

education at all levels in the South. The "Tuttle court" was in many ways a beacon to the various State and Federal courts involved in decisions effecting civil and individual rights.

In a commencement address at Emory University, Judge Tuttle noted:

* * * Like love, talent is only useful in its expenditure, and it is never exhausted. Certain it is that man must eat; so set what you must on your service. But never confuse the performance, which is great, with the compensation, be it money, power, or fame, which is trivial.

The job is there, you will see it, and your strength is such, as you graduate from Emory, that you need not consider what the task will cost you. It is not enough that you do your duty. The richness of life lies in the performance which is above and beyond the call of duty.

Mr. President, I, and the many others whose lives he touched, know that Judge Tuttle answered and exceeded the frequent calls of duty. He led a rich life, and his impact on our lives will continue through the wisdom of his judicial decisions and opinions, as well as through the lives of his children, Elbert and Jane, his nine grandchildren, and his nine great grandchildren.

His life, as the Atlanta Constitution once noted, was "a life devoted to justice."

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with consideration of the bill.

AMENDMENT NO. 4423

(Purpose: To increase by \$17,000,000 the amount authorized to be appropriated for Defense-wide activities for research, development, test, and evaluation in order to provide an additional \$17,000,000 for Holloman Rocket Sled Test Track Upgrade program under the Central Test and Evaluation Investment Program)

Mr. McCAIN. Mr. President, on behalf of Senator DOMENICI, I offer an amendment that authorizes an additional \$17 million in the Central Test and Evaluation Investment Program for the Holloman Sled Track Upgrade Program.

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 4423.

The amendment is as follows:

In section 201(4), strike out "\$9,662,542,000" and insert in lieu thereof "\$9,679,542,000".

Mr. DOMENICI. Mr. President, I rise today to offer an amendment to authorize \$17.5 million for the construction of Holloman high speed test track upgrade. The Holloman high-speed test track at HAFB is the premier high-speed ground-test facility in the world. Rocket motors propel sleds down a 10-mile track at velocities of up to March 6. High-speed ground testing is used for a wide variety of development and qualifying testing. It is both highly cost effective in supporting flight testing and is capable of accomplishing

tests, such as lethality impact test, that cannot be performed by other means.

The HAFB test track has been designated as the ground test facility for theater missile defense [TMD] testing. Realistic testing for this mission requires velocities in the Mach 9 range.

Development of top priority TMD interceptors without validation of their lethality results in a major technical risk that the United States would field defensive systems which are ineffective against chemical, biological, and radiological weapons. To reach the required impact velocities, new methodologies have had to be conceived which would remove the barrier to higher velocities, and provide more flight-like environment.

Limited maximum speed, excessive vibrations, and unreliability at very high speeds are the current limitations of the HAFB high-speed test track. Currently, a slipper fits over the rail and effectively holds the sled onto the rail as it is pushed by the rocket motors. The slipper/rail interaction is a major source of the limitations.

A feasibility study which was concluded by the Air Force and completed in 1993, concluded that magnetically levitated hypersonic vehicles were feasible and relatively economical. Speeds of Mach 9 are achievable using current rocket motors, and because the levitated sled does not touch the guideway, the induced vibration and generated heat is eliminated, providing a near flight environment.

Although this project is primarily committed to lethality testing, the system, once installed, lends itself to a multitude of other technology developments. The upgraded system will have an unsurpassed capability to support a wide variety of other military and civilian programs, such as: Electro-magnetic launch of highly reusable space vehicles; testing of advanced propulsion systems; rocket motors; and development testing of transatmospheric propulsion motors.

Currently, SCRAMJETS cannot be suitably tested because of windtunnel limitations, which preclude the study of the combustion process. The upgrade track should allow engineers and scientists to establish an environment to study advanced propulsion systems which are being considered for high altitude and space vehicles.

The Federal Railroad Administration has signed a MOU regarding study of the use of the upgrade track hardware and facilities. Such use might include the following types of tests for commercial magnetically levitated items: Magnetic levitation and propulsion; magnetic design, including cryogenics and helium management; vehicle control and suspension systems; and passenger ride quality.

Mr. President, the upgrade of the Holloman high speed test track will prove to be vital asset within the DOD test community. I understand that my colleagues on both sides of the aisle

have agreed to accept the amendment. I appreciate their support, I ask for adoption of the amendment, and I yield the floor.

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

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

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

The amendment (No. 4423) 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. 4424

(Purpose: To authorize a land conveyance at Pine Bluff Arsenal, Arkansas)

Mr. NUNN. Mr. President, on behalf of Senator BUMPERS and Senator PRYOR, I offer an amendment authorizing the Secretary of the Army to convey 1,500 acres at Pine Bluff Arsenal to the economic development alliance of Jefferson County, AR. I believe this has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for Mr. BUMPERS, for himself, and Mr. PRYOR proposes an amendment numbered 4424.

The amendment is as follows:

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

SEC. 2828. LAND CONVEYANCE, PINE BLUFF ARSENAL, ARKANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Economic Development Alliance of Jefferson County, Arkansas (in this section referred to as the "Alliance"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 1,500 acres and comprising a portion of the Pine Bluff Arsenal, Arkansas.

(b) REQUIREMENTS RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of property authorized under subsection (a) until—

(1) the completion by the Secretary of any environmental restoration and remediation that is required with the respect to the property under applicable law;

(2) the Secretary secures all permits required under applicable law regarding the conduct of the proposed chemical demilitarization mission at the arsenal; and

(3) the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a certification that the conveyance will not adversely affect the ability of the Department of Defense to conduct that chemical demilitarization mission.

(c) CONDITIONS OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) That the Alliance agree not to carry out any activities on the property to be conveyed that interfere with the construction, operation, and decommissioning of the chemical demilitarization facility to be constructed at Pine Bluff Arsenal. If the Alliance fails to comply with its agreement in

(1) the property conveyed under this section all rights, title and interest in and to the property shall revert to the United States and the United States shall have immediate right of entry thereon.

(2) That the property be used during the 25-year period beginning on the date of the conveyance only as the site of the facility known as the "Bioplex", and for activities related thereto.

(d) **COST OF CONVEYANCE.**—The Alliance shall be responsible for any costs of the Army associated with the conveyance of property under this section, including administrative costs, the costs of an environmental baseline survey with respect to the property, and the cost of any protection services required by the Secretary in order to secure operations of the chemical demilitarization facility from activities on the property after the conveyance.

(e) **REVERSIONARY INTERESTS.**—If the Secretary determines at any time during the 25-year period referred to in subsection (c)(2) that the property conveyed under this section is not being used in accordance with that subsection, all right, title, and interest in and to the property shall revert to the United States and the United States shall have immediate right of entry thereon.

(f) **SALE OF PROPERTY BY ALLIANCE.**—If at any time during the 25-year period referred to in subsection (c)(2) the Alliance sells all or a portion of the property conveyed under this section, the Alliance shall pay the United States an amount equal to the lesser of—

(1) the amount of the sale of the property sold; or

(2) the fair market value of the property sold at the time of the sale, excluding the value of any improvements to the property sold that have been made by the Alliance.

