN. I thank the Senator from Arizona for working this out. That was a big roadblock. I appreciate his diligence in doing that.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

Mr. MCCAIN. Mr. President, I ask unanimous consent that we return to consideration of the bill.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with consideration of the bill.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 433, S. 1745, the Department of Defense authorization bill:

Trent Lott, Don Nickles, Dirk Kempthorne, Rod Grams, Jim Jeffords, Craig Thomas, Kay Bailey Hutchison, Christopher S. Bond, John Ashcroft, Conrad Burns, Judd Gregg, Larry Pressler, Orrin G. Hatch, Mitch McConnell, Hank Brown, Sheila Frahm.

VOTE

The PRESIDING OFFICER. The mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on S. 1745, the Department of Defense authorization bill, shall be brought to a close? The yeas and nays are required.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Oklahoma [Mr. INHOFE] are necessarily absent.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS] and the Senator from Arkansas [Mr. BUMPERS] are necessarily absent.

The yeas and nays resulted—yeas 53, nays 43, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—53

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Pell
Brown	Grassley	Pressler
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Chafee	Helms	Shelby
Coats	Hollings	Simpson
Cochran	Hutchison	Smith
Cohen	Jeffords	Snowe
Coverdell	Kassebaum	Specter
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Faircloth	Mack	Warner
Frahm	McCain	

NAYS—43

Akaka	Ford	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Graham	Moynihan
Boxer	Harkin	Murray
Bradley	Heflin	Nunn
Breaux	Inouye	Pryor
Bryan	Johnston	Reid
Byrd	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Wellstone
Exon	Leahy	Wyden
Feingold	Levin	
Feinstein	Lieberman	

NOT VOTING—4

Baucus	Hatfield
Bumpers	Inhofe

The PRESIDING OFFICER. On this vote the yeas are 53, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. FEINGOLD addressed the Chair.

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

Mr. FEINGOLD. I thank the Chair. I ask unanimous consent that the pending amendments be set aside.

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

AMENDMENT NO. 4388

(Purpose: To require a cost-benefit analysis of the F/A–18E/F aircraft program)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk relating to the F/A–18E/F program on behalf of myself and Senator KOHL.

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

The assistant legislative clerk read as follows.

The Senator from Wisconsin [Mr. FEINGOLD], for himself and Mr. KOHL, proposes an amendment numbered 4388.

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

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

The amendment is as follows:

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

SEC. 223. COST-BENEFIT ANALYSIS OF F/A–18E/F AIRCRAFT PROGRAM.

(a) REPORT ON PROGRAM.—Not later than March 30, 1997, the Secretary of Defense shall submit to the congressional defense committees a report on the F/A/–18E/F aircraft program.

(b) CONTENT OF REPORT.—The report shall contain the following:

(1) A review of the F/A/–18E/F aircraft program.

(2) An analysis and estimate of the production costs of the program for the total number of aircraft realistically expected to be procured at each of three annual production rates as follows:

(A) 18 aircraft.

(B) 24 aircraft.

(C) 36 aircraft.

(3) A comparison of the costs and benefits of the program with the costs and benefits of the F/A–18C/D aircraft program taking into account the operational combat effectiveness of the aircraft.

(c) LIMITATION ON USE OF FUNDS PENDING TRANSMITTAL OF REPORT.—No funds authorized to be appropriated by this Act may be obligated or expended for the procurement of F/A–18E/F aircraft before the date that is 90 days after the date on which the congressional defense committees receive the report required under subsection (a).

Mr. FEINGOLD. Mr. President, this amendment would ''fence'' the funds authorized for production of the 12 F/A–18E/F's authorized in this legislation until such time as the Department of Defense [DOD] submits a cost/benefit analysis to Congress and Congress has an opportunity to evaluate whether production of this aircraft should commence, in light of the cost and concerns about the benefit of the F/A–18E/F in contrast to the F/A–18C/D, a far less costly yet extremely capable aircraft.

The genesis for this amendment resulted from a General Accounting Office [GAO] draft report made available recently entitled ''Navy Aviation: F/A–18E/F will Provide Marginal Operational Improvement at High Cost''. In this report GAO studied the rationale and need for the F/A–18E/F in order to determine whether continued development of the aircraft is the most cost-effective approach to modernizing the Navy's tactical aircraft fleet. GAO concluded that the marginal improvements of the F/A–18E/F are outweighed by the high cost of the program.

Mr. President, in our current fiscal climate, I have serious concerns about authorizing funding for such a costly program which according to GAO will deliver only marginal improvements over the current C/D version of the F/A–18.

As GAO noted in its report, at a projected total program cost of $89.15 billion, the F/A–18E/F program is one of the most costly aviation programs in the Department of Defense. The total program cost is comprised of $5.833 billion in development costs and $83.35 billion in procurement costs for 1,000 aircraft. The administration has requested $2.09 billion in fiscal year 1997 for the procurement of 12 F/A–18E/F's. To date, the Navy has already spent $3.75 billion on the research and development phase of the F/A–18E/F program.

Before I begin to describe GAO's findings, I would first like to discuss briefly the role of the F/A–18 aircraft in our Nation's overall naval aviation force structure. The Navy performs its carrier-based missions with a mix of fighter (air-to-air combat), strike (air-to-ground combat), and strike/fighter (multicombat role) aircraft. Currently, carrier based F–14 fighter aircraft perform air-to-air missions; A6E's perform air-to-ground missions; and F/A–18's perform both air-to-air and air-to-ground missions. The F/A–18E/F Super Hornet is the latest version of the Navy's carrier-based F/A–18 strike/fighter plane.

The Navy has based the need for development and procurement of the F/A–18E/F on existing or projected operational deficiencies of the F/A–18C/D in the following key areas: strike range, carrier recovery payload and survivability. In addition, the Navy notes limitations of current C/D's with respect to avionics growth space and payload capacity. In its report, GAO concludes that the operational deficiencies in the C/D that the Navy cited in justifying the E/F either have not materialized as projected or such deficiencies can be corrected with nonstructural changes to the current C/D and additional upgrades made which would further improve its capabilities.

One of the primary reasons the Navy cites in justifying the E/F is the need for increased range and the C/D's inability to perform long-range unrefueled missions against high-value targets. However, GAO concludes that the Navy's F/A–18 strike range requirements can be met by either the F/A–18E/F or F/A–18C/D. Furthermore, it concludes that the increased range of the E/F is achieved at the expense of its aerial combat performance, and that even with increased range, both aircraft will still require aerial refueling for low-altitude missions.

The F/A–18E/F specification requirements call for the aircraft to have a flight range of 390 nautical miles [nm] while performing low-altitude bombing missions. The F/A–18E/F will achieve a strike range of 465 nm while performing low-altitude missions by carrying 2 external 480 gallon fuel tanks. While current C/D's achieve a flight range of 325 nm with 2–330 gallon fuel tanks while performing low-altitude missions—65 nm below the specification requirement of the E/F—when they are equipped with the 2–480 gallon external fuel tanks that are planned to be used on the E/F, the C/D can achieve a strike range of 393 nm on low-altitude missions.

Recent Navy range predictions show that the F/A–18E/F is expected to have a 683 nm strike range when flying a more fuel-efficient, survivable, and lethal high-altitude mission profile rather than the specified low-altitude profile. Similarly, although F/A–18E/F range will be greater than the F/A–18C/D, the C/D could achieve strike ranges—566 nm with 3–330 gallon fuel tanks or 600 nm with 2–480 gallon tanks and 1–330 gallon tank—far greater than the target distances stipulated in the E/F's system specifications by flying the same high-altitude missions as the E/F. Additionally, according to GAO, the E/F's increased strike range is achieved at the expense of the aircraft's aerial combat performance as evidenced by its sustained turn rate, maneuvering, and acceleration which impact its ability to maneuver in either offensive or defensive modes.

Mr. President, another significant reason the Navy cites in developing the F/A–18E/F is an anticipated deficiency in F/A–18C carrier recovery payload—the amount of fuel, weapons and external equipment that an aircraft can carry when returning from a mission and landing on a carrier. The deficiency in carrier recovery payload which the Navy anticipated of the F/A–18C simply has not materialized. When initially procured, F/A–18C's had a total carrier recovery payload of 6,300 pounds. Because of the Navy's decision to increase the F/A–18C's maximum allowable carrier landing weight and a lower aircraft operating weight resulting from technological improvements, the F/A–18C now has a carrier recovery payload of 7,113 pounds.

F/A–18C's operating in support of Bosnian operations are now routinely returning to carriers with operational loads of 7,166 pounds, which exceeds the Navy's stated carrier recovery payload capacity. This recovery payload is substantially greater than the Navy projected it would be and is even greater than when the F/A–18C was first introduced in 1988. In addition, GAO notes that while it is not necessary, upgrading F/A–18C's with stronger landing gear could allow them to recover carrier payloads of more than 10,000 pounds—greater than that sought for the F/A–18E/F—9,000 pounds.

While the Navy also cites a need to improve combat survivability in justifying the development of the F/A–18E/F, it was not developed to counter a particular military threat that could

not be met with existing or improved F/A–18C/D's. Additional improvements have subsequently been made or are planned for the F/A–18C/D to enhance its survivability including improvements to reduce its radar detectability, while survivability improvements of the F/A–18E/F are questionable. For example, because the F/A–18E/F will be carrying weapons and fuel externally, the radar signature reduction improvements derived from the structural design of the aircraft will be diminished and will only help the aircraft penetrate slightly deeper than the F/A–18C/D into an integrated defensive system before being detected.

In addition to noting the operational capability improvements in justifying the development of the F/A–18E/F, the Navy also notes limitations of current C/D's with respect to avionics growth space and payload capacity. The Navy predicted that by the mid-1990's the F/A–18C/D would not have growth space to accommodate additional new weapons and systems under development. Specifically, the Navy predicted that by fiscal year 1996 C/D's would only have 0.2 cubic feet of space available for future avionics growth; however, 5.3 cubic feet of available space have been identified for future system growth. Furthermore, technological advancements such as miniaturization, modularity, and consolidation may result in additional growth space for future avionics.

The Navy also stated that the F/A–18E/F will provide increased payload capacity as a result of two new outboard weapons stations; however, unless current problems concerning weapons release are resolved—airflow problems around the fuselage and weapons stations—the types and amounts of weapons the E/F can carry will be restricted and the possible payload increase may be negated. Also, while the E/F will provide a marginal increase in air-to-air capability by carrying two extra missiles, it will not increase its ability to carry the heavier, precision-guided, air-to-ground weapons that are capable of hitting fixed and mobile hard targets and the heavier stand-off weapons that will be used to increase aircraft survivability.

Understanding that the F/A–18E/F may not deliver as significant operational capability improvements as originally expected, I would now like to focus on the cost of the F/A–18E/F program and possible alternatives to it. As previously mentioned, the total program cost of the F/A–18E/F is projected to be $89.15 billion. These program costs are based on the procurement assumption of 1,000 aircraft—660 by the Navy and 340 by the Marine Corps—at an annual production rate of 72 aircraft per year. As the GAO report points out, these figures are overstated. According to Marine Corps officials and the Marine Corps aviation master plan, the Marine Corps does not intend to buy any F/A–18E/F's and, therefore, the projected 1,000 aircraft buy is overstated by 340 aircraft.

Furthermore, the Congress has stated that an annual production rate of 72 aircraft is probably not feasible due to funding limitations and directed the Navy to calculate costs based on more realistic production rates as 18, 36 and 54 aircraft per year. In fact, according to the Congressional Research Service: ''No naval aircraft have been bought in such quantities in recent years, and it is unlikely that such annual buys will be funded in the 1990's, given expected force reductions and lower inventory requirements and the absence of consensus about future military threats.''

Using the Navy's overstated assumptions about the total number of planes procured and an estimated annual production rate of 72 aircraft per year, the Navy calculates the unit recurring flyaway cost of the F/A–18E/F—costs related to the production of the basic aircraft—at $44 million. However, using GAO's more realistic assumptions of the procurement of 660 aircraft by the Navy, at a production rate of 36 aircraft per year, the unit recurring flyaway cost of the E/F balloons to $53 million. This is compared to the $28 million unit recurring flyaway cost of the F/A–18C/D based on a production rate of 36 aircraft per year. Thus, GAO estimates that this cost difference in unit recurring flyaway would result in a savings of almost $17 billion if the Navy were to procure 660 F/A–18C/D's rather than 660 F/A–18E/F's.

Mr. President, this is certainly a significant amount of savings. Now I know that some of my colleagues will say that by halting production of the F/A–18E/F and instead relying on the F/A–18C/D, we will be mortgaging the future of our naval aviation fleet. However, Mr. President, there is a far less costly program already being developed which may yield more significant returns in operational capability. This program is the Joint Advanced Strike Technology or JAST Program.

The JAST Program office is currently developing technology for a family of affordable next generation Joint Strike Fighter [JSF] aircraft for the Air Force, Marine Corps, and Navy. The JSF is expected to be a stealthy strike aircraft built on a single production line with a high degree of parts and cost commonality. The driving focus of JAST is affordability achieved by tri-service commonality. The Navy plans to procure 300 JSF's with a projected initial operational capability around 2007.

Contractor concept exploration and demonstration studies indicate that the JSF will have superior or comparable capabilities in all Navy tactical aircraft mission areas, especially range and survivability, at far less cost than the F/A–18E/F. The JSF is expected to be a stand alone, stealthy, first-day-of-the-war survivable aircraft. Overall, the JSF is expected to be more survivable and capable than any existing or planned tactical aircraft in strike and air-to-air missions, with the possible exception of the F–22 in air-to-air missions. The Navy's JSF variant is also expected to have longer ranges than the F/A–18E/F to attack high-value targets without using external tanks or tanking. Unlike the F/A–18E/F which would carry all of its weapons externally, the Navy's JSF will carry at least 4 weapons for both air-to-air and air-to-ground combat internally, thereby maximizing its stealthiness and increasing its survivability. Finally, the JSF would not require jamming support from EA–6B aircraft as does the F/A–18E/F in carrying out its mission in the face of integrated air defense systems.

While the JSF is expected to have superior operational capabilities, it is expected to be developed and procured at far less expense than the F/A–18E/F. In fact, the unit recurring flyaway cost of the Navy's JSF is estimated to range from $32 to $40 million depending on which contractor design is chosen for the aircraft, as compared to GAO's $53 million estimate for the F/A–18E/F. Additional cost benefits of the JSF would result from having common aircraft spare parts, simplified technical specifications, and reduced support equipment variations, as well as reductions in aircrew and maintenance training requirements.

Given the enormous cost and marginal improvement in operational capabilities the F/A–18E/F would provide, it seems that the justification for the E/F is not as evident as once thought. Operational deficiencies in the C/D aircraft either have not materialized or can be corrected with nonstructural changes to the plane. As a result, proceeding with the E/F Program may not be the most cost-effective approach to modernizing the Navy's tactical aircraft fleet. In the short term, the Navy can continue to procure the F/A–18C/D aircraft, while upgrading it to improve further its operational capabilities. For the long term, the Navy can look toward the next generation strike fighter, the JSF, which will provide more operational capability at far less cost than the E/F.

Mr. President, succinctly put, the Navy needs an aircraft that will bridge between the current force and the new, superior JSF which will be operational around 2007. The question is whether the F/A–18C/D can serve that function, as it has demonstrated its ability to exceed predicted capacity or whether we should proceed with an expensive, new plane for a marginal level of improvement. The $17 billion difference in projected costs does not appear to provide a significant return on our investment. In times of severe fiscal constraints and a need to look at all areas of the budget to identify more cost-effective approaches, the F/A–18E/F is a project in need of reevaluation.

For these reasons, I think it would be prudent to take a go-slow approach toward the F/A–18E/F program and allow the Congress sufficient time to evaluate GAO's findings and obtain a thorough response from DOD to these issues. I ask my colleagues to support

my amendment to fence all fiscal year 1997 funds authorizing the production of F/A–18E/F's until certain conditions are met. I thank my colleagues and I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, this particular aircraft program has been thoroughly examined for program costs, schedule, technical performance, and recent test results. The program is on schedule and on cost.

This is one of those clear examples of where the GAO and the Department of Defense are at odds on certain data, and I respect fully the very detailed presentation by our distinguished colleague from Wisconsin. But I have to assure Members of the Senate that this is a matter that has been examined by the Armed Services Committee, and we will strongly oppose the amendment.

The analytical tests for the decision to begin engineering and manufacturing development of the program was thoroughly examined by the Department of the Navy and the Department of Defense in 1992. A number of studies which looked at the future of naval aviation, projected threats and the capabilities required to defeat those threats were considered. To say now it is a better idea to remain with the earlier model of the 18, in our judgment, ignores all of the analyses that went into the decisions to develop the newer model and threatens one of the best run developmental programs and production programs in progress today.

Therefore, Mr. President, the amendment would have the effect of delaying the 18 E/F program for up to 8 months at heavy costs to the American taxpayers until we get another study. There will always be more capable programs postulated for the future and there will always be lesser programs as we look over the past. This program has met all the requirements placed on it, is on schedule and at cost. Therefore, I urge the Senate to oppose the amendment.

Mr. President, I see the presence on the floor of the Senator from Missouri who has spent a great deal of time in this program.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, briefly to respond to the Senator from Virginia, I appreciate his remarks and his great knowledge in this area, particularly when it comes to the Navy.

Let me simply remind my colleagues what this amendment seeks to do. It asks, in light of this recently released GAO report, released yesterday, that we fence the money until such time as the Department of Defense provides us with a response to this, and then there will be just a 90-day period afterward, during which we would have an opportunity to look at it and GAO would look at it.

This is a serious report. There may be disagreement. When you are talking about $17 billion between the C/D and Super Hornet, I think it deserves a look. I am not suggesting, nor have I suggested, the E/F is a bad airplane. Clearly, many of the things you indicated about its capabilities are there.

The question that was raised by the report was whether or not the current C/D plane can provide these benefits and that perhaps we could move directly from the C/D plane on to the JSF plane as a cheaper and most cost-effective way. All we are suggesting here then is this brief period when we would have a chance to see whether the GAO was on the right track and see what the Department of Defense has to say about it.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I have to oppose the amendment as it is now worded. I have no objection whatsoever to getting the information on the GAO report from the military. I think that is appropriate.

I think the Senator is absolutely right to raise these questions once you have a serious GAO report. But I do not think we can hold up the entire funding on this program. I am told it would cost an 8- to 12-month slip in the program, and then assuming you go forward with the program, you end up spending a whole lot more money. So, in an effort to save money, you end up spending a lot more money.

So I have to oppose the amendment as it is now worded. If the Senator would like to have his staff work with our staff to hold up a reasonable amount of money so it does not throw the whole schedule off, to assure the Senator that the report will be forthcoming, I think that could be accommodated. But to hold up the entire funding, I would have to oppose that.

I will leave it up to the Senator whether he would like to get a vote on this now or would like to take 10 minutes to see if there is a portion of the funding that would not disrupt the program but would indicate the seriousness with which the information is received. I think that would work. I have not discussed this with the other side of the aisle. It may be they will not want to do that. Maybe we ought to go ahead with a rollcall vote, if that is appropriate, but I certainly defer to the Senator from Missouri.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I always appreciate the knowledge and experience of the Senator from Georgia and particularly his reasonableness. I certainly would like to take the opportunity to consult and see if there might be a way to work that out.

I ask unanimous consent that the pending amendment be set aside.

Mr. BOND. Reserving the right to object, I will not object to setting aside the amendment, but I do want to add some points on the discussion of it. I have no objection to setting it aside, but I do seek the floor to respond to some of the questions raised by the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, let me explain why I think this amendment is not appropriate, it is not a good idea. The distinguished Senator from Georgia has already pointed out that an amendment like this, by delaying the production of the aircraft, would inevitably do little more than add cost to the total program and to the total buy. There are ongoing studies. The Navy and the Defense Department have been conducting these studies. They have reviews ongoing, and we will have access to not only their comments on the GAO report but their reviews.

Let me say in summary, the GAO is not flying the airplane. The GAO people are not the ones landing fully-weapons-loaded airplanes on pitching aircraft carriers in the ocean. The Navy people are. They are the ones who made a compelling case for this airplane and the need for it. I should point out the F/A–18E/F exceeds the interdiction mission of the current C/D models in range by some 40 to 50 percent, regardless of the mission profile.

There is talk about adding additional tanks or larger tanks on the C/D, but these have been rejected because of restrictive load limitations and the structural operational limitations on the C/D on board the carrier. The Navy has conducted a thorough engineering analysis on the matter of putting larger tanks, for example, on the C/D's and concluded this was not suitable for carrier operations.

The real question is the bringback capability. The current model of C/D fleet is at its operational limit in regard to its ability to bring back weapons. The E/F will be able to bring back the more advanced smart weapons which tend to be heavier than the majority of weapons in the fleet today. The E/F, the next generation of the Super Hornet, provides future room for future growth and flexibility to accommodate the technological advancements into the next century.

One point the GAO has made is that there is a waiver for the C/D's landing restrictions. They say it is a permanent waiver. Well, that is not true. NAVAIR has said the waiver was acceptable in the interim, but it was up to individual air wings to approve or disapprove depending on their own assessments.

Let me tell you, from the viewpoint of those who have flown on carriers and flown on and off of carriers at sea, what will have to happen. With the current C/D's to bring back fully loaded the weapons and the fuel, the ship will have to increase its speed to maintain 30 knots or more of wind over the deck, which will increase its fuel costs, whether nuclear or conventional; then the pilots will have to fly a full flap approach. But if the wind goes over 35

knots because of unpredictable winds, then the pilot is required by the Navy safety manual to fly at half lap and would not be able to land with the heavier strike munitions load.

It is a small and costly window to achieve. Though in some instances it can be achieved, it is only because of the extreme skill of our carrier crews. It is not an ideal situation to put the pilots or the carrier crews at risk when there is such a limited window of acceptable operations.

The new E/F Super Hornet will enable the carrier to cruise at its normal speed and the pilots will be able to fly the normal patterns. They will not have to drop either their weapons or dump their fuel into the ocean to below safe minimums to bring back our most sophisticated and expensive ordnance.

Let us remember, however, that the F/A–18C/D models will continue to carry numerous ordnance loads safely and without restrictions covering many missions. It is only for certain strike mission loads that the waiver is required. But we have to plan for the future. For the Navy, that future should and must include the F/A–18E/F. The Super Hornet is desired by the customer, the Navy, which has been consistent and vocal in its support of procuring the aircraft rapidly and efficiently.

Further delays in a go-slow approach for this program in its current stage are both inappropriate and costly. We cannot sit around and wait for future paper airplanes magically to appear. We have modified to the limit our older aircraft.

For many years aviation, and naval aviation in particular, has been subject to technical, administrative and political forces which have given it the appearance of having no direction. We have been clamoring for such direction. Now we have it. The Navy has said, ''This is what we need. This airplane is meeting our specs. We need it.'' Let us go forward with it.

I strongly urge this body not to be in a position of ''go-slowing'' this program to death. Our pilots want the aircraft. They need the aircraft to maintain their critical edge. I urge this body not to pull the wings off. Let us let the Navy get about the job of continuing to defend this Nation now and in the future.

The F/A–18E/F program has been a model program, by any measure, and remains on cost, on schedule in meeting all performance requirements. The Navy is developing, at one-half to one-third the cost of a new-start program, a highly capable carrier-based tactical aircraft.

The amendment, as written, would divert program management attention away from the execution of the program and, if yet another program review were to be required, could impose as much as an 8-month delay in the program. This delay would affect the 3-year flight test program, the operational evaluation, and IOC of the first squadron.

I think that the formal program reviews which are already being conducted are enough. The analytical basis of the program was thoroughly examined at the previous milestone decision, and the program has performed precisely to the plan approved at that time. I believe there are studies going on, and thus this amendment is unnecessary to ensure that we continue to get the kind of additional capability that the Navy, its pilots, and its aircraft crews demand and need.

I urge my colleagues, if this amendment is brought up for a vote, to oppose the amendment. I thank the Chair and yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President.

I am coming to the end of the debate on this portion. I want to respond to the Senator from Missouri very briefly.

Let us be clear what we are attempting. We are in a period here where everyone in the country knows we are trying to find places where we can reduce spending. There are a number of areas that receive very strict scrutiny. There is a sense—it is not held by just one party—that perhaps sometimes the defense spending does not get the same scrutiny that other areas do. Sometimes it leads to defense bashing which may not be justified. It is even possible, if people get an attitude that the Defense Department expenditures are not scrutinized, that there may develop an attitude in this country that would actually threaten national security, that it may become difficult for those advocating defense expenditures to be believed, and that there are those who do not take a warning signal seriously.

All that we are suggesting here in this amendment is that a very recent report, yesterday, from the General Accounting Office says—not that this is a bad aircraft, I say to the Senator from Missouri, not that it does not provide perhaps some additional benefits; it may be and probably would turn out that in some areas this is a more capable airplane—but the question is, is the marginal benefit of those improvements sufficient to justify a $17 billion difference in cost, vis-a-vis the C/D planes? That is the issue.

We are not stopping the plane here. We are not saying it should never be continued. We are saying that when a report comes out from the GAO entitled, ''F/A–18E/F Will Provide Marginal Operational Improvement at High Cost,'' it is incumbent on us in the U.S. Senate to stop for a bit and find out what it is all about. $17 billion is real money.

If there is an opportunity here to ask some questions and find out maybe, just possibly, the Navy, the Defense Department could go with the C/D's, I think that is our obligation. The Senator from Georgia has suggested perhaps a way in which we can allow more of this to go forward while the questions are answered. We are exploring that at this point. I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, there is no question that we need to study carefully all of the views and opinions and the best information available on any program like this. But I suggest that if you take a look at the series of reviews and experiments, tests, and evaluations that have been done on this plane and that will be done, there is no need, unless and until we find from the Navy that the GAO has raised questions which they have not addressed or we can find that responses by the Defense Department are not adequate, there is no reason to raise further the cost of this program and delay it even further.

The Assistant Secretary of the Navy for Research, Development and Acquisition completed a review of the F/A–18E/F program on March 25 of this year. As of that time, the program review included program cost, schedule, and technical performance, examination of the formal exit criteria which had been approved at the previous milestone, and results of an early operational assessment conducted by the Navy's commander, Operational Test and Evaluation Force. This assessment was based on extensive documentation review, modeling and simulation, and analysis flight test data from the first two test aircraft.

In May 1996, notification was provided to Congress that the review had been successfully completed and the Navy had authorized contracting for long-lead items for the first low-rate initial production of the aircraft.

The Office of the Secretary of Defense is scheduled to conduct another program review in March 1997. At that time, all aspects of the program will again be examined prior to authorizing full funding for the procurement of the first low-rate initial production aircraft.

The analytical basis for the decision to begin engineering and manufacturing development of the F/A–18E/F program was thoroughly evaluated by both the Department of the Navy and the Department of Defense prior to the milestone decision in May of 1992.

Numerous studies which looked at the future of naval aviation, projected threats, and capabilities required to defeat those threats were considered as part of these analyses. It is not to say that we should not continue to review and analyze, look at the cost and determine the capability. That is an ongoing process.

What I am saying, Mr. President, is we could significantly increase the cost of the program, throw production off schedule, and delay the availability of aircraft which the Navy said they have needed by putting a roadblock in the way of the initial low-rate production of the aircraft. This is not the time to throw a monkey wrench into a program which has been on schedule,

above performance, and well within cost parameters at this time.

I urge my colleagues not to delay the program.

Mr. NUNN. Mr. President, I thank the Senator from Wisconsin and the Senator from Missouri. I think there has been a good debate on this. I suggest the Senator lay aside his amendment. We can see if we can find a way to see that the report is forthcoming, without disrupting the program. It seems to me that is the way to proceed.

If not, I would be joined with the Senator from Missouri in moving to table the amendment. I believe the staff is prepared to work with your staff on this.

I have a call in for the Senator from Michigan, Senator LEVIN, who has two amendments that will require rollcalls. In the meantime, I suggest we clear these amendments that have all been agreed to or are going to be agreed to by both sides.

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

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

Mr. MCCAIN. Mr. President, what is the pending business?

The PRESIDING OFFICER. All the pending amendments have been laid aside.

AMENDMENT NO. 4387

Mr. MCCAIN. Mr. President, the amendment I am offering is intended to better facilitate our pledge of material assistance to the armed forces of the Republic of Bosnia and Herzegovina by ensuring the lowest fair price of the equipment we provide to their cause.

When the President dispatched United States troops to Bosnia last year, he did so with the stipulation that they would be there only a year. The administration has since softened the deadline by indicating that troops may still be there on December 19, but that withdrawal will begin on that date. This latest commitment on withdrawal is not entirely reassuring. It is quite plausible that withdrawal will begin as stated, but our overall presence there may be drawn out indefinitely.

A deadline was never an exit strategy. Last year, when then Senate majority leader, Senator Bob Dole, and I led the effort to support the President's prerogatives as Commander in Chief and indirectly to support his dispatch of more than 20,000 American troops to Bosnia, we made clear our reservations about simply imposing a deadline. We also suggested the outline of a true exit strategy. The centerpiece of that strategy, as Senator Dole and I have since repeated on countless occasions, was United States leadership in the effort to adequately equip and train the Bosnian Armed Forces. Only when that nation can defend itself against aggression, which over the course of 3½ years of war reduced its territory by half, will the peace be safe without us.

