

The resolution, with its preamble, is as follows:

S. RES. 279

Whereas, Dr. LeRoy T. Walker, as President of the U.S. Olympic Committee from 1992 to 1996, and through a life long commitment to amateur athletics, has significantly improved amateur athletic opportunities in the United States;

Whereas, Dr. Walker has contributed in numerous capacities with the U.S. Olympic Committee since 1977;

Whereas, Dr. Walker is the first African-American to serve as President of the U.S. Olympic Committee in its one hundred year history;

Whereas, Dr. Walker has furthered amateur athletics in the United States through service in numerous other amateur athletic organizations, including the Atlanta Committee for the Olympic Games, the North Carolina Sports Development Commission, the Pan American Sports Organization, the Special Olympics, USA Track and Field, the Athletics Congress, and Amateur Athletic Union, the Army Specialized Training Program, the American Alliance of Health, Physical Education, Recreation and Dance, the National Association of Intercollegiate Athletics, North Carolina Central University, Duke University, Prairie View State College, Bishop College, Benedict College, and many others;

Whereas, Dr. Walker was an accomplished athlete himself in collegiate football, basketball and track at Benedict College, and an All-American in football in 1940;

Whereas, as a track and field coach, Dr. Walker helped 77 All-Americans, 40 national champions, eight Olympians, and hundreds of others, reach their potential as amateur athletes;

Whereas, Dr. Walker epitomizes the spirit of the Amateur Sports Act of 1978, the nation's law governing amateur sports;

Whereas, Dr. Walker was inducted into the U.S. Olympic Hall of Fame in 1987;

Whereas, Dr. Walker is recognized as a worldwide leader in the furtherance of amateur athletics;

Whereas, Dr. Walker will be leaving his post as the 23rd President of the U.S. Olympic Committee in 1996; Now, therefore, be it

*Resolved*, That the Senate commends and thanks Dr. LeRoy T. Walker for his service with the U.S. Olympic Committee, his lifelong dedication to the improvement of amateur athletics, and for the enrichment he has brought to so many Americans through these activities.

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

Mr. INOUE. I move to lay that motion on the table, Mr. President.

The motion to lay on the table was agreed to.

Mr. STEVENS. I thank the Senator from Illinois for deferring.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

# DEPARTMENT OF DEFENSE APPROPRIATIONS FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

## AMENDMENT NO. 4591

(Purpose: To ensure that work under Department of Defense contracts is performed in the United States)

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

myself, Senator SPECTER, and Senator HARKIN.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself, Mr. SPECTER, and Mr. HARKIN, proposes an amendment numbered 4591.

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

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

The amendment is as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) CONSIDERATION OF PERCENTAGE OF WORK PERFORMED IN THE UNITED STATES.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to evaluate competitive proposals submitted in response to solicitations for a contracts for the procurement of property or services except when it is made known to the Federal official having authority to obligate or expend such funds that—

(1) a factor in such evaluation, as stated in the solicitation, is the percentage of work under the contract that the offeror plans to perform in the United States; and

(2) a high importance is assigned to such factor.

(b) BREACH OF CONTRACT FOR TRANSFERRING WORK OUTSIDE THE UNITED STATES.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to procure property or services except when it is made known to the Federal official having authority to obligate or expend such funds that each contract for the procurement of property or services includes a clause providing that the contractor is deemed to have breached the contract if the contractor performs significantly less work in the United States than the contractor stated, in its response to the solicitation for the contract, that it planned to perform in the United States.

(c) EFFECT OF BREACH ON CONTRACT AWARDS AND THE EXERCISE OF OPTIONS UNDER COVERED CONTRACTS.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to award a contract or exercise an option under a contract, except when it is made known to the Federal official having authority to obligate or expend such funds that the compliance of the contractor with its commitment to perform a specific percentage of work under such a contract inside the United States is a factor of high importance in any evaluation of the contractor's past performance for the purposes of the contract award or the exercise of the option.

(d) REQUIREMENT FOR OFFERORS TO PERFORM ESTIMATE.—None of the funds appropriated to the Department of Defense under this Act may be obligated or expended to award a contract for the procurement of property or services unless the solicitation for the contract contains a clause requiring each offeror to provide an estimate of the percentage of work that the offeror will perform in the United States.

(e) WAIVERS.—

(1) Subsections (a), (b), and (c) shall not apply with respect to funds appropriated to the Department of Defense under this Act when it is made known to the Federal official having authority to obligate or expend such funds that an emergency situation or the national security interests of the United

States requires the obligation or expenditure of such funds.

(2) Subsections (a), (b) and (c) may be waived on a subsection-by-subsection basis for all contracts described in subsection (f) if the Secretary of Defense or the Deputy Secretary of Defense—

(A) makes a written determination, on a nondelegable basis, that—

(1) the subsection cannot be implemented in a manner that is consistent with the obligations of the United States under existing Reciprocal Procurement Agreements with defense allies; and

(2) the implementation of the subsection in a manner that is inconsistent with existing Reciprocal Procurement Agreements would result in a net loss of work performed in the United States; and

(B) reports to the Congress, within 60 days after the date of enactment of this Act, on the reasons for such determinations.

(f) SCOPE OF COVERAGE.—This section applies—

(1) to any contract for any amount greater than the simplified acquisition threshold (as specified in section 2302(7) of title 10, United States Code), other than a contract for a commercial item as defined in section 2302(3)(I); and

(2) to any contract for items described in section 2534(a)(5) of such title.

(g) CONSTRUCTION.—Subsections (a), (b), and (c) may not be construed to diminish the primary importance of considerations of quality in the procurement of defense-related property or services.

(h) EFFECTIVE DATE.—This section shall apply with respect to contracts entered into on or after 60 days after the date of the enactment of this Act.

Mr. SIMON. Mr. President, this is an amendment that tries to make our present Buy American Act effective on defense contracts. What it says is that when a defense contractor submits a bill, the defense contractor should indicate what percentage of that contract is going to be manufactured here in the United States, and then that should be a high factor in the determination by the Defense Department in consideration for that contract. And we also make clear that this is not to violate any agreement, any treaty we have with any other country and any memorandum of understanding we have with any other country.

The reality is that the Buy American Act just has not worked. I had the experience of being on an American base and seeing a truck made in another country, a U.S. military truck there, and I thought, you know, we really ought to be buying trucks made in the United States of America. That is just one small illustration.

I ask, Mr. President, unanimous consent to have printed in the RECORD letters from the Maritime Trades Department, from the International Association of Machinists and Aerospace Workers, from the International Union of Electronic, Electrical, Salaried, Machine and Furniture Workers, from the AFL-CIO, and a letter from the Timken Co.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MARITIME TRADES DEPARTMENT,  
AMERICAN FEDERATION OF LABOR  
AND CONGRESS OF INDUSTRIAL OR-  
GANIZATIONS,

*Washington, DC, July 15, 1996.*

DEAR SENATOR: When the Senate takes up the FY97 defense appropriations bill, it will consider an amendment designed to provide preference to Department of Defense (DOD) contractors who maintain significant domestic production capabilities. The Maritime Trades Department, AFL-CIO (MTD) urges adoption of this amendment, which will be offered by Senator Paul Simon (D-IL) to help maintain the defense industrial base.

If adopted, this provision will provide a mechanism for assuring the American public that the nation's defense dollars are being utilized to provide the highest possible level of domestic employment. This is an important point to consider. Since 1987, over one million skilled American workers in the defense industry have lost their employment. These job losses resulted from military downsizing and, to a growing extent, American defense firms' expanding use of overseas outsourcing to fulfill their contractual obligations. In 1995, over \$1.3 billion in foreign subcontracts and purchases were made as part of DOD contracts.

The Simon amendment requires the DOD to consider projected levels of domestic production when evaluating competitive procurement proposals. Defense firms are expected to reach stated domestic targets. In the event foreign outsourcing is significantly higher than declared, they may be deemed ineligible for renewal of that contract. The amendment also contains appropriate waivers for national security and international emergencies and provisions to guarantee the primacy of product quality in defense procurement decisions.

These requirements are hardly onerous when one realizes what is at stake. Americans working in this strategic field possess unique industrial skills that are vital to our nation's future, but their employment opportunities are being jeopardized by unfair trade and low-cost, heavily subsidized foreign competition. The aerospace industry, long considered the linchpin of our defense industrial system, may suffer the loss of 250,000 jobs by the year 2000.

Aside from the economic consideration involved, it simply is unacceptable for the DOD to allow defense contractors to increase their dependence on foreign-source military equipment and services. It is in this nation's vital interest to maintain a viable network of skilled defense workers so that our armed forces can respond to any contingency in an increasingly unstable world. Other nations understand this need, and until recently, so did America. Essentially, the Simon amendment would provide the necessary framework to insure that precious defense dollars be used to underwrite a competitive American base.

In closing, the MTD and its affiliates urge you to support the Simon amendment when it is considered as part of the FY97 defense appropriations measure.

Sincerely,

MICHAEL SACCO,  
*President.*

INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS,

*Upper Marlboro, MD, June 24, 1996.*

DEAR SENATOR: We are writing on behalf of the International Association of Machinists and Aerospace Workers to voice our strong support for an amendment to defense appropriations sponsored by Senator Paul Simon. The amendment, which has already passed the House of Representatives, is needed to maintain the integrity of defense spending by enabling U.S. taxpayers to know how much of their money is used to retain and create jobs in the United States.

Specifically, the Simon amendment would require contractors to state during the bidding process what percentage of work performed under a defense contract would be kept in the U.S. The amendment further provides that if a contractor is awarded the contract and fails to honor its commitment, it would be considered to be in breach of the contract and render itself ineligible for contract renewal.

This amendment makes good sense. American taxpayers should know whether they are funding defense programs that result in jobs at home. The current practice which permits defense contractors to operate in a shadow by engaging in the practice of seeking subcontractors outside the U.S. to perform portions of their contracts must be put to a stop. This practice has resulted in increased profits for the defense contractor with no savings passed along to the U.S. taxpayer. Most importantly, it has resulted in the loss of major opportunities for U.S. workers.

As jobs in the defense industry continue to be drastically reduced, this issue has become even more important. Total employment in the private sector defense industry declined by more than one million workers between 1987 and 1995. Defense related employment for aircraft, missiles, space vehicles, and related parts today is less than half of what it was in 1987. At the same time defense related employment is declining, government expenditures on defense and defense related projects involving work performed abroad continues to soar.

Defense contractors should not be in the business of subcontracting technology and shipping work, funded by U.S. taxpayers, offshore. Senators should, at the very least, be aware of the economic impact that large defense contracts will have on local communities and this impact should be a major factor in awarding contracts.

The Simon amendment accomplishes this goal by merely obligating a defense contractor to state what percentage of the contract's work will be performed in the U.S. It serves as a "truth in lending" provision and will force a contractor to be honest with itself and the United States taxpayer before it submits a bid on federal government defense work.