(g) **DESCRIPTION OR PROPERTY.**—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall borne by the Alliance.

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

Mr. MCCAIN. Mr. President, 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. 4424) 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. 4425

(Purpose: To provide funds for research and development regarding a surgical strike vehicle for defeating hardened and deeply buried targets)

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of Senator KYL 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. KYL, proposes an amendment numbered 4425.

The amendment is as follows:

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

SEC. 223. SURGICAL STRIKE VEHICLE FOR USE AGAINST HARDENED AND DEEPLY BURIED TARGETS.

Of the amount authorized to be appropriated by section 201(4) for counterproliferation support program, \$3,000,000 shall be made available to the Air Combat Command for research and development into the near-term development of a capability to defeat hardened and deeply mined targets; including tunnels and deeply buried facilities for the production and storage of chemical, biological, and nuclear weapons and their delivery systems.

(1) nothing in this section shall be construed as precluding the application of the requirements of the Competition in Contracting Act.

Mr. KYL. Mr. President, it is my pleasure to offer an amendment to make \$3 million available from the \$168.7 million in the Counterproliferation Support Program for the Surgical Strike Vehicle [SSV], which, when deployed, will hold at risk hardened or deeply buried targets of our enemies. As recent press reports indicate, the proliferation of hardened and deeply buried targets for storage and production of chemical, biological, or nuclear weapons and their delivery systems is a serious threat to U.S. national security and that of our allies. The lack of a weapon that can hold these targets at risk has not gone unnoticed by rogue nations interested in proceeding with their weapons of mass destruction programs in relative immunity from likely—that is, non-nuclear—U.S. military responses.

Few nonnuclear weapon concepts offer near-term capabilities against these underground facilities, however one Air Force concept, the Surgical Strike Vehicle, offers an interim solution with unprecedented deep penetration capability at significant standoff range.

SSV integrates existing technologies and subsystems to produce a near-term solution against hardened and deeply buried targets. SSV is a B-52H launched, rocket propelled missile systems utilizing global positioning system-based guidance for prompt, precise, and hypervelocity impact of hardened and buried targets.

SSV builds on the very successful USAF/Phillips Laboratory Missile Technology Demonstration-1 mission, which demonstrated the tightly coupled GPS navigation accuracy and successful penetration of weather granite at the White Sands missile range, New Mexico. In this August 1995 test, a simulated subscale Earth penetrating warhead was precisely delivered on target at extremely high velocity, resulting in a successful penetration of 31 feet of granite. Much higher penetration depths are possible with full-scale penetrators and higher impact velocities, which the current system is capable of delivering.

SSV is particularly suited to the high-value hardened and deeply buried target problem because it offers the

following attributes: global coverage from CONUS, promptness—10 minutes from missile launch to impact—significant standoff range—launch over international waters against likely targets—Precision Lethality, >1,800 pounds of penetrating warheads at optimal penetration velocity delivers a conventional high explosive, incendiary, or other warhead into any known cut-and-cover target and many tunnel targets; low probability of detection prior to impact for likely adversaries; immunity to air defenses or active countermeasures, jamming; and relative affordability.

I am pleased to support the SSV program and hope the Senate will agree that this program is meritorious.

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

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

The amendment (No. 4425) 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. 4426

(Purpose: To require the Secretary of the Navy to establish a National Coastal Data Center on each coast of the continental United States)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator PELL 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. PELL, proposes an amendment numbered 4426.

The amendment is as follows:

On page 54, between lines 22 and 23, insert the following:

“(c) NATIONAL COASTAL DATA CENTER.—(1) The Secretary of the Navy shall establish a National Coastal Data Center at each of two educational institutions that are either well-established oceanographic institutes or graduate schools of oceanography. The Secretary shall select for the center one institution located at or near the east coast of the continental United States and one institution located at or near the west coast of the continental United States.

“(2) The purpose of the center is to collect, maintain, and make available for research and educational purposes information on coastal oceanographic phenomena.

“(3) The Secretary shall complete the establishment of the National Coastal Data Center not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997.

Mr. NUNN. Mr. President, my understanding is that this has been cleared.

Mr. MCCAIN. Mr. President, the amendment has been cleared. I urge its adoption.

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

The amendment (No. 4426) 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. 4427

(Purpose: To authorize \$20,000,000 to be appropriated for the DARPA Optoelectronic Centers)

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of Senator 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. NUNN], for Mr. DOMENICI, proposes an amendment numbered 4427.

The amendment is as follows:

In section 201(4), strike out “9,662,542,000” and insert in lieu thereof “\$9,682,542,000”.

Mr. DOMENICI. Mr. President, this amendment authorizes \$20 million for the DARPA sponsored Optoelectronics Centers. Optoelectronics is widely recognized as a critical enabling technology for many information-age defense, aerospace, and commercial applications. It is the cornerstone for battlefield sensing [ultraviolet to infrared and rf], for image and signal processing, for high-speed communications, for input-output devices such as displays and cameras, and for optical storage. The development of manufacturable, reliable, cost-effective optoelectronic technology for these applications is essential to national defense as well as to our national competitiveness. This will require the challenging fusion of technological advances in electronic and photonic technologies, and the coordinated effort of our national resources from academia, industry, and the Government.

Over the initial 5 years of their existence, under the effective management of DARPA, the University Optoelectronics Centers have come a long way toward filling their role as a major resource for future U.S. defense needs. As the U.S. industry is steadily decreasing its investment in research, these Centers have become an integral part of the U.S. research and development effort, and are a major source of R&D personnel for the U.S. Government and the optoelectronics industry.

The Centers' value as a resource is derived in large part from the variety of subdisciplines that they accommodate, enabling a synergy that would not be available to an individual researcher or a smaller research group. Through exposure to the defense community and industry, the Centers are also in a position to provide future engineers that can enter the work force seamlessly. The Centers are therefore a primary source of engineering manpower, an important, complimentary avenue for technology exchange.

There are many examples of clear links to product development and ongoing interactions, as a measure of the contributions of the DARPA-funded Centers.

At the Center for Optoelectronics Science and Technology [COST] the emphasis is toward optical communica-

tions networks on a scale ranging from local area networks to the global grid. The COST Research Program includes three thrusts-optoelectronic systems [e.g., parallel optical links], laser and modulator technology [e.g., In AlP-InGaP quantum well devices], and optical receiver technology [including MESFET and HBT receivers].

At the National Center for integrated Photonic Technology [NCIPT] the focus is on the Optically-Controlled Phased Array Antennas [OCPAA] project in which significant impact could be made on the general application of photonics to microwave systems. The Center added a second focus area in optoelectronic integration with significant effort in the Optochip project, explained below. The Center also has devoted resources toward interconnects, including work on low-skew ribbon cable.

At the Optoelectronic Materials Center [OMC], the major focus has been on diode-based visible sources, optoelectronic tools for intelligent manufacturing, and optoelectronic information networks. The work on visible diode sources is aimed at the realization of compact visible light sources based on GaN light emitting diodes and diode lasers, second harmonic generation of diode lasers, and up-conversion fiber lasers.