We tried to address this issue last year by including $100 million in drawdown authority for Bosnia in the Foreign Operations appropriations bill. The amendment I am offering today simply seeks to ensure that the $100 million in equipment to be transferred to Bosnia is accounted for in a manner similar to the way it is in the case of other American allies. I am not advocating unlimited material support for Bosnia because of the impact on our own military readiness. But in order to get the most of the $100 million, we should see to it that the equipment is valued at the lowest possible fair price. This amendment gives us this assurance.

The amendment expresses a sense of the Senate that the pricing of equipment be lowest in order to maximize the amount of equipment provided to Bosnia and Herzegovina under current drawdown authority. I believe the amendment has been cleared by the other side.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4387) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. NUNN. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4389

(Purpose: To authorize the Air National Guard to provide fire protection services and rescue services relating to aircraft at Lincoln Municipal Airport, Lincoln, NE)

Mr. NUNN. Mr. President, on behalf of Senator EXON, I offer an amendment that would allow the Nebraska National Guard to provide fire protection services and rescue services relating to aircraft at Lincoln Municipal Airport, Lincoln, NE.

Currently, the Air Guard and local authority share this duty. This amendment would eliminate unnecessary duplication. The air guard would be reimbursed for assuming the entire firefighting mission.

I believe this amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. EXON, proposes an amendment numbered 4389.

The amendment is as follows:

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

SEC. 368. AUTHORITY OF AIR NATIONAL GUARD TO PROVIDE CERTAIN SERVICES AT LINCOLN MUNICIPAL AIRPORT, LINCOLN, NEBRASKA.

(a) AUTHORITY.—Subject to subsections (b) and (c), the Nebraska Air National Guard may provide fire protection services and rescue services relating to aircraft at Lincoln Municipal Airport, Lincoln, Nebraska, on behalf of the Lincoln Municipal Airport Authority, Lincoln, Nebraska.

(b) AGREEMENT.—The Nebraska Air National Guard may not provide services under subsection (a) until the Nebraska Air National Guard and the authority enter into an agreement under which the authority reimburses the Nebraska Air National Guard for the cost of the services provided.

(c) CONDITIONS.—These services may only be provided to the extent that the provision of such services does not adversely affect the military preparedness of the Armed Forces.

Mr. MCCAIN. Mr. President, this amendment has been cleared.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4389) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. NUNN. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4390

(Purpose: To state the sense of Congress regarding the authorization of appropriation and appropriation of funds for military equipment and not identified in a budget request of the Department of Defense and for certain military construction)

Mr. NUNN. Mr. President, I have an amendment on behalf of Senator ROBB.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. ROBB, proposes an amendment numbered 4390.

The amendment is as follows:

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

SEC. 1014. SENSE OF CONGRESS REGARDING AUTHORIZATION OF APPROPRIATION AND APPROPRIATION OF FUNDS FOR MILITARY EQUIPMENT NOT IDENTIFIED IN THE BUDGET REQUEST OF THE DEPARTMENT OF DEFENSE AND FOR CERTAIN MILITARY CONSTRUCTION.

It is the sense of Congress that—

(1) to the maximum extent practicable, each House of Congress should consider the authorization of appropriation, and appropriation, funds for the procurement of military equipment only if the procurement is included—

(A) in the budget request of the President for the Department of Defense; or

(B) in a supplemental request list provided to the congressional defense committees, upon request of such committees, by the Office of the Secretary of Defense, by the military departments, by the National Guard Bureau, or by the officials responsible for the administration of the Reserves;

(2) the recommendations for procurement in a defense authorization bill or a defense appropriations bill reported to the Senate or the House of Representatives which reflect a change from the budget request referred to in paragraph (1)(A) should be accompanied in the committee report relating to the bill by a justification of the national security interest addressed by the change;

(3) the recommendations for military construction projects in a defense authorization bill or a defense appropriations bill reported to the Senate or the House of Representatives which reflect a change from such a

budget request should be accompanied by a justification in the committee report relating to the bill of the national security interest addressed by the change; and

(4) the recommendations for procurement of military equipment, or for military construction projects, in a conference to resolve the differences between the two Houses relating to a defense authorization bill or a defense appropriations bill which recommendations reflect a change from the original recommendation of the applicable committee to either House should be accompanied by a justification in the statement of managers of the conference report of the national security interest addressed by the change.

Mr. NUNN. This is not the amendment, I believe, that we have problems with. This amendment would state that it is the sense of the Congress that the defense authorization appropriations bills should rely primarily on the budget request.

I am told this is not cleared. I withdraw the amendment.

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

The amendment (No. 4390) was withdrawn.

AMENDMENT NO. 4391

(Purpose: To require a plan for repairs and stabilization of the historic district at the Forest Glen Annex of Walter Reed Army Medical Center, MD)

Mr. NUNN. On behalf of Senator SARBANES, I offer an amendment to require a plan for basic repairs and stabilization measures for the historic district of the Forest Glen Annex of Walter Reed Army Medical Center, MD.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. SARBANES, proposes an amendment numbered 4391.

The amendment is as follows:

At the end of title XXI, add the following:

SEC. 2105. PLAN FOR REPAIRS AND STABILIZATION OF THE HISTORIC DISTRICT AT THE FOREST GLEN ANNEX OF WALTER REED MEDICAL CENTER, MARYLAND.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a comprehensive plan for basic repairs and stabilization measures throughout the historic district at the Forest Glen Annex of Walter Reed Army Medical Center, Maryland, together with funding options for the implementation of the plan.

Mr. SARBANES. Mr. President, I am pleased to offer an amendment directing the Secretary of the Army to submit a comprehensive plan for basic repairs and stabilization measures needed throughout the historic district at the Forest Glen Annex of Walter Reed Army Medical Center, MD. This plan would also include funding options for the implementation of such plan.

The Walter Reed Army Medical Center Annex at Forest Glen, MD is a 190-acre complex located just north of the Silver Spring business district. It was a former women's seminary known as the National Park Seminary. Acquired by the Army in 1943 by authority of the War Powers Act of 1942, it has served as a rehabilitation center and psychiatric facility for soldiers from World War II through the Vietnam war.

The former college campus also contains approximately two dozen historic buildings on approximately 24 acres which comprise what is now referred to as the National Park Seminary Historic District. The site was placed on the National Register of Historic Places in 1972. The site contains a number of historic or unique buildings, including houses shaped like a Dutch windmill, an English castle, a Japanese pagoda, a French chateau, and an Italian villa. Unfortunately, over the many years, many of these buildings have suffered substantial deterioration and neglect.

The Army has sought unsuccessfully to excess the property for several years and has continued to plan for its eventual disposal. The National Trust has continued to work with the Army to assist in its assessment of options for the reuse of the property. During this time, even the most basic repairs to the buildings were not undertaken. Reports prepared by the National Trust for Historic Preservation and Save Our Seminary and other organizations have found that, in general, the property is poorly maintained and insufficiently secure. Routine preventative maintenance, such as cleaning out gutters, is not being performed. Repairs to obvious deficiencies, such as holes in the roof and broken windows, are not being made in a timely way. On site security is lax. Fire alarm and fire suppression systems are not being adequately maintained.

The military construction appropriations bill for fiscal year 1990 contained a provision directing the Department of the Army to provide up to $3 million for necessary repairs at the annex and to work with the Montgomery County government and local citizens groups in the planning process for this site. Although we understand that $2 million was allocated by the Army for the repair and maintenance of historic buildings, all of this money was apparently used for architectural planning and design of roof work. However, to date, no funding has been provided for these major repairs and the buildings are deteriorating at a faster rate than ever.

The Army developed a master plan for the site which called for the existing historic buildings to be maintained and occupied by the Army as long as it retains ownership to ensure their maintenance and security. The master plan also identified specific maintenance priorities with work on repair and replacement of deteriorated roofs at the top of the list. In addition, a previous commanding officer at the Walter Reed Army Medical Center submitted a letter stating, ''WRAMC will continue to request funding for maintenance of the historic district and make every effort to halt the deterioration of these structures.'' Despite the findings of the master plan and the statements of support by Army officials, no work has been done to repair or maintain these buildings.

In 1994 following the burning of the historic Odeon Theatre resulting in its destruction by arson, the National Trust for Historic Preservation and Save our Seminary jointly filed a lawsuit against the Army claiming that the Army's neglect of the buildings violated the National Historic Preservation Act. The lawsuit is still pending.

My amendment directs the Department of the Army to develop and submit a plan with appropriate funding options to implement such a plan for basic repairs and stabilization measures throughout the historic district at the Forest Glen Annex of Walter Reed Army Medical Center within 30 days of the enactment of this act. I strongly urge my colleagues to support this amendment.

Mr. MCCAIN. Mr. President, the amendment has been cleared.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4391) was agreed to.

Mr. NUNN. I move to reconsider the vote.

Mr. MCCAIN. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4392

(Purpose: To modify the boundaries of the White Sands National Monument and the White Sands Missile Range, New Mexico, and to modify the boundary of the Bandelier National Monument, New Mexico)

Mr. NUNN. On behalf of Senator BINGAMAN, I offer an amendment authorizing the Secretaries of the Interior and the Army to exchange administrative jurisdiction of the White Sands National Monument and the White Sands Missile Range in New Mexico for purposes of creating easily identifiable and manageable boundaries.

I believe the amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], Mr. BINGAMAN, for himself, and Mr. DOMENICI, proposes an amendment numbered 4392.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . MODIFICATION OF BOUNDARIES OF WHITE SANDS NATIONAL MONUMENT AND WHITE SANDS MISSILE RANGE.

(a) PURPOSE.—The purpose of this section is to effect an exchange between the Secretary of the Interior and the Secretary of the Army of administrative jurisdiction over the lands described in subsection (c) in order to facilitate administration of the White Sands National Monument and the White Sands Missile Range.

(b) DEFINITIONS.—In this section:

(1) MISSILE RANGE.—The term ''missile range'' means the White Sands Missile Range, New Mexico, administered by the Secretary of the Army.

(2) MONUMENT.—The term ''monument'' means the White Sands National Monument, New Mexico, established by Proclamation No. 2025 (16 U.S.C. 431 note) and administered by the Secretary of the Interior.

(c) EXCHANGE OF JURISDICTION.—The lands exchanged under this Act are the lands generally depicted on the map entitled ''White Sands National Monument, Boundary Proposal'', numbered 142/80,061 and dated January 1994, comprising—

(1) approximately 2,524 acres of land within the monument that is under the jurisdiction of the Secretary of the Army, which are transferred to the Secretary of the Interior;

(2) approximately 5,758 acres of land within the missile range abutting the monument, which are transferred to the Secretary of the Interior; and

(3) approximately 4,277 acres of land within the monument abutting the missile range, which are transferred to the Secretary of the Army.

(d) BOUNDARY MODIFICATION.—The boundary of the monument is modified to include the land transferred to the Secretary of the Interior and exclude the land transferred to the Secretary of the Army by subsection (c). The boundary of the missile range is modified accordingly.

(e) ADMINISTRATION.—

(1) MONUMENT.—The Secretary of the Interior shall administer the lands transferred to the Secretary of the Interior by subsection (c) in accordance with laws (including regulations) applicable to the monument.

(2) MISSILE RANGE.—The Secretary of the Army shall administer the lands transferred to the Secretary of the Army by subsection (c) as part of the missile range.

(3) AIRSPACE.—The Secretary of the Army shall maintain control of the airspace above the lands transferred to the Secretary of the Army by subsection (c) as part of the missile range.

(f) PUBLIC AVAILABILITY OF MAP.—The Secretary of the Interior and the Secretary of the Army shall prepare, and the Secretary of the Interior shall keep on file for public inspection in the headquarters of the monument, a map showing the boundary of the monument as modified by this Act.

(g) WAIVER OF LIMITATION UNDER PRIOR LAW.—Notwithstanding section 303(b)(1) of the National Parks and Recreation Act of 1978 (92 Stat. 3476), land or an interest in land that was deleted from the monument by section 301(19) of the Act (92 Stat. 3475) may be exchanged for land owned by the State of New Mexico within the boundaries of any unit of the National Park System in the State of New Mexico, may be transferred to the jurisdiction of any other Federal agency without monetary consideration, or may be administered as public land, as the Secretary considers appropriate.

SEC. . BANDELIER NATIONAL MONUMENT.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) under the provisions of a special use permit, sewage lagoons for Bandelier National Monument, established by Proclamation No. 1322 (16 U.S.C. 431 note) (referred to in this section as the ''monument'') are located on land administered by the Secretary of Energy that is adjacent to the monument; and

(B) modification of the boundary of the monument to include the land on which the sewage lagoons are situated—

(i) would facilitate administration of both the monument and the adjacent land that would remain under the administrative jurisdiction of the Secretary of Energy; and

(ii) can be accomplished at no cost.

(2) PURPOSE.—The purpose of this section is to modify the boundary between the monument and adjacent Department of Energy land to facilitate management of the monument and Department of Energy land.

(b) BOUNDARY MODIFICATION.—

(1) TRANSFER OF ADMINISTRATIVE JURISDICTION.—There is transferred from the Secretary of Energy to the Secretary of the Interior administrative jurisdiction over the land comprised approximately 4.47 acres depicted on the map entitled ''Boundary Map, Bandelier National Monument'', No. 315/80,051, dated March 1995.

(2) BOUNDARY MODIFICATION.—The boundary of the monument is modified to include the land transferred by paragraph (1).

(3) PUBLIC AVAILABILITY OF MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the Lands Office at the Southwest System Support Office of the National Park Service, Santa Fe, New Mexico, and in the Superintendent's Office of Bandelier National Monument.

Mr. BINGAMAN. Mr. President, today, along with Senator DOMENICI, I propose an amendment that will allow for better administration, law enforcement, and operational procedures for both the White Sands National Monument and the White Sands Missile Range. The bill will exchange about 10,000 acres along the border of the White Sands Missile Range and the White Sands Monument which abut each other. It also transfers to the monument the administrative jurisdiction over about 2,500 acres which lie within the White Sands National Monument but are currently controlled by the White Sands Missile Range.

I ask unanimous consent that a letter and an information paper be printed in the RECORD. The letter, dated June 27, 1996, is from the National Park Service and is signed by Roger G. Kennedy. It states that the Department does not have a problem with the amendment. The letter further states that the Office of Management and Budget has no objection to the presentation of this report for consideration before the Senate. The second document is an information paper from the Deputy Assistant Secretary of the Army, Paul W. Johnson. The paper states that the Department of the Army supports this legislation. It also states that the Office of Management and Budget has no objection to the presentation of this amendment.

Mr. President, the area that I am speaking about is a unique geological formation. This gypsum deposit known as ''White Sands'' is very important to my home State of New Mexico. The sands cover approximately 275 square miles with about 40 percent lying within the monument and the remaining portion of the dunes, to the south and the east, belonging to the White Sands Missile Range.

As a brief history, on January 18, 1933, President Hoover designated 142,987 acres, in the Tularosa Basin, as the National Park. From the very beginning, the park has been a success. Within its first 2 years of operation, the White Sands monument shattered the attendance records of the 23-unit Southwestern National Monuments in the Four Corner States of Arizona, Utah, Colorado, and New Mexico.

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

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, DC, June 27, 1996.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: Thank you for providing the National Park Service the opportunity to comment on the draft amendment to modify the boundaries of the White Sands National Monument New Mexico, and to modify the boundary of the Bandelier National Monument, New Mexico.

The National Park Service believes the proposed boundary modifications will facilitate the management and administration of White Sands National Monument and Bandelier National Monument. The proposed boundary modifications will not result in any land acquisition cost nor any additional management cost.

We do not have any problem with this amendment. Thank you for your continued interest in the National Park Service.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Senate.

Sincerely,

ROGER G. KENNEDY,
Director.

[Information Paper]

JUNE 17, 1996.

Subject: S. 1745H, 104th Congress.

1. Subject bill authorizes an exchange of property between the Department of the Interior and the Department of the Army.

2. The purpose of the bill is to adjust the White Sands National Monument's boundary with the White Sands Missile Range. The action is essentially a housekeeping measure designed to provide both agencies with a more easily identifiable and manageable mutual boundary.

3. The Department of the Army supports subject legislation.

4. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this information paper for the consideration of the Senate.

PAUL W. JOHNSON,
Deputy Assistant Secretary of the Army.

Mr. BINGAMAN. Mr. President, in June 1941, the U.S. Army petitioned for 1.25 million acres of public and private land in the Tularosa Basin for a bombing range. After the attack on Pearl Harbor, President Roosevelt approved the Army's request. The Trinity site, where the first atomic bomb was successfully tested on July 16, 1945 is part of the range.

With the region's open space and supportive civic leadership, both the monument and the missile range have been successfully neighbors for many years.

Mr. President, this amendment will help both the monument and the missile range manage their property more efficiently.

Mr. MCCAIN. The amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4392) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. NUNN. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4393

(Purpose: To prohibit the use of prior fiscal year funds for development and procurement of the Pulse Doppler Upgrade modification to the AN/SPS–48E radar system)

Mr. McCAIN. Mr. President, on behalf of Senator SMITH, I offer an amendment placing limitations on the expenditure of priority-year funds for radar modernization. I believe this has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. SMITH, proposes an amendment numbered 4393.

The amendment is as follows:

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

SEC. 125. RADAR MODERNIZATION.

Funds appropriated for the Navy for fiscal years before fiscal year 1997 may not be used for development and procurement of the Pulse Doppler Upgrade modification to the AN/SPS–48E radar system.

Mr. SMITH. Mr. President, it is reality of declining defense budgets that not every program conceived by the Armed Forces or the defense industry can be funded. The Services are forced to examine their military requirements and prioritize among many competing programs. When they do, disappointed defense contractors may seek legislative intervention to achieve objectives they could not satisfy in the budgeting process. An example of such activity exists in the House version of the defense authorization bill. The bill contains a provision that would require the Secretary of the Navy to spend $29 million, authorized and appropriated for other purposes in fiscal years before fiscal year 1997, for development and procurement of a pulse Doppler upgrade modification for the Navy's AN/SPS–48E radar system. In other words this provision would force the Navy to take money away from programs of higher priority that were considered and approved by Congress in prior years and allocate it to a program that failed to make the cut.

Aside from this provision's abuse of the congressional authorization and appropriation process, complying with it would create an outyear demand for substantial additional resources that are not in the future years defense program. Thus, its fiscal abuses would proliferate into the future to undermine stronger and more urgently needed programs.

In summary, we will be confronted in conference by a provision in the House bill that seeks to earmark prior year finds for a program for which there is no funding in the budget or in the future years defense program, for which there is no development or procurement plan, and for which there would be substantial outyear financial burden. I think it important to provide our future conferees clear guidance that such a provision is unacceptable. My amendment would accomplish this. I encourage my Senate colleagues to join me in supporting it.

Mr. NUNN. This amendment has been cleared. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4393) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. NUNN. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4394

(Purpose: To allow the Secretary of Energy to waive limitations on the use of foreign technology in environmental restoration and waste management contracts)

Mr. NUNN. On behalf of Senators JOHNSTON and MURKOWSKI, I offer an amendment allowing the Department of Energy to grant Britain and France access to certain prescribed information in order to conduct environmental cleanup and waste management activities of DOD sites.

I believe this has been cleared.

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. MURKOWSKI, proposes an amendment numbered 4394.

The amendment is as follows:

"SEC. . FOREIGN ENVIRONMENTAL TECHNOLOGY.

"Section 2536(b) of title 10, United States Code is amended to read as follows:

"(b) WAIVER AUTHORITY.—(1) The Secretary concerned may waive the application of subsection (a) to a contract award if—

"(A) the Secretary concerned determines that the waiver is essential to the national security interests of the United States; or

"(B) in the case of a Department of Energy contract awarded for environmental restoration, remediation, or waste management at a Department of Energy facility—

"(i) the Secretary determines that the waiver will advance the environmental restoration, remediation, or waste management objectives of the Department of Energy and will not harm the national security interests of the United States; and

"(ii) the entity to which the contract is awarded is controlled by a foreign government with which the Secretary is authorized to exchange Restricted Data under section 144(c) of the Atomic Energy Act of 1954 (42 U.S.C. 2164(c)).

"(2) The Secretary of Energy shall notify the appropriate committees of Congress of any decision to grant a waiver under paragraph (1)(B). The contract may be executed only after the end of the 45-day period beginning on the date the notification is received by the committees.

Mr. McCAIN. This amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4394) was agreed to.

Mr. NUNN. I move to reconsider the vote.

Mr. McCAIN. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4395

(Purpose: To increase by $9,000,000 the amount authorized to be appropriated for the Air Force for procurement of one UH–1N helicopter simulator)

Mr. McCAIN. On behalf of Senator DOMENICI, I offer an amendment to provide $9 million in procurement of one UH–1N helicopter simulator.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. DOMENICI, proposes an amendment numbered 4395.

The amendment is as follows:

In section 103(3), strike out "$5,880,519,000" and insert in lieu thereof "5,889,519,000".

Mr. DOMENICI. Mr. President, This amendment will authorize $9 million to equip the Air Force Theater Air Command Control and Simulation Facility with a UH–1N simulator. The USAF has no simulator for the UH–1N aircraft, yet most aircraft in the DOD routinely acquires simulators to provide initial qualification and continuation—recurring—training of crews. There are several reasons why this simulator is necessary:

Pilots and flight engineers qualifying in the UH–1N are the youngest and most experienced in the USAF.

The UH–1N is one of the oldest helicopters in the USAF inventory and may be prone to increased failure of components.

The simulator creates safety risks allowing trainees to practice emergency procedures in the aircraft for the first time.

In many instances missions are flown single pilot, which requires increased knowledge and proficiency that the simulator can provide.

The UH–1N mission requirements have increased to include the use of night vision goggles which is a more demanding initial training requirement that can be handled in the simulator.

On some missions, crews support strategic missile convoy escorts; This support demands high qualification and judgment, which the simulator can provide.

Convoy tactics are classified and cannot be practiced in the aircraft at Kirtland AFB. The simulator would allow hands-on practice in a secure environment.

CONTINUATION—RECURRING—TRAINING

UH–1N accidents in the early 1990's drove the USAF to procure contract Flight Safety International Bell 212 training for UH–1N crew refresher training—not used for initial qualification training.

Off-site training is expensive and does not meet all the necessary requirements because the Bell 212 has some significant systems differences.

All other USAF helicopters have recurring simulator refresher training conducted at Kirtland AFB, NM.

The simulator maintains standardization of crew force qualification and training.

It updates crew on aircraft changes and other pertinent information.

It allows pilots to practice classified mission procedures.

OTHER IMPORTANT FACTORS

Simulators are widely accepted in both military and civil aviation as critical elements in training programs.

Simulators cost less to operate than the aircraft.

Crews can perform high risk emergency procedures and maneuvers in simulators.

Simulators are a force multiplier.

Typical simulator annual flying hours are 4,000–5,000 hours; Helicopters average 400–500 hours per year.

The UH–1N simulator could be built as a reconfigurable HH–60G for little added cost and provide needed training if the UH–1N is retired and additional H–60's are acquired as a replacement helicopter.

Mr. President, this simulator will prove to be a vital asset within the U.S. Air Force. I understand my colleagues on both sides of the aisle have agreed to accept this amendment, so I thank them for their support and I yield the floor.

Mr. NUNN. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4395) was agreed to.

AMENDMENT NO. 4396

(Purpose: To increase by $3,000,000 the amount authorized to be appropriated for the Air Force for research, development, test, and evaluation in order to provide $3,000,000 for the Advanced Distributed Simulation connection of the Theater Air Command Control and Simulation Facility with the Mission Training Support System facility of the 58th Special Operations Wing)

Mr. MCCAIN. On behalf of Senator DOMENICI, I offer an amendment to authorize $3 million for the Advanced Distribution Simulation of the Theater Air Command Control and Simulation Facility at the 58th Special Operations Wing.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. DOMENICI, proposes an amendment numbered 4396.

The amendment is as follows:

In section 201(3), strike out ''$14,788,356,000'' and insert in lieu thereof ''$14,791,356,000''.

Mr. DOMENICI. Mr. President, this amendment will authorize $3 million to connect the Theater Air Command Control and Simulation Facility with the 58th Special Operation Wing. In January, 1995, General Ronald Fogleman, Chief of Staff of the USAF announced a ''New Vector for Air Force Simulation'' and the ''need to expand our involvement and investment in advanced simulation technologies to improve our readiness and lower our costs today, and prepare us to dominate the battles of tomorrow.''

Kirtland Air Force Base is uniquely suited to lead the Air Force in achieving this new vector by capitalizing on state-of-the-art modeling and simulation [M&S] capability available.

The Chief's vision for Modeling and Simulation [M&S] will provide the tools that the USAF needs to more effectively organize, train, equip, and jointly employ its forces. In order to meet this vision, organizations from the operational, systems development, and testing communities must be brought more closely together.

While there are major initiatives in the DOD to promote the use of advanced distributed simulation [ADS] to bring these communities together in a cost efficient manner. ADS does not allow for technical synergy or the considerable cost savings that would be realized by building a joint-use infrastructure that is readily accessible to multiple organization.

Kirtland Air Force Base has the organizations, infrastructure, and potential to merge capabilities of the Air Combat Command's Theater Air Command and Control Simulation Facility [TACCSF], 58th Special Operations Wing [SOW] Simulation Facility, Phillips Laboratory, Air Force Operational Test and Evaluation Center [AFOTEC], and Sandia National Laboratories into the DOD's most powerful M&S capability.

TACCSF and the 58th SOW already have the USAF's most capable tactical command and control and special operations simulations, respectively. These simulations could be easily linked to support each organization's diverse Office of the Secretary of Defense [OSD] and Joint service customer base.

This amendment will help to accomplish this objective. I understand that my colleagues on both sides of the aisle have agreed to accept this amendment. I appreciate their support. I believe this is a great step in the direction of achieving Chief Fogleman's vision, and I yield the floor.

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

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4396) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. NUNN. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4397

(Purpose: To provide $6,000,000 for the procurement of Bradley TOW 2 Programs sets)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator HEFLIN and Senator SHELBY. This amendment would authorize the Army to use $6 million of fiscal year funds to buy test program sets for the Bradley program. These funds were authorized last year for the armored gun system. 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 Mr. HEFLIN, for himself, and Mr. SHELBY, proposes an amendment numbered 4397.

The amendment is as follows:

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

SEC. 113. BRADLEY TOW 2 TEST PROGRAM SETS.

Of the funds authorized to be appropriated under section 101(3) of the National Defense Authorization Act for Fiscal Year 1996 (110 Stat. 204), $6,000,000 is available for the procurement of Bradley TOW 2 Test Program sets.

Mr. HEFLIN. Mr. President, in the fiscal year 1996 Defense Authorization Bill, $6 million was authorized for the Armored Gun System Test Program Sets. This authorization was approved due to the large shortfall in testing software for ASM programs and due the AGS system's high priority. Unfortunately, the armored gun system has since been terminated. This amendment, therefore, directs the Secetary of the Army to make this money available to fund the Bradley TOW 2 Test Program Set, a program requirement of the Army.

The Army has performed a study of the cost and benefits of purchasing this test equipment for the Bradley TOW 2 system. It found that purchasing this equipment would result in dramatic savings over the existing maintenance method. I therefore urge my colleagues to support this needed reprogramming.

Mr. MCCAIN. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4397) was agreed to.

Mr. NUNN. I move to reconsider the vote.

Mr. MCCAIN. I move to table the motion.

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 4398

(Purpose: To increase by $10,000,000 the amount available for the Air Force for research, development, test, and evaluation for the Nation Polar-Orbiting Operational Environmental Satellite System (Space) program (PE 0603434F)

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of

Senator EXON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. EXON, proposes an amendment numbered 4398.

The amendment is as follows:

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

SEC. 223. NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM.

(a) Of the amount authorized to be appropriated under section 201(3), $29,024,000 is available for the National Polar-Orbiting Operational Environmental Satellite System (Space) program (PE 0603434F).

(b) Of the amount authorized to be appropriated under section 201(3), $212,895,000 is available for the Intercontinental Ballistic Missile—EMD program (PE 0604851F).

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

The amendment (No. 4398) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4399

(Purpose: Study on worker protection at the Department of Energy facility at Miamisburg, Ohio)

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of Senator GLENN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. GLENN, proposes an amendment numbered 4399.

The amendment is as follows:

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

SEC. . STUDY ON WORKER PROTECTION AT THE MOUND FACILITY.

(a) Not later than March 15, 1997, the Secretary of Energy shall report to the defense committees of the Congress regarding the status of projects and programs to improve worker safety and health at the Mound Facility in Miamisburg, Ohio.

(b) The report shall include the following:

(1) the status of actions completed in fiscal year 1996;

(2) the status of actions completed or proposed to be completed in fiscal years 1997 and 1998;

(3) a description of the fiscal year 1998 budget request for Mound worker safety and health protection; and

(4) an accounting of expenditures for worker safety and health at Mound by year from fiscal year 1994 through and including fiscal year 1996.

WORKER SAFETY AND HEALTH PROTECTION AT DOE'S MOUND FACILITY

Mr. GLENN. Mr. President, I should like to engage the Senator from Idaho, Senator KEMPTHORNE, in a colloquy concerning worker health and safety protection at the Department of Energy's Mound facility in Miamisburg, OH. As the Senator may know, the worker safety and radiation program at Mound has had numerous problems. For example, in 1994, it was discovered that some fluid samples of potentially contaminated workers had sat on a storage shelf for 3 years without being sent to the lab; furthermore, a huge backlog of samples existed. While the backlog has since been reduced and other steps taken to improve the situation, it is still clear to me that problems exist with the worker radiation protection program. Earlier this year, I met with some Mound workers who expressed serious concerns about this situation; I have also received numerous letters from workers at the site expressing similar concerns. Further, I have been informed that DOE's own technical experts believe that substantial upgrades need to be made at Mound in this area. For these reasons, I have filed an amendment which addresses the specific areas which I believe need to be improved. The technical program upgrades addressed by my amendment were developed with extensive input from the DOE. However, I understand that there are some concerns about the potential impact of my amendment.