The American people have a right to know—will their money be going to create good and decent jobs at home, or will it be going to pay for subcontracted defense work abroad? Once again we urge your support for the Simon amendment.

Very truly yours,

GEORGE J. KOURPIAS,  
*International President.*

INTERNATIONAL UNION OF ELECTRONIC, ELECTRICAL, SALARIED, MACHINE AND FURNITURE WORKERS, AFL-CIO,

*Washington, DC, June 25, 1996.*

DEAR SENATOR: On behalf of the working men and women of the International Union of Electronic, Electrical, Salaried, Machine & Furniture Workers, AFL-CIO, I urge your support for an amendment to defense appropriations to be offered by Senator Paul Simon. This amendment, which has already passed the House of Representatives, will enable the American public to know whether their tax dollars are creating good-paying defense jobs here in the United States, or whether they are subsidizing foreign operations.

Specifically, the Simon amendment would require contractors during the bidding process to disclose what percentage of work to be performed under a given defense contract would be kept in the United States. It further provides that this percentage be a factor in the awarding of the contract, and that the failure of a contractor to honor its com-

mitment, constitutes a breach of the contract, rendering the contractor ineligible for contract renewal.

This amendment makes good common sense. American taxpayers should have the right to know whether they are funding defense programs which result in jobs at home. This amendment would put an end to current practice which permits defense contractors, without the public's knowledge, to ship work to subcontractors outside of the United States. While defense contractors have been the beneficiaries in the form of enormous profits, the American worker has been the loser.

Indeed, as defense work continues to decline in this country, this issue will become of increased importance. Between 1987 and 1995, total employment declined by more than one million workers in the private sector defense industry. Today, defense-related employment for aircraft, missiles, space vehicles, and related parts today is less than half of what it was in 1987.

With jobs and job stability a major concern of all workers in this country, the American people should have the right to know whether their hard-earned tax dollars will be used to create good-paying jobs at home, or whether they will be used to subsidize operations overseas. I strongly urge your support for the Simon amendment.

Sincerely,

WILLIAM H. BYWATER,  
*International Union President.*

AMERICAN FEDERATION OF LABOR  
AND CONGRESS OF INDUSTRIAL OR-  
GANIZATIONS,

*Washington, DC July 1, 1996.*

DEAR SENATOR: Senator Paul Simon (D-IL) will offer an amendment to the DOD appropriations bill, S. 1894, that would help retain defense manufacturing capacity in the United States. A similar amendment has already passed the House of Representatives. The AFL-CIO strongly supports the Simon amendment.

Offshore production of United States defense products is an increasing concern to defense workers as well as defense strategists. The Simon amendment would give a contract preference to manufacturers who promise to build in the United States. Contracts would be required to disclose what percentage of their product would be manufactured in the U.S., and they would be held accountable for that percentage for the duration of that contract. If a contractor failed to meet its domestic production commitment, it would be ineligible to renew that contract.

The Simon amendment makes good sense by protecting defense jobs, retaining the United States defense industrial base and enhancing protection for advanced technologies by keeping them in the United States. It also provides reasonable waiver authority and excludes contracts under \$100,000.

At a time of defense downsizing, it makes little sense to continue hollowing out our defense manufacturing capability. Therefore the AFL-CIO strongly endorses the Simon amendment.

Sincerely,

PEGGY TAYLOR,  
*Director, Department of Legislation.*

THE TIMKEN CO.,  
*July 9, 1996.*

I am writing to express the strong support of the Timken Company for an amendment to be offered by Senator Paul Simon during consideration of the Defense Appropriations

bill for Fiscal Year 1997. The provision is similar to the Durbin amendment accepted by the House in their FY97 spending bill and would provide accountability by U.S. Government agencies in defense procurement contracts.

Under existing law and regulation, Americans are guaranteed that their tax dollars will be used by the Department of Defense in the procurement of goods and services in a manner that maintains the ability to produce certain products critical to our nation's defense. The purpose of these statutes is to sustain our national security and economy by helping to preserve the defense industrial base and the high-skilled, high wage jobs associated with it.

Unfortunately, there is no mechanism, now under law, to enforce these laws. Foreign producers consistently violate the statute by including products in U.S. defense systems that were mandated by Congress to be produced within the United States. The effect is a short term cost savings of the Pentagon with a permanent weakening of our industrial base. Such foreign sourcing of key products causes American producers to discontinue needed research and development, as well as reduce domestic capacity. We slowly become vulnerable by losing our long-term ability to produce critical defense systems.

For example, in late June, Defense Secretary Perry announced that the department would conduct an internal review of the possible illegal use of foreign high technology bearings in U.S. missile systems (such as the patriot missile and various air to air missile systems). Because these bearings are essential for the systems to work, U.S. law requires U.S.-made bearings to be used, when available, in missiles procured by the U.S. government. It is only after widespread abuse that this case received the attention necessary within the Congress and the Administration to prompt action. How many other situations simply go unnoticed and unreported? Clearly, the law must be better enforced.

The Simon amendment addresses the issue, by providing that the percentage of work a defense contractor plans to perform in the U.S. will be an important factor in the evaluation of bids; a defense contract will be deemed to have been breached if a contractor performs significantly less work in the U.S. than promised in its contract solicitation; and such a contractor will also be ineligible to have that contract renewed.

The amendment can be waived in a national emergency or for national security reasons. Also there is specific reference to not constraining the provision in a manner that diminishes the primary importance of quality in the product being procured.

Your strong support of the Simon amendment is requested for a strong America. Thank you for your consideration of this matter.

Sincerely,

ROBERT LAPP.

Mr. SIMON. Mr. President, here is a defense contractor. Let me just read one paragraph here.

I am writing to express the strong support of the Timken Company for an amendment to be offered by Senator Paul Simon during consideration of the Defense Appropriations bill for Fiscal Year 1997. . . .

Unfortunately, there is no mechanism, now under law, to enforce these [Buy American] laws. Foreign producers consistently violate the statute by including products in U.S. defense systems that were mandated by Congress to be produced within the United States. The effect is a short term cost savings for the Pentagon with a permanent weakening of our industrial base. Such foreign

sourcing of key products causes American producers to discontinue needed research and development, as well as reduce domestic capacity. We slowly become vulnerable by losing our long-term ability to produce critical defense systems.

I think this is a security issue.

What would happen, practically, when a company submits a bid, they would have to submit that they are going to spend 70 percent, 80 percent, or whatever percent of this contract in the United States. Then, when the Defense Department reviews the contract, that should be a high factor—not the sole factor, but a high factor—in determining where the manufacturing should go.

If a company submits a bid saying, "We are going to produce 80 percent in the United States," and then they produce 20 percent in the United States, that would be considered a breach of contract, and it would have to be considered in any future contracts by that company. I think it makes sense.

A recent GAO study in April of 1996 found that other countries are much more pressing in terms of their defense establishment in how they insist their defense money is spent within their own country. The GAO found out, among other things, that U.S. companies have entered into offset agreements totaling more than \$84 billion since the mid-1980's. In order to get a contract in another country, we have agreed to \$84 billion in manufacturing and purchasing of their products in another country.

I understand why some companies want to go abroad. China pays an average of \$50 a month. Wichita, KS, now makes part of what it made in Wichita, KS, in China. I understand the cost savings there. We are not saying that cost savings cannot be a factor, but that a high factor has to be how much is manufactured in the United States.

As the president of Timken Company said, there is a security factor here. We need to maintain our industrial base, our research. I am told that the McDonnell Douglas facility in St. Louis, where 500 employees have just been laid off, the company is subcontracting work to Finland, Spain, Australia, Germany and Switzerland for the F-18.

Now, we are not saying that none of this work can go abroad. We are just saying it ought to be upfront in the contract.

I am pleased to be joined by Senator SPECTER and Senator HARKIN as cosponsors of this legislation. I hope it will be adopted by the Senate.

Mr. STEVENS. Mr. President, I am sad to announce to the Senate that the Department of Defense has requested that we oppose this amendment because it would impose a burdensome and relevant complication on the evaluation process. This is a very difficult process to work out.

The United States sells over \$14 billion in military equipment overseas.

We import about \$1.3 billion. It is obvious that we have a substantial interest in continuing exports which lower the unit cost of our production that we must buy to maintain our own defense. The defense industry that is engaged in the export also has asked us to oppose this amendment.

If a contractor selects a U.S. contractor and the U.S. contractor goes out of business or cannot perform and there is no other U.S. source, the net effect of this amendment would prohibit the prime contractor from seeking a subcontractor abroad from the country of one of our allies.

This is a similar provision to the House bill. It will be in conference, and we will work out some of this issue in conference. Contrary to some of the reports I read in some of the papers this morning, the Defense Subcommittee does still confer, and we confer at length and ad nauseam sometimes, but we will confer on the issue because it is a House bill.

One of the basic problems that we have is if we interfere with the prime contractor's ability to select the best subcontractor available, we are not only imposing a burden on the contractor to respond to a solicitation that he has presented based upon availability of competitive bidding from subcontractors, the net result, Mr. President, will be the increase in costs of the defense efforts of the United States, to the taxpayers of the United States.

I view this amendment as being one which is very difficult to deal with because it is so appealing. What we are saying is the DOE policy with regard to evaluation factors would be legislated by Congress in such a way as to eliminate the ability of a contractor to look to a foreign source for a portion of the work that contractor commits to do on behalf of the Department of Defense at the taxpayers' expense and, by definition, a competitive contract.

I believe this will nullify existing procurement agreements that we have. We have some 20 longstanding allies who buy a considerable amount of their military products from us. To a great extent, we see enormous entities in the industrial base. In the United States, many of the subcontractors are from overseas.

This Senator and other Senators have been criticized for going to things like air shows, for instance. We go to trade shows and air shows to see who is out there, what is the strength of the United States vis-a-vis the foreign supplier, and are we correct to the extent that we are even buying the \$1.3 billion that we buy from overseas through the use of taxpayers' funds, and directly by our contractors who do buy from subcontractors overseas.

I personally believe this is a very strong export business. Let me say, it is a \$14 billion export we are looking

at. That export is a strong, strong portion of our industrial base. It represents a strong portion of our industrial base. If we were to adopt the approach of the Senator from Illinois and the approach represented in the House bill totally, in my judgment, we would place at risk this strong export business. Therefore, I am sad to say I intend to move to table the amendment, subject to the comments of my friend from Hawaii.

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

Mr. INOUE. Mr. President, at first blush, one must conclude this is a good amendment. In general, it says we Americans will purchase American goods. It is a very patriotic amendment. However, Mr. President, it is not a realistic amendment.

As the chairman of the subcommittee has pointed out, we sell our allies and other friends over \$14 billion worth of defense products. In return, we have purchased \$1.8 billion. As everyone in this Chamber will say, trade is a two-way street. We cannot insist our allies purchase everything from us and we not purchase anything from them. If we were the only producers in the world, we may be able to dictate terms and impose our will on the rest of the world, but there are many other countries that are involved in defense production.