The work in optoelectronic tools aims primarily at the development of optoelectronic sensors for the silicon manufacturing industry, including applications in interferometric lithography, spectroscopic analysis of trace impurities, and the control of temperature during thermal processing steps. The Center's work in information network concentrates on the establishment of a test bed to evaluate wide bandwidth optical interconnects—based both on fiber and free-space technology.

At the Optoelectronic Technology Center [OTC] the main focus is on computer interconnects [including guided wave and free space technologies], and high-performance networks [including time domain, subcarrier, and wavelength-division multiplexing].

Mr. President, these Centers have been a valuable tool to the Department of Defense and my amendment will allow them to continue this vital work. I understand my colleagues on both sides of the aisle have agreed to accept my amendment. I appreciate their support, ask for adoption of the amendment, and I yield the floor.

Mr. MCCAIN. Mr. President, I believe this has been cleared by the other side.

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

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

The amendment (No. 4427) 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. 4428

(Purpose: To prohibit the distribution of information relating to explosive materials for a criminal purpose)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator FEINSTEIN 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 Mrs. FEINSTEIN, for herself, and Mr. BIDEN, proposes an amendment numbered 4428.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON THE DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVE MATERIALS FOR A CRIMINAL PURPOSE.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following new subsection:

“(1) It shall be unlawful for any person to teach or demonstrate the making of explosive materials, or to distribute by any means information pertaining to, in whole or in part, the manufacture of explosive materials, if the person intends or knows, that such explosive materials or information will be used for, or in furtherance of, an activity that constitutes a Federal criminal offense or a criminal purpose affecting interstate commerce.”

(b) PENALTY.—Section 844(a) of title 18, United States Code, is amended—

(1) by striking “(a) Any person” and inserting “(a)(1) Any person”; and

(2) by adding at the end the following:

“(2) Any person who violates subsection (1) of section 842 of this chapter shall be fined under this title, imprisoned not more than 20 years, or both.”

Mrs. FEINSTEIN. Mr. President, I rise to propose an amendment, which is co-sponsored by Senator BIDEN, to prohibit teaching bomb-making for criminal purposes.

First, I want to express my sincere appreciation to the managers of this bill, Senators THURMOND and NUNN, and to the distinguished chairman and ranking member of the Judiciary Committee, Senators HATCH and BIDEN, for their cooperation in accepting this important amendment.

My amendment prohibits the teaching of how to make a bomb if a person intends or knows that the bomb will be used for a criminal purpose. Additionally, the amendment prohibits the distribution of information on how to make a bomb if a person intends or knows that the information will be used for a criminal purpose.

The penalty for violation of this law would be a maximum of 20 years in prison, a fine of \$250,000, or both.

As my colleagues will recall, this amendment was accepted in the Senate as part of the anti-terrorism bill last summer. Regrettably, the House dropped it from their bill, and it was not restored in conference.

I vowed then, on the floor of the Senate, to continue this fight, and attach this amendment to the next appropriate legislative vehicle. Today, that time has come.

Unfortunately, while Congress was failing to act, the need for this law has, tragically, continued to grow dramatically.

Just yesterday, while I was working to add this amendment to this bill, the Los Angeles Times ran a story, "Internet Cited for Surge in Bomb Reports," which demonstrated this need. I ask unanimous consent that this article be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mrs. FEINSTEIN. The Times detailed the recent alarming rise in bombmaking incidents in my State of California: reports of possible explosives to the Los Angeles Sheriff's Department have more than doubled in the last 2 months; responses by the Los Angeles Police Department to reports of suspected bombs shot up more than 35 percent from 1994 to 1995; the LAPD found 41 explosives in 1995, more than double the number 3 years earlier; and the Sheriff's Department discovered 69 bombs last year.

What is especially troubling is that it appears that an increasing number of these incidents involve children, who are getting instructions for making these explosives from the Internet:

Four teenagers were arrested last week for a rash of pipe bombings in Rancho Palos Verdes in May and June which destroyed four mailboxes, a guard shack, and a car.

In Orange County, police say teenagers may have used the Internet to help construct acid-filled bottle bombs in Mission Viejo and Huntington Beach, one of which burned a 5-year-old boy when he found it on a school playground.

Two-months ago, the Orange County Register reported that a North Carolina teenager who posted "The Anarchist Cookbook" on his World Wide Web page was told by a Dutch girl that she had used the recipes to blow up a neighbor's car.

All Senators and Representatives should be concerned about this, for these incidents are occurring across the country. Wherever there is a computer and a phone line, this danger is present.

In February, in upstate New York, three 13-year-old boys were charged with plotting to set off a homemade bomb in their junior high school, using bomb-making plans which they had gotten off of the Internet.

Yesterday's Los Angeles Times article reported that computer-generated guides proved a common link in bombs built recently by teenagers from the streets of Philadelphia and Houston to rural Kansas and upstate New York.

These incidents aren't just limited to dangerous teenage pranks either. One of the 1993 World Trade Center bombers was arrested with manuals in hand.

My amendment gives law enforcement another tool in the war against terrorism—to combat the flow of infor-

mation that is used to teach terrorist and other criminals how to build bombs.

This information is not something that one would use for a legitimate purpose or information that can be found in a chemistry textbook on the back shelf of a university library.

What my amendment targets is detailed information that is made available to any would-be criminal or terrorist, with the intended purpose of teaching someone how to blow things up in the commission of a serious and violent crime—to kill, injure, or destroy property.

In researching this issue, I came to find that specific and detailed information on how to make a bomb is distributed far too widely. It's available on the Internet, in books, in magazines, and by mail order. According to terrorism expert Neil Livingston, there are more than 1,600 so-called mayhem manuals—books with titles like "The Anarchist Cookbook," "The New Improved Poor Man's James Bond," "How To Kill", and "Exotic and Covert Weapons".

Let me provide some examples of the type of information I am talking about:

The "Terrorist's Handbook" is available by mail order and on the Internet. Just recently, my staff downloaded a copy of it from the Internet; Mr. President, you could do the same thing today.

The "Terrorist's Handbook" begins by saying:

"Whether you are planning to blow up the World Trade Center, or merely explode a few small devices on the White House lawn, the "Terrorist's Handbook" is an invaluable guide to having a good time. Where else can you get such wonderful ideas about how to use up all that extra ammonium triiodide left over from last year's revolution.

The Handbook goes on to give step-by-step instructions on what to do:

Acquiring chemicals: "The best place to steal chemicals is a college. Many state schools have all of their chemicals out on the shelves in the labs, and more in their chemical stockrooms. Evening is the best time to enter a lab building, as there are the least number of people in the building. . . . Of course, if none of these methods are successful, there is always section 2.11 [Techniques for Picking Locks]."

It then tells the reader how to pick a lock.

The Handbook lists various explosive recipes using black powders, nitroglycerine, dynamite, TNT, and ammonium nitrate. And, it provides explicit instructions for making pipe bombs, book bombs, light bulb bombs, glass container bombs, and phone bombs, just to name a few.

