

Mr. BYRD. Mr. President, I ask unanimous consent the call of the quorum be waived.

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

# NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, I regret I cannot vote for this bill. I do congratulate, however, the managers of the bill and the staff of the Armed Services Committee for their meticulous attention to the details of the legislation and for their skillful handling of the bill.

There are many good provisions contained in it, provisions that address legitimate defense needs and provide support for the men and women in our military. Worthy provisions have been added to this bill, such as the amendment offered by Senators NUNN, LUGAR, and others, to provide assistance to Federal and local law enforcement agencies to defend against terrorist use of weapons of mass destruction and to help safeguard or destroy foreign sources of nuclear weapons materials. Another provision establishes a commission to review our national security needs, which will help to shape more realistic future defense budgets. And I am pleased that an amendment I offered was accepted that will provide medical assistance to the children of Gulf war veterans with birth defects and other medical problems while scientific research determines whether their maladies may be a result of their parents' service.

But in the end, this bill remains billions of dollars above the administration's already generous request for the Department of Defense. Other government programs addressing important domestic needs face flat funding or are being reduced, while the defense budget is flush with unrequested funds. Of the amount added to the defense bill, over \$4 billion is designated for procurement programs that are not in the Future Years Defense Plan or on the military services' wish lists. Purchasing weapons that the military has not asked for on this scale is an ill-disguised attempt to provide a defense jobs program. I support a strong, well-equipped military, but buying weapons in 1997 that the military has not planned to purchase until after the year 2000 is not "buying in bulk" to achieve savings. It is welfare for defense contractors. Buying weapons early means turning down the spigot of technological advances, reducing to a trickle the incorporation of improvements, and shutting off the possibility of switching to a new and better design. And what will we do after the turn of the century, when these weapons are built and the shipyards and the aircraft production lines begin to be idle? Buy more weapons before they are needed, to keep the lines open? Where does it all end?

An amendment by Senator EXON, which I cosponsored, would have cut that amount from the bill and direct it toward deficit reduction. It failed. Another amendment, offered by Senator WELLSTONE, would have authorized the transfer of \$1.3 billion of these unrequested funds to education programs, bringing those programs up to the President's requested level. It failed. But \$855 million was added in the defense bill to a multibillion dollar ballistic missile defense program designed in part to protect the United States against the unlikely prospect of a rogue ballistic missile attack. It will not protect us against a terrorist attack using weapons of mass destruction, but only against a very limited number of ballistic missiles. Billions have been, and likely will be, spent to build this "Star Wars Lite" or "Son of Star Wars" while the needs of our people go unmet. I cannot support these kinds of skewed priorities.

Mr. President, is war so glamorous, are weapons of war so beguiling, that we must turn a blind eye to domestic cares? Must our schoolbooks fray and our bridges crumble in order to slake an unquenchable thirst for unnecessary tools of destruction? History will not judge us on our military might alone. It will also cast a critical eye on our wisdom, our learning, and our music and our arts. It will look upon our families, and the way that we treat our children.

Mr. President, Napoleon is remembered for his military exploits, for the battles he fought and the death and destruction that resulted from his actions. But in the end, for all of his personal ambitions, was France any greater as a result of his militaristic acts? What great artists, what great musicians, and what great philosophers were killed in those battles, who might have benefitted all mankind? What monies spent on Napoleon's great armies might otherwise have built spiral, soaring cathedrals, beautiful parks, and stately roads, or fed and educated children? I fear that, like Napoleon, we are in danger of letting our ambitions and priorities become skewed so far in favor of military spending and military might in the pursuit of our role as "the last superpower" that we will be remembered in history only as Napoleon is remembered, for acts of war rather than acts of progress.

Which reminds me of Robert G. Ingersoll's oration at the grave of Napoleon:

A little while ago, I stood by the grave of the old Napoleon—a magnificent tomb of gilt and gold, fit almost for a dead deity—and gazed upon the sarcophagus of rare and nameless marble, where rest at last the ashes of that restless man. I leaned over the balustrade and thought about the career of the greatest soldier of the modern world.