This amendment of my friend from Illinois does provide the Secretary of Defense the authority to waive provisions of this amendment for NATO allies—for Israel, for Egypt, for Japan, and for Korea. But we do a lot of business with countries like Malaysia, Singapore, Thailand, Indonesia, all of South America, and all of Central America, and we may reach a point where we may find these friends of ours responding to our strict restrictions by saying: Well, if that is the way you feel about it, Mr. U.S., we will buy our aircraft from France. The Mirage is just as good. Or we might buy it from Britain. They are just as good.

So, Mr. President, though at first blush this may seem like a very patriotic amendment, the effect may be one that none of us would want to happen to our industry. We may be the loser. So I join my chairman in this motion to table this amendment.

I ask for the yeas—

Mr. STEVENS. If the Senator will withhold. I know the Senator from Illinois may want to speak. We are trying to work out a time to stack votes for a later time because there are some meetings going on that the leaders are involved in, as I understand it.

I will just add this comment to my friend from Illinois. We now are becoming an industrial center for investment by foreign producers, whether it is in automobiles, aviation parts, or other types of production. We are reducing our industrial base. After all, we have reduced the amount of money spent by the taxpayers of the United States for

procurement of military goods by 60 percent in the last 10 years. We have reduced it 60 percent. Now our industrial base is shrinking. As it shrinks, some of the foreign investors and foreign manufacturers are coming into our country and opening plants to take advantage of the expertise of our labor force, and they are producing some of the parts that we are exporting. This is saying to those same people who are investing in this country, creating jobs and preserving jobs here in our industrial base: That is fine. You can produce it here and we will export it, but you cannot bring into this country and compete with this country on subcontractors. I really think that is not the right policy.

So while it will be a very difficult thing to convince the Members of the House to modify this, that is what we intend to do. We will not be able to do that if this amendment is adopted. We will have no negotiating room with the House at all. The export business of the United States is of sufficient importance that we must find a way. I do believe that, with the good will that exists in the House, we will find a way to reflect the concept that the House seeks, which is that we know what we are doing when these contracts are let, and that there literally be competition. But as long as we are insisting on competition, I do not think we ought to say we only want competition from U.S. sources when we are providing so much of the overseas market, as far as these military acquisitions are concerned.

I urge Members to travel with us and look at this. It is an enormous market that we serve. Our military-industrial complex not only serves the military market abroad, but by producing the parts for aircraft, and parts for various types of vehicles we use, parts for our submarines, we are the parts supplier of the world.

This amendment would put that in great jeopardy, and I think it should be tabled at the appropriate time. I will make the motion to table at the appropriate time. I want to defer that until I get an indication from the leadership of the proper time to request that the vote take place.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I buy many of the arguments that my friends from Hawaii and Alaska used. I voted for NAFTA. I voted for GATT. In general, we have to have reciprocity in terms of trade. But we also have, in theory, a Buy American Act, which is, frankly, toothless. So I think we need something that is a little stronger.

Let me add that this amendment is more narrowly crafted than the House amendment. The House amendment introduced by my House colleague, Congressman DICK DURBIN, is stronger than this amendment. But this amendment at least says, let us find out what percentages are made in the United States and what percentages abroad.

In response to my friend from Alaska, who said this is going to mean a lot of work, I have a news release—and it is fairly typical—from the Office of the Assistant Secretary of Defense about various contracts. Here is a contract awarded to McDonnell Douglas that says, "Work will be performed in St. Louis, Missouri, 70 percent, and in the United Kingdom, 30 percent." So they are doing some of this right now. All we are saying is that the percent that is manufactured in the United States should be of high importance—not the sole consideration, but should be of high importance.

Here is another one. Refinery Associates of Texas. "Work will be performed in overseas locations."

Here is another contract that says, "Work will be performed 43 percent in Germany, 30 percent in Alabama, 22 percent in Michigan, 4 percent in California."

So they are doing these things now. What we are doing is just ignoring how much is made in the United States. Here is another contrast as to how much would be done in the United States, how much in Germany, how much in England, how much in Italy, how much in Korea, how much in Australia. So they are doing this now. This is not an undue burden.

Now, one argument they make is that this may cost a little more. It may cost a little more. I do not know what they pay for that foreign truck on an American base. Maybe we save a few dollars. But I think that when it comes to defense dollars, insofar as practically possible, we ought to be spending that money here at home. That is the reality. Again, I stress that there is a waiver where we have agreements with other countries and memoranda of understanding with other countries for any kind of emergency. I think this makes sense, and I urge my colleagues to reject the motion to table.

Mr. STEVENS. Mr. President, let me just list some major sales in the time we have. As we listened to the Senator from Illinois, I made a list. These are recent major sales:

C-130J to Britain, AH-64 Apache to Britain, AH-64 Apache to Netherlands, F-16 to South Korea, Corp-San development with Germany, F-18 to Australia, F-18 to Spain, AV-8B co-production with Britain and Spain. That is the British area being built in the United States, a co-production with Britain and Spain. And the MLRS rockets, which are so important to the Senator from Arkansas, to Germany and to Britain.

Now, that is just 5 seconds of thinking about what we are doing. The impact of this amendment places those in jeopardy.

Now, Mr. President, I am constrained to say that, the other night, a good friend of mine, who is a very intelligent person from academia, told me, "You know, as we reduce our industrial base, if you in Congress continue to put restrictions on our American industry

so it cannot enter into cooperative agreements abroad, we will see the day come when we will be procuring all of our systems from abroad, because technology follows production."

Technology follows production. As we produce, we refine our systems, we develop new technology. If we are not involved in this production, we will not be able to afford the development costs and research costs to refine it. If we want to remain a leader in terms of production—particularly now of aircraft, submarine, and military vehicles—we are going to have to understand that our allies throughout the world, who are buying our major projects, are going to insist that they be involved somehow in this overall business.

Today, as I indicated, the balance is over \$14 billion that we export versus about \$1.3 billion we import. I do not believe that this amendment in its present form is in the best interest of the United States, and therefore I oppose it.

Mr. President, I will put the Senate on notice that unless the leader disagrees, we will call for the vote in 10 minutes, and I suggest the absence of a quorum in the meantime.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

#### AMENDMENT NO. 4569

(Purpose: To impose additional conditions on the authority to pay restructuring costs under defense contracts.)

Mr. INOUE. Mr. President, in behalf of the Senator from New Jersey [Mr. BRADLEY], I ask for the immediate consideration of amendment No. 4569.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The amendment will be considered.

The legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. BRADLEY, proposes an amendment numbered 4569.

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

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

The amendment is as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (1) Not later than April 1, 1997, the Comptroller General shall, in consultation with the Inspector General of the Department of Defense, the Secretary of Defense, and the Secretary of Labor, submit to Congress a report which shall include the following:

(A) an analysis and breakdown of the restructuring costs paid by or submitted to the Department of Defense to companies involved in business combinations since 1993;

(B) an analysis of the specific costs associated with workforce reductions;

(C) an analysis of the services provided to the workers affected by business combinations;

(D) an analysis of the effectiveness of the restructuring costs used to assist laid off workers in gaining employment;

(E) in accordance with Section 818 of 10 U.S.C. 2324, an analysis of the savings reached from the business combination relative to the restructuring costs paid by the Department of Defense.

(2) The report should set forth recommendations to make this program more effective for workers affected by business combinations and more efficient in terms of the use of federal dollars.

Mr. BRADLEY. Mr. President, I offer an amendment regarding a Department of Defense [DOD] policy of paying restructuring costs to companies that are involved in a merger.

Mr. State of New Jersey is currently feeling the effects of a defense-industry merger. As a result of the Lockheed-Martin merger, a satellite plant in East Windsor, NJ, will close, causing substantial job loss. I have therefore taken a strong interest in the current DOD policy.

Under this policy, DOD reimburses restructuring costs to contractors that are involved in mergers that lead to savings for the DOD. DOD payments can be used for, among other things, worker and plant relocation, severance pay, early retirement incentives, and continued health benefits. This policy has been called payoffs for layoffs and blamed by some for the mergers in the industry.

It is my belief that layoffs in the defense industry do not result from this DOD policy. Rather, due to the end of the cold war, defense layoffs have become inevitable. While we are no longer faced with a Soviet threat, we must now come to terms with our runaway debt. These major transformations—the end of the cold war and a spiraling budget deficit—have made job loss in the defense industry a reality and necessity.

It is my belief that this policy makes good sense. Defense cuts have led to overcapacity, which encouraged mergers and cost cutting. It is not the reimbursement but the defense cuts that lead to layoffs, and it is appropriate for DOD to pay a fraction of those savings for assistance to workers laid-off from the merger.

In light of the end of the cold war, our priorities must be twofold. First, we should encourage the Defense Department and defense contractors to reduce the excessive buildup from the cold war era. Our second priority must be to determine how to best help workers in the defense industry who have been downsized.

I have come to believe that the DOD policy meets the priorities I have stated. Indeed, it encourages contractors to achieve savings for the DOD while providing the affected workers with benefits they desperately need. In a perfect world, companies that downsize would provide their employees with a respectable severance package that would include extended health care benefits. All too often, though, laid-off employees find themselves without these benefits, struggling to put food on the table, or make the next mortgage payment.

In order to clarify the confusion regarding this policy, I would urge the Defense Department to continue to en-

sure that the payments made are used solely for restructuring costs, with a strong emphasis on the employees laid off. I would also urge the DOD to continue to monitor the savings certified by the companies, ensuring that the savings are greater than the restructuring payments.

My amendment therefore calls for the GAO to analyze the restructuring costs paid by the DOD and to consult with the Secretary of Labor to determine the effectiveness of the assistance provided to laid off workers. The report should ensure that the payments are being used for justified costs and that the workers laid off are treated fairly.

It is my hope that this amendment will help my constituents in East Windsor and those around the country affected by defense downsizing. This amendment assures that these workers will not be ignored.

Mr. INOUE. This amendment is in response to the great number of mergers that we have found in the business community, and this amendment calls for a report to be issued by the Secretary of Defense and the Secretary of Labor, and that report shall include an analysis and breakdown of restructuring costs paid by or submitted to DOD, analysis of the specific costs associated with work force reductions, analysis of the services provided to the workers affected by business combinations, an analysis of the effectiveness of the restructuring costs used to assist laid-off workers in gaining employment.

This amendment, Mr. President, has been approved by both managers.

Mr. STEVENS. Mr. President, the Senator from Hawaii is correct. We have approved it. I hope, however, that the study requested will cover additional factors. I am one who believes that, if we had not had some of these restructurings and some of these consolidations of basic companies in the defense industrial base, we would have had the possibility of a loss of all of the companies involved in those consolidations. Because of the competitive aspect of our acquisitions, I think that more and more companies would have found they could not perform and meet the competition of those that were equally sharpening their pencils trying to think they could beat out the other company.