Phone bomb: "The phone bomb is an explosive device that has been used in the past to kill or injure a specific individual. The basic idea is simple: when the person answers the phone, the bomb explodes. . . . It is highly probable that the phone will be by his/her ear when the device explodes."

Light Bulb bombs: "An automatic reaction to walking into a dark room is to turn on the light. This can be fatal, if a lightbulb bomb

has been placed in the overhead light socket. A lightbulb bomb is surprisingly easy to make. It also comes with its own initiator and electric ignition system."

Yet another handbook contains detailed schemes and diagrams for a zippered suitcase booby trap, and a shower head booby trap, triggered by the pressure of turning on the water.

One of the more appalling descriptions of bomb making involves baby food bombs. The following information was taken from the Bullet'N Board computer bulletin board off the Internet:

Babyfood Bombs: "These simple, powerful bombs are not very well known even though all the material can be easily obtained by anyone (including minors). These things are so f—ing powerful that they can destroy a car. . . . Here's how they work.

"Go to the Sports Authority or Hermans sport shop and buy shotgun shells. At the Sports Authority that I go to you can actually buy shotgun shells without a parent or adult. They don't keep it behind the little glass counter or anything like that. It is \$2.96 for 25 shells."

The computer bulletin board posting then provides instructions on how to assemble and detonate the bomb. It concludes with, "If the explosion doesn't get'em then the glass will. If the glass doesn't get'em then the nails will." Here are some more examples of individual postings from the Internet:

"Are you interested in receiving information detailing the components and materials needed to construct a bomb identical to the one used in Oklahoma? The information specifically details the construction, deployment and detonation of high powered explosives. It also includes complete details of the bomb used in Oklahoma City, and how it was used and could have been better."—posted April 23, 1995.

"I want to make bombs and kill evil Zionist people in the government. Teach me. . . . Give me text files! . . . Feed my wisdom, Oh great one."—posted April 25, 1995.

The foreword to the book "Death by Deception: Advanced Improvised Booby Traps" states:

Terrorist IEDs [improvised explosive devices] come in many shapes and forms, but these bombs, mines, and booby traps all have one thing in common: they will cripple or kill you if you happen to be in the wrong place at the wrong time.

In this sequel to his best-selling book "Deathtrap", Jo Jo Gonzales reveals more improvised booby-trap designs. Discover how these death-dealing devices can be constructed from such outwardly innocuous objects as computer modems, hand-held radios, toilet-paper dispensers, shower heads, talking teddy bears, and traffic cones. Detailed instructions, schematic diagrams, and typical deployment techniques for dozens of such contraptions are provided.

Other titles of books that teach people how to make bombs include: "Guerilla's Arsenal: Advanced Techniques for Making Explosives and Time-Delay Bombs"; and "The Advanced Anarchist Arsenal: Recipes for Improvised Incendiaries and Explosives."

Enough is enough. Common sense should tell us that the First Amendment does not give someone the right to teach someone how to kill other people.

The right to free speech in the First Amendment is not absolute. There are several well known exceptions to the First Amendment which limit free speech. These include: obscenity; child pornography; clear and present dangers; commercial speech; defamation; speech harmful to children; time, place and manner restrictions; incidental restrictions; and radio and television broadcasting.

I do not for one minute believe that the Framers of the Constitution meant for the First Amendment to be used to directly aid the teaching of how to injure and kill.

In today's day and age when violent crimes, bombings, and terrorist attacks are becoming too frequent, and when technology allows for the distribution of bomb making material over computers to millions of people across the country in a matter of seconds, some restrictions on speech are appropriate. Specifically, I believe that restricting the availability of bomb making information, if there is intent or knowledge that the information will be used for a criminal purpose, is both appropriate and required in today's day and age.

My amendment is an important, balanced measure to confront the problems presented by today's rapid growth in technology, and I am extremely gratified by its adoption today.

I yield the floor.

EXHIBIT 1

[From the Los Angeles Times, June 27, 1996]
INTERNET CITED FOR SURGE IN BOMB REPORTS
COMPUTERS: POLICE AND SHERIFF'S OFFICIALS
SAY WEB SITES PROVIDE YOUNGSTERS WITH
INFORMATION ON MAKING EXPLOSIVES

(By Eric Lichtblau and Jim Newton)

Los Angeles explosives experts have seen an alarming rise in bomb calls over the last several months, and they think they know the main culprits: youngsters on the Internet who are learning to make bombs by scanning computer sites with ominous names like "the Anarchists Cookbook" and "Bombs and Stuff!"

Reports of possible explosives to the Los Angeles Sheriff's Department have more than doubled in the last two months. More troubling, the percentage of suspicious devices that turn out to be real explosives—especially homemade pipe bombs—has grown even more drastically.

The Los Angeles Police Department has noted a similar rise in bomb reports, reflecting a nationwide trend that experts blame on newfound computer access to explosives recipes.

"A lot of the [cases], we're finding out, are kids getting the information off the Internet," said Lt. Tom Spencer, who heads the sheriff's arson/explosives detail. "We're very worried, to be honest . . . It's frightening."

Sheriff's officials believe that information from the Internet was used in a rash of pipe bombings in Rancho Palos Verdes in May and June that destroyed four mailboxes, a guard shack and a car. Four teenagers were arrested last week in the explosions.

In Orange County, meanwhile, police said the Internet may have aided vandals in building acid-filled bottle bombs in Mission Viejo and Huntington Beach. A 5-year-old boy was burned by one of the bombs on a school playground in an April attack that led to the arrests of four teenagers.

And nationwide, computer-generated guides proved a common link in bombs built recently by teenagers around the country, from the streets of Philadelphia and Houston to rural enclaves of Kansas and upstate New York.

Some bookstores and libraries have long provided printed information on homemade bombs—one such manual was found this week in Torrance after a 23-year-old man allegedly blew out three windows at his parents' home with a 10-inch-long pipe bomb. But the Computer Age has cast the explosives' net far wider, experts say.

LAPD spokesman Cmdr. Tim McBride said: "There is a lot of verbiage on the Internet, where people are becoming * * * more aware of what it takes to put a bomb together."

Indeed, a quick scan of computer sites reveals wide access to site offering enlightenment on a wide range of bombs, some cast in a serious, academic tone, others in an aggressive or even hostile bent. "Don't be a wimp. Do it NOW!!!" urges a file on "making and owning an H-bomb."

One popular site, the Anarchists Cookbook, lists no fewer than 19 chapters related to explosives, from "Making Plastic Explosives From Bleach" to a "Home-Brew Blast Cannon" and "A Different Kind of Molotov [sic] Cocktail."

USC terrorism expert Richard Hrair Dekmejian believes that users of such technology are often troubled youths who, without intervention, could become involved in more serious violence along the lines of the Oklahoma City, World Trade Center or Unabomber attacks.

The Internet's bomb-making intrigue offers an outlet for troubled youths who are "bored and alienated," he said in an interview. "This is very, very serious. This is a new epidemic, and I see the problem getting worse," Dekmejian said.

The numbers in Los Angeles seem to prove him right.