I saw him walking upon the banks of the Seine, contemplating suicide. I saw him at Toulon—I saw him putting down the mob in the streets of Paris—I saw him at the head of the army of Italy—I saw him crossing the bridge of Lodi with the tricolor in his hand—

I saw him in Egypt in the shadows of the pyramids—

I saw him conquer the Alps and mingle the eagles of France with the eagles of the crags. I saw him at Marengo—at Ulm and Austerlitz. I saw him in Russia, where the infantry of the snow and the cavalry of the wild blast scattered his legions like winter's withered leaves. I saw him at Leipsic in defeat and disaster—driven by a million bayonets back upon Paris—clutched like a wild beast—banished to Elba.

I saw him escape and retake an empire by the force of his genius. I saw him upon the frightful field of Waterloo, where Chance and Fate combined to wreck the fortunes of their former king. And I saw him at St. Helena, with his hands clasped behind him, gazing out upon the sad and solemn sea.

And I thought of the orphans and widows he had made—of the tears that had been shed for his glory, and of the only woman who ever loved him, pushed from his heart by the cold hand of ambition.

And I said I would rather have been a French peasant and worn wooden shoes. I would rather have lived in a hut with a vine growing over the door, and the grapes growing purple in the kisses of the autumn sun.

I would rather have been that poor peasant with my loving wife at my side, knitting as the day died out of the sky—with my children upon my knees and their loving arms about me—I would rather have been that man and gone down to the tongueless silence of the dreamless dust, than to have been that imperial impersonation of force and murder, known as "Napoleon the Great!"

So, Mr. President, like Ingersoll in his writing of that beautiful prose, captured my feelings as I watch what has been taking place over the last few years. I support a strong military, prepared and equipped to defend the United States and its genuine security interests abroad. But I am not so bedazzled by a military gilded and draped with a surfeit of unnecessary weapons—with trappings "fit almost for a dead deity"—that I cannot recall other priorities closer to home. I hold my family, and all American families, high on my list of priorities. I hope that in conference we will be able to rethink these spending priorities, to reduce the untimely procurement proposed in this bill, avoid a threatened veto, and produce a bill that balances our legitimate security requirements with our very critical domestic needs.

Mr. BRYAN. Mr. President, I rise today in opposition to the Senate Armed Services Committee's national defense authorization bill for fiscal year 1997. I voted to report the bill out of the Armed Services Committee because I believe it should be openly debated on the Senate floor. I cannot support this bill in its current form as it contains significant and questionable spending increases from the original authorization requested by the Pentagon.

This bill recommends a total spending level for the Pentagon of \$267.3 billion in fiscal year 1997, an extra \$13 billion beyond everything the Pentagon requested for the year. In today's climate of budget cuts, Federal deficits, and balanced budget debate, it is irresponsible to spend an additional \$13 billion on top of the Pentagon's budget

request. It is a rare Government agency that is granted everything it asks for in its annual budget, and an additional allocation of \$13 billion above and beyond its top request level is quite extreme. Balancing the budget is a priority for me. I do not believe that we can afford to spend this much money—especially when military experts question the need for it.

One example of this bill's overspending is the case of the F-16. The Department of Defense has planned to build four F-16's in fiscal year 1997. When asked what additional resources they might need related to the F-16 program, DOD responded that they ideally would like to have two more, for a total of six. The Senate Armed Services Committee somehow considered it prudent to provide an additional \$107.4 million so that the Air Force may purchase a total of eight F-16's. This is a national defense bill, not a national jobs bill.

I am also puzzled by the committee's position on the funding of nuclear attack submarines. Although a full procurement plan was laid out by the committee in last year's defense authorization bill, this year's bill overrides that schedule and instead spends \$701 million to accelerate the development of these submarines. Although some may assert that forcing production costs to occur earlier saves money, there is a point where acceleration of production actually costs more money in the long run. If engineers are not provided enough time to work out the bugs of a new design before building phase II of the same vehicle, cost overruns are likely to occur. There are sound reasons why we take time when developing a new combat vehicle, and to suggest that speeding up production saves money is not always the case.