I think it has been in the best interests of the United States that we have had selective consolidations and restructuring to preserve the industrial base. I hope a portion of this is directed toward the potential loss to the United States of the industrial base had the consolidations not taken place. But under the circumstances, I think the directions are broad enough to cover that, and I will pose no opposition to the amendment. It is a study we need; there is no question about it. But I hope it is balanced.

Obviously, there are jobs lost and obviously there are costs from the reduction in the amount of procurement we are making. I just said we have reduced procurement by 60 percent. Anyone who thinks we are going to get the resultant production for the same costs or less than we were getting when we had the competition from a full industrial base is mistaken. Costs of industrial production are going up because the sources are being more limited, and there is additional cost to the taxpayer because of the inability of the limited number of companies to provide the competitive edge we used to have in terms of the industrial process. But I accept the amendment, and I am prepared to agree to it on this side.

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, the amendment is agreed to.

The amendment (No. 4569) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on amendment No. 4591.

#### AMENDMENT NO. 4480

Mr. STEVENS. Mr. President, I ask that it be temporarily set aside to take up another amendment, which is amendment No. 4480.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SPECTER, proposes an amendment numbered 4480.

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

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

The amendment is as follows:

On page 29, line 20 before the period, insert: "Provided further, That of the funds appropriated under this heading \$46,600,000 shall be made available only for the Intercooled Recuperated Gas Turbine Engine program".

Mr. STEVENS. Mr. President, I offer this amendment in the cloture proceedings for Senator SPECTER. It is a limitation to comply with a limitation in the authorization bill with regard to the availability of funds for the Intercooled Recuperated Gas Turbine Engine Program, and I believe it is a technical amendment that should be offered.

Mr. INOUE. Mr. President, both managers approve the amendment.

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

The amendment (No. 4480) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, may I inquire as to whether the Senator from Illinois wishes to make any further statement before I make a motion to table?

Mr. SIMON. If I may have 3 minutes, Mr. President.

The PRESIDING OFFICER. The Senator from Illinois.

#### AMENDMENT NO. 4591

Mr. SIMON. It was mentioned that other countries buy a great deal from us. I ask unanimous consent to have printed in the RECORD right now the requirements of Australia, Canada, The Netherlands, Norway, Sweden, and the United Kingdom, all of which are more severe than the requirements that I suggest in this amendment.

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

#### FOREIGN GOVERNMENT "LOCAL CONTENT" REQUIREMENTS FOR DEFENSE CONTRACTS

##### LOCAL CONTENT REQUIREMENTS

A company in the United States that wants to sell defense-related marine equipment to governments in many other industrialized nations must comply with offset or other requirements that include a "local content" obligation to produce 50% or more of the system within the customer's country. "Local content" means that a U.S. company must substitute its own production with sourcing and engaging subcontractors in the target country. Also, the U.S. company frequently is required to conduct free transfer of technology to achieve the required local content. Liquidated damages can be assessed if the local content requirements are not fulfilled.

#### EXAMPLES OF SPECIFIC "LOCAL CONTENT" AND OTHER REQUIREMENTS OF SELECTED FOREIGN GOVERNMENTS, INCLUDING MOU SIGNATORIES WITH THE UNITED STATES

**Australia:** The Australian Industry Involvement office within the Department of Defense coordinates the offset policies. Guidelines are contained in the Defense Australian Industry Involvement Program, published in July 1995. Actual requirements are program specific. For example, the Ocean Patrol Combatant Project suggests that the local content be 65%. Liquidated damages assessment for unfilled local content requirements also vary with the contract. For the Australian Ocean Patrol Combatant project, the liquidated damages assessment is 20%. Another example is the Australian ANZAC Frigate project in which U.S.-based Bird-Johnson Company is participating. Bird-Johnson is required to manufacture its ship propeller system with at least 80% local Australian content.

**Canada:** The Director of Industrial Benefits Policy, Industry Canada agency, is the coordinator of offset authority. The Canadian term for offset is Industrial Benefit (IB). IB Managers are assigned to individual projects. It is normal for major programs to have at least 100% Canadian content requirement. Liquidated damage assessments are 10% of the unfulfilled amount of the IB commitment.

**The Netherlands:** The Coordinator of Offset Authority is the Commissioner for Military Production and Crisis Management within the Ministry of Economic Affairs with input from advisors for the Navy, Air Force, or Army. 100% offset is required. Offset valuation credits vary, but in general, 85% or more local content would result in an 100% offset credit.

**Norway:** The Coordinator of Offset Authority is the Royal Norwegian Ministry of Defense, assisted by the Director General of the Section for Industrial Cooperation. For contracts over \$7 million, 100% offset is required, with 80% or more local content equal to 100% offset credit. A 10% penalty is assessed on any unfulfilled offset amount.

**Sweden:** At least 50% of the total value of a Swedish defense procurement with an offshore company must be in local content. The offshore bidder must sign a Draft Contract for Industrial Cooperation with the Swedish Defense Material Administration (FMV) detailing how the bidder will meet the binding industrial cooperation (I.C.) commitment. The commitment constitutes "a vital part of the decision process" concerning the acceptability of the bid. I.C. is "valued on the basis of the production of goods and services that is achieved in Sweden." Both the "economical volume" and the "qualitative contents" of the bidder's commitment are considered. I.C. credits, which must be "accepted by the Swedish industry concerned," are evaluated and monitored by the FMV, in consultation with Swedish industry.

**United Kingdom:** The U.K. Ministry of Defense (MOD) Procurement Executive DESO is charged with providing Government support to increase UK defense business. When offshore defense companies seek to compete, the MOD-DESO assesses the U.K. Industrial Participation (IP) proposal of an offshore defense company seeking to compare. Although IP proposals are not mandatory, in reality, the IP is a key element in whether or not the offshore company gets the MOD contract. 100% offsets are encouraged. The IP obligation must be met at no extra cost to MOD. The DESO negotiates a Letter or Agreement on the IP proposal which is not legally binding, but is considered a "Gentlemen's Agreement."

Mr. SIMON. Again, what I am suggesting in this amendment is that when a contractor submits a bid, that contractor has to say what percentage of the work will be done in the United States and it be a matter of high importance, not the only consideration, but a matter of high importance for the Defense Department. We do not suggest and we make clear that it would be waived for countries where we have agreements or memoranda of understanding.

So I think it makes sense. I hope that the motion to table will be rejected.

Mr. STEVENS. Mr. President, I shall make a motion to table this amendment at 1 p.m.. I now ask that it be set aside temporarily so that I might deal with some other matters here, if that meets with the approval of the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Hawaii.

#### PHOTONICS RESEARCH REPORT

Mr. INOUE. Mr. President, last year, during the consideration of the fiscal year 1996 defense appropriations measure, the Congress approved the Center for Photonics Research at Boston University. I am pleased to share with my colleague an interim report that was just submitted by the president of Boston University, advising us of the progress being made in this technology.

I ask unanimous consent that it be printed in the RECORD.



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

BOSTON UNIVERSITY,  
Boston, MA, July 10, 1996.

Hon. DANIEL K. INOUE,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR INOUE: It was a pleasure to meet with you to discuss the Center for Photonics Research at Boston University, and to have an opportunity to thank you in person for your support and leadership in the Congress. I also want to thank you again for your very generous offer to be of assistance if possible in the future, and to help put the Center on the road to self-sufficiency.

Boston University has invested over \$60 million of its own funding to create and establish the Center, and we are committed to its long-term mission and success. Photonics technology will, as you have observed, be one of the keys to our nation's ability to defend itself from external threats; it will also become a driving force in all sectors of our economy. It is truly the technology of the future.

Few, if any, of our current weapons, weapon systems or platforms do not depend on photonics for their effectiveness. It was not by coincidence that photonics was declared as one of our most critical technologies needed for the future in the Critical Technologies Report to the Congress.

Research alone cannot meet the defense needs of our country. We must develop the ability to move from the research to the actual product and product-manufacturing requirements of our country. Meeting these requirements is central to the mission of the Center. The funding your Committee made available has allowed us to move the Center forward, and the actual construction is moving forward on budget and on schedule.

The Center for Photonics Research is already actively contributing to the nation's defense. To illustrate this, I enclose a brief report, prepared by Dr. Donald Fraser, the Center's Director, which summarizes the defense-related applications that are now under development.

The Center's building will be completed and ready for formal dedication next spring. We very much hope that you the Members of the Defense Appropriations Subcommittee will be able to join us at that event.

Again, thank the Subcommittee on behalf of Jon Westling and all of Boston University for its leadership and vision. I can only imagine the number and variety of difficult choices it faces every day, but I know how much I admire the service of you and your fellow Subcommittee members and what it has meant to the American people.

With warm personal regards,  
Sincerely,

JOHN SILBER.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 4666

Mr. STEVENS. Mr. President, I send to the desk an amendment I offer on behalf of Senator COCHRAN and Senator LOTT. If I may first just explain it, this entitles the Secretary of Navy to lease to the State of Mississippi 5 acres of the property located at the naval air station at Meridian, MS, for use only by the State to construct a reserve center of approximately 22,000 square feet and ancillary supporting facilities. This will be for the co-use of the State and Federal Government, as I understand it. It does provide for the renting

of this facility by the United States, once it is contracted by the State, at a rate not to exceed \$200,000 a year.

We have examined this lease-back concept of the reserve center and believe it is in the interests of the taxpayers of the United States to proceed in this fashion because it will mean we will have the facility and have it at an annual lease cost which is a substantial advantage to the Government.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. COCHRAN, for himself and Mr. LOTT, proposes an amendment numbered 4666.

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

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

The amendment is as follows:

At the end of the bill, insert:

**SEC. . LEASE TO FACILITATE CONSTRUCTION OF RESERVE CENTER, NAVAL AIR STATION, MERIDIAN, MISSISSIPPI.**

(a) LEASE OF PROPERTY FOR CONSTRUCTION OF RESERVE CENTER.—(1) The Secretary of the Navy may lease, without reimbursement, to the State of Mississippi (in this section referred to as the "State"), approximately five acres of real property located at Naval Air Station, Meridian, Mississippi, only for use by the State to construct a reserve center of approximately 22,000 square feet and ancillary supporting facilities.

(2) The term of the lease under this subsection shall expire on the same date that the lease authorized by subsection (b) expires.

(b) LEASEBACK OF RESERVE CENTER.—(1) The Secretary may lease from the State the property and improvements constructed pursuant to subsection (a) for a five-year period. The term of the lease shall begin on the date on which the improvements are available for occupancy, as determined by the Secretary.

(2) Rental payments under the lease under paragraph (1) may not exceed \$200,000 per year, and the total amount of the rental payments for the entire period may not exceed 20 percent of the total cost of constructing the reserve center and ancillary supporting facilities.

(3) Subject to the availability of appropriations for this purpose, the Secretary may use funds appropriated pursuant to an authorization of appropriations for the operation and maintenance of the Naval Reserve to make rental payments required under this subsection.