Both the LAPD and the Sheriff's Department—the main agencies that handle bombings in the area—have seen marked increases in the last several years in reports of suspicious devices. Last year, responses at each department shop up more than 35% over 1994, reaching 972 calls to the LAPD and 595 to the Sheriff's Department. Each report of a suspected bomb automatically triggers a response by a bomb squad.

The rise has been even more drastic at the Sheriff's Department in the last two months. The bomb detail, which had been averaging about 30 calls a month, handled 68 assignments in April and 62 in May.

LAPD officials attribute the rise in part to the public's increased awareness and sensitivity to the threat posed by bombs, especially after terrorist bombings in Beirut, New York City and Oklahoma City, among other attacks.

For that reason, an abandoned briefcase may be more likely to generate a call to police today than it was a few years ago. But the trend goes beyond public alertness, officials say, and the number of actual explosives discovered has gone up significantly as well.

The LAPD found 41 explosives in 1995, more than double the number three years earlier. And the sheriff's discovery of explosives rose about 10% over that same period, to 69 bombs. The rise was particularly sharp in 1995 at the Sheriff's Department, with the number of bombs 50% higher than in the previous year.

The Sheriff's Department and its 26 bomb technicians recently began using a new 4½-inch-high robot to ferret out possible explosives. Much smaller than its predecessors, it can be used to roam under trucks or through theater aisles to inspect suspicious items.

But technology can be a double-edged sword, and Spencer says his people remain hamstrung as long as the Internet provides free recipes for disaster.

"We can't do anything because there's a freedom of speech mandate that says people can put on the Internet what they want, and people will access it if they want to access it," he said. "The way to stop it is for parents to monitor what their kids are doing."

Mr. BIDEN. Mr. President, I stand in strong support of the Feinstein-Biden amendment, which would make it a Federal crime to teach someone how to make a bomb if you know or intend that it will be used to commit a crime.

This seems pretty simple and straightforward to me. Many Americans—no, I think most Americans—would be absolutely shocked if they knew what kind of bone-chilling information is making its way over the Internet.

You can access detailed, explicit instructions on how to make and detonate pipe bombs, light bulb bombs, and even—if you can believe it—baby food bombs.

Let me give you just a small sample. A guy named "Warmaster" sent this message out over the Internet about how to build a baby food bomb. Here's how his message goes:

These simple, powerful bombs are not very well known even though all the materials can be easily obtained by anyone (including minors). These things are so [expletive deleted] powerful that they can destroy a car. The explosion can actually twist and mangle the frame. They are extremely deadly and can very easily kill you and blow the side of the house out if you mess up while building it. Here's how they work.

And then the message goes into explicit detail about how to fill a baby food jar with gunpowder and how to detonate it.

The thing about this bomb,

The message observes,

Is that the glass jar gets totally shattered and pieces of razor sharp glass gets blasted in all directions.

Warmaster's recipe also elaborates on how you can make the bomb more effective still:

Tape nails to the side of the thing,

It says.

Sharpened jacks (those little things with all the pointy sides) also work well. The good thing about those is any side it lands on is right side up. If the explosion doesn't get'em then the glass will. If the glass don't get'em then the nails will.

Now, I'm not making this stuff up.

And what this amendment says is that if Warmaster gives his recipe to some young kid—intending or knowing that the kid will go build one of these bombs and blow it up over at the local school playground—then Warmaster should be put behind bars.

Right now, that's not a Federal crime. It should be—no ifs, ands, or buts.

I take a back seat to no one when it comes to the first amendment, and the protection of our most cherished rights of free speech.

But there is no right under the first amendment to help someone blow up a

building. There is no right under the first amendment to be an accessory to a crime. And there is nothing in the first amendment that says we must leave our good sense at the doorstep.

This is not the first time that Senator FEINSTEIN and I have tried to put this crime on the books. We tried to add it back to the terrorism bill in April. But our Republican colleagues derailed our effort. Evidently, there were those on the House side who didn't like this provision—who for some reason didn't think that intentionally teaching someone how to build a bomb should be a crime.

I'm glad that our Republican colleagues here in the Senate have come to their senses. And I hope—and urge—that they will do all that they can to make sure their House counterparts do the right thing this time.

This amendment is simple and straightforward. If you're one of these guys who has made a name for himself writing manifestos like "The Terrorist Handbook" or "How To Kill With Joy"—and if someone comes to you and says: "Tomorrow morning, a group of police officers is going to be meeting in the 5th Street precinct—and I want to blow it up."

And if you then say: "Here you go—I've got just the recipe for you."

It seems to me that that should be a crime. And I'm glad the Senate has seen fit to join Senator FEINSTEIN and me in our effort to make it a crime.

Mr. NUNN. Mr. President, this amendment has been cleared with the Judiciary Committee. It is not in our jurisdiction, but it has been approved by both Senator HATCH and Senator BIDEN. So I urge support of the amendment.

Mr. McCAIN. Mr. President, the amendment has been cleared. I urge its adoption.

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

The amendment (No. 4428) 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. 4429

(Purpose: To clarify that the exemption from the Qualified Thrift Lender applies to any savings institutions that serve primarily military personnel)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. NUNN], for Mr. SHELBY, for himself, Mr. FAIRCLOTH, Mr. BRYAN, Mr. DODD, and Mr. GRAMM, proposes an amendment numbered 4429.

The amendment is as follows:

At the appropriate place in the bill add the following new section:

SEC. . EXEMPTION FOR SAVINGS INSTITUTIONS SERVING MILITARY PERSONNEL.

Section 10(m)(3)(F) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(3)(F)) is amended to read as follows:

"(F) EXEMPTION FOR SPECIALIZED SAVINGS ASSOCIATIONS SERVING CERTAIN MILITARY PERSONNEL.—Subparagraph (A) does not apply to a savings association subsidiary of a savings and loan holding company if not less than 90 percent of the customers of the savings and loan holding company and the subsidiaries and affiliates of such company are active or former officers in the United States military services or the widows, widowers, divorced spouses, or current or former dependents of such officers."

Mr. SHELBY. Mr. President, this is a carefully tailored amendment intended to broaden the opportunities for military personnel to obtain financial services. There exists in current law an exemption from the penalties associated with failing to meet mortgage asset requirements of the qualified thrift lender [QTL] test. It was created some years ago for specialized savings associations serving military personnel. At least 90 percent of the association's customers must be active or former officers—commissioned and noncommissioned—in the U.S. military services or widows, widowers, divorced spouses, or current or former dependents of such officers. The rationale for the exemption is that relatively few transient military personnel and their dependents have the need or desire for a residential mortgage. Accordingly, it would be very difficult for a savings association serving the military community to comply with the QTL test requirement.

The present exemption language is too narrowly drawn to apply to similarly situated organizations serving the military community. The amendment retains the essential requirement that at least 90 percent of the savings association's customers be military related. By permitting new market entrants, it will have the effect of expanding competition in this underserved market.

This amendment has been endorsed by the Military Coalition, an organization of all the major active duty and veterans groups. The Treasury Department and the Office of Thrift Supervision have indicated no objection to the amendment.

Mr. McCAIN. This amendment has been cleared.