Mr. KEMPTHORNE. I share fully the concerns expressed by the Senator from Ohio about the need to ensure worker safety and health programs are pursued vigorously at the Mound facility. When we ask workers to undertake potentially dangerous decontamination and decommissioning work, we need to assure them that all reasonable precautions have been taken to protect their safety and health. However, the committee has been informed that the Department has statutory authority to pursue appropriate worker protection programs at the Mound facility. I believe the Senator from Ohio has received assurances from the Department of Energy that important upgrades at the Mound facility will be pursued, and I commend him for his leadership in obtaining those assurances.

Mr. GLENN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to me from DOE Under Secretary Tom Grumbly. This letter clearly establishes the Department's intent and commitment to seriously and forthrightly address worker safety issues at Mound. The letter lists a series of discrete program improvements that will be taken at the Mound site beginning immediately and continuing through 1997.

This list closely tracks the amendment which I have filed.

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

THE UNDER SECRETARY OF ENERGY,
Washington, DC, June 21, 1996.

Hon. JOHN GLENN,
U.S. Senate,
Washington, DC.

DEAR SENATOR GLENN: In response to your concerns regarding worker safety at the Department of Energy's Mound Site, I want to assure you that the Department is moving aggressively to address and resolve those concerns. The Department is committed to take the following actions (see attached summary chart):

In FY 1996:	
1. Initiate a contract to complete, by October 1997, the pre-1989 radiological dose assessment for workers with a probable dose of greater than	20 rem
2. Procure and initiate implementation of automated personnel contamination monitors with access control system at a cost of	$250K
3. procure and being to install an automated radiological record keeping and data handling software at a cost of	$260K
4. Identify and train 6 dedicated radiological control technicians for the purpose of radiologically characterizing the Mount sites at a cost of	$250K
5. Evaluate the continuous air monitoring program to determine the need for personal air samplers for workers at a cost of	$85K
6. Evaluate the existing contract bioassay analysis laboratory program against the DOE bioassay accreditation criteria to identify areas for improvement at a cost of	$30K
7. Evaluate the existing internal dosimetry does calculation methodologies to validate proper treatment of particle size and chemical form of radioisotopes at a cost of	$50K
Total FY 1996 cost	$925K

In FY 1997:	
1. complete the pre-1989 radiological dose assessment for workers with a probable dose of greater than 20 rem at a cost of	$3,400K
2. Complete the procurement and installation of automated personnel contamination monitors with access control system at a cost of	$490K
3. Complete installation of the automated radiological record keeping and data handling software at a cost of	$240K
4. Complete the radiological characterization of the Mound site at a cost of	$700K
5. Complete implementation of enhancements to the continuous air monitoring program, including procurement and implementation of a personal monitoring program, at a cost of	$120K
6. complete implementation of a quality control program which meets the DOE bioassay accreditation program criteria for site and contract laboratories as well as establish a DOE validation program at a cost of	$120K
7. Complete implementation of an internal dosimetry dose calculation methodology that properly treats the particle size and chemical form of radioisotopes at a cost of	$150K
Total FY 1997 cost	$5,220K

The cost figures were developed in coordination with the Mound site, but are estimates and therefore not necessarily precise. The expenditures proposed for Fiscal Year 1997 are of course subject to the availability

of appropriated funds. We would propose that Fiscal Year 1997 funds for these enhancements be made available from the amounts initially requested for the Environmental Management program in a way that gives the Department the most flexibility. We were not able to include funds for these safety upgrades in our Fiscal Year 1997 budget request because the costs had not yet been determined.

These radiological program improvements will address and resolve both current and legacy issues at Mound and will greatly improve the safety of workers. The Department is committed to making these safety enhancements at the Mound Site.

We appreciate your continued leadership and hard work to assure the protection of worker health and safety at Mound and all Department of Energy facilities.

Sincerely,

THOMAS P. GRUMBLY.

SUMMARY OF RADIOLOGICAL PROGRAM IMPROVEMENTS AT THE DEPARTMENT OF ENERGY MOUND SITE

Project	FY 1996 Costs ($K)	FY 1997 costs ($K)
1. Pre-1989 Dose Assessments	N/A	$3,400
2. Automated Personnel Contamination Monitors and Access Control	$250	490
3. Automated Record Keeping and Data Handling	260	240
4. Site Radiological Characterization	250	700
5. Air Monitoring Program	85	120
6. Bioassay Quality Control	30	120
7. Internal Dosimetry Dose Calculation Methodology	50	150
Total for each FY	925	5,220

Mr. GLENN. These important upgrades should begin at the earliest possible opportunity. As a result of Mr. Grumbly's letter and the committee's concerns, I will not offer my amendment which would specifically authorize funds to ensure that these upgrades take place. I remain concerned though that we may be forcing a trade off between worker safety and health improvements and the pace of clean up at the Mound site.

Mr. President, I wish to ensure that Congress is kept fully informed on the status of the Mound worker safety and health programs.

Mr. KEMPTHORNE. I fully endorse this substitute amendment and move its adoption at this time. I thank my colleague from Ohio for his leadership in this important area. I look forward to working with the honorable Senator to support him on this issue in conference.

Mr. MCCAIN. Mr. President, this amendment has been cleared on this side, and I urge adoption of the amendment.

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

Mr. MCCAIN. Mr. President, the amendment is cleared. I urge adoption of the amendment.

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

The amendment (No. 4399) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4400

(Purpose: To provide special personnel management authorities for civilian intelligence personnel of the Department of Defense)

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of Senator THURMOND and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. THURMOND, proposes an amendment numbered 4400.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'').

Mr. THURMOND. Mr. President, I propose an amendment that would provide new personnel management authorities to the Secretary of Defense for managing the civilian personnel within the Department of Defense intelligence community.

Mr. President this legislation is intended to provide the Secretary of Defense additional flexibility and the capability to manage and to adjust the skill balance within the intelligence community workforce. The flexibility and management tools in this proposal will enable the Secretary of Defense to adjust the intelligence community workforce to changing requirements and technological advances. It is part of a larger effort to enhance the effectiveness of the intelligence community.

Mr. President, I want to acknowledge the cooperation and assistance of the chairman and ranking member of the Government Affairs Committee. I would not have offered this amendment without their concurrence and support. I am pleased to note, for the record, that this is truly a bipartisan cooperative effort of our two Committees. The Secretary of Defense and the Director of Central Intelligence both recommended and support the legislation. I think the amendment will enhance the effectiveness and efficiency of the intelligence community. I urge adoption of the amendment.

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

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

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

The amendment (No. 4400) was agreed to.

Mr. MCCAIN. 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. 4401

(Purpose: To amend chapter 57 of title 5, United States Code, to provide Federal employees who transfer in the interest of the Government more effective and efficient delivery of relocation allowances by reducing administrative costs and improving services, and for other purposes)

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of Mr. COHEN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. COHEN, for himself and Mr. LEVIN, proposes an amendment numbered 4401.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. COHEN. Mr. President, Senator LEVIN and I are offering today the Travel Reform and Savings Act as an amendment to the DOD authorization bill.

This amendment has bipartisan support and is intended to enable Federal agencies to adopt the best of private sector travel management practices. It will save over $800 million each year from regulatory and statutory changes in Federal travel management.

This effort originated with two hearings I held this Congress on reforming the Federal Government's travel process. At the Subcommittee on Oversight of Government Management hearings on the costs associated with processing Federal travel vouchers, GAO, DOD, GSA and other executive branch agencies agree that the Government's policies focus too much on compliance with rigid rules, and that Federal travel practices are outmoded and too bureaucratic. There was also agreement that the travel process needs to be radically redesigned or reengineered and simplified by adopting the best practices of private industry. Successfully adopting these practices will save the Government an estimated $6 billion during the next 5 years.

I am encouraged by the efforts of the Department of Defense and other agencies in reforming administrative costs connected with temporary duty travel. We are beginning to see progress and we should redouble our efforts to save the taxpayer money from unnecessary travel overhead expenditures.

The Travel Reform and Savings Act primarily deals with another segment of Federal travel, Permanent Change of Station travel, or the cost of moving Federal employees to a new duty station. The amendment is based on many of the recommendations made by the Joint Financial Management Improvement Program, a cooperative effort between the Office of Management and Budget, the General Accounting Office, the Department of Treasury, and the Office of Personnel Management to improve travel and relocation management.

This amendment proposes to offer alternative methods of reimbursement for househunting, and housing transaction expenses. These alternative methods would reduce administrative time and paperwork associated with auditing vouchers. If found cost effective to do so, this legislation would provide authority to pay for property management services, transportation of an employee's privately owned motor vehicle within the continental

United States, and home marketing incentives. Furthermore, the amendment would authorize payment for limited relocation allowances to an employee who is performing an extended assignment, repeal the long-distance telephone call certification requirement and transfer authority to the Administrator of General Services to issue implementing regulations.

The Travel Reform and Savings Act is intended to reduce the Government's relocation and travel costs and to ease administrative burdens while providing equitable reimbursement to employees. Enactment of the legislation will eliminate unnecessary paperwork requirements, cut redtape, and result in substantial savings to taxpayers.

Mr. LEVIN. Mr. President, I am pleased to join Senator COHEN in offering this amendment to the fiscal year 1997 Defense authorization bill.

The amendment is needed to reduce the Government's relocation and travel costs, and to ease administrative burdens while providing equitable reimbursement to employees. Enactment of this legislation will eliminate unnecessary paperwork requirements and cut red tape, improve the treatment of employees who perform official travel by creating parity with their private sector counterparts and result in substantial savings to taxpayers.

The amendment represents the product of a multi-agency project team established in 1994 by the Joint Financial Management Improvement Program [JFMIP], a cooperative undertaking of the Office of Management and Budget, the General Accounting Office, the Department of Treasury, and the Office of Personnel Management, to develop recommendations to improve travel and relocation management. A team representing over two dozen organizations from the executive and legislative branches focused on identifying and incorporating the best travel practices of both the public and private sectors. In a recent hearing before the Subcommittee on Oversight of Government Management and the District of Columbia, the General Services Administration testified that one of their short-term goals to assist Federal agencies in their travel reenigineering efforts was to get the necessary legislative changes implemented. The legislative changes proposed by the JFMIP are embodied in this amendment. GSA estimates that the legislative changes included in this amendment will save the Government in excess of $200 million.

I urge my colleges to support this amendment.

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

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

The amendment (No. 4401) was agreed to.

Mr. MCCAIN. 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. 4402

(Purpose: To require reporting on compliance of Army test program with certain statutory requirements)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Mr. LEVIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. LEVIN, proposes an amendment numbered 4402.

The amendment is as follows:

At the appropriate place in title VIII of the bill, add the following new section:

SEC. . TEST PROGRAMS FOR MODERNIZATION-THROUGH-SPARES.

Not later than 60 days after the date of enactment of this Act, the Secretary of the Army shall report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives on the steps he has taken to ensure that each program included in the Army's modernization-through-spares program is conducted in accordance with—

(1) the competition requirements in section 2304 of Title 10;

(2) the core logistics requirements in section 2464 of title 10; and

(3) the public-private competition requirements in section 2469 of Title 10; and

(4) requirements relating to contract bundling and spare parts breakout in sections 15(a) and (15(l) of the Small Business Act (15 U.S.C. 644) and implementing regulations in the Defense FAR Supplement.

Mr. LEVIN. Mr. President, the Army recently initiated a test program for modernization-through-spares, pursuant to which it plans to group spare parts and system support contracts together and award a single support contract for an entire weapons system. I have been informed that it is the Army's intent to award such a contract, for the M109 howitzer program, on a sole-source basis to the original equipment manufacturer. Spare parts contracts for the M109 howitzer program have previously been awarded on a competitive basis.

This information, if true, is disturbing. Current congressional and regulatory policy encourages the break out spare parts contracts to promote competition. This policy was initiated in the mid-1980's in response to a series of spare parts scandals, in which we learned that the Pentagon had purchased commonly available commercial items for extraordinary prices—such as $435 for a hammer, $243 for a pair of pliers, $640 for a toilet seat, and $9,609 for a hexagonal wrench. These abuses resulted, in large part, from the decision to purchase the items on a sole-source basis from original equipment manufacturers.

Mr. President, the Army's reported decision to award spare parts and support contracts on a sole-source basis to the original equipment manufacturer also raises questions of compliance with a number of other statutory provisions, including the Competition in Contracting Act, requirements for public-private competition prior to contracting out decisions, and prohibitions on contracting out core government functions. These provisions were all written to protect the taxpayers from inappropriate contracting decisions.

My amendment would require the Secretary of the Army to report to the Congress within 60 days on the steps that he is taking to ensure that the proposed test program is conducted in accordance with these requirements. As one of the authors of the Competition in Contracting Act and the spare parts reforms, I intend to closely scrutinize the rationale offered by the Army for any decision to award a sole-source contract to the original equipment manufacturer under this test program.

Mr. NUNN. I believe this amendment has been cleared on the other side, and I urge its adoption.

Mr. MCCAIN. I urge adoption. It has been cleared.

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

The amendment (No. 4402) was agreed to.

Mr. MCCAIN. 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. 4403

(Purpose: To authorize the construction of a fuel farm, phase I, at Elmendorf Air Force Base, Alaska)

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of Mr. STEVENS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. STEVENS, proposes an amendment numbered 4403.

The amendment is as follows:

In the table in section 2401(a), strike out ''$18,000,000'' in the amount column in the item relating to Elmendorf Air Force Base, Alaska, and insert in lieu thereof ''$21,000,000''.

Strike out the amount set forth as the total amount at the end of the table in section 2401(a) and insert in lieu thereof ''$530,590,000''.

In section 2406(a), in the matter preceding paragraph (1), strike out ''$3,421,366,000'' and insert in lieu thereof ''$3,424,366,000''.

In section 2406(a)(1), strike out ''$364,487,000'' and insert in lieu thereof ''$367,487,000''.

Mr. MCCAIN. Mr. President, I believe the amendment has been cleared on both sides.

Mr. NUNN. Mr. President, it has been. I urge its adoption.

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

The amendment (No. 4403) was agreed to.

Mr. MCCAIN. 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. 4404

(Purpose: To authorize $10,000,000 for the construction, Phase I, of a national range control center, White Sands Missile Range, New Mexico)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. DOMENICI, proposes an amendment numbered 4404.

The amendment is as follows:

In the table in section 2101(a), insert after the item relating to Fort Polk, Louisiana, the following new item:

New Mexico	White Sands Missile Range.	$10,000,000

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 ''$356,450,000''.

In section 2104(a), in the matter preceding paragraph (1), strike out ''$1,894,297,000'' and insert in lieu thereof ''$1,904,297,000''.

In section 2104(a)(1), strike out ''$356,450,000'' and insert in lieu thereof ''$366,450,000''.

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

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

The amendment (No. 4404) was agreed to.

Mr. McCAIN. 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. 4405

(Purpose: To authorize $8,900,000 for construction at the Undersea Weapons Systems Laboratory at the Naval Undersea Warfare Center, Newport Division, Newport, Rhode Island)

Mr. McCAIN. Mr. President, I send an amendment to the desk on behalf of Mr. CHAFFEE and Mr. WARNER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. CHAFEE, for himself and Mr. WARNER, proposes an amendment numbered 4405.

The amendment is as follows:

In the table in section 2201(a), insert after the item relating to Camp Lejeune Marine Corps Base, North Carolina, the following new item:

Rhode Island	Naval Undersea Warfare Center.	$8,900,000

Strike out the amount set forth as the total amount at the end of the table in section 2201(a) and insert in lieu thereof ''$515,952,000''.

In section 2205(a), in the matter preceding paragraph (1), strike out ''$2,040,093,000'' and insert in lieu thereof ''$2,048,993,000''.

In section 2205(a)(1), strike out ''$507,052,000'' and insert in lieu thereof ''$515,952,000''.

Mr. CHAFEE. Mr. President, my amendment, which has been cleared by both sides, authorizes $8.9 million for an Undersea Weapons Systems Laboratory at the Naval Undersea Warfare Center [NUWC], headquartered in Newport, RI.

For many years, NUWC has maintained a well-deserved reputation as a center of excellence in submarine technology. It was certainly no accident that during the 1991, 1993, and 1995 base closure rounds, the Navy consolidated significant personnel and functions into Newport, while establishing the site as headquarters for one of its four R&D superlabs.

Unfortunately, though, NUWC's existing laboratory facilities dedicated to developing emerging technologies are badly outdated and cost-ineffective. They are housed in WWII vintage, thick walled concrete buildings not designed for controlled environments, specialized power and other modern necessities.

In order to remedy this shortfall and maintain U.S. strategic advantage in emerging undersea technologies, NUWC has established a requirement for an Undersea Weapons Systems Laboratory. This facility will enable NUWC to develop and implement affordable state-of-the-art technologies, and to design and prototype futuristic small tactical undersea vehicles. It also boasts an extraordinary pay back period of 2.4 years, which will be realized through the use of multidimensional modeling and simulation laboratories to replace costly in-water testing of underwater weapons systems.

Mr. President, I am convinced that the continued and increasing threat from submarine forces abroad should be a top U.S. national security concern. It has recently been reported that by 2005, 17 percent of the world's projected 410 submarines will have state-of-the-art technology, compared to just 8 percent today. Exploration and development of the many emerging technologies in this field, a goal my amendment seeks to achieve, will keep our undersea fleet of the future equipped with the most capable weapons systems, thereby deterring any potential near-term aggressor.

I want to express my deep appreciation to Senator WARNER for his support for this amendment. Its enactment into law will help take our submarine force into the 21st century as capable as ever.

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

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

The amendment (No. 4405) was agreed to.

Mr. McCAIN. 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.

Mr. McCAIN. Mr. President, the amendments just accepted by the Senate add $21.9 million to the bill for three unrequested, low priority military construction projects, in addition to the $600 million already provided by the committee. These amendments did not pass the scrutiny of the Senate Armed Services Committee during its markup process, and the Senate should not now act to add millions of dollars for more military construction addons.

I ask that the record clearly reflect that I am strongly opposed to each of these amendments.

The three projects for which funding was added by these amendments are: $8.9 million for an undersea warfare laboratory in Rhode Island, $10 million for a command and control center at White Sands Missile Range in New Mexico, and $3 million for a fuel depot at Elmendorf Air Force Base in Alaska.

I appreciate the fact that every effort is being made to adhere to some credible criteria in selecting the projects for addons in this bill. But my objection, in principle, to adding funds for unrequested military construction projects remains the same.

Since 1990, the Congress has added more than $6 billion to the military construction accounts. This bill now adds more than $600 million for unrequested projects at specific locations in various States. At the same time, the overall defense budget has declined by more than 40 percent, despite our recent efforts to increase funding.

During the SASC markup, the Readiness Subcommittee recommended a plus-up of $100 million for high-priority housing projects. But the subcommittee allowed the Department of Defense to determine the allocation of these projects by military priority, not by location in a powerful Senators' State. Senator GLENN and I both voted against the addition of another $600 million in unrequested mil con projects when the amendment was offered in our full committee markup. Not surprisingly, we lost that vote.

Again, I am somewhat gratified to learn that the close scrutiny focused on military construction pork has at least forced a degree of control on the process. Most of the projects added by the Armed Services Committee meet four of the five criteria stated in the sense of the Senate language: Mission essential; not inconsistent with BRAC; in the FYDP; and, executable in fiscal year 1997.

Mr. President, this bill already includes 25 added projects do not meet at least one of these criteria. However, 11 of these are quality of life improvements, and the balance received only planning and design funding. But none of these projects in the bill meet the fifth criterion—offset by a reduction in some other defense account.

Let's look at the priority of the projects already added by the committee for military construction.

Of the total of 115 added projects, 72 were planned for the year 2000 or later. In fact, 14 of these projects were not even included in the FYDP.

Of the $600 million added for unrequested projects, almost $350 million was added for these 72 projects planned for the next century.

Surely, projects planned for fiscal years 2000, 2001, 2002, or later are not as vital to the services as those that are planned to be included in next year's defense budget. Why didn't we focus on the fiscal year 1998 projects? Or the fiscal year 1999 projects? Instead, we are reaching 4 years out in the FYDP, into the next century, to find 29 projects that are planned in the States of Members of the Armed Services Committee.

Let's be realistic. This bill is $1.7 billion above the defense budget target set in the fiscal year 1997 budget resolution. That means we will have to cut out some of the programs added in this bill when we get to conference with the House. Will military construction be cut? I don't think so. Instead, we will probably end up cutting some of the high-priority adds for much-needed modernization equipment that will enable our troops to fight and win in future conflicts.

Mr. President, I am tired of seeing us acquiesce to a practice which only feeds on itself. Until we instill some discipline in our own markup process—by resisting the temptation to add money simply because it serves our constituents—we cannot expect the Department of Defense to exercise discipline in resisting efforts to spend defense dollars on unnecessary, nondefense projects.

We have made progress in reducing the total amount of pork barrelling in the defense budget. Last year, about $4 billion of the total $7 billion added to the defense budget was wasted on pork barrel projects, like new attack submarines, research project earmarks, medical education programs, and, of course, military construction add-ons. This year, we are wasting only $2 billion.

But $2 billion is a lot of taxpayer dollars to waste. How do we explain to the American people why we need to spend $11 billion more for defense this year, when we are spending $2 billion for projects that do little or nothing to contribute to our Nation's security?

Mr. President, I intend to continue to expose these unnecessary addons for military construction projects to public scrutiny—the only way I know to fight this egregious pork-barrel spending. And I plead with my colleagues, for the sake of ensuring public support for adequate defense spending now and in the future, let's stop the pork-barrelling now.

Mr. GLENN. Mr. President, a moment ago the Senate adopted three amendments to add additional funds to the military construction budget to fund an undersea weapons system lab in Newport, RI; phase I of a national range command and control center at White Sands Missile Range, NM; and phase I of a fuel farm at Elmendorf AFB, AK. I did not ask for a rollcall vote on these amendments, nor did I want to tie the Senate up with debate on these amendments. However, I would like to voice my opposition to these amendments. I am opposing these amendments because we in the Congress continue to add millions and millions of dollars to the defense budget in order to fund projects which are not requested by our military leaders.

As I understand it, these projects do meet the criteria which the chairman of the Readiness Subcommittee, Senator MCCAIN, and I established several years ago. I am gratified that the Senate is exercising a degree of discipline by requiring that these military construction projects meet certain minimal criteria, such as whether a project is in a service's future years defense plan or whether a project is mission essential. I don't think that is too much to ask, Mr. President. Furthermore, I do not agree that just because a project meets these criteria we should fund each and every one of them. We have to exercise discipline in limiting the number of unrequested projects added each year, just as the Pentagon must learn to request appropriate levels of funding for the services' construction accounts. If our military leaders truly need these projects, then they should ask for them in the annual budget request.

On June 19, during the Senate's consideration of Senator MCCAIN's amendment to reduce the fiscal year 1997 military construction authorization by $600 million, I spoke at length about my position concerning construction adds. So, I will not belabor the point here. I will point out that it is my intention to 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.

AMENDMENT NO. 4406

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of Mr. SMITH and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. SMITH proposes an amendment numbered 4406.

The amendment is as follows:

SEC. . SENSE OF THE SENATE CONCERNING USS LCS 102 (LSSL 102).

It is the sense of the Senate that the Secretary of Defense should use existing authorities in law to seek the expeditious return upon completion of service, of the former USS LCS 102 (LSSL 102) from the Government of Thailand in order for the ship to be transferred to the United States Shipbuilding Museum in Quincy, Massachusetts.

Mr. SMITH. Mr. President, during the past 5 years our Nation commemorated the 50th anniversary of a series historic World War II events. These ceremonies highlighted the enormous valor, sacrifice, and honorable service of our Nation's veterans. They also showcased some of the unique aircraft, ground vehicles, and naval vessels that helped turn the tide of war in Europe and the pacific.

Many of these extraordinary combatants have long since been retired. Others have been converted to museums. Still others are in use with foreign military services through agreement with our Government.

Recently, it was brought to my attention that one specific class of Navy ship, the LCS class, has only one surviving ship left in existence: The LSC–102. The LCS' were shallow draft gunboats designed and built to provide a high rate of firepower for marines going ashore. The Navy built 130 of them, outfitted with 20mm and 40mm guns as well as rocket launchers for beach bombardment. They saw extensive action in New Guinea, Borneo, Iwo Jima, the Phillippines and Okinawa. Twenty-six were sunk or damaged in combat operations.

As I said, the LCS–102 is the last ship in its class in existence. It is in service with the Royal Navy of Thailand through agreement with our Government. The Thai Navy has indicated that they plan to keep the ship in service through at least the year 2000.

Mr. President, the LCS class has a distinguished history. Our former colleague Senator John Tower served in combat as a boatswain's mate on an LCS in World War II. Former Navy Secretary Bill Middendorf also served aboard an LCS. And John F. Lehman, Sr., the father of Chris Lehman and former Secretary of Navy John Lehman, Jr. commanded the LCS–18 and was awarded the Bronze Star for service during the Okinawa campaign.

The National Association of USS LCS (L) 1–130 has for several years sought to return the LCS–102 to the United States so that it can become an exhibit at the U.S. Navy shipbuilding museum at Quincy, MA. Time is running out for thousands of sailors who served aboard LCS's during World War II and want to see this last-of-its-class ship brought home to port.

The amendment that I am offering today would express the sense of the Senate that the Secretary of Defense should use existing authorities in law to seek the expeditious return of the LCS–102 from the Government of Thailand in order for the ship to be transferred to the United States shipbuilding museum. The amendment does not require any specific action or force the return of the ship. Rather, it convey's congressional interest in working with our friends in Thailand to return this last of its kind ship for exhibition in the United States.

Mr. President, I understand there are concerns over who actually holds title to the vessel, how much longer the royal Thai navy may want to hold onto it, and who would pay the bill to return it to the United States.

According to the Navy, the LCS–102 is now known as the LSSL 102, having been transferred to Thailand under the old military assistance program. There is revisionary right retained by the United States providing that when Thailand no longer needs the vessel for

intended purposes it is to notify the United States.

It is entirely possible that Thailand may insist upon some alternative compensation if they agree to give back the ship. While this amendment does not address that issue, it is intended that the Secretary of Defense would exercise his existing authority, in consultation with the State Department, to explore various options and consummate such an arrangement, if appropriate.

Let me make clear that I do not propose using Defense Department funds to return this vessel to the United Sates and transport it to Quincy, MA. In my view, this is something that should be paid for through private contributions. I ask unanimous consent that a letter from William M. MacMullen, the executive director of the shipbuilding museum, committing to raise the necessary funds for such an effort, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1)

Mr. SMITH. I urge my colleagues to join with me in supporting this amendment. It is fitting that we pay tribute to the collection of American warriors, including our former colleague John Tower, who served aboard this unique class of combatants. Let us bring LCS–102 back stateside, to permanent home port in Quincy, MA, so that future generations can better understand and appreciate its legacy of service.

Mr. President, I understand that this amendment has been cleared on both sides and, if that is the case, I urge adoption of the amendment.

EXHIBIT 1

U.S. NAVAL SHIPBUILDING MUSEUM,
MASSACHUSETTS MILITARY RESEARCH CENTER,
June 19, 1996, Quincy, MA.

Hon. Robert C. Smith,
U.S. Senate, Seapower Subcommittee, Senate Armed Services Committee, Washington, D.C.

DEAR SENATOR SMITH: I am writing to provide you my assurance that the United States Naval Shipbuilding Museum here in Quincy, Massachusetts is prepared to take the former LCS–102 and give her a home at the Museum.

We are committed to raise the necessary funds working with the LCS Association to maintain the vessel and prepare her for use as an exhibit. We have the room here and we think that the addition of one of the ''fightingest'' ships in the World War Two Navy would be a fine addition to our Museum. Many LCSs were actually built here in Quincy during World War Two and it would be fitting to have one of those, (in fact, the only ship of its class left in the world), ships back here in Quincy at our Museum.

It is my understanding that there is a possibility that the Congress may soon endorse the idea of bringing the last LCS home to serve as a museum piece. Many Navy veterans from New Hampshire would be pleased to have the ship so close to home. I urge you to support this initiative to bring this ship to Quincy, Massachusetts, and so honor the tens of thousands of sailors who served on amphibious ships during World War Two.

Respectfully,
WILLIAM M. MACMULLEN, Jr.
Exec. Director, USNSM.

Mr. McCAIN. This has been cleared.

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

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

The amendment (No. 4406) was agreed to.

Mr. McCAIN. 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. 4407

(Purpose: To specify certain matters to be considered by the Chairman of the Joint Chiefs of Staff in the next assessment of the current missions, responsibilities, and force structure of the unified combatant commands)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. ROBB, proposes an amendment numbered 4407.

The amendment is as follows:

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

SEC. 908. MATTERS TO BE CONSIDERED IN NEXT ASSESSMENT OF CURRENT MISSIONS, RESPONSIBILITIES, AND FORCE STRUCTURE OF THE UNIFIED COMBATANT COMMANDS.