(c) EFFECT OF TERMINATION OF LEASES.—At the end of the lease term under subsection (b), the State shall convey, without reimbursement, to the United States all right, title, and interest of the State in the reserve center and ancillary supporting facilities subject to the lease.

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

Mr. INOUE. Mr. President, this amendment has been cleared and approved by both managers.

The PRESIDING OFFICER. Without objection, amendment No. 4666 is agreed to.

The amendment (No. 4666) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I am going to suggest the absence of a quorum as we go through our files to see if there are any other amendments we can go through in the manner we have thus far. I congratulate the Chair and clerk for assisting us in this manner. Again, I will announce the vote on the motion to table the Simon amendment will take place at 1 p.m.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Alaska.

**UNANIMOUS-CONSENT AGREEMENT**

Mr. STEVENS. Mr. President, we have now, since we started on this bill, whether Senators realize it or not, disposed of almost 50 amendments. In the process of doing that, under the circumstances, again having to deal with the cloture problem, we filed the amendments so they only hit the bill at one point. We have been able to consolidate those. As we consolidated them, we may have made some technical errors. I ask unanimous consent that the staff and the clerk be authorized to make technical, clerical changes in numbers, et cetera, that might be required.

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

Mr. STEVENS. Mr. President, I ask the unanimous-consent agreement we have concerning these technical changes to our amendments apply to all amendments we accept by unanimous consent today.

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

**AMENDMENT NO. 4528**

(Purpose: To require certification of competition prior to the appropriation of funds for the T-39N)

Mr. STEVENS. Now I ask the Chair lay before the Senate amendment No. 4528.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mrs. FRAHM, proposes an amendment numbered 4528.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. .None of the funds provided for the purchase of the T-39N may be obligated until the Under Secretary of Defense for Acquisition certifies to the defense committees that

the contract was awarded on the basis of and following a full and open competition consistent with current federal acquisition statutes.

Mrs. FRAHM. Mr. President, my amendment is quite simple. It requires the Secretary of Defense for acquisition to certify to the Congress that he has conducted a full and open competition, consistent with current acquisition policies prior to awarding any contract for purchasing the T-39N or its replacement. This amendment reflects the stated position of the Navy, the Department of Defense, and it reflects good government.

The Navy is currently using a 1950's technology aircraft to train our pilots. This aircraft is expensive to fly and maintain, thus wasting precious defense resources. Further, the T-39N does not provide the kind of state-of-the-art training or pilots need and deserve. I believe that the Navy, our pilots, and the Nation can be better served with a more modern and cost-effective aircraft for this purpose.

With that said, I believe that the Navy should be left to make their own choice and that their choice be based upon a full and open competition. It is through the competitive process that we can best meet the needs of our future pilots. And it is through competition that the taxpayer will be best served.

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

Mr. BOND. Mr. President, I rise to address the issues raised by Senator FRAHM's amendment. I must first note that the T-39N aircraft currently in use by the U.S. Navy has been performing its duties for over 5 years and it will perform the same duties in the future. This is not a new program nor a new aircraft. I also understand the concern of some that the aircraft may be too old, however Navy analysis indicates this aircraft will provide valuable service through 2025. The Sabreliner T-39N has a mission completion rate of 98 percent. The U.S. Air Force in fact has consolidated its tactical navigator and weapon sensor operator training under the Navy umbrella with the understanding that the T-39N would be the trainer aircraft. Our allies who conduct the same type of training have also elected to use the U.S. Navy's T-39 Flight Officer Training Program.

Future concerns of system upgrades would be the same regardless of the aircraft flown and any other modernization upgrades would also be figured into any new aircraft purchase.

So, how does the T-39N stack up to the Navy's mission requirements?

First, the men and women who fly it, love it. The aircraft possesses the speed and range they desire and the swept wing design makes it much more adaptable to the harsh conditions of low level flight required in their training. Straight wing aircraft experience a much rougher ride at low level and may have lower mission completion rates.

In terms of flight characteristics the T-39N has been and is closest to the rise and performance of the jets the Navy, U.S. Air Force, and allied Air Force personnel will find in their inventories. I would also point out that this aircraft has had years of "fly before you buy" experience without complaint.

The aircraft has performed superbly as opposed to other aircraft used in the program in the past. As I noted before, this aircraft is currently in use as we speak, turning out the finest tactical flight officers in the world. These men and women will be going to the same aircraft they have been going to since the current contract began over 5 years ago.

There are no new design aircraft on the drawing boards which require a new airframe; any avionics systems upgrades or radar upgrades can be accommodated by the T-39N. This is the right aircraft, at the right time, and for the right cost.

Mr. STEVENS. Mr. President, this is to require certification of competition prior to appropriation of funds for the T-39N. We have discussed this matter with the Senator from Kansas and are prepared to recommend to the Senate we adopt this amendment. We will consider it in conference. There are similar provisions—the matter is discussed in the House bill, and it will be a controversy in conference.

Mr. INOUE. There is no objection, Mr. President.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The amendment (No. 4528) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

#### REPAIR AND MAINTENANCE OF CARGO AND PERSONNEL PARACHUTES

Mr. HELMS. Mr. President, it would be helpful if I can discuss, for the Record, with the distinguished chairman of the Defense Appropriations Subcommittee, a matter of importance concerning the readiness of the Airborne units of my State.

Mr. STEVENS. I will be delighted to discuss this matter with my colleague from North Carolina.

Mr. HELMS. I thank the able Senator. At the outset, let me state I am proud that my State is home to several important military installations and thousands of fine members of the Armed Forces of our Nation. North

Carolinians are especially proud that the U.S. Army's XVIII Airborne Corps and the 82d Airborne Division call Ft. Bragg home. These men and women are the front line of our Nation's defense and they are among the best trained, most dedicated and professional soldiers in the world.

When there is a need for equipment or technology to make these soldiers' tasks easier or safer, it is the responsibility of the Congress to provide for it. The modification of the Army's T-10R reserve parachute is an example of one such initiative. A study showed that a modified design would increase effectiveness to almost 100 percent. This modification was developed by the Army through a partnership between the Army and a private company. As a result of this successful partnership, Airborne troops now have a highly effective, low cost parachute that should help save lives.

I ask the able Senator from Alaska if my understanding is correct that there is a backlog in the performance of repair and maintenance work on cargo and personnel parachutes. To alleviate this backlog and thereby enhance readiness, would it be a wise use of Army resources to contract out the repair and maintenance of these chutes to a qualified manufacturer of similar parachutes? Would this not allow the backlog to be addressed in a cost-efficient manner?

Mr. STEVENS. The Senator from North Carolina is correct. In the current fiscal environment, it is important that each service seek innovative, cost-saving ways to provide support for our men and women in uniform. The Army Airborne has experienced an increase in training requirements. While the T-10R reserve parachute modification work has been successful, the Army is required to repack the parachutes after the modifications are performed and, as a result, the repair and maintenance of personnel and cargo parachutes has fallen behind. Therefore, I agree that repair and maintenance work, as well as cargo parachute repacking, would be excellent candidates for contracting out.

Mr. HELMS. I thank the distinguished Senator. I think it is obvious that my goal is to make certain that the Army has the ability to use the operations and maintenance funds appropriated within this bill to contract for parachute repair and maintenance work, as well as the cargo repacking efforts. Can the Senator give me that assurance?

Mr. STEVENS. Yes, nothing in this bill will prevent the Army from using funds in the operations and maintenance account. These funds are not earmarked because the committee frowns upon earmarking this account. However, I will bring this issue to my House colleagues during conference to gain their support for this initiative.

Mr. HELMS. I thank the distinguished chairman for his support. I will, of course, work with him as he



considers this issue with Members of the House.

#### RAID FUNDING

Mr. JEFFORDS. Mr. President, I would like to bring to your attention two items in this bill that relate to the Reconnaissance and Interdiction Detachment, RAID, funding that fall within the budget of the Drug Interdiction and Counterdrug Activities of the Department of Defense, DOD.

Vermont, as a border State, is in a very strategic position in the country's efforts to combat drugs. Since 1991 the Vermont State Police have been successfully working with the Army National Guard for the interdiction and eradication during the comparatively short but very productive marijuana growing season. The efforts of the Vermont Army National Guard have contributed to the eradication of approximately 70-80 percent of all confiscated marijuana reported by the Vermont State Police.

Thanks to the cooperation of my colleague from Alaska, this bill will help Vermont's law enforcement community continue its successful counterdrug and interdiction efforts. I appreciate the Senator's concurrence with me and other Senators who believe the National Guard has made important and valuable contributions to the Nation's counterdrug efforts. Mr. President, this issue has bipartisan support. Both sides recognize the National Guard's efforts to interdict and eradicate illegal drugs deserve sufficient funding and have wisely indicated this in their bill. Language in the committee report states that the DOD should ensure the RAID program is fully funded and supported.

More specific to Vermont's needs, the committee included my request for \$500,000 to assist in the implementation of a more focused RAID program. These funds will directly benefit Vermont's RAID program by making available two OH-58 helicopters, as well as the necessary personnel and infra-red equipment to carry out the mission. I greatly appreciate the chairman's cooperation and accommodation of my request. I also understand his feeling that the allocation of these funds should be postponed until the present National Guard Review of the State Governors' programs is completed. As it appears the review is very close to completion, there should be little delay once the appropriations bill is enacted.

Mr. President, I am pleased that my colleague from Alaska has joined me in a discussion of this important matter on the floor of the Senate, and I commend him for including these important items in the bill before us.

Mr. STEVENS. Mr. President, I was very pleased to accommodate my colleague's request on RAID. I agree with my colleague from Vermont on the importance of providing adequate funding for the National Guard Governors' State Counterdrug Plans and will keep his request in mind when the House

and Senate go to conference on the Defense Appropriations bill.

#### AMENDMENT NO. 4591

Mr. STEVENS. Mr. President, I now move to table the amendment of the Senator from Illinois, the pending amendment, and state, again, that the Senator from Hawaii and I have opposed this amendment at the request of the Department of Defense, the defense industrial base and on our own behalf based on our analysis of this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. CAMPBELL). The question is on agreeing to the motion to lay on the table the Simon amendment No. 4591. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

Mr. FORD. I announce that the Senator from Louisiana [Mr. JOHNSTON] is necessarily absent.

The result was announced—yeas 69, nays 29, as follows:

[Rollcall Vote No. 194 Leg.]