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

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

The amendment (No. 4429) 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. 4430

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Mr. JOHNSTON 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. JOHNSTON, proposes an amendment numbered 4430.

The amendment is as follows:

On page 410, line 5, strike "\$2,000,000" and insert "\$5,000,000".

On page 410, line 10, strike "\$2,000,000" and insert "\$5,000,000".

On page 410, before line 14, add the following:

"(C) STUDY ON PERMANENT AUTHORIZATION FOR GENERAL PLANT PROJECTS.—Not later than February 1, 1997, the Secretary of Energy shall report to the appropriate congressional committees on the need for, and desirability of, a permanent authorization formula for defense and civilian general plant projects in the Department of Energy that includes periodic adjustments for inflation, including any legislative recommendations to enact such formula into permanent law. The report of the Secretary shall describe actions that would be taken by the Department to provide for cost control of general plant projects, taking into account the size and nature of such projects."

On page 413, line 25, strike "11\$2,000,000" and insert "\$5,000,000".

Mr. JOHNSTON. Mr. President, this amendment raises the statutory fiscal ceiling set in section 3122 on a type of activity in the Department of Energy known as general plant projects. The amendment also requests a report from the Secretary of Energy with recommendations on a permanent authorization formula for such activities.

General plant projects are projects that seek to maintain or replace the fixed and capital assets of the Department at its facilities, whether these assets are entire buildings, major subsystems of buildings—for example, electrical systems, compressed air systems—or other fixed assets such as parking lots, electrical substations, sewer lines, or roads. General plant projects do not entail the acquisition of new programmatic capabilities. Rather, they support and maintain an infrastructure for carrying out existing DOE programs and authorities. This activity designation is unique to DOE in this bill—there is not a clear analog to general plant projects in the Department of Defense, although the Department of Defense also has a large facility infrastructure that it must maintain.

Starting in the National Defense Authorization Act for fiscal year 1986, cost ceilings have been annually established for DOE general plant projects for missions and authorities under the jurisdiction of the Committee on Armed Services. This routine provision of recent defense bills, however, has proven to have considerable effects on the civilian programs of the Department under the jurisdiction of the Committee on Energy and Natural Resources. By establishing a statutory ceiling for general plant projects in the National Defense Authorization Act, the Congress has effectively set the ceiling on all Department spending on general plant projects, whether defense

or civilian. This is because it is not possible, in practice, to manage a system of routine construction and maintenance based on different ceilings. For example, a major electrical upgrade that affected both civilian and defense-related buildings at a DOE site could hardly be subject to two different statutory limits. Nor, as another example, could an upgrade to a sanitary sewer system connecting several buildings—some of which housed civilian DOE programs, others of which housed DOE defense projects—be accomplished under two different statutory limits. In fact, there is some evidence that the greatest impact of the ceiling in the Defense bill is on the Department of Energy infrastructure supporting civilian missions, as general plant projects at defense-related DOE sites tend to be small than general plant projects at civilian sites.

The present ceiling on general plant projects has also never been the subject of a substantive review. Many Department of Energy sites are over 50 years old and contain numerous buildings that are far below contemporary standards or that have completely outlived their useful occupancy. Major rehabilitation of these buildings or their major systems for ongoing programs is required. Yet, the \$2,000,000 statutory limitation on such projects poses a major obstacle to the speedy accomplishment of such tasks.

For example, in fiscal year 1996, the Office of Energy Research had to propose a line-item project—Project No. 95-E-303—to rehabilitate electrical systems in the laboratories for which it was responsible in the 300 Area of the Hanford Site. This work was required to correct numerous National Electrical Code violations identified in 1990 during a “Tiger Team” inspection. In DOE’s words, “much of the older equipment is deteriorating and its present condition poses a personnel and fire hazard.” The construction cost for this electrical safety rehabilitation was estimated at \$4.2 million, above the current general plant project limit. Because of this statutory limitation, this needed safety upgrade—identified nearly 6 years ago—has been delayed for at least an additional 18 months, and workers have been needlessly exposed to a known, personnel and fire hazard. Further, because this project was forced into a line-item project status, its costs were further increased by the need for the preparation of a conceptual design report and by enhanced requirements for project management that attend line-item projects of any size in the Department. The “design and management costs” associated with this \$4.2 million construction project were an additional \$1.7 million. Clearly, this is an example of excessive costs driven by an artificially low limit on general plant projects.

As another example, at Brookhaven National Laboratory, an existing stor-

age and transfer facility for fuel oil had to be upgraded over a period of 4 fiscal years via a line-item appropriation because the cost of the project was \$3.65 million. This facility was the only supply of fuel for the central steam facility that, in turn, provided heat and hot water to the entire laboratory. A timely upgrade was needed to bring the facility into compliance with State and local codes. Because this project was delayed in order to undertake it as a line-item appropriation, the regulatory timetable for achieving compliance was exceeded and State and local officials had to issue a temporary waiver to the old facility to continue operations. Had these officials been less forthcoming, the operations of the entire laboratory would have been compromised. There is heightened regulatory concern over potential groundwater contamination from Brookhaven laboratory facilities on Long Island, as Brookhaven is located over an EPA designated sole-source aquifer for the Island. Had general plant project funds been available for this project, it would have been completed more expeditiously, the need for a special waiver might have been avoided, and the Department and the Laboratory could have certainly avoided further inflaming local concern over groundwater pollution from this facility.

There are many other examples that could be discussed of needed projects at DOE facilities that have been needlessly delayed because of the general plant project limitation contained in previous Defense Authorization Acts. Put simply, \$2 million doesn’t buy very much in the real world of facilities management. Replacing 3,480 feet of sanitary sewer lines ranging in diameter from 3 to 8 inches—Project 96-E-331—or retrofitting heating, ventilation, and air conditioning systems in a 40-year-old 300-person office building—Project 95-A-500—or upgrading a chemical laboratory to meet current requirements of the Uniform Fire Code—Project 93-E-324—all exceed \$2 million in costs.

In preparation for offering this amendment, I asked the Department of Energy to estimate the number of projects and their related costs that would be added to the general plant project category if my amendment were adopted. I ask unanimous consent that the response from the Department of Energy be printed in the RECORD following the completion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.
(See exhibit 1.)

Mr. JOHNSTON. Mr. President, the DOE response, which I interpret to favor this amendment, is illuminating in several respects.

First of all, it confirms that there are real cost savings to be realized by raising the general plant project limit. DOE estimates that \$4.7 million would be saved by raising the ceiling under

my amendment, considering only costs associated with elimination of Conceptual Design Reports and savings from avoiding the 18-to-24 month hiatus now experienced by projects in the range between \$2 million and \$5 million. There are also additional savings that will result from reduced overhead (personnel associated with these projects now must be moved to other projects and otherwise kept on the payroll during the hiatus or new personnel must be brought up to speed at the end of the hiatus). As the examples I have given above illustrate, there are also other savings that are possible, from avoided injuries or fines and penalties that might result from missed compliance dates. It is hard to put a figure on such costs, as they will vary from project to project, but they are very real.