The Chairman of the Joint Chiefs of Staff shall consider, as part of the next periodic review of the missions, responsibilities, and force structure of the unified combatant commands under section 161(b) of title 10, United States Code, the following matters:

(1) For each Area of Responsibility of the regional unified combatant commands—

(A) the foremost threats to United States or allied security in the near- and long-term;

(B) the total area of ocean and total area of land encompassed; and

(C) the number of countries and total population encompassed.

(2) Whether any one Area of Responsibility encompassed a disproportionately high or low share of threats, mission requirements, land or ocean area, number of countries, or population.

(3) The other factors used to establish the current Areas of Responsibility.

(4) Whether any of the factors addressed under paragraph (3) account for any apparent imbalances indicated in the response to paragraph (2).

(5) Whether, in light of recent reductions in the overall force structure of the Armed Forces, the United States could better execute its warfighting plans with fewer unified combatant commands, including—

(A) a total of five or fewer commands, all of which are regional;

(B) an eastward-oriented command, a westward-oriented command, and a central command; or

(C) a purely functional command structure, involving (for example) a first theater command, a second theater command, a logistics command, a special contingencies command, and a strategic command.

(6) Whether any missions, staff, facilities, equipment, training programs, or other assets or activities of the unified combatant commands are redundant.

(7) Whether warfighting requirements are adequate to justify the current functional commands.

(8) Whether the exclusion of Russia from a specific Area of Responsibility present any difficulties for the unified combatant commands with respect to contingency planning for the area and its periphery.

(9) Whether the current geographic boundary between the Central Command and the European Command through the Middle East could create command conflicts in the context of fighting a major regional conflict in the Middle East.

Mr. McCAIN. The amendment has been cleared. I urge that the Senate adopt this amendment.

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

The amendment (No. 4407) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4408

(Purpose: To make available $7,000,000 for research and development relating to seamless high off-chip connectivity (SHOCC))

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Mr. LEVIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. LEVIN, proposes an amendment numbered 4408.

The amendment is as follows:

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

SEC. 223. SEAMLESS HIGH OFF-CHIP CONNECTIVITY.

Of the amount authorized to be appropriated by this Act, $7,000,000 shall be available for the Defense Advanced Research Projects Agency for research and development on Seamless High Off-Chip Connectivity (SHOCC) under the materials and electronic technology program (PE 0602712E).

Mr. LEVIN. Mr. President, the Defense Advanced Research Projects Agency [DARPA] has a continuing program of research and development for advanced electronics and materials. One of the most promising elements of this program is called seamless high off-chip connectivity, or SHOCC for short. The SHOCC program offers the potential to dramatically reduce the cost of producing integrated circuits while increasing their performance considerably. This would be important to our information-age military forces, as well as to our commercial electronics industry.

One of the problems faced by the electronics industry, for both military and civilian applications, is the increased cost of producing high performance integrated circuits. While we have made many dramatic improvements in

the chips we produce, there is a point at which increasing their performance to the next logical level is cost-prohibitive. We are approaching that point quickly.

Additionally, the wiring that connects the circuits together on the circuit boards is incapable of transferring all the massive amounts of data that the chips can handle. Consequently, there is an electron traffic jam and bottleneck when the data leaves a chip and goes on to its next destination. It is like an eight-lane information highway suddenly becoming a one-lane dirt road; you can be sure there will be real show-downs. So we need to increase the density of the off-chip wiring.

The SHOCC program run by DARPA seeks to provide a new way of fabricating high performance integrated circuits so they are lower cost, have better wiring to permit all the data to flow between and among all the circuits—the information capacity known as connectivity, and much greater performance. Such circuits would have tremendous importance for our military, which is increasing its reliance on information technology and digitization. Our military needs improved electronic technology at lower cost, and that is what the SHOCC program is all about.

This amendment authorizes $7 million for DARPA to continue this ground-breaking research. There is an offset for the funding of this program.

Mr. McCAIN. The amendment has been cleared, and I urge adoption.

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

The amendment (No. 4408) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4409

(Purpose: To amend section 346 (relating to authority to transfer contaminated Federal property before completion of required Federal actions)

Mr. McCAIN. Mr. President, I send an amendment to the desk on behalf of Senator SMITH and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. SMITH, proposes an amendment numbered 4409.

The amendment is as follows:

Beginning on page 90, strike line 1 and all that follows through page 91, line 17, and insert the following:

SEC. 346. AUTHORITY TO TRANSFER CONTAMINATED FEDERAL PROPERTY BEFORE COMPLETION OF REQUIRED REMEDIAL ACTIONS.

(a) IN GENERAL.—Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)) is amended—

(1) by redesigning subparagraph (A) as clause (i) and clauses (i), (ii), and (iii) of that subparagraph as subclauses (I), (II), (III), respectively;

(2) by striking ''After the last day'' and inserting the following:

''(A) IN GENERAL.—After the last day'';

(3) by redesignating subparagraph (B) as clause (ii) and clauses (i) and (ii) of that subparagraph as subclauses (I) and (II), respectively;

(4) by redesignating subparagraph (C) as clause (iii);

(5) by striking ''For purposes of subparagraph (B)(i)'' and inserting the following:

''(B) COVENANT REQUIREMENTS.—For purposes of subparagraphs (A)(ii)(I) and (C)(iii)'';

(6) in subparagraph (B), as designated by paragraph (5), by striking ''subparagraph (B)'' each place it appears and inserting ''subparagraph (A)(ii)''; and

(7) by adding at the end the following:

''(C) DEFERRAL.—

''(i) IN GENERAL.—The Administrator (in the case of real property at a Federal facility that is listed on the National Priorities List) or the Governor of the State in which the facility is located (in the case of real property at a Federal facility not listed on the National Priorities List) may defer the requirement of subparagraph (A)(ii)(I) with respect to the property if the Administrator or the Governor, as the case may be, determines that—

''(I) the property is suitable for transfer for the use intended by the transferee;

''(II) the deed or other agreement proposed to govern the transfer between the United States and the transferee of the property contains the assurances set forth in clause (ii); and

''(III) the Federal agency requesting deferral has provided notice, by publication in a newspaper of general circulation in the vicinity of the property, of the proposed transfer and of the opportunity for the public to submit, within a period of not less than 30 days after the date of the notice, written comments on the finding by the agency that the property is suitable for transfer.

''(ii) REMEDIAL ACTION ASSURANCES.—With regard to a release or threatened release of a hazardous substance for which a Federal agency is potentially responsible under this section, the deed or other agreement proposed to govern the transfer shall contain assurances that—

''(I) provide for any necessary restrictions to ensure the protection of human health and the environment;

''(II) provide that there will be restrictions on use necessary to ensure required remedial investigations, remedial actions, and oversight activities will not be disrupted;

''(III) provide that all appropriate remedial action will be taken and identify the schedules for investigation and completion of all necessary remedial action; and

''(IV) provide that the Federal agency responsible for the property subject to transfer will submit a budget request to the Director of the Office of Management and Budget that adequately addresses schedules, subject to congressional authorizations and appropriations.

''(iii) WARRANTY.—When all remedial action necessary to protect human health and the environment with respect to any substance remaining on the property on the date of transfer has been taken, the United States shall execute and deliver to the transferee an appropriate document containing a warranty that all such remedial action has been completed, and the making of the warranty shall be considered to satisfy the requirement of subparagraph (A)(ii)(I).

''(iv) FEDERAL RESPONSIBILITY.—A deferral under this subparagraph shall not increase, diminish, or affect in any manner any rights or obligations of a Federal agency with respect to a property transferred under this subparagraph.''.

(b) CONTINUED APPLICATION OF STATE LAW.—The first sentence of section 120(a)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(a)(4)) is amended by inserting ''or facilities that are the subject of a deferral under subsection (h)(3)(C)'' after ''United States''.

Mr. SMITH. Mr. President, during the Armed Services Committee consideration of S. 1745, Senator MCCAIN and I introduced language to amend section 120(h)(3) of the Comprehensive Environmental Response Compensation and Liability Act of 1980 [CERCLA] otherwise known as Superfund—to allow for the sale of contaminated properties at former Federal facilities prior to the completion of hazardous waste remedial action. Although the Federal Government would remain responsible for the cost of cleaning up the existing contamination, the early transfer of these properties would allow for the expedited redevelopment of excess Federal properties, such as those closed under the Base Closure and Realignment Act, without having to wait for the completion of the cleanup activities. This language, which was developed with the assistance of the Department of Defense, was cleared as official administration policy by the Office of Management and Budget.

In addition to section 346 being supported by the administration, we have been contacted by a number of States that believe that it is important that the transfer process be expedited so that necessary redevelopment takes place as soon as possible. As a result of my close involvement with efforts to redevelop Pease Air Force Base, as well as my chairmanship of the Senate Superfund Subcommittee, I am aware of instances where potential land redevelopment efforts were hindered because of the Federal agency's inability to provide potential purchasers with a fee simple transaction prior to the time the property was cleaned up. By making this necessary revision to CERCLA 120(h), I believe that we will avoid needless complications in getting these properties into beneficial economic reuse, yet at the same time, ensure that they will be appropriately cleaned up in a timely manner.

Recently, I have received letters from a few State attorneys general expressing concerns about section 346, and seeking assurances that these properties will be expeditiously cleaned up. The attorneys general were primarily concerned that we ensure that all appropriate remedial action is taken at thee sites in a timely manner, that schedules for completion of the cleanup be identified, and that existing agreements, including tri-party agreements remain enforceable. In response to these concerns, my staff on the Senate Environment and Public Works Committee have been working with the staffs of Senators BAUCUS, LAUTENBERG, and CHAFEE, as well as the staff on the Armed Services Committee and

representatives of the military services, to address the concerns raised by the attorneys general.

The amendment that I am offering today would accomplish a number of goals. First, it would ensure that those facilities that are transferred prior to their cleanup would receive the same environmental protections as those facilities currently cleaned up under section 120(h). Similar to current law, the deed transferring the property would be required to contain assurances that all appropriate remedial action will be taken at the property, as well as identify schedules for the investigation and completion of all necessary remedial actions. In addition, the current language in section 120(h) would continue to hold the Government responsible for any additional cleanup found to be necessary after the date of the transfer.

Second, this amendment specifically states that the Federal obligations for these facilities would not be diminished or affected as a result of these transfers. The functional effect is that contractual obligations, such as triparty agreements, that have been entered into by the Federal Government prior to the transfer, would remain unaffected by this change.

Third, this amendment would ensure that State laws, including State environmental laws, will continue to apply to facilities that are transferred as a result of this section. Thus, in no way does this amendment affect the ability of States to fully enforce their State environmental cleanup requirements.

Mr. President, my staff has been contacted by the representatives of a number of Governor's who have told me that they strongly support the existing language in section 346. However, I am willing to modify my language to address the concerns raised by attorneys general. As a result of these changes, I believe that this amendment will not only clarify our intention to allow these pre-cleanup transfers, but it will also ensure that these cleanups will take place in a prompt fashion.

I urge the support of my colleagues for this amendment.

Mr. LEVIN. Mr. President, I would like to engage the distinguished Chairman of the Armed Services Committee in a brief colloquy regarding the Smith amendment to section 346 of the bill. Let me also say that I am pleased that the managers have agreed to adopt the Smith amendment, which I believe improves the section in question.

The original intent of section 346 is worthy. We should make every effort to expedite the transfer of Federal property when it is needed for local economic development or similar time sensitive opportunities. However, upon reading the provision carefully, I became concerned that providing the authority to transfer contaminated Federal property before completion of required remedial actions could potentially muddle the Federal Government's responsibility for cleaning up this contamination.

I would like to ask the Senator from South Carolina whether anything in the Smith amendment to section 346 in any way diminishes the Federal Government's obligation to remediate contamination for which it or its agencies are responsible?

Mr. THURMOND. I thank the Senator from Michigan for his interest. Nothing in the amended section 346 reduces or otherwise changes the responsibility of the United States for cleaning up contamination at its facilities.

Mr. LEVIN. I appreciate that clarification from the chairman. As he and my colleagues may know, I have long been concerned that the Department of Defense [DOD] and Congress should allocate sufficient funds for the purposes of cleaning up closed and closing bases so that they may be reused to the benefit of the local and State economies. In fact, I believe that these former military facilities deserve priority attention because of the severe economic impact that closing bases can have on communities.

I am thankful that the amendment reflects these concerns and requires cleanup schedules to be prepared and adequate budget requests to be made as part of the necessary assurances prior to any transfer. However, the amendment still covers the entire universe of potentially transferrable Federal facilities and allows transfer prior to cleanup. Conceivably, this could result in less attention by DOD and other agencies to the remediation of these facilities. Could the chairman reassure me that the transfer of former military properties and other Federal facilities pursuant to the revised section 346 will not affect the priority DOD gives to their cleanup?

Mr. THURMOND. Let me reassure the Senator from Michigan that section 346 as amended by the Smith amendment does not affect or alter in any way the obligation of or the need for DOD to clean up the properties it has contaminated, particularly at closed or closing facilities. In fact, as the Senator indicated, all agencies proposing to transfer property must identify specific cleanup schedules and submit budget requests that adequately address those schedules for remedial action.

Mr. LEVIN. The chairman of the committee and his staff have been most helpful in arriving at these improvements to section 346. I appreciate his assistance.

Mr. LEVIN. Mr. President, though the Smith amendment to section 346 goes a long way toward resolving the majority of my concerns, and the reassurances provided by the chairman of the Senate Armed Services have been extremely helpful, there are still some issues that need to be considered before Congress proceeds with this kind of change in permanent law.

Though I understand from DOD staff that the Department does not intend to use this new authority widely or without significant caution, an argument can be made that a change of this magnitude, affecting all Federal facilities, should be considered in the context of comprehensive reform of the Superfund law, and the Governmental Affairs Committee should probably have the opportunity to consider the change in the process for disposition of Federal property.

Further, my office has been contacted by the Attorney General of Michigan regarding his concerns about the impact of section 346 in the Committee-reported version of S. 1745. These concerns appear to be shared by many other State Attorneys General around the country. Some of these concerns are addressed by the changes that the Smith amendment makes in section 346. But, I want my colleagues to know that this provision is not a simple matter and could have far-reaching consequences. I hope the conferees will carefully consider the need for this new authority and the possible outcomes of its exercise.

I ask unanimous consent that a letter from the attorney general of Michigan to me be printed in the RECORD.

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

STATE OF MICHIGAN,
DEPARTMENT OF ATTORNEY GENERAL,
Lansing, MI, June 13, 1996.

Re: S. 1745—Proposed amendment of section 120(h)(3) of CERCLA.

Hon. CARL LEVIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEVIN: I am writing to express my opposition to the change proposed by S. 1745, the National Defense Authorization Act for Fiscal Year 1997, to a most important provision of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Section 120(h)(3) of CERCLA has clearly and unequivocally placed the burden of cleaning up contaminated federal property on federal agencies. This is sound public policy for a number of reasons, not the least of which is that since the property was contaminated by the federal government, is should set an example for the rest of the nation by accepting its responsibility for damages its agencies have done to the environment. It is a policy that has worked because of the mandates of section 120(h)(3) that all remedial action necessary be conducted before the site is transferred, and that any transfer contain a covenant that any additional remedial action found to be necessary after the transfer will be conducted by the United States.

The proposed change to section 120(h)(3) will permit the transfer of contaminated federal land before all remedial action is completed, and it will allow federal agencies to transfer their liability for the facility to other parties such as states, local governments and private persons. I urge you to strongly oppose this change in its present form.

In many instances, the initial transferee of federal facilities may be a state or local government which accepts title in order to convey to a private party for economic development. Forcing the state or local agency to make a choice between accepting the land and the liability of the United State, or losing the chance for economic redevelopment of the site by declining to accept such liability, is unfair and contrary to the intent of

section 120(h)(3). Yet this is precisely the choice that will be presented in many instances, and I fear that the acute need for redevelopment and the ability to pass the liability on to the private developer will force state and local agencies to absolve the United States of liability for the harm it has caused, even though the private redeveloper's promise to accept the liability is often of little or no value. In such cases, the environmental liability of the United States will be unfairly passed to state and local governments.

Allowing federal agencies to transfer their environmental liability to others in the name of economic development will increase the number of orphan sites of contamination when the transferee is either unwilling, or more likely unable, to fulfill the ''assurance'' it gave to remediate the federal facility. Facilitating civilian redevelopment of federal facilities is a worthwhile endeavor, but not at the expense of the environment.

First and foremost, the federal government must keep the promise of remediating all contaminated federal facilities. The United States can fulfill this obligation, and promote redevelopment of federal facilities at the same time under the current section 120(h)(3) of CERCLA. In those rare instances where redevelopment is thwarted by the inability to convey title to the land to the redeveloper, CERCLA must continue to make clear that the United States will take any corrective action necessary after transferring the land.

It is my position that an amendment to section 120(h)(3) of CERCLA such as that proposed by S. 1745 should not be passed without clear mandates contained therein that the United States may not transfer its liability to any other party or person, and that the United States must convenant to take all remedial action necessary in the event the transferee fails to do so.

Very truly yours,

FRANK J. KELLEY,
Attorney General.

Mr. BAUCUS. I would like to ask the sponsor of the amendment, Senator SMITH, to clarify a couple of points I have on the amendment allowing the transfer of Federal facilities. First, let me say that transferring Federal facilities to private parties as quickly as we can so they can be put to productive use is desirable. But we must not transfer property if doing so would compromise protection of human health and the environment. And we must ensure that when we do transfer Federal sites before they are cleaned up, we don't forget about them. We must make sure that the Federal Government cleans up these sites as quickly as it would if the Government still owned the property. At the same time, communities do not want to wait for years while interested parties study the extent of contamination and argue over remedies. So to speed up the transfer of contaminated land at these Federal sites, this amendment will allow the Federal Government to transfer property to private parties before the remedy is completed. While I support the amendment, I do so with some reservations and ask that my concerns be addressed in conference. I want to make sure that if we allow the Federal Government to transfer contaminated property before the site is cleaned up we do so with the appropriate safeguards necessary to ensure that the States and public is not saddled with the cleanup of former Federal sites. I want to make sure that allowing Federal sites to be transferred before the site is cleaned up will not affect the Federal Government's obligations to cleanup its sites. At many sites, the Federal Government has entered into triparty agreements with the States and Federal regulators. These triparty agreements should not be compromised by transfers. Is it the understanding of the Senator that triparty agreements will not be affected by the amendment?

Mr. SMITH. It is my understanding that the triparty agreements will remain unaffected by this amendment. We do not intend that this provision effect the pace of cleanups or shift costs from the Federal Government to the States. More specifically, in the paragraph setting forth the condition that must be met before a transfer can occur, clause (iv) states that a deferral shall not increase, diminish, or affect in any manner any rights or obligations of a Federal agency with respect to a property transferred.

Mr. BAUCUS. So it is the intent of the Senator that by using the phrase ''rights or obligations'' in clause (iv) is to cover any existing contractual obligation entered into by the Federal agency?

Mr. SMITH. Yes.

Mr. BAUCUS. Would the Senator agree that triparty agreements are one category of contractual obligation?

Mr. SMITH. Yes.

Mr. BAUCUS. Second, I understand that the amendment would allow transfers of Federal facilities to occur before remedial action is in place, provided that the transfer contains several assurances. These assurances would, among other things, assure that all appropriate remedial action will be taken and that the schedules for investigation and completion of all necessary remedial actions will be identified. Is the intent of this language to ensure that the cleanup at transferred sites will proceed according to the schedule identified in a deed or other agreement proposed to govern the transfer?

Mr. SMITH. Yes.

Mr. BAUCUS. I am pleased that the intent of this language is for the cleanup to proceed according to the schedule in the deed or other agreement proposed to govern the transfer. But I am unclear who would enforce the schedule and I would hope this is clarified in conference.

Mr. LAUTENBERG. I share these concerns. We want to put Federal facilities back into productive use as quickly as we can. But we must make sure that we do so in a way that protects our citizens health and their environment. While the amendment includes a number of assurances that must be made before a transfer can occur, we must make sure that all of the assurances are met so that health and safety are not compromised and cleanup occurs as quickly as possible. One of the most effective tools now being used to expedite cleanups are interagency agreements, including triparty agreements. Does the Senator agree that triparty agreements are an effective mechanism for ensuring input from States and coordinating cleanup efforts, and should be used where appropriate?

Mr. SMITH. Triparty agreements have proven to be an effective tool to coordinate the cleanup efforts at Federal facilities. These agreements should be used where appropriate, and nothing in this amendment would impede the ability of Federal regulatory agencies and States to enter into such agreements.

Mr. LAUTENBERG. Let me restate my interest in expediting the reuse of these properties. But it must be done carefully and cleanups must proceed in a timely manner. In addition, we must make sure that States have all of the tools that they need to be partners in these transfers of Federal lands and in their cleanup. I hope the Senator will work to address my concerns in conference.

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

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

The amendment (No. 4409) was agreed to.

Mr. MCCAIN. 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. 4410

(Purpose: To strengthen certain sanctions against nuclear proliferation activities)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator GLENN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. GLENN, for himself and Mr. PELL, proposes an amendment numbered 4410.

The amendment is as follows:

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

SEC. 1072. STRENGTHENING CERTAIN SANCTIONS AGAINST NUCLEAR PROLIFERATION ACTIVITIES.

(a) IN GENERAL.—Section 2(b)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amended—

(1) by inserting after ''any country has willfully aided or abetted'' the following: '', or any person has knowingly aided or abetted,'';

(2) by striking ''or countries'' and inserting '', countries, person, or persons'';

(3) by inserting after ''United States exports to such country'' the following: ''or, in the case of any such person, give approval to guarantee, insure, or extend credit, or participate in the extension of credit in support of, exports to or by any such person for a 12-month period,'';

(4) by inserting ''(A)'' immediately after ''(4)'';

(5) by inserting after ''United States exports to such country'' the second place it

appears the following: '', except as provided in subparagraph (B),''; and

(6) by adding at the end the following:

''(B) In the case of any country or person aiding or abetting a non-nuclear-weapon state as described in subparagraph (A), the prohibition on financing by the Bank contained in the second sentence of that subparagraph shall not apply to the country or person, as the case may be, if the President determines and certifies in writing to the Congress that—

''(i) reliable information indicates that the country or person with respect to which the determination is made has ceased to aid or abet any non-nuclear-weapon state to acquire any nuclear explosive device or to acquire unsafeguarded special nuclear material; and

''(ii) the President has received reliable assurances from the country or person that such country or person will not, in the future, aid or abet any non-nuclear-weapon state in its efforts to acquire any nuclear explosive device or any unsafeguarded special nuclear material.

''(C) For purposes of subparagraphs (A) and (B)—

''(i) the term 'country' has the meaning given to 'foreign state' in section 1603(a) of title 28, United States Code;

''(ii) the term 'knowingly' is used within the meaning of the term 'knowing' in section 104 of the Foreign Corrupt Practices Act; and

''(iii) the term 'person' means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity.''.

(b) EFFECTIVE DATE.—(1) The amendments made by paragraphs (1) through (5) of subsection (a) shall apply to persons, and the amendment made by subsection (a)(6), shall apply to countries and persons, aiding or abetting non-nuclear weapon states on or after June 29, 1994.

(2) Nothing in this section or the amendments made by this section shall apply to obligations undertaken pursuant to guarantees, insurance, and the extension of credits (and participation in the extension of credits) made before the date of enactment of this Act.

NUCLEAR PROLIFERATION SANCTIONS

Mr. GLENN. Mr. President, this amendment will authorize the President to impose Export-Import Bank sanctions against specific entities that knowingly aid or abet countries to acquire nuclear weapons or nuclear materials for such weapons.

Each of the Commanders in Chief and Secretaries of Defense of this country—regardless of their party affiliation—has over the last half century recognized that the global spread of nuclear weapons constitutes one of the gravest threats to our national security, to the security of our friends and allies, and to world order. Though there are other weapons of mass destruction that may be easier to acquire and to use, a nuclear weapon has the unique ability to obliterate a whole city in an instant. For this reason, it is understandable that our national leadership and defense community have exerted considerable effort over the last several decades to reducing this threat to all Americans.

The persisting and ever-changing nature of this threat, coupled with the many pathways that are available to countries to acquire such bombs, requires our Government—both the Congress and the Executive—to ensure that the tools we use to combat this threat are up to the job. When these tools are sharp and working as intended, the security of each and every American citizen is enhanced accordingly. Our law must continually respond to—but never surrender to—new challenges that arise with the passage of time.

Current law—The Export Import Bank Act—requires the denial of Exim Bank credits to finance goods destined to: Any country that has violated safeguards or a U.S. nuclear agreement; any non-nuclear-weapon state that detonates a bomb; or any country that has willfully aided or abetted a non-nuclear-weapon state to get the bomb.

The first two of these sanctions were enacted on October 26, 1977, whereas I authored the language in the Nuclear Proliferation Prevention Act of 1994 which created the third sanction authority listed above.

Revelations in 1996 that a government-owned Chinese entity had sent sensitive uranium enrichment technology to Pakistan raised the possibility of the denial of several billion dollars of Exim-financed credits for United States exports to China. Unfortunately, the China Nuclear Energy Industry Corporation [CNEIC]—the specific entity involved in the transaction—escaped all sanctions since the law prescribed sanctions only against a country that willfully aids and abets proliferation. Also, the United States took no action against China because of insufficient evidence of willful intent on the part of China's leaders. The current law does not authorize the President to target Exim sanctions against specific entities—including state-owned entities like CNEIC operating as a business enterprise—that knowingly engage in illicit nuclear transfers.

The amendment builds upon existing Exim Bank sanctions authorities for the most serious proliferation-related activities—that is, violations of safeguards and U.S. nuclear agreements, nuclear detonations, and willful state actions in promoting proliferation. It authorizes the President to target such sanctions against persons, including government-owned entities operating as a commercial enterprise, that knowingly aid or abet a country to acquire a nuclear-explosive device or nuclear material for such a device.

The amendment also authorizes the President to terminate sanctions that are imposed against countries and persons that aid and abet such forms of proliferation, upon receipt of reliable assurances that the activity has stopped and will not recur. The intention here is to give the violator an incentive to cease the prohibited activity and a disincentive for continuing it.

This new sanctions authority will by no means serve as a panacea for all of the proliferation threats that will face our country in the years ahead. But it is not intended to perform this function. It seeks to achieve a more specific purpose. By enabling the President to target sanctions against specific proliferators, the new language would strengthen the credibility of this sanctions authority and thereby work to discourage future business with enterprises like the CNEIC which knowingly promote the global spread of nuclear weapons. The amendment will work to ensure that the taxpayer dollars controlled by the Exim Bank are being used to advance the commercial interests of the United States, not the commercial interests of enterprises that are promoting the global spread of nuclear weapons.

My intent is no more and no less than to move our legislation another step toward taking the profits out of proliferation. I urge all of my colleagues to support this amendment.

Mr. PELL. Mr. President, I am pleased to offer with the Senator from Ohio [Mr. GLENN] an amendment that would withhold for a period of 1 year Export-Import Bank credits for any entity that knowingly assists a nonnuclear weapons state to acquire a nuclear explosive device or the special nuclear materials for such a device. I am pleased that the Senator from North Carolina [Mr. HELMS] is joining us as a cosponsor.

This amendment represents a significant advance in our efforts to target companies that are profiting from nuclear proliferation. It will strengthen the President's hand in showing United States determination to do all that it can to prevent illicit trafficking in nuclear weapons and the materials needed to make them.

Under current law, and subject to a national interest waiver, Exim Bank credits are denied to: First, any country that has violated an international nuclear safeguards agreement; second, any country that has violated an agreement for nuclear cooperation with the United States; third, any nonnuclear weapons state that has detonated a nuclear weapon, or fourth, any country that has willfully aided or abetted a nonnuclear weapons state to get nuclear weapons.

This amendment requires the President to apply sanctions against persons, including government-owned entities operating as commercial enterprises, that knowingly aid or abet efforts by a country to acquire a nuclear explosive device or the nuclear material for such a device. The amendment also authorizes the President to terminate sanctions upon receipt of reliable assurances that the effort to aid or abet has ceased and that such country or person will not in the future aid or abet any nonnuclear weapons state in efforts to acquire nuclear explosives or unsafeguarded materials.

Mr. President, in May the State Department announced that a firm owned by the Chinese Government, China Nuclear Energy Industry Crop. [CNEIC],

had sent ring magnets to an unsafeguarded Pakistani nuclear enrichment facility and it had engaged in other undisclosed nuclear cooperation. The law provides for sanctions in such a case against China if the transfer was the result of a willful action by the Government of China. Under this amendment, CNEIC could be sanctioned specifically for its activities for a period of 1 year. With this amendment the United States would move away from a situation in which Exim financing denial must be applied against a whole country, or not at all, which has presented very difficult choices. With this amendment, the denial of Exim financing can be focused on the wrongdoer. This will help us avoid charades in which we desperately avoid facing up to proliferation problems. As a result, companies and countries tempted to misbehave in the proliferation area will know that there is a much more real prospect of penalties that are both painful and appropriate.

Mr. President, this amendment represents a further refinement of an expanding array of sanctions legislation that is steadily evolving in order to make it a more effective instrument of U.S. foreign policy in a bipartisan effort to end the spread of nuclear weapons.

This has included the Glenn and Symington amendments of the mid-1970's, the Nuclear Non-Proliferation Act of 1978, the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, and the Nuclear Proliferation Prevention Act of 1994, as well as a number of other legislative initiatives.