#### YEAS—69

Abraham	Feinstein	Lieberman
Ashcroft	Ford	Lott
Bennett	Frahm	Lugar
Bingaman	Frist	Mack
Bond	Glenn	McCain
Bradley	Gorton	McConnell
Breaux	Graham	Moynihan
Brown	Gramm	Murkowski
Bryan	Grassley	Nickles
Burns	Gregg	Nunn
Campbell	Hatch	Pressler
Chafee	Hatfield	Reid
Coats	Heflin	Robb
Cochran	Helms	Roth
Cohen	Hutchison	Santorum
Coverdell	Inhofe	Shelby
Craig	Inouye	Simpson
D'Amato	Kassebaum	Smith
DeWine	Kempthorne	Stevens
Dodd	Kerrey	Thomas
Domenici	Kyl	Thompson
Exon	Lautenberg	Thurmond
Faircloth		Warner

#### NAYS—29

Akaka	Harkin	Pell
Baucus	Hollings	Pryor
Biden	Kennedy	Rockefeller
Boxer	Kerry	Sarbanes
Bumpers	Kohl	Simon
Byrd	Leahy	Snowe
Conrad	Levin	Specter
Daschle	Mikulski	Wellstone
Dorgan	Moseley-Braun	Wyden
Feingold	Murray	

#### NOT VOTING—2

Jeffords	Johnston
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The motion to lay on the table the amendment (No. 4591) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

#### AMENDMENT NO. 4852

(Purpose: To improve the National Security Education Program)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 4852.

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

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

The amendment is as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) REPEAL OF TEMPORARY REQUIREMENT RELATING TO EMPLOYMENT.—Title VII of the Department of Defense Appropriations Act, 1996 (Public Law 104-61; 109 Stat. 650), is amended under the heading "NATIONAL SECURITY EDUCATION TRUST FUND" by striking out the proviso.

(b) GENERAL PROGRAM REQUIREMENTS.—Subsection (a)(1) of section 802 of the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102-183; 50 U.S.C. 1902) is amended—

(1) by striking out subparagraph (A) and inserting in lieu thereof the following new subparagraph (A):

"(A) awarding scholarships to undergraduate students who—

"(i) are United States citizens in order to enable such students to study, for at least one academic semester or equivalent term, in foreign countries that are critical countries (as determined under section 803(d)(4)(A) of this title) in those languages and study areas where deficiencies exist (as identified in the assessments undertaken pursuant to section 806(d) of this title); and

"(ii) pursuant to subsection (b)(2)(A) of this section, enter into an agreement to work for, and make their language skills available to, an agency or office of the Federal Government or work in the field of higher education in the area of study for which the scholarship was awarded;" and

(2) in subparagraph (B)—

(A) in clause (i), by inserting "relating to the national security interests of the United States" after "international fields"; and

(B) in clause (ii)—

(i) by striking out "subsection (b)(2)" and inserting in lieu thereof "subsection (b)(2)(B)"; and

(ii) by striking out "work for an agency or office of the Federal Government or in" and inserting in lieu thereof "work for, and make their language skills available to, an agency or office of the Federal Government or work in".

(c) SERVICE AGREEMENT.—Subsection (b) of that section is amended—

(1) in the matter preceding paragraph (1), by striking out ", or of scholarships" and all that follows through "12 months or more," and inserting in lieu thereof "or any scholarship";

(2) by striking out paragraph (2) and inserting in lieu thereof the following new paragraph (2):

"(2) will—

"(A) not later than eight years after such recipient's completion of the study for which scholarship assistance was provided under the program, and in accordance with regulations issued by the Secretary—

“(i) work in an agency or office of the Federal Government having national security responsibilities (as determined by the Secretary in consultation with the National Security Education Board) and make available such recipient’s foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be no longer than the period for which scholarship assistance was provided; or

“(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the scholarship was awarded, for a period specified by the Secretary, which period shall be determined in accordance with clause (i); or

“(B) upon completion of such recipient’s education under the program, and in accordance with such regulations—

“(i) work in an agency or office of the Federal Government having national security responsibilities (as so determined) and make available such recipient’s foreign language skills to an agency or office of the Federal Government approved by the Secretary (in consultation with the Board), upon the request of the agency or office, for a period specified by the Secretary, which period shall be not less than one and not more than three times the period for which the fellowship assistance was provided; or

“(ii) if the recipient demonstrates to the Secretary (in accordance with such regulations) that no position in an agency or office of the Federal Government having national security responsibilities is available upon the completion of the degree, work in the field of higher education in a discipline relating to the foreign country, foreign language, area study, or international field of study for which the fellowship was awarded, for a period specified by the Secretary, which period shall be established in accordance with clause (i); and”.

(d) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—Such section 802 is further amended by—

(1) redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) EVALUATION OF PROGRESS IN LANGUAGE SKILLS.—The Secretary shall, through the National Security Education Program office, administer a test of the foreign language skills of each recipient of a scholarship or fellowship under this title before the commencement of the study or education for which the scholarship or fellowship is awarded and after the completion of such study or education. The purpose of the tests is to evaluate the progress made by recipients of scholarships and fellowships in developing foreign language skills as a result of assistance under this title.”.

(e) FUNCTIONS OF THE NATIONAL SECURITY EDUCATION BOARD.—Section 803(d) of that Act (50 U.S.C. 1903(d)) is amended—

(1) in paragraph (1), by inserting “, including an order of priority in such awards that favors individuals expressing an interest in national security issues or pursuing a career in an agency or office of the Federal Government having national security responsibilities” before the period;

(2) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking out “Make recommenda-

tions” and inserting in lieu thereof “After taking into account the annual analyses of trends in language, international, and area studies under section 806(b)(1), make recommendations”;

(B) in subparagraph (A), by inserting “and countries which are of importance to the national security interests of the United States” after “are studying”; and

(C) in subparagraph (B), by inserting “relating to the national security interests of the United States” after “of this title”;

(3) by redesignating paragraph (5) as paragraph (7); and

(4) by inserting after paragraph (4) the following new paragraphs:

“(5) Encourage applications for fellowships under this title from graduate students having an educational background in disciplines relating to science or technology.

“(6) Provide the Secretary on an on-going basis with a list of scholarship recipients and fellowship recipients who are available to work for, or make their language skills available to, an agency or office of the Federal Government having national security responsibilities.”.

(f) REPORT ON PROGRAM.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing the improvements to the program established under the David L. Boren National Security Education Act of 1991 (title VIII of Public Law 102-183; 50 U.S.C. 1901 et seq.) that result from the amendments made by this section.

(2) The report shall also include an assessment of the contribution of the program, as so improved, in meeting the national security objectives of the United States.

Mr. SIMON. Mr. President, this corrects an error made in the National Security Education Program legislation and is supported by the Defense Department. It is agreed to on both sides.

Mr. INOUE. Mr. President, both managers approve of the amendment.

Mr. STEVENS. Mr. President, this amendment clarifies the eligibility for security education funds, as I understand it, and it has been modified to meet our request.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 4852) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 4568

Mr. INOUE. Mr. President, I send an amendment to the desk on behalf of Senator MOSELEY-BRAUN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Ms. MOSELEY-BRAUN, proposes an amendment numbered 4568.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

Any college or university that receives federal funding under this bill must report annually to the Office of Management and Budget on the average cost of tuition at their school for that year and the previous two years.

Mr. INOUE. Mr. President, this is a simple amendment. It says, “Any college or university that receives Federal funding under this bill must report annually to the Office of Management and Budget \* \* \*”

This matter has been cleared by both sides.

Mr. STEVENS. Mr. President, we have cleared that amendment.

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

The amendment (No. 4568) was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

#### PRIVILEGE OF THE FLOOR

Mr. MCCAIN. Mr. President, I ask unanimous consent that a fellow in our office, Craig Williams, be granted the privilege of the floor during the discussion of S. 1894.

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

#### AMENDMENT NO. 4440

(Purpose: To require an audit and report of security measures at all United States military installations outside the United States)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mr. WARNER, Mr. COATS, Mr. INHOFE, Mr. KERREY of Nebraska, Mr. LUGAR, Mr. SMITH, Mr. HELMS, Mr. D’AMATO, and Mr. COVERDELL, proposes an amendment numbered 4440.

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

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

The amendment is as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) The Secretary of Defense and the Secretary of State shall jointly conduct an audit of security measures at all United States military installations outside the United States to determine the adequacy of such measures to prevent or limit the effects of terrorist attacks on United States military personnel.

(b) Not later than March 31, 1997, the Secretary of Defense and the Secretary of State shall jointly submit to Congress a report on

the results of the audit conducted under subsection (a), including a description of the adequacy of—

- (1) physical and operational security measures;
- (2) access and perimeter control;
- (3) communications security;
- (4) crisis planning in the event of a terrorist attack, including evacuation and medical planning;
- (5) special security considerations at non-permanent facilities;
- (6) potential solutions to inadequate security, where identified; and
- (7) cooperative security measures with host nations.

Mr. MCCAIN. Mr. President, I ask unanimous consent to add as cosponsors to the bill Senators MOSELEY-BRAUN, MURKOWSKI, WARNER, COATS, INHOFE, KERREY of Nebraska, LUGAR, SMITH, HELMS, D'AMATO and COVERDELL.

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

Mr. MCCAIN. Mr. President, I am going to have a total of four amendments. I believe that three of them will be acceptable to the managers of the bill. The fourth one, I understand, will require a vote. On the fourth one, I would be more than happy to enter into a time agreement of 20 minutes on each side. When I get to it, perhaps we can get the managers' agreement at that time.

Mr. President, just over 2 weeks ago, 19 young men and women of the U.S. military were killed in a brutal terrorist attack on a housing complex in Dhahran, Saudi Arabia. There is nothing we can do to bring these men and women back to life, but it is our responsibility to make every effort to ensure this tragedy does not occur again.

Today, I am introducing an amendment that requires the Secretary of Defense and Secretary of State to jointly conduct an audit of security at all U.S. military installations overseas. Currently there are eight cosponsors including Senators MOSELEY-BRAUN, MURKOWSKI, WARNER, COATS, INHOFE, KERREY of Nebraska, LUGAR, and SMITH.

Specifically, the audit will focus on the adequacy of security measures currently in place to prevent or limit the effects of terrorist attacks on U.S. military personnel. The Secretaries would be required to report to Congress an assessment of the adequacy of existing security measures at our permanent bases overseas, including both physical and operational security measures, and any recommended remedial action where necessary.

The report would also provide information regarding cooperative security measures with host nations. Finally, the report would provide an assessment of the special security considerations at temporary basing locations, like the Khobar Towers complex, and possible solutions to these unique problems.

In these times of peace in this post-cold-war world, the No. 1 threat to our servicemembers, in addition to the normal hazards and risks associated with the job, is terrorism. This is the most

difficult threat to predict, as well as prevent.

Prior to the tragedy of June 25, measures to protect our forces from terrorist attacks were clearly inadequate. The President waged war against terrorism by means of a summit meeting in a resort town in Egypt where there were 240 minutes of opening statements, 40 minutes of discussion, and a photo opportunity.

The summit produced a lot of symbolism, but little in the way of concrete recommendations to combat terrorism. Syria—identified by the State Department as one of the world's leading sponsors of terrorism—did not attend the meeting. The participants couldn't even agree to specifically condemn Iran for aiding and abetting terrorist groups. The only result of the summit was a lofty joint statement by President Clinton and Egyptian President Mubarek, condemning terrorism and promising future cooperation and consultation on ways to halt these terrorist attacks.