Some of the most dangerous provisions in this bill are in the section on ballistic missile defense. The Senate has already considered alternative ballistic missile defense policy this year in the Defend America Act. It is clear that there is not overwhelming support for an acceleration of a ballistic missile defense system.

The President vetoed last year's defense authorization bill because it mandated deployment of a national missile defense system. The administration's current deployment policy is a 3+3 program which continues research for 3 years—into fiscal year 1999—and allows a decision to be made at that time to deploy a national missile defense system in 3 years or to continue research if the perceived threat does not warrant deployment. The committee has added \$300 million to the national missile defense accounts in an effort to make sure that a system is deployable by 2003. Since the administration has not changed its position on reviewing deployment in 3 years, for the committee to suggest that deployment is needed in 3 years is beyond the previous mandate of the Senate and equivalent to asking for a veto from the President.

It is not just the ballistic missile defense policy questions that I would call into question. The committee has added \$856 million to the Pentagon's \$2.8 billion request for funding the Ballistic Missile Defense Organization [BMDO]. The committee boosts star wars funding by adding \$40 million to the requested \$7.4 million for the Applied Interceptor Technology Program; by adding \$70 million to the requested \$30 million for the space-based laser; by adding \$140 million to the requested \$482 million for the theater high altitude area defense system; and by adding \$246 million to the requested \$58.2 million for the Navy upper tier system. These aggressive funding increases clearly accelerate development of the star wars initiative far beyond what the Pentagon had requested; this additional level of spending is almost unfathomable in an age of fiscal austerity.

In addition, this bill contains language that would impede efforts the President is making to abide by the Antiballistic Missile Treaty. The ABM Treaty was originally negotiated in 1972 between the United States and the Soviet Union; since the breakup of the Soviet Union, President Clinton has been trying to determine how the treaty can still apply to the independent states now replacing the former Soviet Union. The committee states that " \* \* \* the United States shall not be bound by any international agreement entered into by the President that would add one or more countries to the ABM Treaty or would otherwise convert the treaty from a bilateral to a multilateral treaty, unless the agreement is entered pursuant to the treaty making power under the Constitution." The administration has expressed serious reservations with this language. If this language is adopted, Russians will have ample reason to believe that the United States no longer intends to abide by the provisions of the ABM Treaty and would likely become reluctant to negotiate any further nuclear weapon reductions.

Mr. President, we really ought to think twice before we vote on this bill. With an extra \$13 billion in increased spending levels and substantive changes in ballistic missile defense policy, I do not feel comfortable supporting it. I urge my colleagues to vote against it.

#### CRITICAL DEPARTMENT OF ENERGY PROGRAMS

Mr. THURMOND. I rise to discuss the important national security and environmental missions that are carried out at the Department of Energy's Savannah River Site and invite the distinguished Senator from New Mexico to engage me in a colloquy on this matter.

Mr. DOMENICI. I would be happy to engage the Senator from South Carolina in a colloquy.

Mr. THURMOND. Mr. President, the programs carried out at Savannah River are among the most important in the Nation. From nuclear waste proc-

essing to defense production, the Savannah River Site hosts a unique mix of skills and capabilities that are critical to our national interest. Many of these capabilities do not exist anywhere else in the DOE weapons complex.

Mr. DOMENICI. I would agree with the Senator that the missions carried out at the Savannah River Site are critical, not only for the citizens of South Carolina, but for the Nation as a whole.

Mr. THURMOND. The Savannah River Site is currently the only site in the DOE weapons complex with the capability to process high-level radioactive waste and spent nuclear fuel rods in such a way that these wastes will be acceptable for permanent, geologic disposal.

Mr. DOMENICI. I am aware that S. 1745 provides an additional \$43 million to keep the F- and H-canyon processing facilities in full operation in order to accelerate treatment of spent nuclear fuel and other wastes located at Savannah River. I am also aware that S. 1745 provides an additional \$15 million for the newly constructed defense waste processing facility to accelerate the volume of wastes to be processed and packaged for disposal. I fully support these initiatives and will ensure that they are among my highest priorities as the Energy and Water Appropriations Subcommittee moves forward with its fiscal year 1997 appropriations bill and that bill is signed into law.