Second, the DOE response indicates that raising this limit will not open the flood gates to an unmanageable number of additional projects. Based on fiscal year 1996 data, increasing the limit under my amendment will increase the actual number of general plant projects by less than 10 percent. The total funding for general plant projects, across the Department, might increase by \$64,000,000, with most of this increase projected to occur on the civilian side of the Department. The impact of my amendment on general plant projects in the Office of Defense Programs, according to the Department, “would be relatively small.” Thus, I believe that my amendment is an appropriate step to take at this time.

Third, the DOE response indicates that, because the funds for general plant projects in fiscal year 1997 have been spoken for, this amendment will begin to exert its effect starting in fiscal year 1998, thus allowing the Department one year to examine its internal procedures to ensure that they are adequate for the higher limit.

While I am convinced that increasing the limit from \$2 million to \$5 million in this bill is well justified, I also believe that we need a more permanent solution to the issue of establishing limits on general plant projects in the Department of Energy. That is why my amendment also calls for a report “on the need for, and desirability of, a permanent authorization formula for defense and civilian general plant projects in the Department of Energy that periodic adjustments for inflation, including any legislative recommendation to enact such formula into permanent law.” I believe that we should set in motion a process to arrive at a permanent legal and management framework that addresses both civilian and defense needs for general plant projects in the Department of Energy. I would like to thank the managers of this bill for their cooperation and support for my attempts to address this issue, and I urge the adoption of my amendment.

EXHIBIT 1

DEPARTMENT OF ENERGY,
Washington, DC, June 27, 1996.

Hon. J. BENNETT JOHNSTON,
Ranking Minority Member, Committee on Energy and Natural Resources, U.S. Senate,
Washington, DC.

DEAR SENATOR JOHNSTON: Thank you for June 18, 1996, letter concerning general plant projects in the Department of Energy.

As you are aware, the statutory ceiling on general plant projects contained in S. 1745, the Defense Authorization Act for Fiscal Year 1997, applies only to atomic energy defense activities funded under the 050 function. You are correct, however, that the Department applies this same ceiling to all Department spending on general plant projects for administrative convenience and consistency.

The analysis prepared by the Department in response to your questions includes both civilian and defense spending for general plant projects in the aggregate based upon fiscal year 1996 spending. Our analysis suggests that potential savings could accrue from raising the ceiling on general plant projects. Some program offices would clearly be more likely to accrue savings than other program offices, however. For example, in the case of the Office of Defense Programs, general plant projects tend to be small construction requirements, such as facility refurbishment and minor road repairs, and very few of these projects reach the \$2 million ceiling. Therefore, savings from increasing the ceiling for the Office of Defense Programs would be relatively small. In addition, as a result of language included in the House and Senate reports accompanying the Energy and Water Development Appropriation

for Fiscal Year 1996, the Department now merges its general plant projects into operating expenses, which has provided the Department additional flexibility in carrying out general plant projects under the ceiling of \$2 million. The value to the Department of a higher general plant project ceiling would be enhanced if that flexibility were extended to the higher ceiling.

The Department appreciates your efforts to reduce unnecessary or burdensome requirements and to assist us in finding areas for cost savings. I hope this information is helpful to you. If you have further questions, please contact Mary Louise Wagner, Deputy Assistant Secretary for Senate Liaison, on 202-586-5468.

Sincerely,

DONALD W. PEARMAN, Jr.,
Associate Deputy Secretary
for Field Management.

Enclosure.

ENCLOSURE

Question. What is number of general plant projects anticipated in FY 1997 that would be below the current \$2,000,000 limit?

Answer. These projects tend to be relatively small, such as facility refurbishment, minor road repairs, roof repair and replacement, electrical system upgrades, and some small facilities. The actual projects to be funded in FY 1997 will not be selected until later when programmatic needs and unexpected repairs are prioritized with existing lists of general plant project requirements. Although a few push the \$2,000,000 limit, \$500,000 is a good estimate of the average size of these projects. Based on this average, we estimate approximately 200 general plant projects in FY 1997.

Question. What is the total dollar amount represented by these projects?

Answer. The total dollar amount represented by these projects (i.e., the FY 1997 funding request for general plant projects) is approximately \$98,000,000.

Question. What would be the number of general plant projects (and the corresponding dollar amount) that would be added if the limit in the Defense Authorization Act were to be changed to \$2,500,000; \$4,000,000; and \$5,000,000?

Answer. Using FY 1996 data as a gauge, there would be no additional general plant projects, if the limit were raised to \$2,500,000.

Using FY 1996 data as a gauge, there would be 11 additional general plant projects with an additional dollar amount of \$37,000,000, if the limit were raised to \$4,000,000.

Using FY 1996 data as a gauge, there would be 7 additional general plant projects with an additional dollar amount of \$27,000,000, if the limit were raised to \$5,000,000.

Question. What savings would occur if the limit on general plant projects were changed to \$2,500,000; \$4,000,000; and \$5,000,000?

Answer. For that limited number of projects in FY 1996 which fell between \$2,000,000 and \$5,000,000 in estimated total project cost, some savings would be generated by shortening the project time line and being able to proceed immediately from conceptual design, through final engineering and into physical construction. The analysis was conducted on FY 1996 data and would vary from year to year depending on the specific activities.

If the limit on general plant projects were changed to (based on our current data):

Limit	Additional general plant projects	Estimated savings
\$2.5 Million	\$0	\$0
\$4.0 Million	\$37 Million	\$2.7 Million (see note).
\$5.0 Million	\$27 Million	\$4.7 Million (see note).

Note: Calculation of Savings: \$37 M x 2% for Conceptual Design Report development + 5.3% (Escalation) = \$2.7M. (\$37M + \$27M) x 2% for Conceptual Design Report development + 5.3% (Escalation) = \$4.7M.

Question. How would such cost savings be realized?

Answer. General plant projects do not require Conceptual Design Reports. Once requirements for general plant projects are identified, design of the projects can begin immediately.

Currently, there is an 18-24 month delay between the completion of a Conceptual Design Report and start of design of a line item project (any construction project above \$2 million). The cost savings if the Conceptual Design Reports are not required would be approximately 2 percent of the total project cost (representing the average cost to perform the Conceptual Design Report) plus avoidance of the escalation resulting from the two year "hiatus." Other intangible cost savings would accrue from reduced overhead, quicker response to changed mission requirements and earlier availability of facilities to support the mission.

In FY 1997, minimum savings would be realized because Conceptual Design Reports should already have been started or completed, therefore the delay (18-24 months) between Conceptual Design Reports and start of design would have already occurred. Any real savings would start to accrue in FY 1998.

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

Mr. McCAIN. Mr. President, this amendment has been cleared on this side. I urge the Senate adopt this amendment.

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

The amendment (No. 4430) 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. 4431

(Purpose: To require the Director of the Ballistic Missile Defense Organization to prevent adverse effects of establishment of the National Missile Defense Joint Program Office on private sector employment)

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. HEFLIN, for himself and Mr. SHELBY, proposes an amendment numbered 4431.

The amendment is as follows:

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

SEC. 907. ACTIONS TO LIMIT ADVERSE EFFECTS OF ESTABLISHMENT OF NATIONAL MISSILE DEFENSE JOINT PROGRAM OFFICE ON PRIVATE SECTOR EMPLOYMENT.