And, now, little more than 3 months after the summit in Egypt, and after another couple of international get-togethers to talk tough on terrorism, 19 more Americans have been killed by a terrorist bomb.

Now is the time to act. We must stop all of this talking and act on what we say we must accomplish. This amendment is designed to protect our troops who continue to make the sacrifices on a daily basis. I believe this measure deserves our careful and full review, and I hope that you will all support me on this very important issue.

Just today I received a letter from the Military Coalition offering strong support for this amendment. They stated:

Our soldiers, sailors, airmen, and marines deserve the best we can provide and it is our continuing responsibility to provide for their safety and well being. This legislation remains consistent with that objective.

As I stated previously, it is our responsibility to provide for our men and women stationed across the globe. It is our responsibility because we, the Congress, are accountable to not just those men and women serving in the military, but to their families and the American people.

Mr. President, the pending amendment, No. 4440, is a requirement that the Secretary of Defense and Secretary of State jointly conduct an audit of security measures at all U.S. military installations overseas. It requires a report to Congress on March 31, 1997.

The specific requirements of the audit include adequacy of physical and operational security measures; access and perimeter control; crisis planning in the event of a terrorist attack, including evacuation and medical planning; special security considerations at nonpermanent facilities; potential solutions to inadequate security, where identified; and cooperative security measures with host nations.

Mr. President, there is no sense in rehashing the tragic events that took

place 2 weeks ago on June 25. The terrorist attack in Dhahran in Saudi Arabia, which killed 19 brave young Americans, is well known to all of us. But it is important for us to, again, reaffirm our responsibility to ensure that we have made every effort to prevent this tragedy from occurring again.

Mr. President, this amendment calls for the audit of security measures at all U.S. military installations overseas. I am aware that the Secretary of Defense and the Secretary of State have made efforts in this direction.

I believe Congress needs to be more involved in knowing the results of those audits, and, very frankly, the American people need to know it as well.

Mr. President, at this point I ask unanimous consent to have printed in the RECORD a letter from the Military Coalition supporting this amendment.

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

THE MILITARY COALITION,  
Alexandria, VA, July 10, 1996.

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

DEAR SENATOR MCCAIN: The Military Coalition, a consortium of military and veteran organizations representing more than five million current and former members of the uniformed services, supports your efforts to ensure the safety of our military men and women serving overseas. Providing the best possible security and assuring those measures are never compromised should be, and always remain, a top priority.

The recent terrorist attack in Dhahran that claimed the lives of 19 American service members emphasizes the need for Congress and the Department of Defense to address the adequacy of protective measures afforded our troops serving outside the country. Questions raised about the security of U.S. foreign military installations further indicates the need to audit and assess current safety and security standards practiced at U.S. overseas facilities.

The Military Coalition is pleased to offer its strong support for your legislative initiative to protect American service members. Our soldiers, sailors, airmen, and marines deserve the best we can provide and it is our continuing responsibility to provide for their safety and well being. This legislation remains consistent with that objective.

Sincerely,  
The Military Coalition:  
Air Force Association.  
Assn. of Military Surgeons of the United States.  
Commissioned Officers Assn. of the U.S. Public Health Service, Inc.  
CWO & WO Assn. U.S. Coast Guard.  
Enlisted Association of the National Guard of the United States.  
Fleet Reserve Assn.  
Jewish War Veterans of the USA.  
Marine Corps League.  
Marine Corps Reserve Officers Assn.  
National Military Family Assn.  
National Order of Battlefield Commissions.  
Naval Enlisted Reserve Assn.  
Navy League of the United States.  
Reserve Officers Assn.  
The Military Chaplains Assn. of the USA.  
The Retired Enlisted Assn.  
The Retired Officers Assn.  
USCG Chief Petty Officers Assn.  
U.S. Army Warrant Officers Assn.

Veterans of Foreign Wars of the United States.

Mr. MCCAIN. Mr. President, as I stated previously, it is our responsibility to provide for the men and women stationed overseas the maximum amount of security that we can provide. We ask them to embark on very difficult and sometimes dangerous missions, and obviously our obligation to them in return for that service and sacrifice is that we provide them with the maximum amount of security possible.

Again, Mr. President, I do not think it is either necessary or particularly appropriate at this time for me to go through the entire tragedy that took place a few weeks ago. Suffice it to say, this and the next amendment I will be proposing are very modest steps in trying to ensure the goal that all of us seek, and that is that there never is repetition of such a tragedy.

Mr. President, I yield the floor and urge adoption of the amendment.

Mr. STEVENS. Mr. President, we concur in this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 4440) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 4444, AS MODIFIED

(Purpose: To provide \$14,000,000 for anti-terrorism activities of the Department of Defense)

Mr. MCCAIN. Mr. President, I call up amendment No. 4444 and send a modification to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. LEVIN, proposes an amendment numbered 4444, as modified.

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

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

The amendment is as follows:

On page 34, between lines 19 and 20, insert the following:

#### ANTI-TERRORISM ACTIVITIES, DEFENSE (INCLUDING TRANSFER OF FUNDS)

For anti-terrorism activities of the Department of Defense, \$14,000,000, subject to authorization for transfer to appropriations available to the Department of Defense for operation and maintenance, for procurement, and for research, development, test, and evaluation: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same period and for the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained in this Act.

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Beginning with fiscal year 1997, the Secretary of Defense shall establish a

program element for the Office of the Secretary of Defense for the purpose of funding emergency anti-terrorism activities. Funds available for that program element for fiscal year 1997 shall be in addition to funds appropriated under other provisions of this Act for anti-terrorism and are available for the Secretary of Defense to respond quickly to emergency anti-terrorism requirements that are identified by commanders of the unified combatant commands or commanders of joint task forces in response to a change in terrorist threat level.

Mr. MCCAIN. Mr. President, this amendment is a natural follow-on to the previous amendment. It provides \$14 million to the Department of Defense specifically for antiterrorism measures.

Mr. President, the threat of terrorism to Americans living overseas has never been greater. In particular, our men and women serving in the armed forces are at great risk as they are targeted by various terrorist organizations and activities. This continues to be a reality our troops must face when we send them to lands far away from our great Nation. This was never more evident than the brutal attack in Dhahran, Saudi Arabia just over 2 weeks ago when 19 young men and women were tragically killed when a truck loaded with explosives detonated within 100 feet of their housing complex.

Today I am introducing an amendment that will provide \$14 million in additional funding to the Department of Defense for antiterrorism measures. These funds will be specifically used for intelligence support, physical security measures, education, training, and any other additional measures the Secretary of Defense determines are necessary.

A report recently conducted by the Department of Defense noted that antiterrorism funding is not specifically identified in many instances since it is a part of a larger effort, primarily in physical security programs. There was an 82-percent—\$8.7 million—reduction in Air Force funding, 55 percent—\$43.4 million—in Army funding, and 62 percent—\$4.5 million—in Navy funding.

On Tuesday, the Secretary of Defense and Chairman of the Joint Chiefs of Staff appeared before the SASC and testified in both open and closed sessions that the Department of Defense lacked sufficient funds for antiterrorism measures as a result of poor decisions by this administration to cut funds in this area. During this hearing Secretary Perry confirmed, "I think that was a bad cut. I have directed the services to increase the funding in antiterrorism." Additionally, General Shalikashvili stated,

The antiterrorism study identified two issues pertaining to funding of antiterrorism things. One, that the services increased their funding and secondly, . . . that we create a program line under the Secretary of Defense with which he can fund high priority antiterrorism programs that need to be funded.

As a result of this review, the Secretary has recommended the establish-

ment of a separate OSD program of \$7-\$14 million annually as a contingency account to be available for antiterrorism requirements. These funds would be used to ensure adequate funding for intelligence support, physical security measures, education, training, and any other additional measures the Secretary determines are necessary.

Mr. President, if we cannot afford to provide adequate protection for our men and women serving overseas, then we should not put them in those areas with high threats of terrorism. We must give them every means available to prevent, protect, and defend against terrorist attacks. It is our responsibility.

This amendment is designed to provide additional funds for the Department of Defense to protect our troops. I believe this measure deserves our careful and full review, and I hope that you will all support me on this very important issue.

I note the presence of Senator LEVIN, who is an original cosponsor of this amendment, in the Chamber.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the MCCAIN amendment?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan, Mr. LEVIN, is recognized.

Mr. LEVIN. Mr. President, I am a cosponsor of this amendment, and I want to just ask my friend from Arizona as to the modification. I have not had a chance to review it. Is this modification that was sent to the desk the language which I had suggested to him might be an improvement in terms of the nature of the funds and how the funds would operate? I have not had a chance to review the language which was actually sent to the desk. Is this the language which I spoke to his staff about?

Mr. MCCAIN. It is.

Mr. LEVIN. Mr. President, I very much support this amendment. We are too often fighting in our appropriations and the add-ons to the appropriations the battles of the cold war instead of the future battles which we are all going to face in the area of terrorism. Many of us had an opportunity to meet with the Secretary of Defense and the Chairman of the Joint Chiefs this morning, and the efforts which are being made in the fight against terrorism, particularly in the Middle East, were outlined in some detail to us. It is also becoming more and more clear that too much of our defense dollar is being spent on refighting battles which are no longer looming before us and on buying equipment and investing in equipment which is no longer as relevant as it once was, adding on things which may or may not have been useful 5 years ago but which are not now as much needed as are new weapons in the war against terrorism, which is going to be a growing battle. The new cold war is the war against terrorism.

There was a request of the Secretary of Defense for an analysis of how many dollars are being invested in the war against terrorism, and we got a letter back addressed to Senator NUNN from the Assistant Secretary of Defense, Sandra Stuart, outlining some of the antiterrorist activities. I want to just quote two paragraphs from that letter dated July 16, and then I will ask unanimous consent that the entire letter be printed in the RECORD.

The first paragraph I want to quote is the following:

Anti-terrorism activities deal with traditional defensive measures such as barriers, fences, detection devices and Defense personnel who have as part of their mission protecting DOD personnel and facilities against the threat of terrorism. The Defense Department spends nearly \$2 billion annually on such anti-terrorism activity overall. Traditionally we have not budgeted anti-terrorism activities in a single program because force protection is part of each individual commander's responsibility and is therefore budgeted by every installation in, for example, their operation and maintenance accounts.

The second paragraph from this letter that I will quote is the following:

In the area of counter-terrorism, DOD has many programs and activities which are more often associated with proactive activities undertaken to neutralize the terrorist threat or respond to terrorist acts. All combatant forces in Defense potentially have as part of their mission a counter-terrorism function; however, these activities are more commonly associated with special operations forces, which have annual budgets in excess of \$3 billion. That amount is in addition to the considerable sum spent from our intelligence portion of the budget to counter terrorism.

Mr. President, the letter does point out something which our amendment is aimed at correcting, and that is that a report which has been given some notice faulted DOD procedures relative to the funding of unanticipated contingencies. And the Secretary has directed corrective action in this area, according to Assistant Secretary of Defense Stuart.