The Senate has been in the lead of efforts to develop a coherent and effective nonproliferation policy for the United States. At times, those of us most involved have worked closely with the executive branch. At other times we have been at odds, but we have been able to reach reasonable compromises. As a result, the United States has set an example for the rest of the world and has brought other nations along with us. In addition, some of the nations most concerned about proliferation have taken their own initiatives and the result is a world steadily more attuned to the problems posed by nonproliferation and better willing and able to deal with those problems.

Mr. HELMS. Mr. President, I am pleased to join Senator GLENN and the distinguished ranking member of the Foreign Relations Committee, Senator PELL, as an original cosponsor of this amendment. I have a clear and simple reason for supporting this amendment. I am appalled at the legal gymnastics in which the administration has engaged for the purpose of avoiding sanctions against Communist China.

This, mind you, Mr. President, was after Beijing had supplied critical dual use technology to another nation's nuclear weapons program. At a minimum, the administration's refusal—on May 10, 1996—to determine that sanctionable activity occurred under section 2(b)(4) of the Export-Import Bank Act of 1945 undermined the credibility of the United States' effort to discourage trafficking in nuclear weapons technology.

This administration traded away our vital national security concerns in exchange for a denial by the Beijing government that it knew that Government-owned entities were in fact selling highly specialized ring-magnets to other countries, and China's promise not to do it again—and we all know what that promise is worth. In any event, that is all it took for China's nuclear traffickers to make a complete mockery of United States sanctions legislation.

Now, let's examine, for the record, what the Chinese had to say in order to placate the Clinton administration:

> As a state party to the Treaty on the Non-Proliferation of Nuclear Weapons [NPT], China strictly observes its obligations under the treaty, and is against the proliferation of nuclear weapons, or assisting other countries in developing such weapons. The nuclear cooperation between China and the countries concerned is exclusively for peaceful purposes. China will not provide assistance to unsafeguarded nuclear facilities. China stands for the strengthening of the international nuclear non-proliferation regime, including the strengthening of safeguards and export control measures.

Mr. President, if China truly observed its obligations under the NPT, it would not persistently violate Article I of the treaty stipulating that a nuclear weapons state party to the treaty shall not in any way encourage, assist, or induce any nonnuclear weapons state to manufacture or otherwise acquire nuclear weapons. Article III of the treaty prohibits countries from providing equipment to process, use, or produce fissionable material to unsafeguarded programs in nonnuclear weapons states.

If China were abiding by all of its NPT obligations, why would it need to pledge to refrain from assisting unsafeguarded facilities? Maybe China intends to abide by only selective parts of the NPT, just as it appears to adhere selectively only to portions of the Missile Technology Control Regime guidelines.

This latest pledge is worthless. It is second-verse-same-as-the-first, a song we have all heard before. In 1984, Chinese Premier, Zhao Ziyang, tried to downplay concerns over China's covert assistance to aspiring nuclear powers by declaring, at the White House, that ''we do not engage in nuclear proliferation ourselves, nor do we help other countries develop nuclear weapons.'' A decade later, in 1994, China piously proclaimed its ''shared commitment to preventing the proliferation of nuclear weapons * * *'' to escape punishment for its transfer of M–11 missiles to Pakistan.

Mr. President, if I had given my granddaughters a nickel every time China made a false promise, there would be a loaded piggy bank on Julia's bedroom dresser. The history of United States-Chinese relations is littered with broken Chinese promises and worthless pledges. We now have the spectacle of the Chinese promising to enforce their promises regarding intellectual property rights—even as reports arrive that pirate CD factories continue to operate in China. Taking Red China at its word is perilous and foolish, particularly when the firm that just finished escaping sanctions for its export of ring magnets to Pakistan now plans to export a uranium conversion facility to Iran.

In fact, I am astounded at the ferocity with which this administration attacked China when the interests of Hollywood and the entertainment industry were at stake. But compare that to the administration's meek and mild reaction to Chinese trafficking in nuclear materials. I cannot imagine a case in which our national interests have seemed more skewed.

So, Mr. President, this amendment will strengthen existing sanctions law by requiring the President to withhold export-import bank financing from anybody who encourages the proliferation of nuclear weapons. If we have to close off every escape route in legislation, one by one, to force this administration to deal with China's proliferation activities, then that is what we must do.

In any event, I am not prepared to sit idly by as China offers platitudes in order to escape any and all punishment for its actions. And I certainly am not willing to underwrite loans to the very firm that is transferring nuclear weapons technology to Iran.

Mr. MCCAIN. This amendment has been cleared on this side, and I urge the Senate to adopt this amendment.

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

The amendment (No. 4410) was agreed to.

Mr. MCCAIN. 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. 4411

(Purpose: To establish a 1-year pilot program for online transfer of defense technology information from institutions of higher education to private businesses through an interactive data network involving institutions of higher education)

Mr. MCCAIN. Mr. President, on behalf of Senator CHAFEE, I offer an amendment which would establish a 1-year pilot program for online transfer of defense technology information from institutions of higher education to private businesses through an interactive data network involving institutions of higher education.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. CHAFEE, proposes an amendment numbered 4411.

The amendment is as follows:

At the end of title VIII add the following:

SEC. 810. PILOT PROGRAM FOR TRANSFER OF DEFENSE TECHNOLOGY INFORMATION TO PRIVATE INDUSTRY.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program to demonstrate online transfers of information on defense technologies to businesses in the private sector through an interactive data network involving Small Business Development Centers of institutions of higher education.

(b) COMPUTERIZED DATA BASE OF DEFENSE TECHNOLOGIES.—(1) Under the pilot program, the Secretary shall enter into an agreement with the head of an eligible institution of higher education that provides for such institution—

(A) to develop and maintain a computerized data base of information on defense technologies;

(B) to make such information available online to—

(i) businesses; and

(ii) other institutions of higher education entering into partnerships with the Secretary under subsection (c).

(2) The online accessibility may be established by means of any of, or any combination of, the following:

(A) Digital teleconferencing.

(B) International Signal Digital Network lines.

(C) Direct modem hookup.

(c) PARTNERSHIP NETWORK.—Under the pilot program, the Secretary shall seek to enter into agreements with the heads of several eligible institutions of higher education having strong business education programs to provide for the institutions of higher education entering into such agreements—

(1) to establish interactive computer links with the data base developed and maintained under subsection (b); and

(2) to assist the Secretary in making information on defense technologies available online to the broadest practicable number, types, and sizes of businesses.

(d) ELIGIBLE INSTITUTIONS.—For the purposes of this section, an institution of higher education is eligible to enter into an agreement under subsection (b) or (c) if the institution has a Small Business Development Center.

(e) DEFENSE TECHNOLOGIES COVERED.—(1) The Secretary shall designate the technologies to be covered by the pilot program from among the existing and experimental technologies that the Secretary determines—

(A) are useful in meeting Department of Defense needs; and

(B) should be made available under the pilot program to facilitate the satisfaction of such needs by private sector sources.

(2) Technologies covered by the program should include technologies useful for defense purposes that can also be used for nondefense purposes (without or without modification).

(f) DEFINITIONS.—In this section:

(1) The term ''Small Business Development Center'' means a small business development center established pursuant to section 21 of the Small Business Act (15 U.S.C. 648).

(2) The term ''defense technology'' means a technology designated by the Secretary of Defense under subsection (d).

(3) The term ''partnership'' means an agreement entered into under subsection (c).

(g) TERMINATION OF PILOT PROGRAM.—The pilot program shall terminate one year after the Secretary enters into an agreement under subsection (b).

(h) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated under section 201(4) for university research initiatives, $3,000,000 is available for the pilot program.

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

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

The amendment (No. 4411) was agreed to.

Mr. MCCAIN. 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. 4412

(Purpose: To make technical corrections)

Mr. MCCAIN. Mr. President, on behalf of Senators THURMOND and NUNN, I offer an amendment to make technical corrections to S. 1745.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. THURMOND, for himself and Mr. NUNN, proposes an amendment numbered 4412.

The amendment is as follows:

In section 216, strike out the section heading and insert in lieu thereof the following:

SEC. 216. TIER III MINUS UNMANNED AERIAL VEHICLE.

In section 3131(e), in the matter preceding paragraph (1), strike out ''section 3101'' and insert in lieu thereof ''section 3101(b)(1)''.

In section 3131(e)(1), strike out ''and'' after the semicolon.

In section 3131(e)(2), strike out the period at the end and insert in lieu thereof ''; and''.

At the end of section 3131(e), add the following:

(3) not more than $100,000,000 shall be available for other tritium production research activities.

In section 3132(a), strike out ''requirements for tritium for'' and insert in lieu thereof ''tritium requirements for''.

In section 3136(a), in the matter preceding paragraph (1), strike out ''section 3102'' and insert in lieu thereof ''section 3102(b)''.

In section 3136(a)(1), strike out ''$43,000,000'' and insert in lieu thereof ''$65,700,000''.

In section 3136(a)(2), strike out ''$15,000,000'' and insert in lieu thereof ''$80,000,000''.

In section 3136(a)(2), strike out ''stainless steel'' and insert in lieu thereof ''non-aluminum clad''.

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

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

The amendment (No. 4412) was agreed to.

Mr. MCCAIN. 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.

Mr. MCCAIN. Mr. President, I believe that completes the cleared amendments.

I would like to inform Senators that a unanimous-consent agreement has been tentatively worked out and is being drawn up for the approval of the Democratic leader.

We are working at this time to get time agreements on the remaining amendments which would be part of the unanimous-consent agreement.

I urge my colleagues to contact Senator THURMOND and Senator NUNN, the managers of the bill, in order that we might in anticipation of the unanimous consent agreement rapidly dispense with these pending amendments and then move to final passage. I believe we are at that point now.

Mr. WARNER. Mr. President, I commend the Senator. I do not think we can reach the UC without having beforehand ascertaining time for amendments. I think one is interdependent with the other.

Mr. NUNN. We have a list of the amendments. We have swapped that list on both sides. I have just gone over each amendment that looks like it might have a rollcall vote with the people on our side. I have gotten every single person on this list to agree to a relatively short-time agreement. There appears to be several of these amendments that we can work out. So I think we are making very substantial progress, if we get the UC's.

Mr. MCCAIN. I again say to my colleague that we have a list of the amendments. We need the time agreements.

Mr. WARNER. I commend the Senator. That is precisely the direction in which we must move.

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

Mr. ASHCROFT. Mr. President, I would like to make some comments on the Feingold amendment which is not the pending business, and I ask unanimous consent to be able to make up to 5 minutes of comments on that amendment.

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

AMENDMENT NO. 4388

Mr. ASHCROFT. Mr. President, the Feingold amendment would impair the capacity of our defense to continue to bring on line the F/A–18E/F program which needs to be delivered on schedule—and which will deliver on schedule—a tactical carrier-based fighter capable of deterring the most technologically advanced threats currently available to any of our potential adversaries.

The Feingold amendment would introduce delays in the system which would certainly be very costly, be counterproductive, and be expensive not only in terms of our economics but it could be costly in terms of our ability to defend our Nation.

The expendability of the E/F will keep this fighter at the forefront of combat technology until the advanced Joint Strike Fighter becomes available and operational.

Let me discuss some of the differences between the F/A–18C/D and the E/F aircraft. The F/A–18C/D only has 0.2 cubic feet of space available for new

equipment while the E/F has 17 cubic feet of space available making it able to incorporate new weapons system advances within the next 20 years. Common sense tells us that if we are building a new fighter aircraft, we should build one that is capable of accommodating future advances in technology.

The increased flight range of the E/F cannot be recreated on the C/D merely by attaching larger fuel tanks. Doing so does not give the C/D sufficient deck clearance for operations on carriers and further restricts the maximum payload. Adding larger tanks to the C/D requires stronger wings and landing gear. These modifications to the C/D are not cheap, either in dollars or in time for design, manufacture, and modification.

I do not think we can accurately predict what advances there will be in weapons, in avionics, in electronics—and as yet unknown breakthroughs—that will be developed in the next two decades over which the life of one of these fighters is expected to be utilized in our Navy. We need maximum flexibility to ensure compatibility with future technology.

The E/F has greater maximum payload and greater mission range by 40 to 50 percent than the C/D regardless of configuration. The technology that increases combat survivability of the E/F, such as the radar cross-section, the ''stealthiness'', also greatly exceeds that of the C/D, thus keeping the Super Hornet ahead of the advanced weapons that are easily available to all of our potential adversaries.

So the difference between these aircraft is substantial, significant, and meaningful. The procurement of more F/18C/Ds is not a viable option at this time. Growth within the C/D program has taken advantage of the potential originally designed into the aircraft, saving the Defense Department money as they made changes to the aircraft as technology advanced. Now the time is right to move to the next generation of this successful program.

The Joint Strike Fighter, the JSF, is too far off in the future to consider it as a replacement for the C/D. By the time the Joint Strike Fighter is available the C/D will be far outdated and that would open a technological window of vulnerability in our national defense.

The F/A–18E/F is already built. The program is on cost, on schedule, and 900 pounds underweight, making this a vital and necessary component of our defense capacity. The program is not a research and development project, but it is an already successful flight test program—it is ready to enter full-scale production.

The Navy just finished a comprehensive review of the F–18E/F program. In May of this year, the Navy reported to Congress that the program had met or exceeded all their requirements concerning cost, schedule, and performance. This program as been a model for other aircraft acquisitions by any measure. To interrupt this program on the basis of one GAO study, is in my judgment, unwise at this time.

The amendment would cause delays in a program that has been running successfully, which has been running on time, that will create a technology that is up to date. The Super Hornet program will deliver a carrier-based tactical aircraft at one-third to one-half the cost of designing yet another aircraft with the same capabilities from scratch. I believe we should continue with the program.

I oppose the amendment as proposed by Senator FEINGOLD because it would cause costly delays, and impair our ability to take advantage of this program. Clearly, this aircraft is a fighter with the capacity to accommodate the developments of the future—the technology, the avionics, the survivability, and the armaments. And if we were to impair our ability to go forward in that respect we would find ourselves substantially disadvantaged in the capacity to provide for the defense of our Nation.

I thank the Chair.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 4413

(Purpose: To require a report by the President detailing the anticipated casualties and destruction resulting from a nuclear, biological, or chemical weapons attack)

Mr. BROWN. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 4413.

Mr. BROWN. 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 C of title II add the following:

SEC. 237. ANNUAL REPORT ON THREAT OF ATTACK BY BALLISTIC MISSILES CARRYING NUCLEAR, CHEMICAL, OR BIOLOGICAL WARHEADS.

(a) FINDINGS.—Congress makes the following findings:

(1) The worldwide proliferation of ballistic missiles is a potential threat to the United States national interests overseas and challenges United States defense planning.

(2) In the absence of a national missile defense, the United States remains vulnerable to long-range missile threats.

(3) Russia has a ground-based missile defense system deployed around Moscow.

(4) Several countries, including Iraq, Iran, and North Korea may soon be technologically capable of threatening the United States and Russia with ballistic missile attack.

(b) REPORT REQUIRED.—(1) Each year, the President shall submit to Congress a report on the threats to the United States of attack by ballistic missiles carrying nuclear, biological, or chemical warheads.

(2) The President shall submit the first report not later than 180 days after the date of the enactment of this Act.

(c) CONTENT OF REPORT.—The report shall contain the following:

(1) A list of all countries thought to have nuclear, chemical, or biological weapons, the estimated numbers of such weapons that each country has, and the destructive potential of the weapons.

(2) A list of all countries thought to have ballistic missiles, the estimated number of such missiles that each country has, and an assessment of the ability of those countries to integrate their ballistic missile capabilities with their nuclear, chemical, or biological weapons technologies.

(3) A comparison of the United States civil defense capabilities with the civil defense capabilities of each country that has nuclear, chemical, or biological weapons and ballistic missiles capable of delivering such weapons.

(4) An estimate of the number of American fatalities and injuries that could result, and an estimate of the value of property that could be lost, from an attack on the United States by ballistic missiles carrying nuclear, chemical, or biological weapons if the United States were left undefended by a national missile defense system covering all 50 States.

(5) Assuming the use of any existing theater ballistic missile defense system for defense of the United States, a list of the States that would be left exposed to nuclear ballistic missile attacks and the criteria used to determine which States would be left exposed.

(6) The means by which the United States is preparing to defend itself against the potential threat of ballistic missile attacks by North Korea, Iran, Iraq, and other countries obtaining ballistic missiles capable of delivering nuclear, chemical, and biological weapons in the near future.

(7) For each country that is capable of attacking the United States with ballistic missiles carrying a nuclear, biological, or chemical weapon, a comparison of—

(A) the vulnerability of the United States to such an attack if theater missile defenses were used to defend against the attack; and

(B) the vulnerability of the United States to such an attack if a national missile defense were in place to defend against the attack.

Mr. BROWN. Mr. President, a number of the Members of the Senate have reviewed this proposed amendment in the past week. This version of it that is being offered this morning is different than what has been circulated before. Specifically subparagraph No. 5 is dropped. That is one that referred to the strong statement of policy with regard to the need to protect American citizens from this threat that is thought to be of concern by some. So it is dropped. And then language is modified throughout that is not significantly impacted but does solve the problem.

Mr. President, the heart of the resolution is simply to ask for the annual statement on the threat that faces the United States from incoming ballistic missiles utilizing warheads that could involve nuclear technology or chemical or biological weapons.

Why is it important? There is no question that the parties disagree at times about the need for an anti-ballistic missile system. My sense is that the disagreement comes from the significant cost. But I do not believe that there is any disagreement over the concern over the potential of a missile attack. The President himself has expressed in strong words this concerns of a potential missile attack.

Let me quote from Executive Order 12938. This was issued by the President in November 1994.

I, William J. Clinton, President of the United States of America, find that the proliferation of nuclear, biological and chemical weapons, weapons of mass destruction, and the means of delivering such weapons constitutes an unusual and extraordinary threat to the national security, foreign policy and economy of the United States, and hereby declare a national emergency to deal with that threat.

Mr. President, that was almost 2 years ago. If anything, the threat to our country has increased since then. I understand there would be a deliberate and extended debate over the amount of money we might spend in terms of developing antiballistic missiles, but I do not understand why we would want to make those decisions in the dark. We do need to be at least aware of the threat. We do need to have a reasonable assessment of what damage could be done from these weapons. We do need to properly evaluate whether we should move ahead with that research and development or not. We need to have some rational evaluation of what damage that could be avoided and what problems we would be averting if we did develop a antiballistic missile system.

My hope is that this will be accepted by both sides. It has been accepted by the majority side thus far. My hope is that the concessions we have made in the modification are acceptable to the minority side. If they are not, we ought to vote on this. If America intends to close its eyes to what the threat is and not make a reasonable evaluation of the dangers we face, then I think we stand in danger of not making a rational decision. We should not make a decision that affects our future national security out of ignorance. That is what this report is all about, to give us a reasonable, thoughtful, objective assessment of what danger is. Political leaders can then make their judgments, but we should not make it in the dark.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, the distinguished Senator from Georgia and myself and the Senator from Arizona, Mr. MCCAIN, on behalf of the chairman of the committee, Mr. THURMOND, have examined this. The Senator from Colorado has made significant changes which puts this amendment, in our judgment, in a posture that it can be accepted.

Bear in mind that yesterday the Senate adopted an amendment to address the U.S. vulnerability to terrorist attacks involving use of weapons of mass destruction. It was sponsored by Senators NUNN and LUGAR and DOMENICI, and I covered the floor debate on that. So I think this amendment is supplemental in many respects of earlier action taken by the Senate on this bill, and therefore we will accept the amendment.

The amendment is now at the desk. Therefore, Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, the amendment is agreed to.

The amendment (No. 4413) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, again, the managers of the bill are urging Senators to come to the floor. We are proceeding with the hope and expectation this bill can be concluded today.

Seeing no Senator at this moment seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. NUNN. Madam President, the Brown amendment has been accepted. I had given my side's approval on that.

There is some language in here that I still want to look at. It is accomplished. But I am glad to work with the Senator from Colorado. I share his concern about the need for a defense system, a ballistic missile defense system.

I think surely we will be able to work together to find some language that needs to be changed somewhat in conference.

Mr. BROWN. Madam President, I wanted to indicate my appreciation to the Senator from Georgia and also indicate it is not my intention to add new language that unnecessarily inflames the issue. To the extent there is a way we can work together on language that needs to be modified, I appreciate his suggestion. I will be happy to work with this Senator.

Mr. NUNN. I thank the Senator from Colorado.

Madam President, I believe the Senator from Michigan [Mr. LEVIN] has a couple of amendments, and it is my hope he will be here momentarily to present those amendments. Both of these are going to likely require a rollcall vote. In the meantime, 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. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 4414

(Purpose: To require that the equipment to be procured with funds authorized to be appropriated under section 105 be selected in accordance with the modernization priorities of the reserve components)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 4414.

Mr. LEVIN. Madam 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 title I add the following:

Subtitle E—Reserve Components

SEC. 141. RESERVE COMPONENT EQUIPMENT.

(a) APPLICABILITY OF MODERNIZATION PRIORITIES.—The selection of equipment to be procured for a reserve component with funds authorized to be appropriated under section 105 shall be made in accordance with the highest priorities established for the modernization of that reserve component.

(b) REPORTS.—(1) Not later than December 1, 1996, each officer referred to in paragraph (2) shall submit to the congressional defense committees an assessment of the modernization priorities established for the reserve component or reserve components for which that officer is responsible.

(2) The officers required to submit a report under paragraph (1) are as follows:

(A) The Chief of the National Guard Bureau.

(B) The Chief of Army Reserve.

(C) The Chief of Air Force Reserve.

(D) The Director of Naval Reserve.

(E) The Commanding General, Marine Forces Reserve.

Title	FY 1997		Authorization				Appropriation				Hollow SASC	Hollow HNSC
	Qty.	Cost	SASC change		HNSC change		SAC change		HAC change			
			Qty.	Cost	Qty.	Cost	Qty.	Cost	Qty.	Cost		
NATIONAL GUARD AND RESERVE EQUIPMENT												
RESERVE EQUIPMENT												
ARMY RESERVE												
Miscellaneous equipment				35,000		10,000		110,000		10,000		
25 ton trucks				15,000							15,000	
New procurement 2 5/5 ton trucks						15,000				15,000		
Tactical truck SLEP 2 5 ton						15,000				15,000		
Tactical truck SLEP 5 ton						10,000						10,000
Heavy truck modernization				30,000							30,000	
HEMTT bridge trans						4,000				9,000		
Dump trucks 20 tons						2,000				10,000		

Title	FY 1997		Authorization				Appropriation				Hollow SASC	Hollow HNSC
	Qty.	Cost	SASC change		HNSC change		SAC change		HAC change			
			Qty.	Cost	Qty.	Cost	Qty.	Cost	Qty.	Cost		
Water purfication units						2,000				4,000		
Portable lighting systems w/trailers						4,000				4,000		
Automatic building machines						5,000				3,000		2,000
HMMWV maintenance trucks				10,000		2,000				6,000	4,000	
All-terrain forklift 10 ton						4,000				4,000		
All-terrain crane 20 ton						4,000				4,000		
Hydraulic excavator						3,000				3,000		
HEMTT wrecker						3,000				7,000		
Mk-19 grenade launcher						3,000				3,000		
Steam cleaner						2,000				2,000		
Coolant purification system						2,000						2,000
Small arms simulator						1,000				1,000		
High mobility trailer						1,000						1,000
Unit level logistics system						2,000				2,000		
SINCGARS						2,000						2,000
Palletized load system						4,000						4,000
Palletized trailers						2,000				2,000		
HEMTT cargo chassis						4,000				4,000		
ANGRS–231										2,000		
Laser leveling system										3,000		
Subtotal—Army Reserve				90,000		106,000		110,000		113,000	49,000	21,000
NAVY RESERVE												
Miscellaneous Equipment				16,000		10,000		30,000		5,000		
F/A 18 Upgrades				24,000							24,000	
C–9 Replacement Aircraft					4	160,000			4	160,000		
MIUW Van System Upgrades						10,000						10,000
Night Vision Goggles						2,000						2,000
C–9 Mods						3,000						3,000
P–3C Simulator Upgrade						2,000						2,000
Magic Lantern Spares						5,000				5,000		
P–3 Modernization										72,000		
Subtotal—Navy Reserve				40,000		192,000		30,000		242,000	24,000	17,000
MARINE CORPS RESERVE												
Miscellaneous Equipment				10,000		10,000		40,000		10,000		
LAV Improvements						2,000				2,000		
CH–53E				50,000	2	64,000			2	64,000		
AAV7A1 Modifications						2,000				2,000		
Night Vision Equipment						1,000				1,000		
Common End User Computers						4,000				4,000		
Fork Lifts						4,000				1,000		
M1A1 Tank Mod Kits										5,000		
AN/TPS–59										11,000		
Subtotal—Marine Corps Reserve				60,000		83,000		40,000		100,000		
AIR FORCE RESERVE												
Miscellaneous Equipment				10,000		10,000		50,000		10,000		
C–20G				30,000							30,000	
F–16 Avionics Upgrades						5,000				5,000		
Night Vision Devices						3,000				3,000		
A–10 Avionics Upgrades						7,000				7,000		
C–130 Avionics Upgrades						7,000				7,000		
HC–130P Tanker Conversion						3,000				3,000		
C–130 Modular Airborne Firefighting System						1,000				1,000		
F–16 Weapons Pylon Upgrades						1,000				1,000		
KC–135R Engine Kits						104,000				96,000		8,000
KC–135 Radar Replacement						5,000				5,000		
B–52 Avionics Upgrades						1,000				1,000		
Non-aircrew Training Systems						1,000				1,000		
EPLRS/SADL										8,000		
Subtotal—Air Force Reserve				40,000		148,000		50,000		148,000	30,000	8,000
Subtotal—Reserves				230,000		529,000		230,000		603,000	103,000	46,000
NATIONAL GUARD EQUIPMENT												
ARMY NATIONAL GUARD												
Miscellaneous Equipment				52,000		10,000		125,400		10,000		
MLRS				30,000							30,000	
Combat and Support Systems				23,000							23,000	
Tactical Trucks and Trailers				42,000							42,000	
Communications Electronics				13,000							13,000	
Logistics Service Support				10,000							10,000	
Night Vision Equipment				14,000		3,000				10,000	4,000	
Chem/Bio Defense Equipment				2,000							2,000	
Aircraft Equipment				21,000							21,000	
Infrastructure Equipment				17,000							17,000	
New Procurement Tactical Truck 5 Ton						4,000				4,000		
SLEP 2.5 Ton						15,000				15,000		
SLEP 5 Ton						4,000				4,000		
Crashworthy Internal Fuel Cells						5,000				5,000		
Small Arms Simulators						5,000						5,000
AH–1 Boresight devise						3,000				3,000		
Coolant Purification System						3,000				3,000		
Avenger I–COFT Simulator						4,000				4,000		
D7 Bulldozer w/Ripper						2,000						2,000
Water Purification Unit						1,000				1,000		
FADEC						10,000				10,000		
Digital System Test and Training Seminar						3,000				3,000		
Automatic Building Machines						3,000				1,000		2,000
AH–1 C–Nite						2,000				2,000		
Dump Trucks 20 Ton						3,000				3,000		
C–23 Sherpa Enhancement Program						28,000						28,000
Helicopter Simulators (ARMS)						5,000				15,000		
Dragon Modifications						2,000				2,000		
Vibration System Management Systems						3,000				3,000		
Distance Learning Equipment										29,000		
Laser Leveling Equipment										5,000		
Automatic Identification Technology										7,000		
Subtotal—Army National Guard				224,000		118,000		125,400		139,000	162,000	37,000
AIR NATIONAL GUARD												
Miscellaneous Equipment				10,000				40,000		5,000		

Title	FY 1997		Authorization				Appropriation				Hollow SASC	Hollow HNSC
	Qty.	Cost	SASC change		HNSC change		SAC change		HAC change			
			Qty.	Cost	Qty.	Cost	Qty.	Cost	Qty.	Cost		
Sead Mission Upgrade				11,400							11,400	
F–16 HTS						10,000				10,000		
C–130J				284,400	2	105,000			2	105,000	179,400	
Theater Deployable Communications						17,000						17,000
C–26B						5,000						5,000
Automatic Building Machines						3,000				2,000		1,000
F–16 Improved Avionics Intermediate Shop						15,000				15,000		
AN/TLQ–32 Tadar Decoys						3,000				3,000		
C–130 Upgrades										5,000		
EPLRS / SADL										17,000		
Modular Medical Trauma Unit										4,000		
Subtotal—Air National Guard				305,800		158,000		40,000		166,000	190,800	23,000
Subtotal—National Guard				529,800		276,000		165,400		305,000	352,800	60,000
DOD												
MISC EQUIPMENT (Guard & Reserve Aircraft)												
C–130J								284,400				
C–9 Replacement Aircraft								80,000				
Miscellaneous												
Subtotal—Misc Equipment (Aircraft)								364,400				
Total, National Guard and Reserve Equipment				759,800		805,000		759,800		908,000	455,800	108,000

Mr. LEVIN. Madam President, I further ask unanimous consent at this point I be allowed to yield to Senator BINGAMAN to proceed for 15 minutes in morning business.

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

The Senator from New Mexico is recognized.