Mr. THURMOND. I appreciate the distinguished Senator's support of these programs. In addition to those environmental missions, the Savannah River Site also has very important national security missions. The committee required the Department of Energy to accelerate its phased approach to restricting tritium production. Tritium is a critical element in ensuring the credibility of our nuclear deterrent and it is essential that the Department of Energy move forward as rapidly as possible to select a production technology.

In addition, the committee restored \$45 million to the Department of Energy production plants and provided additional funds for manufacturing modernization, both at the National Laboratories and production plants. These programs will ensure that the Department can maintain the skills and capabilities to meet its national security missions well into the future.

Mr. DOMENICI. I am aware that S. 1745 provides an additional \$60 million to the administration's request to accelerate the Department's decision to restore tritium production by the year 2005. I am also aware that S. 1745 provides an additional \$45 million to restore DOE cuts to the important functions carried out at DOE production plants. I support these initiatives. I want to indicate that the important items contained in this colloquy and the other important programs for the Department of Energy can be funded if the allocation to the Energy and Water

Subcommittee provided by the Senate Appropriations Committee is agreed to. The House has not agreed to such allocations as of this time. If the House and Senate appropriations conferees do not agree on such allocations, I will do my best to ensure that the programs we have just discussed and the base administration request for the Savannah River Site are among my highest priorities during the House-Senate appropriations conference.

Mr. THURMOND. I appreciate the commitment that the able Senator from New Mexico has expressed for these programs. I look forward to working with my colleagues to ensure that these programs are fully implemented.

## AMENDMENT NO. 4382

Mr. GRASSLEY. Mr. President, I am pleased to support the Feinstein, Kyl, Grassley amendment that will establish a more vigilant system of oversight of the sale of chemicals from Government stockpiles. Recently, Senator FEINSTEIN's office in California noticed a large, commercial sale of iodine from DOD stockpiles on the open market. Iodine is one of the precursor chemicals used in the manufacture of methamphetamine. Both Senator FEINSTEIN and I have been very concerned about the manufacture and sale of this very dangerous drug. Together we have sponsored legislation that would increase controls over the chemicals used in making meth. Thus, when Senator FEINSTEIN's office noticed the sale of large quantities of iodine by DOD they asked if the Government authorities knew who their customers were. It was a good question. They did not. With the realization that the Government could have found itself selling chemicals to possible illegal drug dealers, it became clear that the amendment that is being offered was an important step. By asking for a review of future sales by the Administrator of the Drug Enforcement Administration, the amendment establishes a safeguard on inappropriate sales while still permitting agencies to sell surplus items. I am pleased to support this timely and essential amendment.

## AMENDMENT NO. 4420

Mr. SHELBY. Mr. President, I would like to enter into a colloquy with the distinguished chairman of the Senate Armed Services Committee, Senator STROM THURMOND and my distinguished colleague from Alabama, Senator HOWELL HEFLIN.

Mr. HEFLIN. Mr. President, I welcome the opportunity to enter into a colloquy with the distinguished chairman and my fellow Alabamian.

Mr. THURMOND. Mr. President, I too would be happy to enter into a colloquy with my friends from Alabama.

Mr. SHELBY. Mr. Chairman, I disagree with premise of Senator CONRAD's sense of the Senate amendment regarding the Air Force's National Missile Defense proposal. The program would violate the ABM Treaty and perhaps even the START I Treaty,

the cornerstone of nuclear arms reduction. I certainly hope that the committee's acceptance of this sense of Senate amendment does not constitute an endorsement of this highly questionable program.

Mr. HEFLIN. I agree with Senator SHELBY that the Air Force program is a bad idea. It is dead-end technology that would leave us with a system of extremely limited capability and no growth potential to meet a changing threat. I, too, hope that the committee has not expressed an endorsement by accepting this amendment.