The Director of the Ballistic Missile Defense Organization shall take such actions as are necessary in connection with the establishment of the National Missile Defense Joint Program Office to ensure that the establishment and execution of the new man-

agement structure will not include any planned reductions in Federal Government employees, or Federal Government contractors, supporting the national missile defense development program at any particular location outside the National Capitol Region (as defined in section 2674(f)(2) of Title 10, United States Code).

Mr. HEFLIN. This amendment would help assure that the creation of a new management office within the Ballistic Missile Defense Organization does not result in a centralized bureaucracy at the expense of vital ballistic missile defense capabilities built up over the years across the United States.

Concerns about Pentagon centralization have resulted in the Defense Appropriations Committees limiting funds made available for relocations of DOD organizations, units, activities, or functions into or within the National Capital Region. This has been the case in the past and it is again the case in the pending Defense appropriations bill. Another concern has been the use of support contractor services and consultants to escalate centralization in Washington. In 1992, Senator PRYOR found an alarming trend of contractor growth in support of the BMDO predecessor organization, the Strategic Defense Initiative Organization [SDIO]. His amendment, accepted without opposition, capped the amount of money

which could be expended for the procurement of support services for the central SDIO activity. Its intent is still relevant today.

Those concerns about DOD centralization are founded on traditional beliefs that government works best when it is not all collocated in the Capital region. Centralization of government and contractor personnel results in higher costs. Relocation of functions loses unique capabilities now available through military services and thus creates greater inefficiencies and schedule losses due to the necessity to retrain and replace technical and managerial personnel.

The purpose of this amendment is to clearly establish that the implementation of the NMD JPO decision must continue to be consistent with the assurances we are being given by the Pentagon. The Acting BMDO Director, Adm. Dick West, has just met with our staffs and discussed the organizational details of the new Joint Program Office, as it is now planned. He foresees a central organization of 64 or thereabouts, supported by those on-going activities in the field who have been developing such elements as the interceptor and ground-based radar. At present, these are basically all in the Army sphere of responsibility since the Air Force Space and Missile Tracking System Program is an Air Force program and will not be under the new office, and the Navy has no current role in NMD. Admiral West is convincing in his assurances that those activities which have been so beneficial to the progress in ballistic missile defense in the past will not be adversely impacted by this new central office. Concurrently, a BMDO "Point Paper" has included the following assurances:

The decision to manage NMD using a Joint Program Office (JPO) does not change the fundamental execution of the program. The basic building blocks remain the same and will be developed by the organization already assigned those responsibilities. Contracts that have been awarded will be executed as planned. The Service organizations that have had responsibility for NMD will continue to play the same role. As the program approaches a deployment decision, the role of the services will increase significantly.

Even with this assurance, I believe this amendment is necessary to clearly reflect the intent of Congress for the benefit of Admiral West's successor and those further down the organizational ladder responsible for the implementation of the various components of the new activity.

These are important times for the National Missile Defense Program, when with additional funding and emphasis, Congress has great expectations that these investments will yield the greatest possible dividends. Continuation of the valuable contributions of the NMD activities in their field locations will be critical to that success.

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

Mr. McCAIN. Mr. President, the amendment is cleared. I urge its adoption.

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

The amendment (No. 4431) 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. 4432

Mr. McCAIN. Mr. President, I send an amendment to the desk on behalf of Mr. LOTT 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. LOTT, proposes an amendment numbered 4432.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . OCEANOGRAPHIC SHIP OPERATIONS AND DATA ANALYSIS.

(a) Of the funds provided by Section 301(2), an additional \$6,200,000 may be authorized for the reduction, storage, modeling and conversion of oceanographic data for use by the Navy, consistent with Navy's requirements.

(b) Such funds identified in (a) shall be in addition to such amounts already provided for this purpose in the budget request.

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

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

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

The amendment (No. 4432) was agreed to.

THE AWARD OF THE CONGRESSIONAL MEDAL OF HONOR TO SEVEN AFRICAN-AMERICANS WHO SERVED IN COMBAT DURING WORLD WAR II

Mr. NUNN. Mr. President, the national defense authorization bill under consideration by the Senate contains a very special provision that, once enacted, will clear the way for the President to award the Medal of Honor to seven African-Americans who served their Nation with the utmost distinction in combat during World War II.

Pvt. George Watson of Birmingham, AL, was on board a ship which was attacked by enemy bombers. When the ship was abandoned, Private Wilson remained and assisted several soldiers who could not swim to reach the safety of a liferaft. This heroic action subsequently cost him his life but resulted in saving the lives of his comrades.

Capt. Charles L. Thomas of Detroit, MI, though grievously wounded when his scout car was subjected to intense enemy artillery, self-propelled gun, and

small arms fire, directed the emplacement of two antitank guns to return enemy fire. Only after he was certain that a subordinate was in full control of the situation did he permit himself to be evacuated.

S.Sgt. Ruben Rivers of Oklahoma City, OK, though severely wounded when his tank hit a mine, refused medical treatment, took command of another tank, and advanced to the objective. Repeatedly refusing evacuation, Sergeant Rivers continued to direct his tank fire at enemy positions through the next day until he was killed by the enemy.

S.Sgt. Edward A. Carter, Jr., of Los Angeles, CA, while attempting to lead a three-man group was wounded five times and finally was forced to take cover. As eight enemy riflemen attempted to capture him, Sergeant Carter killed six of them and captured the remaining two.

First Lieutenant John R. Fox of Cincinnati, OH, and some other members of his observer party voluntarily remained on the second floor of a house to direct defensive artillery fire while the majority of U.S. forces withdrew in the face of overwhelming numbers. As the Germans continued to press the attack toward the area that he occupied, he adjusted the artillery fire into his own position knowing that this was the only way to stop the enemy attack. Lieutenant Fox's body was later found along with the bodies of approximately 100 German soldiers.

First Lieutenant Vernon J. Baker, of Cheyenne, WY, destroyed enemy installations, personnel, and equipment during his company's attack against a strongly entrenched enemy in mountainous terrain. When his company was stopped by the concentrated fire from several machinegun emplacements, he destroyed three machinegun nests and an enemy observation post. He then covered the evacuation of the wounded personnel of his company by occupying an exposed position and drawing the enemy's fire.

Pfc. Willy F. James, Jr., of Kansas City, KS, as lead scout was the first to draw enemy fire. After being pinned down for over an hour, he returned to his platoon, and led a squad in the assault, accurately designating targets as he advanced, until he was killed by enemy machinegun fire while going to the aid of his fatally wounded platoon leader.

These seven heroes have many things in common: their selfless dedication to their comrades, their unwillingness to give up despite overwhelming odds, their leadership in the face of certain death, and their race.

A study, commissioned in 1993 by the Acting Secretary of the Army to review the Medal of Honor processing procedures as applied to African-American soldiers in World War II, revealed that no African-American soldier was recommended for the Medal of Honor for service in World War II.

Concluding, in part, that this was reflective of the national racial climate