Mr. BINGAMAN. I thank the Chair.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1923 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BINGAMAN. Madam President, I appreciate the time that has been granted me, and I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I wish to advise the Members that we made a special exception for Senator BINGAMAN, and it is the expectation of the managers that we will not have similar periods of discussion at this critical time on the bill that are not germane to the bill. We are making good progress, I wish to advise Senators.

Madam President, parliamentary clarification. It is the Levin amendment relating to——

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I am authorized by Senator LEVIN to indicate that there will be a time agreement on that amendment not to exceed 30 minutes, divided 20 minutes to the Senator from Michigan and 10 minutes to the chairman of the Armed Services Committee, Senator THURMOND.

Madam President, I anticipate, as soon as the Senator from Michigan appears on the floor, that we will commence debate on that amendment.

Seeing no Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

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

AMENDMENT NO. 4415

(Purpose: To provide for the retention on active status of the B–52H bomber aircraft fleet)

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

The PRESIDING OFFICER. Without objection, the pending amendments will be laid aside.

The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes amendment numbered 4415.

Mr. CONRAD. Madam President, I ask unanimous consent that further 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 section 1062, add the following:

(d) RETENTION OF B–52H AIRCRAFT ON ACTIVE STATUS.—(1) The Secretary of the Air Force shall maintain in active status (including the performance of standard maintenance and upgrades) the current fleet of B–52H bomber aircraft.

(2) For purposes of carrying out upgrades of B–52H bomber aircraft during fiscal year 1997, the Secretary shall treat the entire current fleet of such aircraft as aircraft expected to be maintained in active status during the five-year period beginning on October 1, 1996.

Mr. CONRAD. Madam President, this amendment is a very simple amendment. It says that our B–52 fleet ought to be retained. What it also says is that our B–52's ought to be upgraded during fiscal 1997 as though they are part of the FYDP.

Madam President, the reason for this amendment is that we face a catch-22 situation. We have agreement from both the authorization committee and the Appropriations Committee that our full B–52 fleet ought to be retained. We are going to have a bomber review that will be available to us next year. We do not want to see any of these planes go to the boneyard until that review is complete.

The B–52's, we have some 94 of them in the inventory. These planes are, according to Gen. Michael Loh, the former head of the Air Combat Command, good until the year 2035. That is, these airframes have been updated repeatedly in a way that makes them useful to us until the year 2035.

They are our only dual-capability bomber. These planes are critically important to us, given the Bottom-Up Review that revealed we are somewhat short of bombers at this point. It makes absolutely no sense to be sending some of these planes off to the boneyard under these circumstances.

Madam President, the authorizing committee has said it is critical that we keep these planes. The Appropriations Committee has said it is critically important that we keep these planes. This amendment will allow us to do just that.

I want to thank the Members on both sides who have helped us with this amendment, have drafted it in a way that wins the approval of both the majority and the minority. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4415) was agreed to.

Mr. CONRAD. Madam President, I thank the Chair, and I thank, again, both the majority Members and the minority Members for their assistance with that amendment. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4414

Mr. LEVIN. Madam President, in a few moments I will modify my amendment to eliminate one of the two provisions in the current amendment that is at the desk. We have had a number of discussions over the years as to whether or not what we call the National Guard package should be funded in a way which is generic, so that the National Guard can meet their most pressing needs, or whether or not the Congress ought to specify item by item by item what they must buy with the money that we add each year.

The Senate has traditionally been for the generic approach. We have resisted the temptation, and all of us face that temptation, of adding items which we think our own National Guard would want. What we have done in the Senate, instead, is to put in more generic groupings so that the Guard can select what is the most central items on their priority list.

The House of Representatives each year, traditionally, has broken that list down into very specific items which, obviously, reflects the desires of each of the State Guards or some of the State Guards. It creates a significant advantage for those members who are on the Armed Services Committee in the House because they are right there, obviously, dividing up that pot.

As I say, until last year, the Senate, on a bipartisan basis, did this generically. Then we went to conference and we argued it out in conference, and usually there was some kind of compromise reached preserving the generic approach in some years, and some years having to give up the generic approach altogether.

Last year, we did what the House did in the authorization bill. I want to give some real credit here to the appropriators in the Senate because they have resisted temptation, and they have made this into a generic issue. Again, this year, the Senate appropriations bill is generic. Ours is a hybrid—''ours'' being the pending authorization bill. This bill has some of these items done generically and some with very specific items. This was an approach that was used under Senator WARNER's leadership. I want to give him some credit because he did go part way in committee to do this more generically. I want to commend Senator WARNER on the distance that he was able to travel in our committee. However, we have a long way to go.

The question is, how do we get there? How do we get back to what is the better Government approach, which is to do this generically, because we obviously do not have the time to look into each of these specific items, hundreds of them, for each of the Guards in the 50 States.

Now, the amendment which I have at the desk goes back to the approach that the Senate used a couple years ago, which is the more generic approach. And the amendment at the desk does one other thing: It requires that the Guard Bureau tell us by September what their priorities are so when we come to budgeting next year, we will have the lists in front of us to consider, at least, as to what the priorities of the Guard Bureaus are.

That is the second part of the amendment. The first part will take us back to generic; the second part would put us in a position next year so that if we do decide to go the very specific way in next year's bill, we would at least have the priority list of the Guard Bureaus in front of us.

Now, we have asked the various Guard Bureaus as to what their preferences are in this regard. Do they agree we should do this generically, leaving them the flexibility to meet their most essential needs, or would they prefer that the Congress go item by item?

The responses from, first, the Department of Defense, and then from each of the Reserve departments and offices are as follows. From the Department of Defense, from the Assistant Secretary for Reserve Affairs, Deborah Lee, we have a letter dated May 2, which states:

> The Department's preferred position is that add-ons, if made, be generic with regard to Reserve component equipment. This permits the Department to focus these funds toward the most pressing Reserve component readiness needs based on current requirements.

The letter from the Army is similar. The Chief of the Army Reserve, General Baratz, says, in part:

> Modernization of the Army's Reserve equipment is a key component of readiness. As stated in Assistant Secretary of Defense Deborah Lee's letter dated May 2d, 1996 to Senator Thurmond (attached), the Department of Defense prefers, and I agree, that the generic method of funding equipment for the Reserve is working well.

From the Marine Corps, from General Wilkerson, a letter saying:

> Congressional authorization of a clear dollar amount to expend toward Marine Corps Reserve priorities grants me the greatest flexibility.

He further says,

> Having Congress select items not on the priority list would be less desirable.

Finally, a further note that reflects General Wilkerson's position, which is that he agrees with the statement that ''it is important to me as Command General Marine Forces Reserve to have the flexibility to procure equipment * * * according to my component's mission priorities and needs,'' and ''given the choice of Congress providing generic authorizations/appropriations under the National Guard Reserve Equipment Account (NGREA) versus specific, line-item authorizations/appropriations, I prefer the flexibility of the former.''

I ask unanimous consent these four documents that I have referred to be printed in the RECORD.

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

ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, May 2, 1996.

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

DEAR MR. CHAIRMAN: I am aware that congressional correspondence has been received by some of the Reserve components Chiefs/Directors seeking their views regarding whether congressional equipment funding add-ons should be by line-item or generic. The Department's preferred position is that add-ons, if made, be generic with regard to Reserve component equipment. This permits the Department to focus these funds toward the most pressing Reserve component readiness needs based on current requirements.

Your continued support of our Reserve Forces is greatly appreciated.

Sincerely,

DEBORAH R. LEE.

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF, ARMY RESERVE,
Washington, DC, May 10, 1996.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: Thank you for the opportunity to comment on the methods the Congress uses to meet the needs of the U.S. Army Reserve. Your efforts and those of Congress have been critical to reducing Army Reserve shortfalls and are greatly appreciated. Your support has greatly increased our readiness, and as a result the Army has come to rely more on the Army Reserve in the defense of the nation.

Modernization of the Army Reserve's equipment is a key component of readiness. As stated in Assistant Secretary of Defense Deborah Lee's letter dated May 2nd, 1996 to Senator Thurmond (attached), the Department of Defense prefers, and I agree, that the generic method of funding equipment for the Reserve is working well. The direct allocation of funds to the reserve components insures these funds are used to improve reserve component readiness. Within the current budgeting and funds allocation processes used by the Department of Defense, designation by Congress of funds intended for use by the reserve components ensures a direct benefit to the Army Reserve.

Once again, thank you for all your support of the Army Reserve over the years. The men and women of the Army Reserve stand ready to serve our great nation.

Sincerely,

MAX BARATZ,
Major General.

U.S. MARINE CORPS,
COMMANDER, MARINE FORCES RESERVE,
New Orleans, LA, April 29, 1996.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: Thank you for your recent letter asking for my views on the National Guard Reserve Equipment Account. I have marked the attached sheet as you requested. We have also provided the prioritized list of unfunded equipment in support of the Marine Corps Reserve as requested by the staff of the Senate Armed Services Committee.

Congressional authorization of a clear dollar amount to expend toward Marine Corps Reserve priorities grants me the greatest flexibility, assuming that once authorized, appropriated and signed into law that the Department of Defense provides that money and allows us the flexibility to procure our equipment within our established priorities.

Having Congress review the prioritized equipment list and deciding to provide monies against that list would come close to that

standard. Having Congress select items not on the priority list would be less desirable. In any case, we appreciate the interest and support you have provided to the Total Force Marine Corps Reserve in the past.

Sincerely,

T.L. WILKERSON,
Major General.

___

[Excerpt]

It is important to me as Command General Marine Forces Reserve to have the flexibility to procure equipment, other than equipment provided by the Navy, according to my component's mission priorities and needs.

Given the choice of Congress providing generic authorizations/appropriations under the National Guard Reserve Equipment Account (NGREA) versus specific, line-item authorizations/appropriations, I prefer the flexibility of the former.

Signed,

MGen. THOMAS L. WILKERSON.

Mr. LEVIN. Madam President, as a practical matter, I feel it is important that we make some progress on this issue this year. I might say it is a compliment to my friend from Virginia when I say ''progress,'' because we did make some progress in committee. Under the leadership of the Senator from Virginia, we did go partway toward the generic approach.

As I indicated before, I compliment him for moving us in that direction. It is, in my view, at least a better Government provision to give the flexibility to the Guard and the Reserve to pick their most important priorities, rather than us trying to work through hundreds and hundreds of specific line items and, frankly, in a way which does not give adequate attention to the needs of the Guard.

In order to make continued progress this year, and to take one step instead of losing one step, perhaps, on a rollcall vote, I am going to modify my amendment and strike the requirement that this bill be made entirely generic instead of its partial generic approach, leaving in the bill the requirement that we receive from the Reserves their priority lists by next December so that we will have them in front of us when we do our authorizing next year. And I will send that modification to the desk in a moment. I see my good friend from Virginia on his feet.

I yield the floor at this time.

Mr. WARNER. Madam President, I thank my distinguished colleague and fellow committee member. Indeed, together we have worked with other members on the committee in this direction. It is very simple. We are putting accountability and responsibility where it belongs—that is, with the knowledgeable persons in the overall infrastructure of the Department of Defense—to make those decisions.

I support this effort, subject to the amendment being sent to the desk. I will also mention that Senator ROBB and I obtained earlier, in the consideration of this bill, requirements to have the Reserve Component Modernization Program. These two actions are complementary. I am prepared to accept the amendment when the Senator sends it to the desk.

AMENDMENT NO. 4414, AS MODIFIED

Mr. LEVIN. Madam President, I send an amendment, as modified, to the desk reflecting the changes which I previously described.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

The amendment (No. 4414), as modified, is as follows:

At the end of title I add the following:

Subtitle E—Reserve Components

SEC. 141. ASSESSMENTS OF MODERNIZATION PRIORITIES OF THE RESERVE COMPONENTS.

(a) ASSESSMENTS REQUIRED.—Not later than December 1, 1996, each officer referred to in subsection (b) shall submit to the congressional defense committees an assessment of the modernization priorities established for the reserve component or reserve components for which that officer is responsible.

(b) RESPONSIBLE OFFICERS.—The officers required to submit a report under subsection (a) are as follows:

(1) The Chief of the National Guard Bureau.

(2) The Chief of Army Reserve.

(3) The Chief of Air Force Reserve.

(4) The Director of Naval Reserve.

(5) The Commanding General, Marine Forces Reserve.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4414), as modified, was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Madam President, we are making progress here on these amendments. Senator MCCAIN is working very diligently with the distinguished ranking member of the committee.

I yield to the Senator.

Mr. McCAIN. Madam President, I ask unanimous consent that we proceed back to the consideration of the Brown amendment, the second-degree amendment to the Nunn amendment.

Mr. NUNN. Madam President, I would think that it would be the regular order, is that correct? I do not know that there has been an amendment submitted yet as a second degree. So perhaps the regular order is to bring back the Nunn amendment.

The PRESIDING OFFICER. The Chair's understanding is that the amendment was withdrawn.

Mr. NUNN. The Nunn amendment?

The PRESIDING OFFICER. The Brown amendment.

AMENDMENT NO. 4367

Mr. McCAIN. Madam President, perhaps it is more appropriate to go to the regular order, which is the Nunn amendment.

The PRESIDING OFFICER. The regular order has been called for.

Mr. NUNN. This will be the amendment sponsored by myself, Senator HUTCHISON, Senator BRADLEY, Senator COHEN, Senator KASSEBAUM, on NATO enlargement.

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 4416 TO AMENDMENT NO. 4367

Mr. McCAIN. Madam President, I send an amendment to the desk on behalf of Senator BROWN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. BROWN, proposes an amendment numbered 4416 to amendment No. 4367.

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

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

The amendment is as follows:

Strike all after page 1, line 3, and insert in lieu thereof the following:

(a) Not later than December 1, 1996, the President shall transmit a report on NATO enlargement to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives. The report shall contain a comprehensive discussion of the following:

(1) Geopolitical and financial costs and benefits, including financial savings, associated with:

(A) enlargement of NATO;

(B) further delays in the process of NATO enlargement; and

(C) a failure to enlarge NATO.

(2) Additional NATO and U.S. military expenditures requested by prospective NATO members to facilitate their admission into NATO;

(3) Modifications necessary in NATO's military strategy and force structure required by the inclusion of new members and steps necessary to integrate new members, including the role of nuclear and conventional capabilities, reinforcement, force deployments, prepositioning of equipment, mobility, and headquarter locations;

(4) The relationship between NATO enlargement and transatlantic stability and security;

(5) The state of military preparedness and interoperability of Central and Eastern European nations as it relates to the responsibilities of NATO membership and additional security costs or benefits that may accrue to the United States from NATO enlargement;

(6) The state of democracy and free market development as it affects the preparedness of Central and Eastern European nations for the responsibilities of NATO membership, including civilian control of the military, the rule of law, human rights, and parliamentary oversight;

(7) The state of relations between prospective NATO members and their neighbors, steps taken by prospective members to reduce tensions, and mechanisms for the peaceful resolution of border disputes;

(8) The commitment of prospective NATO members to the principles of the North Atlantic Treaty and the security of the North Atlantic area;

(9) The effect of NATO enlargement on the political, economic and security conditions of European Partnership for Peace nations not among the first new NATO members;

(10) The relationship between NATO enlargement and EU enlargement and the costs and benefits of both;

(11) The relationship between NATO enlargement and treaties relevant to U.S. and European security, such as the Conventional Armed Forces in Europe Treaty; and

(12) The anticipated impact both of NATO enlargement and further delays of NATO enlargement on Russian foreign and defense policies and the costs and benefits of a security relationship between NATO and Russia.

(b) INDEPENDENT ASSESSMENT.—Not later than 15 days after enactment of this Act, the Majority Leader of the Senate and the Speaker of the House of Representatives shall appoint a chairman and two other members and the Minority Leaders of the Senate and House of Representatives shall appoint two members to serve on a bipartisan review group of nongovernmental experts to conduct an independent assessment of NATO enlargement, including a comprehensive review of the issues in (a) 1 through 12 above. The report of the review group shall be completed no later than December 1, 1996. The Secretary of Defense shall furnish the review group administrative and support services requested by the review group. The expenses of the review group shall be paid out of funds available for the payment of similar expenses incurred by the Department of Defense.

(c) Nothing in this section should be interpreted or construed to affect the implementation of the NATO Participation Act of 1994, as amended (P.L. 103–447), or any other program or activity which facilitates or assists prospective NATO members.

Mr. MCCAIN. Madam President, Senator NUNN, Senator BROWN, Senator HUTCHISON, and I, and a number of others, have been able to work out an agreement on a NATO enlargement study amendment, which I believe will give Congress a truly objective report.

The amendment requires the President to look not only at the costs associated with enlargement, but the cost and benefits associated with further delaying a decision on the matter. It also requires an assessment of enlargement by an independent bipartisan group. Our interest in an additional assessment, frankly, stems from apprehension on the President's findings. We know where the President stands on the issue of NATO enlargement.

With all due respect, I think we need two opinions on an issue that is this important. I would prefer that we move forward on enlargement, because I believe that it is something that is very important, but I understand the concerns of the Senator from Georgia that these questions must be answered before we move forward. There is a great deal at risk. I believe that the Senator from Georgia is correct in seeking these answers. I support that, and I am very grateful that the Senator from Georgia would accept the input of Senator BROWN, and others, in order that, in our view, we make the report balanced. I especially appreciate the agreement of the Senator from Georgia that there be an alternative study to this very vital issue, which will be the subject, I believe, of very intense and spirited debate here on the floor of the Senate.

I thank my colleague from Georgia not only for this, but his many other contributions as we go through this day.

I yield the floor.

Mr. NUNN. Madam President, first, I thank my friend from Arizona for working diligently on this amendment. It is a good second-degree amendment. I will urge its approval.

I ask unanimous consent that the authors of the first-degree amendment, as listed, be incorporated as cosponsors of the second-degree amendment and, in addition, that Senator LEVIN, the Senator from Michigan, be added as a cosponsor of the second-degree amendment.

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

Mr. NUNN. This is probably one of the most important subject matters that we have had on this defense bill this year or, frankly, any other year. When you enlarge an alliance that has been as successful as the NATO alliance, there are serious questions that need to be asked, both by the existing NATO members and by the new prospective members.

This amendment is an amendment that asks the important questions. The original amendment, the underlying Nunn amendment, cosponsored by my friend from Texas, Senator HUTCHISON, Senator BRADLEY, Senator KASSEBAUM, and Senator COHEN, asked a number of questions.

This amendment is a simplified version of the original amendment. This amendment, the second degree, carries out the original intent of asking the tough questions so that the President will focus on those and so that the Congress will focus on those and so the American people will focus on those. This second-degree amendment asks additional questions that makes sure that this is a balanced report, which has been the overall intent from the beginning. But I think the second-degree amendment fairly reflects that balance in asking for both the costs and the benefits of the expansion.

That has been the original intent. I think this is a good amendment.

Madam President, I urge that the second-degree amendment be adopted. I do not think we will need a rollcall vote on that. But, once adopted, I would like a rollcall vote on the underlying amendment because it is a very important amendment.

I will defer to the chairman of the committee as to when we have that rollcall vote, so it will be most conducive to the conducting of our business. But I suggest that we accept a voice vote on the second degree and then have a rollcall vote on the Nunn amendment, as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4416) was agreed to.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Madam President, pending the agreement of the majority leader, I will temporarily ask unanimous consent that the yeas and nays be delayed until such time as the majority leader, in consultation with the Democratic leader, decide when that vote should take place.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I will yield to the chairman.

Mr. THURMOND. I yield to the Senator from Texas first.

Mrs. HUTCHISON. Does the Senator from Virginia need to make a statement?

Mr. WARNER. Yes.

Mrs. HUTCHISON. I wanted to add how much I appreciate Senator NUNN, Senator MCCAIN, and Senator BRADLEY for helping work out what I think is a very important amendment, which will say exactly what the parameters of the expansion of our NATO alliance should be—the questions that should be asked, the positives as well as the negatives. I think that is exactly what we ought to be doing.

The bottom line is, when we are talking about probably the best alliance that has ever been put together in the history of the world, we want to expand it judiciously and wisely. When we are talking about putting the lives of our military personnel, potentially, on the line, we need to do so judiciously and wisely. When we talk about spending the hard-earned taxpayer dollars that are there for the national defense of our country, when we talk of expanding that responsibility, we need to do so judiciously and wisely.

So I appreciate the fact that we are going to ask these questions. What are the benefits? What are the costs? What are the potential negatives of an expansion of this great NATO alliance? This is the responsible approach.

I thank all of my colleagues who are cosponsors of the Nunn-Hutchison-McCain-Brown amendment.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, NATO has been the foundation of European security for 45 years, possibly the most successful defensive alliance in history. However, the world has changed dramatically in the past few years, and will continue to change. The end of the cold war has forced us to take a look at NATO's continued relevance.

Members of Congress believe in a strong NATO, and support the enlargement of NATO's membership. Our NATO allies also favor enlargement.

I support a renewed and enlarged NATO because it guarantees a U.S. presence on the European continent, and a seat at the table in the world's most vital, productive region. Quite simply, the United States has clear, abiding, and vital interests in Europe. A free and stable Europe is essential to the United States.

I do not believe Europe can remain stable and prosperous, to the mutual benefit of the United States and our European allies, if its post-cold war boundary is drawn along the borders of Germany and Austria. I do not believe a new European security framework will hold up unless it reflects the realities of the political upheaval that marked the end of the Soviet Union and the Warsaw Pact. That new reality includes a reorienting of former East Bloc states toward the West.

Mr. President, I support the amendment, as modified.

I yield the floor.

Mr. ROTH. Mr. President, I rise to address the NATO study proposed by my colleagues Senator HUTCHISON and Senator NUNN. I very much value and encourage their efforts to address core issues of European security, particularly those concerning the future role and membership of NATO.

Indeed, their initiative today addresses questions and issues that do need to be debated and examined here in Congress. These concern the ramifications that NATO enlargement poses for the Alliance's military strategy and force structure and the geopolitical and financial benefits and costs to the transatlantic community that enlargement will and already does entail.

As a longstanding supporter of NATO and the extension of NATO membership to the new democracies of Central and Eastern Europe, I was initially concerned that the tone and language of their amendment initiating this study risked sending absolutely the wrong signal. I was concerned that it would signal that this body, the U.S. Senate, opposes NATO enlargement.

That is clearly not the sentiment that has been expressed by this Chamber in the recent past. This Chamber has voted repeatedly in support of NATO enlargement. It voted in support of the NATO Participation Acts and its amendments in 1994 and 1995. And, these acts received the support of bipartisan majorities.

I am very gratified to hear that Senator NUNN and Senator HUTCHISON are open to suggestions and recommendations concerning the wording of their amendment. The proposed modification now before us, I believe, addresses my concern. The new wording cannot be misinterpreted as a vote against enlargement.

Moreover, the modification does inject one very important benefit to our efforts here in Congress.

It is no secret that the polarizing and partisan tendencies of election-year politics can even undermine how we address strategically central foreign policy issues such as NATO enlargement. The proposed modification to the NATO study includes the establishment of a bipartisan commission of experts to address the same issues upon which we wish the President to report concerning NATO enlargement. This will be a healthy injection of bipartisanship into our foreign policy process.

I am a longstanding supporter of NATO enlargement, and I want to reinforce what I see as an already strong bipartisan consensus on this issue. I strongly believe that we need to extend membership in the transatlantic community to the nascent democracies of Central and Eastern Europe. That's why I call upon my colleagues to accept this proposed modification.

I want to ensure that we address this issue of NATO enlargement here in Congress in a manner that reinforces the optimism and drive that brought democracy and peace to Central and Eastern Europe. These new democracies observe closely how we approach those factors affecting their integration into the transatlantic community.

The proposed modification to the Hutchison-Nunn amendment transforms their well-intentioned initiative into an objective effort that not only addresses significant and difficult strategic issues but does so in a manner that communicates our commitment to the independence and security of Central and Eastern Europe's new democracies. The proposed modification is consistent with our desire to see these new democracies fully integrated into the institutional fabric of the transatlantic community.

Mr. NUNN. Mr. President, I would ask the Senator from Arizona if he would confirm my understanding that the term ''European Partnership for Peace Nations'' includes the nations of Ukraine, Latvia, Lithuania, and Estonia.

Mr. MCCAIN. Mr. President, I would be happy to confirm for the Senator from Georgia that the term ''European Partnership for Peace Nations'' includes the nations of Ukraine, Latvia, Lithuania, and Estonia.

Mr. SANTORUM. Mr. President, I rise in support of this amendment offered by my colleague from Colorado and I commend him for his continued leadership in this important area. This amendment attempts to move the administration along in the United States' effort to help our allies in Europe with their admission into NATO.

The administration has continued to say that they support efforts to expand NATO. They say it is not a question of whether we expand NATO, it is a question of how and when. I believe that the real issue is whether or not the free men and women that comprise our NATO membership will stand idly by if the security and independence of Central Europe is threatened.

NATO today remains the core of American engagement in Europe and at the heart of European security. It is our most effective instrument for coordinating defense and arms control and maintaining stability throughout Europe. The collapse of the Soviet Union, the dissolution of the Warsaw Pact, and the progress of European integration have not ended the need for NATO's essential commitment to safeguard the freedom and security of all of its members.

We must continue to move forward on NATO expansion and not allow other non-NATO countries to continue to exercise veto power over alliance expansion. The time has come to welcome Europe's new democracies into NATO. Only through a continued strong alliance can we guarantee another 50 years of peace in Europe.

I am proud to say that I have joined my colleague from Colorado along with our former majority leader Bob Dole, in taking a bold new step forward in our efforts to move the administration further in their policy. S. 1830, the NATO Enlargement Facilitation Act of 1996, is the third NATO Participation Act offered by Congress. It specifically names three countries—Poland, Hungary, and the Czech Republic—as qualifying for the program and requires the President to designate other emerging democracies in Central and Eastern Europe if they meet the necessary criteria.

The demise of the Soviet Union and the Warsaw Pact has presented NATO with new challenges and new opportunities. The international environment is fraught with prospects for conflict and instability. The countries that reemerged from the ruins of the Soviet Empire as free societies now look to membership in NATO. These newly free countries have already fought and suffered to earn the right to their territorial integrity, independence, democracy, and free enterprise—precisely the values that NATO has maintained in the West for almost 50 years. At long last, the pro-Western nations of Central Europe now have the opportunity and the will to help us promote those values and to defend them.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Virginia.

Mr. WARNER. Mr. President, subject to the decision of the majority and Democratic leader, we will proceed to a vote. Mr. President, we are making good progress on this bill. There is an amendment. It is anticipated that the Senate will commence a rollcall vote on the pending amendment by the Senator from Georgia in 5 minutes, to advise Senators so they can make their plans accordingly. In the interim period, seeing no Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I ask unanimous consent that my name be added as a cosponsor to the B–2 amendment just offered by Senator CONRAD.

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

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

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

Mr. FORD. Mr. President, I would like to lay down an amendment that would be pending following this vote. What is the procedure?

The PRESIDING OFFICER. To ask unanimous consent that we set aside the current proceedings and that the Senator from Kentucky be permitted to offer an amendment.

Mr. FORD. I so request.

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

AMENDMENT NO. 4112

(Purpose: To amend the special rule for payments for eligible federally connected children)

Mr. FORD. Mr. President, I call up amendment No. 4112.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for himself, Mrs. BOXER, Mr. CONRAD, Mr. CRAIG, Mr. DASCHLE, Mr. DORGAN, Mr. EXON, Mr. GORTON, Mr. HATCH, Mr. INHOFE, Mr. LEVIN, Mr. LOTT, Mrs. MURRAY, Mr. PRESSLER, Mr. ROBB, and Mr. WARNER, proposes an amendment numbered 4112.

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

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

The amendment is as follows:

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

SEC. . TECHNICAL AMENDMENT.

Paragraph (3) of section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)) is amended by striking ''2000 and such number equals or exceeds 15'' and inserting ''1000 or such number equals or exceeds 10''.

Mr. WARNER. Mr. President, will the Senator from Kentucky allow the Senator from Virginia to put in another UC with regard to an amendment which would follow on?

Mr. FORD. I have no problem. At the request of the managers, I was asked to lay this down.

Mr. WARNER. Correct.

Mr. FORD. So when we have the vote we could automatically go to this. I am perfectly willing to do that.

Mr. WARNER. Mr. President, I ask unanimous consent, following disposition of the Ford amendment, the Senate turn to an amendment to be offered by the Senator from Virginia on behalf of the Senator from Alaska, Mr. STEVENS, and that would be the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

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

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

Mr. WARNER. Mr. President, such that we keep this bill moving, I inform Senators the pending amendment will be voted on at 12:30. In the interim period, the Senator from North Dakota wishes to address the Senate.

I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we have had many discussions over an extended period about national missile defense, and I will be offering as soon as it is prepared, as we work through the discussions of the wording of an amendment, an amendment on the subject of national missile defense.

I have reached the conclusion that national missile defense is necessary. I believe it is not a question of if, but rather a question of when missile defenses are deployed and what sort of system do we field.

I have always believed that any system we deploy ought to be treaty compliant, ought to be affordable, and ought to be effective. Those ought to be the tests.

Right now, we have no alternative before us that meets those tests, at least in the judgment of this Senator. I think it is clear there is a threat that exists. Today's threat is of an accidental or unauthorized launch of a Russian or Chinese missile. Clearly, that is unlikely, but we cannot afford to be wrong.

The threat that we may face tomorrow is a rogue nation launch. North Korea, Libya, other countries may develop an ICBM capability before we are anticipating that they would achieve such a capability. We must be prepared before we are surprised.