Mr. THURMOND. The committee does not specifically endorse the Air Force proposal. I strongly support the Ballistic Missile Defense Organization's existing National Missile Defense program which includes the ground based interceptor, ground based radar and the Space and Missile Tracking System. I agree that this proposal presents a number of serious questions regarding arms control implications and potential future growth. The committee supports the need to have a serious examination of these questions before any significant amount of funding is directed to further evaluating the Air Force Proposal.

Mr. SHELBY. Thank you, Mr. Chairman, for addressing our concerns.

Mr. SHELBY. Thank you, Mr. President.

## TAXPAYER SUBSIDIES FOR MILITARY CONTRACTOR MERGERS

Mr. HARKIN. Mr. President, I have an amendment at the desk No. 4178. It deals with taxpayer subsidies for military contractor mergers. This is a very important and timely amendment. I was outraged to learn recently that taxpayers are being asked to foot the bill, in one case to the tune of up to \$1.6 billion, for these mergers.

In the interest of not delaying my colleagues, and to give an opportunity to continue discussions with those who have raised concerns about my amendment, I will defer offering it until we get the DOD appropriations bill early next month.

The House Appropriations Committee adopted a bipartisan amendment identical to mine earlier this month. Therefore, that would be an appropriate vehicle.

Before I end, I just wanted to have printed in the RECORD several quotes from different groups on this subject.

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

It's time for the Pentagon to drop this ridiculous "money for nothing" policy.—Taxpayers for Common Sense

The new policy is unneeded, establishes inappropriate government intervention in the economy, promotes layoffs of high-wage jobs, pays for excessive CEO salaries, and is likely to cost the government billions of dollars.—Project on Government Oversight

The costs associated with mergers should not be absorbed by Federal taxpayers. This is an egregious example of unwarranted corporate welfare in our budget.—The CATO Institute

...[T]axpayer subsidization is no more necessary today to promote acquisitions and mergers than it has ever been. Just about every major defense company today is the product of a merger, some of them decades old. . . Even today in the supposed "bull market," plenty of bidders vie for the available companies. . . It is hard to believe that if taxpayer subsidies were not available, companies would not buy available assets if it made good business sense. If they paid a little less for their acquisitions, the taxpayers rather than the stockholders would benefit.—Lawrence J. Korb, Under-Secretary of Defense under President Reagan

Mr. HARKIN. We simply must make reforms here. So, I will pursue this on the DOD appropriations bill and try to put an end to this ill-advised waste of taxpayer money. I look forward to working together with Senator NUNN and other of my colleagues in reaching a successful conclusion to this issue. I appreciate his good faith efforts to try to resolve this and I believe the additional time may help us to that end.

## TRANSFER OF THE U.S. AIR FORCE HOUSING PROJECT KINGSLEY ANNEX

Mr. NUNN. I yield to Mr. WYDEN.

Mr. WYDEN. I thank the Senator. I would just like to engage the Senator in a colloquy about a provision in this bill giving the Department of Defense the authority to transfer contaminated Federal property before the complete remediation of all the environmental problems at a property. While I believe that it is important that the Department take responsibility for the environmental clean up of its properties, I recognize that there are some properties which have been abandoned and have not received sufficient remedial action. This appears to be the case with an Air Force housing project called Kingsley Annex in Klamath Falls, OR.

Kingsley Annex consists of 290 units of housing that are sitting vacant in an area with a serious lack of housing, particularly, low income housing. A local nonprofit, SoCO Development, Inc. is interested in developing this property to be used for low-income housing; however, the property has a lead-based paint problem. The property has remained vacant because it is not high enough on the list of Air Force priorities to receive money for a clean up.

At no cost to the Federal Government, SoCO is willing to remediate the problem of lead-based paint and meet the HUD standards for reduction of lead-based paint on federally owned residential property, as well as remediate a number of other environmental hazards on the site. However, they need possession of the property before they can invest in a clean up.

In my view it is consistent with this provision for the Air Force to work with groups like SoCO Development, Inc., to use the new authority in this bill to turn over property for purposes such as low-income housing with the