As I have looked at the options before us, I have been most interested in a plan that the Air Force has developed, an Air Force alternative that does meet the criteria of being effective, of being treaty compliant, and of being affordable.

I had intended to offer an amendment that would require the deployment of such a system in the same timeframe as the Defend America Act. I have been persuaded by the chairman and ranking members that the best way to proceed would be to require a study of this system by the Secretary of Defense and to have a statement by the Senate that this is a serious alternative.

Let me just outline, if I could, the elements of the amendment I intended to offer, what the elements of the system are, and then to have a chance to discuss the specific amendment I would be offering today.

The Conrad alternative authorizes deployment by 2003 of a Minuteman system—20 interceptors at Grand Forks, ND, capable of defending all 50 States, according to U.S. Air Force analysis.

The amendment also requires a report from the Department of Defense within 1 year on the future of the ICBM threat and a recommendation as to whether 20 or 100 interceptors were necessary. It also would express the sense of the Congress that the President can and should consult the Russian Government to clarify interpretation of the ABM Treaty as may be necessary.

I want to stress that the approach I am endorsing is an approach that is treaty compliant. It is a single site. The only question would be with certain radars that would be to assist the phased array radar that is already agreed to in the treaty. I want to stress this alternative does not endanger ABM and START arms control treaties. Second, it is not a budget buster. A 20 interceptor system is deployable, according to CBO, for $4 billion—not the $40 billion or the $60 billion that we have heard associated with defend America, but about $4 billion.

This system, I believe, is not only treaty compliant, is also not a budget buster, and it also uses today's proven missile, tracking and command and control technology. We are not talking here about breaking new ground. We are not talking about having to find something that has not yet been discovered.

We have the components of this system available to us now.

I wish to review very briefly what those components are. This is leveraged development, in the sense that we are building on what we currently have. Instead of going out and trying to recreate the wheel, instead of trying to invent something totally new, we have the components of this system today. Let me emphasize that we use an existing booster—the Minuteman booster. That is the base of this system. We use existing command, control, and computers, the NORAD and Minuteman systems. We use existing infrastructure, that is the Minuteman wing that currently exists at Grand Forks, ND, today. We only require an upgrade of existing kill vehicle technology. We use an upgrade of existing early warning radars. We do not have to go out and invent something new, we have these radars now. We would need X-band radars based on existing design. It would be four new radars, as I understand it, X-band radars, based on an existing design. So, again, we do not have to go out and create something that is new.

The cost, according to the Air Force, of a 20-Minuteman system is $2 to $2.5 billion. If we have a more robust force and go up to 100 Minuteman missiles, we would have a system for $3.5 to $4.5 billion according to Air Force estimates. CBO says 20 would cost us $4 billion.

This is in comparison to the defend America system that goes to a layered

defense after 2000 that would cost from $40 to $60 billion. Yet this is a fully capable system.

Let me give a couple of quick examples of how this would work against a rogue nation launch. If Libya, for example, determined that they were going to launch on the United States by way of a threat, by way of intimidation, this is what the system would allow us to do. If Libya launched, our first launch could occur at T plus 480 seconds. Our national command authority would have 8 minutes to make a first decision to respond. The first intercept would then occur at T plus 1,200 seconds, and 20 minutes later there would be an intercept of that Libyan launched rogue missile. That would be a Minuteman III, fired from Grand Forks Air Force Base from existing silos with existing launch vehicles using a kinetic kill vehicle that has previously been tested. That first intercept would give us a very high probability of success in defending against that missile attack.

Because of the architecture of this system, in this circumstance we would have a look-fire-look-fire capability. In other words, we would be able to respond to the first launch, fire, see if our missile was effective in killing the incoming missile. We would then have a second chance to fire again, to knock down that incoming missile. That launch would have to occur at T plus 1,420 seconds. That last intercept would occur at T plus 1,720 seconds. So this would be an effective system against a rogue nation launch, such as against a launch from Libya.

Let us look at a second alternative, because one of the great concerns of a single-site system is, ''Are you going to provide protection for all of the United States?'' The answer is, ''Yes.'' The Air Force-designed system, which I want to say I applaud General Fogleman for developing as an alternative that should be part of this mix, I think is a serious alternative. It has been very well thought through. People at the Air Force, I think, deserve great commendation for the work they have done.

This chart shows what happens in a case of North Korea launching with Hawaii as an intended target. In this situation the first launch picked up at T plus 400 seconds. We are launching in response to that at T plus 400 seconds. We have the first intercept under this scenario at T plus 1,200 seconds.

On a second launch, in this case we do not have the look-shoot-look-shoot capability because, obviously, North Korea is much closer to Hawaii than Libya is to Washington, DC, so in this case we would have to fire immediately again against that missile. We would have dual shot capability to attempt to intercept that missile. The first, as I indicated, first intercept occurring at T plus 1,200 seconds; the last intercept occurring at T plus 1,700 seconds.

In other words, we would again have two chances to intercept that incoming missile. We are able to defend all 50 States from one treaty compliant site in the United States.

We are talking about a cost here of $4 billion in comparison to the defend America plan of $60 billion. That is $56 billion of savings. We put together kind of a lighthearted list here of ''Top 10 Things We Could Do With $56 Billion Other Than To Deploy the 'Defend America' System.''

Given the fact we could have a similar capability with this plan, which I think clearly is fully capable, is treaty compliant, and highly effective, what are the things we could do with $56 billion?

No. 10 on our list, we could fund the Weatherization Assistance Program for 500 years;

No. 9, we could buy a computer for every school-age child in America.

Other things we could do with $56 billion that would be saved by adopting this system rather than the ''Defend America'' system? We could fund all payments to farmers for the next 7 years under the Freedom To Farm Act, recently passed by Congress;

No. 7, we could renovate America's crumbling infrastructure;

No. 6, we could meet the entire global need for basic child health, nutrition, and education for 2 years with the $56 billion we save under this plan;

No. 5, we could provide health care to all Americans under 18 for 9 months;

No. 4, we could fund WIC, nutrition for women, infants, and children, for 14 years with the savings generated by adopting this approach rather than the more expensive ''Defend America'' approach;

No. 3, we could fund Head Start for 16 years with this $56 billion of savings;

No. 2, we could fund the destruction of ex-Soviet nuclear weapons through the Nunn-Lugar Act for 18 years.

There are many things we could do, Mr. President. No. 1 on our list is we could not spend it, and avoid increasing the deficit by $56 billion. Frankly, that is my favorite option. Let us take the saving, let us apply it to the deficit. Let us have a National Missile Defense System, let us have one that is treaty compliant, let us have one that is cost effective, let us have one that is proven technology, and let us save $56 billion and apply it to the deficit.

Mr. President, I sum up and look at what I call our national missile defense checklist, and apply commonsense criteria. Is the system ABM Treaty compliant? Is it affordable? Does it utilize proven technology?

On ''Defend America,'' on all three of the commonsense criteria, it fails: It is not treaty compliant, it is not affordable, it does not use proven technology. The Conrad alternative does meet the commonsense criteria. It is treaty compliant, it is a single site, and uses the phased array radar that is called for in the treaty. It is affordable, $4 billion instead of $60 billion that CBO says the Defend America Act would cost. And it uses proven technology, it uses the existing Minuteman boosters, uses a kinetic kill vehicle, it uses the command, control, and computers that we already have.

I hope very much that my colleagues take a serious look at this alternative to national missile defense. Clearly, there is a risk. Clearly there is a threat. I believe it is a growing risk and a growing threat; that at some point, the American people are going to want to have deployed a national missile defense system. We can do it. We can do it in a way that is treaty compliant. We can do it in a way that is affordable. We can do it in a way that is effective.

Mr. President, the Air Force has come forward with a plan, unveiled several weeks ago now by General Fogleman, of a national missile defense system that builds on our existing technology, that costs, according to Air Force estimates, $2.5 billion, that gives us a capability to defend 50 States against accidental launch or rogue nation launch.

Mr. President, I suggest that is a reasonable cost for an insurance policy for the American people. I hope my colleagues will take very seriously this alternative.

Momentarily, I will offer an amendment that will call on the Senate to indicate that this is a serious alternative that deserves serious attention and requires the Secretary of Defense to analyze this alternative fully by the end of January.

I thank the Chair and yield the floor. I suggest the absence of a quorum.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. CONRAD. I will be happy to withhold.

Mr. WARNER. Mr. President, what is the question of the Senator? The Senate is anticipating voting now on the Nunn amendment.

Mr. CONRAD. I am just awaiting an amendment I will offer. I just wanted a chance to discuss the amendment so I would not take up the time of the Senate unduly.

VOTE ON AMENDMENT NO. 4367, AS AMENDED

Mr. NUNN. Mr. President, I think we are ready to vote on the underlying Nunn-Hutchison-Bradley amendment.

Mr. WARNER. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have.

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 4367, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Oklahoma [Mr. INHOFE] are necessary absent.

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

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—97

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

NOT VOTING—3

Bumpers	Hatfield	Inhofe

The amendment (No. 4367), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, it is my understanding that the Senate will proceed to the amendment by the Senator from Kentucky, and that the Senator from Vermont will participate in that. Following disposition of that amendment, the Senator from Virginia, on behalf of the Senator from Alaska [Mr. STEVENS] will lay down an amendment. That is just to let the Senate know what the procedure will be. I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 4112

Mr. FORD. Mr. President, the amendment No. 4112 deals with impact aid. What I am offering today is basically a technical amendment to the Impact Aid Program. The House has added $33 million to this program. I am supporting this effort by the distinguished majority and minority leaders, Senators BOXER, CONRAD, CRAIG, DORGAN, EXON, GORTON, HATCH, INHOFE, LEVIN, MURRAY, PRESSLER, ROBB, and WARNER. This amendment has the complete endorsement of the membership of the National Association of Federally Impacted Schools.

Mr. President, since the Truman administration, the Federal Government has acknowledged its responsibility in assisting school districts educating federally connected children through the Impact Aid Program. This amendment addresses a change made to the Impact Aid Program during the 1994 authorization. Under the reauthorization, school districts would not be able to compute payments for children whose parents are civilian and work on Federal property unless a school district enrolled at least 2,000 of these children and only if such enrollment constitutes 15 percent of the school district's total enrollment.

This change is arbitrary and unfair. What about a school district that has a small total enrollment, but of which 25 percent are Government employees? Or a district that has over 3,000 of these children, but because of the school's large size, this represents perhaps only 10 to 13 percent of its total enrollment?

Mr. President, the amendment I offer today would restore some measure of equity and would recognize the impact that the Federal Government has in these communities by lowering this threshold to 1,000 civilian students or 10 percent of a school district's total enrollment. For those of you who are not familiar with this, because the Impact Aid Program is not fully funded, school districts must use a complicated formula for calculating the payments they will receive, also known as their learning opportunity threshold payment.

This amendment would allow 421 school districts nationwide to calculate payment for their civilian students. However, of this number, 13 school districts already are eligible to calculate their civilian students by meeting the 2,000 and 15-percent threshold set during the 1994 reauthorization.

While this amendment affects 14,000 weighted Federal student units in the remaining 409 school districts, my colleagues should be aware that of those 409 school districts, 282 already are eligible to qualify for some form of basic support from section 8003 without their civilian students. The remaining 127 school districts would be able to reenter the Section 8003 Program. These 127 school districts enroll 2,743 weighted Federal student units.

Although some may assume that if additional students are added to the program it will cost more, the actual impact of this amendment on existing school district payments is negligible. Short of fully funding this program, no matter how much money the Impact Aid Program receives in fiscal year 1997, the fact that the new need-based program will be fully implemented means that of the 1,570 school districts in the Section 8003 Program, 1,200 will receive some varying degree of decrease in payments in order to fully fund the 250 districts classified as high-need school districts.

If the intent of the 1994 reauthorization was to target the high-need school districts, then that is exactly what will happen with or without this amendment. The amendment I offer helps minimize the loss the remaining districts will see due to the phase-in of this new need-based formula by allowing them to calculate payments for their civilian students.

In fact, even at level funding, the National Association of Federally Impacted Schools estimates that every school district will see their full learning opportunity threshold payment, even with the change to 1,000 civilian students or 10-percent total enrollment.

I urge my colleagues to support this important change which has the full support of our impact aid schools.

This amendment restores some measure—I underscore—some of the equity and recognizes the impact that the Federal Government has on these communities by lowering the threshold to 1,000 civilian students or 10 percent of the school district's total enrollment.

Mr. WARNER. Mr. President, I am pleased go support this important impact aid amendment by my distinguished colleague from Kentucky, Senator WENDELL FORD.

Throughout my 17½ years in Congress, I have worked to preserve the Impact Aid Program. Local school districts have no choice but to bear the costs of educating federally connected children whose parents live and/or work on Federal installations. These families are either fully or partially exempt from contributing to the local tax base, and the Impact Aid Program attempts to compensate school districts accordingly.

This amendment seeks to restore an important component of impact aid funding which was significantly restricted as a part of the Elementary and Secondary Education Act reauthorization bill of 1994. Under that legislation, an arbitrary eligibility threshold was established for the children of civil service families when the parents work on tax-exempt Federal properties such as military bases. With that new threshold, school divisions cannot be compensated by impact aid unless these civil service children equal a population of both 2,000 and 15 percent of total enrollment.

For the last 2 years, school divisions which no longer meet this test have been grandfathered at 85 percent of their former payment. That protection expires this year, and without legislative action, a number of key school divisions in the Hampton Roads region of Virginia will begin to suffer funding shortfalls.

That is why I welcome this amendment by my colleague from Kentucky to set a new, more flexible standard of 1,000 students or 10 percent of enrollment. This presents a far more reasonable threshold for local schools when they are faced with the responsibility of educating large numbers of civil service children whose families work at tax-exempt Federal facilities.

I am pleased that this amendment is supported by the National Association of Federally Impacted Schools [NAFIS] whose president, Mr. John

Forkenbrock, has provided such leadership in strengthening education for federally connected children and the schools they attend.

Mr. President, I thank the Chair and encourage all of my colleagues to support this important amendment.

Mr. PRESSLER. Mr. President, I am proud to coauthor this amendment with Senator FORD. This small change in the impact aid formula corrects a large discrepancy in the program.

Current law discriminates against small districts, which are often located in rural areas. Districts can be eligible for impact aid based on the number of civilian b kids in the district. These children have parents who either work or live on Federal land. A district is eligible for impact aid if it has at least 2,000 students and 15 percent of the students are civilian b children.

The amendment before us today would allow districts to qualify for the program if the district has at least 1,000 children or 10 percent of the students are civilian b children. Changing ''and'' to ''or'' is an important distinction for small districts. Mr. President, few school districts in South Dakota have 2,000 students. Small districts are no less federally impacted than large ones. They are equally deserving of impact aid funds.

This amendment would allow additional districts into the program, but it would not decrease payments to current section 8003 schools. This section of the program received an increased appropriation last year, so we are working with a larger-sized pie than in previous years. Additionally, payments to all schools in section 8003 will be reconfigured when the hold harmless provision for this section expires in fiscal year 1997. Many school districts will receive lower payments when the formula agreed to in the 1994 reauthorization is fully phased in. The drop in payments to these schools frees up additional dollars for the small districts gaining eligibility with this amendment.

This is a fairness issue. I am pleased that small school districts will now receive equal support. This amendment enjoys widespread, bipartisan support. I hope all my colleagues will join me in supporting it today.

Mr. GORTON. Mr. President, like many of my colleagues on both sides of the aisle, I have long supported impact aid. This program appropriately reimburses local school districts for the cost of educating the children of Federal employees who do not contribute to the local tax base because they live or work on Federal property. Moreover 17 million children benefit from impact aid. Now, when I think of impact aid, I typically think of the child whose parent serves in the military, or the child who lives on an Indian reservation, yet there is another group of children who rightly are served by impact aid. These are students whose parents may not live on Federal property, but work on Federal property—property that is not generating tax support for the local schools. These children are provided for by the civilian b portion of the program.

Prior to an amendment being added to the Improving America's Schools Act 2 years ago, a district received a civilian b payment as long as it met basic eligibility requirements. This amendment required that a district enroll a minimum of 2,000 civilian b children and that this enrollment must equal 15 percent of the district's total student population. This effectively eliminated many small school districts with less than 2,000 students in their entire district, that nonetheless serve a large percentage of Federal employees' children. The inequity of this formula adversely impacted a number of small school districts in Washington State. For example, according to statistics provided by the Department of Education, the Grand Coulee Dam School District's total student population is 796 students, 328 of whom, are children of civilian Federal employees. In spite of the fact that 40 percent of this districts student population is made up of Federal employees children, under the current formula, this school district is not eligible for civilian b funding.

The Bremerton School District isn't as small as Grand Coulee Dam School District, but it has a similar problem. In Bremerton, WA, a number of civilians are employed to support the naval base operations. While these civilians do not work for an employer that contributes to the local tax base in the same manner other local businesses do, the Bremerton district's schools serve these children who make up 20 percent of the total student enrollment in the school district. Although Bremerton meets the 20-percent criteria, the district falls short of the 2,000 student requirement. Thus, under the current formula Bremerton School District is not eligible for civilian b funds. Is this school district less worthy of funding—merely because it does not fit into the criteria—I would argue not.

I am certainly not opposed to establishing criteria for eligibility for Federal programs; in fact, I think it is imperative we do so. But that determination should be made fairly. School districts who are significantly impacted by the Federal Government's presence should be reimbursed for the local tax contributions they would otherwise receive. For this reason, I support Senator FORD'S efforts to restore equity to the eligibility requirements for this program.

Mr. FORD. Mr. President, this part of the amendment is acceptable. I understand that my friend from Vermont has an amendment in the second degree that also will be accepted. So I yield the floor so my friend from Vermont can offer his amendment.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 4417 TO AMENDMENT NO. 4112

(Purpose: To require the Secretary of Defense to make certain Impact Aid payments)

Mr. JEFFORDS. I have an amendment to the amendment.

The PRESIDING OFFICER. The clerk will reported.

The bill clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] for himself and Mr. PELL, proposes amendment numbered 4417 to amendment No. 4112.

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

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

The amendment is as follows:

On page 1, strike line 6 through line 2 on page 2 and insert the following:
7703(a)) is amended—

(1) by striking ''2000 and such number equals or exceeds 15'' and inserting ''1000 or such number equals or exceeds 10''; and

(2) by inserting '', except that notwithstanding any other provision of this title the Secretary shall not make a payment computed under this paragraph for a child described in subparagraph (F) or (G) of paragraph (1) who is associated with Federal property used for Department of Defense activities unless funds for such payment are made available to the Secretary from funds available to the Secretary of Defense'' before the period.

Mr. JEFFORDS. Mr. President, my amendment just establishes some equity in covering the cost generated by the amendment of the Senator from Kentucky. My amendment, requires the Department of Defense to pay the increase in cost—a small amount; about $11 million—incurred by the additional military dependents who would become eligible for impact aid under the Ford amendment.

The underlying amendment offered by my colleague from Kentucky broadens the eligibility criteria for the impact aid program. In 1994, during the last reauthorization of the Elementary and Secondary Education Act, Congress recognized the need to prioritize scarce education dollars and hence targeted funds to the most needy. In the case of the impact aid, we set up a stricter standard to reimburse districts for those students whose parents are employed on Federal property but do not live on such property.

I have some misgivings about using this bill to alter education policy. But if we want to do so, then so be it. The amendment that I am offering would simply require the Department of Defense to pay the expense of the amendment for children associated with military activities.

The changes made in 1994 eliminated impact aid payments to certain districts. By going back and broadening this definition we will increase the number of eligible districts from approximately 13 to 421.

Without my amendment the increased costs will come, not from the Department of Defense, but from the Department of Education. One area

where the Department of Defense has traditionally enjoyed a reprieve from carrying its full weight is that of impact aid. Impact aid was designed to offset costs that local communities incur in the education of military dependents or civilians working on military bases because these families are exempt from certain State and local taxes. This is a cost of our national defense program.

Mr. President, DOD has accepted the responsibility of bearing the full costs of educating military dependents overseas—it is logical they should assume responsibility for offsetting the costs that occur at home.

There is clear precedence for this. Currently, the Department of Defense provides supplemental funding for impact aid schools, between $10 and $50 million—$30 million in fiscal year 1996. This last provision is in the DOD authorization bill and allows the Secretary of Defense to provide supplemental funding for local education agencies [LEA's] in which military activity places a unique burden on the LEA.

This amendment follows this policy. We must, for the true defense of this country, serve our children.

I understand this amendment is acceptable.

Mr. PELL. Mr. President, I am very pleased to be a cosponsor of the second-degree amendment offered by my friend and colleague, Senator JEFFORDS. It represents a small, yet very significant step in the direction of placing the funding of impact aid upon the agency responsible for the Federal property.

Impact aid is assistance provided because Federal property is taken from the tax rolls. It is compensation, and really should not be placed in the category of educational assistance. If the property is a military installation, the responsibility for compensation should rest with the Department of Defense, not the Department of Education. If the property is public land used for parks and recreational purposes, the responsibility for compensation should rest with an agency such as the Department of the Interior, not the Department of Education.

Impact aid is also general aid. It is not tied to the need to improve basic skills, upgrade professional development, strengthen educational research, or open opportunities for a college education. Its only relationship to education is because the property tax is too often and unfortunately a major source of support for education at the State and local level. Removal of that source of funding has an impact upon the total resources available to fund education in community after community throughout America. I would contend, therefore, that compensation for this lost resource should come from the agency or department responsible for removal of this land from the tax rolls.

With respect to this particular amendment, I understand that about 60 percent of the additional districts that would be eligible for impact aid are related to the armed services. Thus, under the provisions of the Jeffords amendment, the Secretary of Defense would be required to cover that amount, which I understand is 60 percent of $11 to $18 million.

My own opinion is that this amendment represents the direction in which we should be moving in regard to the entire Impact Aid Program. As I have said, it is only a small step, but it is also a very important one. I would strongly urge my colleagues to join Senator JEFFORDS and me in approving this amendment.

The PRESIDING OFFICER. Is there further debate on the second-degree amendment?

Mr. THURMOND. Mr. President, we accept the amendment.

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

The amendment (No. 4417) was agreed to.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I encourage the approval of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 4112, as amended.

The amendment (No. 4112), as amended, was agreed to.

Mr. FORD. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I thank the Chair and thank my friend from Vermont.

The PRESIDING OFFICER. Under the previous order, the Senator from Virginia is recognized to offer an amendment.

AMENDMENT NO. 4418

(Purpose: To provide $2,000,000 for the construction of a facility for military dependent children with disabilities at Lackland Air Force Base, Texas)

Mr. WARNER. Mr. President, on behalf of the Senator from Alaska [Mr. STEVENS], I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. STEVENS, proposes an amendment numbered 4418.

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

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

The amendment is as follows:

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

SEC. 1072. FACILITY FOR MILITARY DEPENDENT CHILDREN WITH DISABILITIES, LACKLAND AIR FORCE BASE, TEXAS.

(a) FUNDING.—Of the amounts authorized to be appropriated by this Act for the Department of the Air Force, $2,000,000 may be available for the construction at Lackland Air Force Base, Texas, of a facility (and supporting infrastructure) to provide comprehensive care and rehabilitation services to children with disabilities who are dependents of members of the Armed Forces.

(b) TRANSFER OF FUNDS.—Subject to subsection (c), the Secretary of the Air Force may grant the funds available under subsection (a) to the Children's Association for Maximum Potential (CAMP) for use by the association to defray the costs of designing and constructing the facility referred to in subsection (a).

(c) LEASE OF FACILITY.—(1) The Secretary may not make a grant of funds under subsection (b) until the Secretary and the association enter into an agreement under which the Secretary leases to the association the facility to be constructed using the funds.

(2)(A) The term of the lease under paragraph (1) may not be less than 25 years.

(B) As consideration for the lease of the facility, the association shall assume responsibility for the operation and maintenance of the facility, including the costs of such operation and maintenance.

(3) The Secretary may require such additional terms and conditions in connection with the lease as the Secretary considers appropriate to protect the interests of the United States.

Mr. STEVENS. Mr. President, this effort has been raised by several of my colleagues. I believe it has great merit. The camp program addresses the needs of children challenged with disabilities that are not easily addressed. This includes children with Downs Syndrome, Cerebral Palsy, and Autism.

This program meets an urgent need at Lackland Air Force Base. We are addressing this need in a unique way. We will consider this effort when we bring the defense appropriation bill to the floor.

The commander of Wilford Hall Medical Center, which is located at Lackland Air Force Base, has indicated the medical center has a close association with the camp program. Most of his staff are volunteers in the program. He views the program as an outgrowth of the pediatric department at Wilford Hall.

The base commander of Lackland Air Force Base also supports the program. We asked him how he deals with the liability he personally might incur. He indicated that the benefits outweigh his risks.

The Senator from Ohio stated that there was no agreement between the Air Force and the camp program. The base commander has informed the Senate Appropriations Committee that there is, in fact, an agreement between the base commander and the director of the camp program.

The camp program is now housed in three 2-story barracks. This creates significant hazards with disabled children. Also, the manpower required for three buildings will be reduced with this new building. For instance, they will only need one nurse instead of three. These barracks are scheduled for demolition. As soon as this facility is built these barracks will come down.

This program is not yet endorsed by the Department. I believe we must address the special needs of military families. This program is an effort to do just that.

I appreciate the willingness of the managers of this bill and urge the adoption of the amendment.

Mr. McCAIN. Mr. President, it is with great regret that I rise in opposition to this amendment. The amendment would establish, in my view, a dangerous precedent for future grants of defense dollars to private organizations selected by the Congress.

There is no question that the purpose of the facility which would be constructed with these funds is a worthy one. Caring for the dependent children of our military personnel, particularly those with disabilities, should be a high-priority concern of the military Services.

However, I am concerned about the process by which this project has been identified. As I understand it, a private organization called the Children's Association for Maximum Potential [CAMP] developed an unsolicited proposal to build a facility at Lackland Air Force Base for the specialized care of military dependent children with disabilities. CAMP had been unsuccessful in raising sufficient private contributions, and requested assistance from the appropriations committees. This amendment, offered by the Chairman of the Senate Defense Appropriations Subcommittee, would authorize the grant funds requested by CAMP.

Let me stress again that I am not opposed to providing facilities for the care of disabled children. But I want to ensure that the facilities we do provide are the highest priority and best suited to take care of the largest possible group of these children. I am not confident, even with the endorsement of the Department of Defense, that the $2 million to be provided for this particular program is the best use of funds to serve this need.

Finally, I am concerned about the precedent we may establish by authorizing the expenditure of $2 million from the Air Force budget to construct a building for the use of a private entity. These projects should be considered within the military construction and family housing accounts, not in a new process outside the scrutiny of other priorities, such as child care centers, hospitals, and the like.

Mr. President, I regretfully announce that I oppose this amendment.

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

Mr. GLENN. Mr. President, I rise in opposition to the amendment offered by the Senator from Virginia on behalf of the Senator from Alaska. I hate very much to do that because this is a program that is undoubtedly worthwhile, but I do object to the process by which we are doing this. There has not been a definition given yet by the proponents of this as to what the bill actually provides. Let me make some comments on that.

What this amendment does, as I understand it, is direct the Secretary of the Air Force to provide a $2 million grant to a program called CAMP, Children's Association for Maximum Potential, and this $2 million would be for construction of a support services facility for military dependent children with disabilities and their families at Lackland Air Force Base.

Certainly, that is a most noble intent. I do not question the intent of it at all. What I do object to is bringing this up as part of the defense bill without it having been through any screening whatever, without having been submitted as part of the defense budget. I am sure that every single one of us has a similar situation that we would like to take benefit of, also, that would be similar to this particular program.

The CAMP Program was established in 1980 as a nonprofit agency. What it does is provide comprehensive services to families with special needs. Currently, CAMP has 40 employees, as I understand it, and a $1.3 billion budget. It operates on Lackland in three World War II vintage barracks. Lackland officials have a base revitalization program, and they are demolishing old buildings. These three buildings are among those which are slated to be demolished. They have outlived their construction life cycles. They are costly to repair and maintain. The facilities in which CAMP operates are slated for demolition. The Air Force has identified a vacant parcel of property near the base medical center as a potential new site for CAMP. This $2 million grant, along with a private donation of $500,000, would enable CAMP to construct a new facility and continue its program to support military families with disabled children.

The facility to be built with the grant money would be leased to CAMP by the Air Force under a 25-year lease agreement. As consideration for this lease, CAMP would assume responsibility for and costs associated with operating and maintaining this facility, as I understand it. Granting this facility would enable CAMP to continue their support of military families and special needs.

The grant is simply a substitute for the good will of the Air Force in providing an operating space for CAMP in these old World War II structures. We do need special legislation to authorize the Air Force to use funds in this manner. However, arguing against the amendment, there is no agreement between the Air Force and CAMP for use of the facilities at all. It would benefit a small group and a specific site.

The money we would be proposing to give to them does not cover the cost of the new facility. Most of all, we opened a floodgate to everybody who has a meritorious nonprofit group operating on their base in support of whatever good purpose, and we are not giving them a fair shot at the same thing.

On the Senate Armed Services Committee, we have denied requests for DOD funds to assist in construction activities related to all sorts of things—military monuments, memorials, buildings for children on bases—and we have not funded those. While I know this is for a very good purpose, and I realize if we put this to a vote, there would not probably be very many votes that would be opposed to this idea of continuing help for dependent disabled children, children with special difficulties, on the base at Lackland, I do not propose to call for a rollcall vote on this amendment because I have no doubt about what the vote would probably be. The intention of the amendment is very noble and for a worthy cause, but for us to start out like this without having been through the budgeting process, without it having been through hearings, without having it considered by the committee or the Armed Services Committee and in competition with other projects like this at all, I question whether we should be doing this.

The problem with it, then, is that it uses the defense budget to fund what may be considered to be a high-priority program but it is not a budgeted defense program item. I cannot support the principle here of taking millions out of the defense budget to fund it. Every single one of us has a program in his or her State that would benefit greatly if we simply handed out funds like this on the military bases. Many, many, nonprofit organizations do things on the bases that we would like to support, yet we do not do that because if we raided the defense budget every time that occurred, we would soon be out of money. The problem with that approach is there would be little left if each Member of this body came to the floor to collect the defense funds necessary to help out every nonprofit program like the very valuable CAMP Program that needed funding.

I prefer to see with proposals like this that are put in, the Pentagon give their opinion as to what they are doing on the particular base, send that word over, and we take care of it in committee structure, compare them with others, and allot them money for programs like this. I am very happy to support them and work with the people to do it. But to bring them on the floor and make it competitive that we are trying to get something for individual bases for nonprofit organizations is something I have a lot of difficulty supporting.

Let me conclude by stating I find it a bit ironic that the same majority that is cutting necessary domestic discretionary funding in order to add $12 billion to our defense budget is agreeing to an amendment like this, without any hearings or without any further information. It just says we need $2 million to give to a nonprofit organization, so we appropriated or we authorized here on the Senate floor.

I am very much in support—let me go back to where I started my statement. I am very much in favor of the intent,

certainly, on our bases. We want to support organizations like this. They are set up and they operate as nonprofit organizations. To have the money come out of our defense budget now to go into supporting these nonprofit organizations, no matter how good they are, just without any hearings, without conferring with other projects that we might prefer to see taxpayer-appropriated funds go into, is to me the wrong approach here. I would like to see these things gone into on a little more studied basis.

Senator MCCAIN and I have taken the lead over the past 4 years in trying to hold down things like this where we add things on the floor, add them in the committee that were never requested, never had hearings, never knew anything about them. Granted, this is not a budget buster that goes into billions. It is $2 million. But you add this up with every $2 million that I would like to have and the Senator from Virginia would like to have and everyone else would like to have, and it gets into quite a pile of money. We are taking it directly out of the defense budget to do this. Granted, it is in support of our military personnel at Lackland Air Force Base, but this is the only organization of its kind we are singling out for a $2 million grant.

I am not going to ask for a rollcall vote on this, but I do wish to be recorded as being opposed to this amendment. I yield the floor.

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

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 4418) was agreed to.

Mr. WARNER. 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.

Mr. NUNN. Mr. President, I would like to identify myself with the remarks of Senator GLENN on the previously adopted amendment.

I know it is a noble cause. But I think this is a bad precedent, and I think we need to carefully consider what we do in this kind of case.

There are thousands of other organizations out there that would like exactly the same treatment.

I voted on that on the voice vote, and I identify my remarks with those of the Senator from Ohio.

I thank the Chair.

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

I see the distinguished Senator from Kentucky seeking recognition.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, I thank the Chair. I thank my friend, the floor leader, from Virginia.

AMENDMENT NO. 4419

(Purpose: To require the Secretary of Defense to carry out a pilot program to identify and demonstrate a feasible alternative to demilitarization of assembled chemical munitions)

Mr. FORD. Mr. President, I call up my amendment on pilot projects for identified and demonstrated feasible alternatives to demilitarization of assembled chemical munitions.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside, and the clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. FORD], for himself and Mr. BROWN proposes an amendment numbered 4419.

Mr. FORD. 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. DEMILITARIZATION OF ASSEMBLED CHEMICAL MUNITIONS.

(a) PILOT PROGRAM.—The Secretary of Defense shall conduct a pilot program to identify and demonstrate feasible alternatives to incineration for the demilitarization of assembled chemical munitions.

(b) PROGRAM REQUIREMENTS.—(1) The Secretary of Defense shall designate an executive agent to carry out the pilot program required to be conducted under subsection (a).

(2) The executive agent shall—

(A) be an officer or executive of the United States Government;

(B) be accountable to the Secretary of Defense; and

(C) not be, or have been, in direct or immediate control of the chemical weapon stockpile demilitarization program established by 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) or the alternative disposal process program carried out under sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 50 U.S.C. 1521 note).

(3) The executive agent may—

(A) carry out the pilot program directly;

(B) enter into a contract with a private entity to carry out the pilot program; or

(C) transfer funds to another department or agency of the Federal Government in order to provide for such department or agency to carry out the pilot program.

(4) A department or agency that carries out the pilot program under paragraph (3)(C) may not, for purposes of the pilot program, contract with or competitively select the organization within the Army that exercises direct or immediate management control over either program referred to in paragraph (2)(C).

(5) The pilot program shall terminate not later than September 30, 2000.

(c) ANNUAL REPORT.—Not later than December 15 of each year in which the Secretary carries out the pilot program, the Secretary shall submit to Congress a report on the activities under the pilot program during the preceding fiscal year.

(d) EVALUATION AND REPORT.—Not later than December 31, 2000, the Secretary of Defense shall—

(1) evaluate each demilitarization alternative identified and demonstrated under the pilot program to determine whether that alternative—

(A) is a safe and cost efficient as incineration for disposing of assembled chemical munitions; and

(B) meets the requirements of section 1412 of the Department of Defense Authorization Act, 1986; and

(2) submit to Congress a report containing the evaluation.

(e) LIMITATION ON LONG LEAD CONTRACTING.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), the Secretary may not enter into any contract for the purchase of long lead materials considered to be baseline incineration specific materials for the construction of an incinerator at any site in Kentucky or Colorado within one year of the date of enactment of this act or thereafter until the executive agent designated for the pilot program submits an application for such permits as are necessary under the law of the State of Kentucky or the law of the State of Colorado, as the case may be, for the construction at that site of a plant for demilitarization of assembled chemical munitions by means of an alternative to incineration.

(2) Provided, however, the Secretary may enter into a contract described in paragraph (1) beginning 60 days after the date on which the Secretary submits to Congress—

(A) the report required by subsection (d)(2); and

(B) the certification of the executive agent that there exists no alternative technology as safe and cost efficient as incineration for demilitarizing chemical munitions at nonbulk sites that can meet the requirements of section 1412 of the Department of Defense Authorization Act, 1986.

(f) ASSEMBLED CHEMICAL MUNITION DEFINED.—For the purpose of this section, the term ''assembled chemical munition'' means an entire chemical munition, including components parts, chemical agent, propellant, and explosive.

(g) FUNDING.—(1) Of the amount authorized to be appropriated under section 107, $60,000,000 shall be available for the pilot program under this section. Such funds may not be derived from funds to be made available under the chemical demilitarization program at bulk sites.

(2) Funds made available for the pilot program pursuant to paragraph (1) shall be made available to the executive agent for use for the pilot program.

Mr. FORD. Mr. President, this is an issue that hits home for me. We have a facility in Richmond, KY, known as the Lexington Blue Grass Army Depot. This facility houses the most dangerous chemical agents known to mankind such as GB, VX, and mustard agents in various projectiles and rockets. Given the extremely hazardous nature of these agents, my primary concern must be for the health and safety of Kentuckians, and all Americans who live near these obsolete weapons.

And I am not alone. Acting out of the same concerns, the State of Kentucky has put into place rigorous regulations governing the permit process for operating an incinerator to destroy chemical weapons. To date, the Army has failed to get a permit from the Kentucky State EPA because the Army has failed in its application to meet several basic tests, including providing sufficient evidence that: Neither humans nor the environment will be harmed by emissions from the incinerator; burning the chemical weapons would be safer than any possible alternative technologies; should the incinerator malfunction, enough of the nerve gas would be destroyed instead of

released; and during a worst-case scenario accident, there are adequate plans in place for evacuating the public.

In 1981, the Army chose the baseline incineration process as the best and safest method for destroying chemical weapons. Yet just this month, 15 years later, the Defense Appropriations Subcommittee held a hearing on whether incineration adequately protects the health and safety of the public and the workers.

I fail to understand how the Army can continue along this path when legitimate questions are still being raised and are still not being adequately answered. We're now finding that many of the alternatives previously reviewed and rejected for the destruction of chemical weapons have been developed to the point where they may not only be considered viable options, but may be better choices than incineration.

Unfortunately, the Army's actions have the appearance of moving forward simply for the sake of sticking to the original plan. I understand the Army's concern over already investing billions of dollars in the incineration process. But we are dealing with the health and safety of our citizens. And when it comes to issues of health and safety our citizens deserve the best.

To ensure this happens, Senator BROWN and I offer this amendment to the fiscal year 1997 defense authorization bill, requiring the Department of Defense to conduct a 3-year pilot program. Under the pilot program the Department of Defense will determine if there is a feasible alternative to incineration for the disposal of chemical munitions. The amendment requires the Secretary of Defense to report to Congress 6 months after the program has been completed on whether there are alternative processes that are as safe and as cost-efficient as baseline incineration. Based on this report we can determine whether baseline incineration or an alternative method is the best way to demilitarize the assembled chemical munitions at the Lexington/Blue Grass Army Depot and the Pueblo Chemical Depot.

Let me add that while the Army has a review underway at this time, that review only examines the use of these technologies for bulk sites. Because the Lexington Blue Grass Army Depot and the Pueblo Chemical Depot house munitions, the Army's current study is irrelevant to these sites.

This amendment would direct the Department of Defense to appoint an executive agent to lead this program who has not been in direct or immediate control of the chemical weapon stockpile demilitarization program. I strongly believe for this program to be successful it will need new blood, an individual who is objective, forward thinking, and not wedded to the incineration process.

Second, while this pilot program is in effect, this amendment prohibits the expenditures of funds for the construction of incinerators at both the Lexington Blue Grass Army Depot in Kentucky and the Pueblo Chemical Depot in Colorado for 1 year. Should it be determined that there is no alternative technology then funds may be expended for the construction of incinerators.

Mr. President, I am hopeful the pilot program will include a decisionmaking process that will actively involve the State and local governments and local community groups, so that all parties involved in this process can reach a consensus on where pilot testing will take place. With consensus I believe there will be a future for alternative technologies in chemical demilitarization, and we can safely proceed with destruction of obsolete chemical weapons.

This amendment specifies that of the funds authorized to be appropriated for chemical demilitarization for fiscal year 1997, $60 million will be set aside to conduct this pilot program for nonbulk sites, and that none of the $60 million will come from the funds for the alternative technologies bulk pilot program.

Clearly something must be done. With good reason, the State of Kentucky will not issue a permit to the Army. But, it would also be a mistake to simply walk away from the problem. I believe my amendment makes sense for both the Army, the Kentuckians who live in that area, and for other depots that will eventually confront this same problem.

Mr. President, without this amendment it is doubtful that the Army will ever be able to get its permit to incinerate munitions in Kentucky, let me bring to your attention the following:

Section 6929 of title 42 of the United States Code, specifically recognizes and reserves to the Commonwealth the authority to impose reasonable restrictions directly relating to public health and safety with respect to the management of hazardous wastes beyond the minimum standards established under federal law.

Furthermore, Kentucky State law requires that:

In considering alternatives to the proposed activity, the cabinet shall affirmatively consider all reasonable alternatives, including alternatives that could be developed, and shall issue a permit only where it finds by clear and convincing evidence that no alternative treatment or disposal option, including transportation, exists or could be developed that would provide greater protection against exposure or harm to the public or environment.

How can the State of Kentucky under these conditions ever issue a permit when the Army has yet to look at alternative technologies for nonbulk sites?

Mr. President, I look forward to working with my colleagues to ensure that the Department of Defense moves forward in a way that will not place a single American at risk.

I ask unanimous consent that the list of organizations supporting this amendment be printed in the RECORD.

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

GROUPS SUPPORTING THE CWWG, ON FORD AMENDMENT TO S. 1745

Aberdeen Proving Ground Superfund Citizens Coalition: Joppa, Maryland; Alabama Conservancy: Anniston, Alabama; Arkansas Fairness Council: Little Rock, Arkansas; ACTION: Circleville, Ohio; Action for a Clean Environment: Alto, Georgia; Artists For Earth: Berea, Kentucky; Appalachian Science in the Public Interest: Livingston, Kentucky; Arms Control Research Center: San Francisco, California; Bass Anglers Sportsman Society: Montgomery, Alabama; Burn Busters: Anniston, Alabama.

Cancer Registry—Dioxin Research: Globe, Arizona; Center for Economic Conversion: Berkeley, California; Central Kentucky AIM Support Group: Lexington, Kentucky; Champaign-Urbana Physicians for Social Responsibility: Mason City, Illinois; Chicago Media Watch Environmental Task Force: Evanston, Illinois; Citizens Clearinghouse on Hazardous Waste: Falls Church, Virginia; Citizens Energy Council: Hewitt, New Jersey; Citizens Environmental Organizations of Bedford Co., Clearville, Pennsylvania; Citizens for a Healthy Environment: Waveland, Mississippi; Citizens for Responsible Fort McCoy Growth: Sparta, Wisconsin; Citizens for Safe Water Around Badger: Merrimac, Wisconsin; Coalition for Jobs and the Environment: Abingdon, Virginia; Coalition for Research Ethics and Accountability: Santa Fe, New Mexico; Columbia River United: Hood River, Oregon; Citizens Against Incineration in Newport: Newport, Indiana; Citizens for Environmental Quality: Hermiston, Oregon; Citizens for Safe Weapons Disposal: Pueblo, Colorado; Coalition for Safe Disposal: Worton, Maryland; Common Ground: Berea, Kentucky; Concerned Citizens for Maryland's Environment: Bel Air, Maryland; Concerned Citizens of Madison County: Richmond, Kentucky; Center for the Biology of Natural Systems: Queens, New York; Center for Environmental Health Studies: Boston, Massachusetts; Center for Responsive Politics: Washington, DC; Central Kentucky Council for Peace and Justice: Lexington, Kentucky; Citizen Alert: Las Vegas, Nevada; Citizens to Save Our Environment: St. Louis, Missouri.

Desert Citizens Against Pollution: Rosamond, California; Don't Waste Arizona, Flagstaff, Az.; Downwinders, Inc.: Salt Lake City, Utah; Earth and Spirit Council: Portland, Oregon; Eastern Cherokee Defense League: Cherokee, North Carolina; Ecology Center: Berkeley, California; Edmonds Institute: Edmonds, Washington; Environmental Research Foundation: Annapolis, Maryland; Earth Friendly of Huntsville: Huntsville, Alabama; Environmental Compliance Oversight Corporation.

Families Concerned About Nerve Gas Incineration: Anniston, Alabama; Farm Aid, Cambridge Mass.; Franklin County Voters for Clean Air; Columbus, Ohio; Friends of the Earth: Washington, DC; Friends and Native Americans: Arlington, Massachusetts; Friends of the Upper Willamette River, Inc: Corvallis, Oregon; Georgia Chapter, 20/20 Vision: Sautee, Georgia; Gateway Green Alliance: St. Louis, Missouri; Global Greens-USA, Washington, D.C.; GreenLaw: Washington, DC; Greenpeace International, Amsterdam; Greenpeace USA, Washington, D.C.; Greenpeace Midwest: Chicago, Illinois; Greenpeace Pacific Campaign; Greenpeace Portland: Portland, Oregon; Greenpeace South: Atlanta, Georgia; Greenpeace West: Seattle, Washington; Government Accountability Project: Washington, DC; Groups Allied to Stop Pollution: Wilmer, Texas; Hawaii's Thousands Friends; Hoosier Environmental Council: Indianapolis, Indiana;

H.O.P.E. Alive!: Pueblo, Colorado; Humane Society of the United States, Washington, D.C.

Institute for the Advancement of Hawaiian Affairs; Indiana Citizen Action: Indianapolis, Indiana; Indigenous Environmental Network: Bemidji, Minnesota; Institute for Agriculture and Trade Policy; Institute for Energy and Environmental Research, Washington, D.C.; Institute for Science and Interdiciplinary Studies: Amherst, Massachusetts; International Fellowship of Reconciliation: Douglasville, Georgia; International Physicians for the Prevention of Nuclear War; International Social Ecology Network; Kentucky Conservation Committee: Frankfort, Kentucky; Kentucky Environmental Foundation, (CWWG Project) Berea, Ky.; Kentuckians for the Commenwealth: Salyersville, Kentucky; Kentucky Resources Council: Frankfort, Kentucky; Legal Environmental Assistance Foundation: Tallahassee, Florida; Maryland United for Peace and Justice: Bowie, Maryland; Massachusetts Campaign to Clean Up Hazardous Waste: Boston, Massachusetts; Military Toxics Project: Sabattus, Maine; Newport Study Group: Newport, Indiana; Nuclear Free and Independent Pacific; National Center for Environmental Health Strategies: Voorhees, New Jersey; Network for Environmental and Economic Responsibility: Nutley, New Jersey; NC Waste Awareness and Reduction Network: Durham, North Carolina; Northwest Coalition for Alternatives to Pesticides: Eugene, Oregon.

Northwest Environmental Advocates: Portland, Oregon; Nuclear Information and Resource Service: Washington, DC; National Depleted Uranium Citizens Network; Oregon Peaceworks: Salem, Oregon; Oregon Environmental Council: Portland, Oregon; Pine Bluff for Safe Disposal: Pine Bluff, Arkansas; Pacific Asia Council of Indigenous People, Hawaii; Pacific Concerns Resource Center; Parkridge Area Residents Take Action: Grove City, Ohio; People for Clean Air and Water—El Pueblo: Hanford, California; People vs. a Chemical Contained Environment: Jacksonville, Arkansas; Project on Demilitarization and Democracy: Washington DC; Pacific Studies Center: Mt. View, California; Physicians for Social Responsibility: Boston, Mass.; Progressive Alliance for Community Empowerment: Albuquerque, New Mexico; Project South: Knoxville, Tennessee; Reach for Unbleached: Whaletown, British Columbia, Canada; Rhode Island Coalition for Peace and Justice: Providence, Rhode Island; Rural Alliance for Military Accountability, Oregon.

Sangre de Cristo Chapt. of the Rocky Mtn. Sierra Club: Pueblo, Colorado; Serving Alabama's Future Environment: Anniston, Alabama; Sierra Club, Washington, D.C.; Sierra Club Legal Defense Fund, San Francisco, Ca.; Snake River Alliance: Boise, Idaho; South Bronx Clean Air Coalition: Bronx, New York; Southern Organizing Committee: Atlanta, Georgia; Social Concerns Office, Catholic Diocese of Jefferson City: J. City, Missouri; St. Louis Archdiocese: St. Louis, Missouri; SEVA Service Society, Palo Alto, Ca.; Tri-State Environmental Council: East Liverpool, Ohio; Tooele County Clean Air Coalition: Tooele, Utah; U.S. Public Interest Research Group: NYC, NY; Utah Sierra Club: Salt Lake City, Utah; Valley Citizens for a Safe Environment: Sunderland, Massachusetts; Vietnam Agent Orange Victims—The Living Dead: High Ridge, Missouri; Vietnam Veterans of America Foundation: Washington, DC; Veterans for World Peace: Gainsville, Florida; Vietnam Veterans of America: Little Rock, Arkansas; Women Concerned/Utahns United: Salt Lake City, Utah; Women's International League for Peace and Freedom: Portland, Oregon; Western Organization of Resource Councils, Butte, Montana; Working Group on Community Right to Know, Washington, D.C.

CHEMICAL DEMILITARIZATION AMENDMENT

Mr. FORD. Mr. President, why do we need this amendment?

I am proposing that the Department of Defense set up a pilot program to review alternative technologies for the destruction of chemical munitions. Currently, the Army has a review underway that only examines the use of these technologies for bulk sites. The Lexington Blue Grass Army Depot and the Pueblo Chemical Depot are nonbulk sites that house munitions, so we need to examine the feasibility of using alternative technologies for nonbulk sites as well.

Question: What are the unique provisions of this amendment?

First, this amendment would direct the Department of Defense to appoint someone who hasn't been in direct, or immediate control of the chemical weapon stockpile demilitarization program. I strongly believe that this program needs new blood, an individual who is objective and not wedded to the incineration process.

Second, this amendment prohibits the expenditures of funds for the construction of incinerators at both the Lexington Blue Grass Army Depot in Kentucky and at the Pueblo Chemical Depot in Colorado for 1 year.

Question: How do you know that there will not be local opposition to pilot testing an alternative technology?

I am hopeful that the pilot program will include a decisionmaking process that will include State and local governments, local community groups and that all parties in this process will reach a consensus. With a consensus building process, I believe that there will be less local opposition to the pilot testing of an alternative technology, and in future years destruction of obsolete chemical weapons will be allowed to proceed.

Question: Where will the pilot project take place?

Site selection will be decided contingent on the technical merits of the technology chosen for evaluation and the best place for that technology to be tested.

Question: What is the difference, if any, between your amendment and what is in the appropriations bill?

There are several differences. First, based on Department of Defense and private sector estimates, I am asking for $60 million for a 3-year period to conduct this pilot project. The appropriation's language requests $40 million for the same study with no timeframe for the completion of the study. I believe it is critical to have a timeframe or the project may drag on. Furthermore, the appropriation language requires that at least two technologies can be reviewed, I believe this is micromanagement on the legislative level and that those decisions should be left to the experts doing the job.

Question: Are we putting the communities in more danger by not going ahead with incineration? What about chemical munition leaks?

Based on performance history of the baseline incineration process with its legal challenges and permits difficulties, the baseline incineration disposal approach will extend well beyond the existing 2004 deadline and also beyond the 2007 anticipated chemical weapons convention deadline. On the other hand, I believe that alternative approaches may be easier to get permits and with fewer legal challenges. This amendment could expedite the common objective of safe, cost-effective expeditious disposal.

I can understand the concern about aging munitions and the possibility of leaks, but according to the Department of Defense's interim status assessment for the chemical demilitarization program, the handling of the munitions to conduct a more thorough survey is also a source of risk that need not be incurred given the apparent slow rate of deterioration.

Defense, in their report, also states: The rate of deterioration is not markedly increasing; there is no evidence of immediate danger from stockpile storage; the rocket stockpile could continue to be safely stored.

The most recent evaluation performed by the Army in 1994 indicated that with even the most conservative assumptions, the probability of a rocket auto-ignition is less than one in a million before 2013.

Mr. President, this legislation does not stop the Army from going forward with the baseline incineration program at sites other than Kentucky and Colorado. This legislation does not change the dates required by Congress for the destruction of our chemical weapons by 2004. But let me point out to my colleagues that this date of 2004 has been changed three times by Congress. When the chemical treaty goes into effect, and I hope the Army is listening to this, the treaty calls for 10½ years for the destruction of chemical weapons, from the date the treaty is ratified. So, let's say, Mr. President, that the treaty is ratified by 65 countries in January 1997. We would have 10½ years from 1997 to destroy our chemical weapons—but if we cannot do it in that timeframe then the treaty allows a country to ask for 5 additional years. That would place the destruction date in the year 2013.

Mr. THURMOND. I have grave concerns about the impact of his amendment on the current program, which uses baseline incineration technology, to destroy the chemical stockpile. This amendment would bring the program to a halt.

The amendment would direct the initiation of a pilot program on an unspecified alternate technology. As I understand it, pilot program testing is only initiated after basic technical efficacy has been demonstrated at either the laboratory or bench scale. There is

no independently verified evidence today to support legislation to direct the initiation of a pilot program.

Mr. President, this legislation is fraught with requirements that will detrimentally impact the current destruction program.

The administration is pushing the Senate to ratify the Chemical Weapons Convention. If this amendment were to pass, we would be unable to meet the requirements in the CWC to begin destruction of the stockpile within 2 years of entry into force of the treaty. We would also not be able to complete destruction of the stockpile within the 10-year timeframe.

Mr. FORD. Mr. President, I understand, after the modifications, that both sides have agreed to this amendment. I am grateful.

Mr. WARNER. Mr. President, I wish to advise the Senate, in view of the modifications submitted by the Senator from Kentucky, that this amendment is acceptable on this side.

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

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

The amendment (No. 4419) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. FORD. I thank my friends.

AMENDMENT NO. 4415

Mr. CONRAD. Mr. President, on the previous Conrad amendment on the B–52's, we need to move to reconsider that amendment.

The PRESIDING OFFICER. There was no motion to reconsider that amendment.

Mr. CONRAD. That is correct. Would it be appropriate to reconsider the amendment?

The PRESIDING OFFICER. Yes, it would.

Mr. WARNER. Mr. President, could the Chair advise the Senate once again as to the request by the Senator from North Dakota and what the response was?

Mr. CONRAD. Mr. President, the previous Conrad amendment on B–52's that had been agreed to on both sides was not reconsidered and laid on the table. I was just going through that formality now.

I have made the motion to reconsider. 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.

Mr. WARNER. Mr. President, this bill is moving along very speedily, and the managers anticipate that following the presentation by the distinguished majority leader and the Democratic leader of the unanimous-consent request that this bill will conclude today.

Seeing no Senator seeking recognition, I ask unanimous consent that the Senator from Utah be recognized to make a statement not to exceed 10 minutes.

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

THE ELECTION IN RUSSIA

Mr. BENNETT. Mr. President, I thank the managers of the bill.

Normally, I would not intrude upon the legislative session for a matter that belongs in morning business. But this morning's newspaper carries a story that has some urgency connected with it, and I think some connection with the bill we are discussing.

We are talking about America's defenses, and in the course of the debate, we talked about the situation in Russia and the election in Russia.

In this morning's Washington Post there is a headline ''New Yeltsin Aide Rails at Foreign Religions.''

Then the subheadline, which is what has caused me to come to the floor in protest, says ''Lebed Calls Mormonism 'Mold and Scum.' ''

In the story coming from Moscow, the date line of June 27,

> Alexander Lebed, the tough-talking retired general who has become President Boris Yeltsin's unofficial running mate, railed against Western cultural influences in Russia today and vowed to rid the country of foreign religious and cults—including Mormonism, which he called ''mold and scum.''
>
> Speaking to an assembly of patriotic organizations, he declared that Russia has three ''established, traditional religions''—Orthodox Christianity, Islam and Buddhism—pointedly excluding the faith of the country's 650,000 Jews, who have endured fierce antisemitism here for centuries.
>
> He then lumped Mormons with Aum Supreme Truth—the Japanese cult implicated in last year's poison gas attack on the Tokyo subway system—saying they pose a ''direct threat to Russia's security'' because they are bent on ''perverting, corrupting and ultimately breaking up out state.''

Mr. President, there are several reactions to this outburst on the part of Mr. Lebed, all of them disturbing.

First, we should note that he is reciting and repeating the general political posture taken by the Communist candidate in the race for the Presidency. This man, who is now viewed as the strongest man behind President Yeltsin and possibly President Yeltsin's replacement in that part of the Russian politics, has reached out to take the most virulent antireligious positions of their Communist opponent, Mr. Zyuganov, and has adopted them into his political platform.

One would assume, therefore, that we might dismiss this phrase as simply a political ploy on Mr. Lebed's part in an effort to steal a political position from the opponents. It is far more serious than that. Mr. Lebed has the reputation of being the kind of man who does in fact speak at the drop of a hat and sometimes without thinking but who, once having made a statement of this kind, would use his official position to follow it up with a serious religious repression of any who do not fall into the three religions he has declared to be acceptable—Orthodox Christianity, Islam, and Buddhism. I would think that Catholics, Protestants, Western Christians of any kind, and certainly Jews, would be chilled by this kind of statement coming from the man who is so close to President Yeltsin.

It is very interesting to me as a side comment that he has chosen to speak of the Buddhists as one of the three acceptable religions in Russia when, in fact, there is not a significant presence of Buddhism in Russia. If you are going to choose religions on the basis of their representation there, there are far more Jews in Russia than there are Buddhists, and yet he has chosen to include the Buddhists and very pointedly exclude the Jews. This is an outrageous statement from a nation that has been the source of some of the most virulent anti-Semitism the world has ever seen, and it clearly needs to be challenged.

The other point that needs to be made here with respect to what is being said in this Presidential campaign in Russia has to do not with religion but with democracy. We are being told continually that the Russians have finally crossed over the hump, and they have gone from the totalitarianism of the Communist years now into the open sunshine of free debate and free dissension. We know from history that the first casualty of tolerance for a regime moving in the direction of totalitarianism is always religious tolerance, and then immediately following after that comes an attempt to destroy any political dissension.

We are seeing a signal here from the man closest to President Yeltsin that the Yeltsin regime, if they listen to this man, will move in the direction of destroying dissent and differing opinions throughout all of Russian society. They will start with religion, but surely they will then move to repress all other dissenting opinions and we will see Russia move back into the shadows of totalitarianism under which the Russian people have, unfortunately, lived for centuries, if not millennia. Indeed, if you go past the Communist period into the years of the czarist rule, we found that the czars and the then State church worked hand in hand to see that there was no dissension of any kind in either religious or political debate in czarist Russia. These are the specters that are being raised by this kind of statement from this man in a Presidential election.

Mr. President, I am working on the language of a letter that will be sent to Secretary Christopher, a letter that will be sent to Brian Atwood, the Director of AID, and that probably will be sent also to Boris Yeltsin himself. Senator HATCH is working with me. We will coordinate the language of this letter. Senator REID has joined and indicated his outrage at these statements, as have Senators LIEBERMAN and SPECTER.