So I commend the Senator from Arizona for the amendment, which I cosponsored, because it does address this question of a fund for unanticipated contingencies which I think we have to focus on more and more. We can spend the \$3 billion which is referred to in terms of counterterrorism efforts and the \$2 billion annually which is referred to on antiterrorism activities which are described, but we still have a need for funding unanticipated contingencies in the fight against terrorism.

This amendment is just a beginning in terms of funding that kind of a fund for unanticipated contingencies in the fight against terrorism. I am happy to cosponsor this amendment. While it is just a small beginning in that unanticipated contingencies effort, I hope we will be able to supplement it later. But it is an important step, and I commend the Senator from Arizona. I am happy to cosponsor that amendment.

Mr. President, I ask unanimous consent the entire letter I referred to be printed in the RECORD.

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

OFFICE OF THE ASSISTANT  
SECRETARY OF DEFENSE,  
Washington, DC, July 16, 1996.

Hon. SAM NUNN,  
Ranking member, Senate Committee on Armed  
Services, U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: The Secretary is looking forward to having breakfast with you and your colleagues to discuss the tragic terrorist bombing in Dhahran, Saudi Arabia, and also to have an opportunity to talk about the broader issue of terrorism and the consequences in the Persian Gulf. Force protection is the number one priority of Secretary Perry and General Shalikashvili. This is a responsibility that they take very seriously and is central to every deployment decision they approve.

Prior to the breakfast, I wanted to mention a few issues which have been reported in the press and which we feel need some clarification.

As you know, shortly after the bombing, Secretary Perry appointed retired General Wayne Downing to conduct a thorough investigation of the security situation in Dhahran, Riyadh and the balance of the U.S. Central Command facilities in the AOR. General Downing's charter empowers him to make findings and conclusions about pertinent acts or omissions on the part of individuals. In the event General Downing makes such findings and conclusions, they will be transmitted to the cognizant supervising officials for action. General Downing has assembled a qualified team who have already begun this review and will depart for Dhahran to continue his investigation by mid-week.

The Secretary has further directed General Downing to assess immediately the situation regarding moving the perimeter fence. There has been a good bit of speculation as to who spoke with the Saudis about moving this fence, what their reply was and whether this information was passed up the chain of command. Once General Downing reports his findings to Secretary Perry, we will inform you of the details.

There are two other matters which we believe need to be clarified.

The first involves the June 17 DIA Military Intelligence Digest (MID) that has been referred to in the press as an "alert". The MID is a daily publication that covers a wide array of topics of interest to policy makers, force planners, and operational forces. Additionally, the MID is delivered, also daily, to the Senate Armed Services Committee, the House National Security Committee, and the two Intelligence committees. While the MID is a classified document, there are several points that can be made for the record concerning this particular article.

Contrary to press reporting, the MID article on June 17 was not an "alert". Rather it was a compilation of previously reported security incidents that had occurred in the Khobar Towers area over the past several months. The value of this particular article was that it provided intelligence confirmation that security had been increased outside the complex and that the threat was taken seriously.

There was no warning in the article of an impending terrorist incident. When such warnings exist, they are provided to Defense decision makers immediately and directly, rather than through a publication like the MID which goes through an extensive editorial review and follows a days-long publication timeline. The article did recommend that, due to the incidents that had occurred over the past several months, security

should be further increased and, indeed, approximately 130 distinct security enhancements were being implemented at Khobar Towers.

The second remaining issue deals with the level of funding within the Pentagon budget for anti-terrorism activities. Unfortunately, there is a misperception about the amount of money the Department spends. This misperception resulted from a review of one document, a JCS report which dealt with only a fraction of the total DoD funding which supports anti-terrorism activities. A portion of the report described some program funding reductions, which resulted from personnel reductions, domestic base closings, completed construction projects or program completions, but those items were just a minor portion of the overall DoD expenditures on anti-terrorism. There are two categories normally associated with Defense activities to combat terrorism: anti-terrorism and counter-terrorism.

Anti-terrorism activities deal with traditional defensive measures such as barriers, fences, detection devices and Defense personnel who have as part of their mission protecting DoD personnel and facilities against the threat of terrorism. The Defense Department spends nearly \$2 billion annually on such anti-terrorism activity overall. Traditionally we have not budgeted anti-terrorism activities in a single program because force protection is part of each individual commander's responsibility and is therefore budgeted by every installation in, for example, their operation and maintenance accounts.

In the area of counter-terrorism, DoD has many programs and activities which are more often associated with proactive activities undertaken to neutralize the terrorist threat or respond to terrorist acts. All combatant forces in Defense potentially have as part of their mission a counter-terrorism function; however, these activities are more commonly associated with special operations forces, which have annual budgets in excess of \$3 billion. That amount is in addition to the considerable sums spent from our intelligence portion of the budget to counter terrorism.

The JCS report was commissioned by Secretary Perry and CJCS Shalikashvili following the Riyadh bombing. Its purpose was to identify and assess all of the anti-terrorism programs, actions and preparedness of the DoD and possible areas for additional action. The report did fault DoD procedures for funding unanticipated contingencies, and the Secretary directed corrective action in this area. It is unfortunate that a minuscule portion of the JCS review is now being used to draw wider, and inappropriate, conclusions in light of the Dhahran bombing.

I hope this information is helpful. Secretary Perry looks forward to seeing you soon and discussing the issues of Saudi Arabia and terrorism in the Persian Gulf area.

Sincerely,

SANDRA K. STUART,  
Assistant Secretary of Defense  
(Legislative Affairs).

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 4444), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 441

(Purpose: To require the submittal to Congress of the future-years defense programs prepared by the Chief of the National Guard Bureau and the chiefs of the reserve components)

Mr. McCAIN. Mr. President, I send amendment No. 441 to the desk and ask for its immediate consideration. I ask unanimous consent Senator GRAMS of Minnesota be added as a cosponsor of this amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for himself and Mr. GRAMS, proposes an amendment numbered 441.

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

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

The amendment is as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Section 221 of title 10, United States Code, is amended by adding at the end the following:

“(d) The President shall submit to Congress each year, at the same time the President submits to Congress the budget for that year under section 1105(a) of title 31, the future-years defense program (including associated annexes) that the Chief of the National Guard Bureau and the chiefs of the reserve components submitted to the Secretary of Defense in that year in order to assist the Secretary in preparing the future-years defense program in that year under subsection (a).”.

Effective Date. This section shall take effect beginning with the President's budget submission for fiscal year 1999.

Mr. McCAIN. Mr. President, this amendment would require the President to submit, with his annual budget request, the future years defense plans of the National Guard and Reserve components. The Chiefs would prepare their long-range spending plans, which would then be forward to the Congress.

For years, the Congress has added billions of dollars to the defense budget for equipment and building projects for the Guard and Reserve components. These add-ons are usually based on the assertion that the Department of Defense does not provide sufficient resources for the Guard and Reserve in its annual budget requests and long-term funding plans, and that is an assertion that I cannot dispute.

The problem, however, is the Congress does not now have the necessary information to properly prioritize among the requests of individual Members of Congress for added funding for the Guard and Reserve units in their States and districts. As a result, we have earmarked billions of dollars for construction projects and procurement items based on their location, not their priority and utility to the missions of the Guard and Reserve.

A few weeks ago, the Senate passed a military construction appropriations bill containing \$700 million for unrequested projects, the majority of which were for guard and reserve

projects. The bill before the Senate today contains \$759.8 million for unrequested equipment for the Guard and Reserve. For the most part, the allocation of this funding to meet the requirements of the Guard and Reserve is left to the appropriate officials in those organizations.

Again this year, I applaud Senators STEVENS and INOUE for resisting the temptation to earmark these funds, unlike the Senate Armed Services Committee and the House defense committees. I wish they had also left out the earmark for six additional C130-J aircraft, but, unfortunately, this bit of perennial pork is in the bill.

Mr. President, a few weeks ago I met with the Chief of the Guard Bureau, representatives of the Reserve components and officials from the Department of Defense responsible for oversight of the Guard and Reserve. In this meeting, we discussed the need to provide adequate funding for the Guard and Reserve components. We discussed the perception that the Department of Defense does not include sufficient funds in its budget requests for the Guard and Reserve, relying instead on the Congress to add these funds each year.

Unfortunately, we do not come up with a clear way of dealing with this problem, leaving the Congress in a catch-22 situation. If we support a strong national defense which requires the Guard and Reserve be appropriately equipped and trained for their assigned missions, we have to add money for the Guard and Reserve.

Mr. President, I reiterate: The problem is that over the years, the Department of Defense is shortchanging the Guard and Reserve in their budget request because they know—they know—the Congress will add on the funding necessary to adequately equip the Guard and Reserve in their military construction projects. So we are in a terrible situation where everybody knows. It is kind of a dirty little secret. The Department of Defense knows we will add the money, so they do not request the money. And, therefore, the Guard gets the money.

Mr. President, that is not any way to run a railroad, much less a defense appropriations process.

This amendment would address this problem with respect to the Congress by ensuring we have full information on the long-range plans of the Guard and Reserve components. Basically, we are saying the Guard and Reserve need a future years defense plan just as the active duty forces will as well. In this way, as we evaluate the Department's budget request for the Guard and Reserve, we will also have before us information on the long-term requirements of the Guard and Reserve.

Mr. President, I think this amendment will serve the best interests of the Guard and Reserve in two ways. First, the Department of Defense, knowing that the Congress will have full access to long-range requirements

of the Guard and Reserve, will perhaps feel compelled to better accommodate these requirements in the Department's annual budget request. Second, if Guard and Reserve programs are still underfunded, the Congress will be better informed in making allocations of any additional funds for equipment and construction projects.

I believe this amendment is a positive step forward. I believe it will reduce some of the add-ons that, frankly, have more to do with location and geography as opposed to national security needs. I believe this will give us a much better blueprint to make the very difficult decisions as to how we spend the taxpayers' hard-earned dollars which are earmarked for defense.

I yield the floor.

The PRESIDING OFFICER. Is there further debate? The Senator from Alaska.

Mr. STEVENS. Mr. President, as I understand the amendment, it will require the President to submit to Congress the request of the Chiefs of the National Guard Bureau and respective Reserve components which was submitted to the Secretary of Defense that year, in order to assist the Secretary in preparing the defense program.

I might say to the Senator from Arizona, there is not a similar provision with regard to the Marines or the Air Force or the Army or the Navy. They all submit requests, really, to the President through the Secretary of Defense.

I do believe that the Senator from Arizona is right about his assertion that the Congress does respond to the requests of the National Guard Bureau and the Reserve components in a unique way. I do believe they are closer to the people and they are closer to the Members of Congress because, when we all go home we see our Reserve components, we see the members of our National Guard, and they tell us what they have asked of the National Guard Bureau. When we come back, we inquire what is in the budget. We find it is not there, so we seek it. He has a point there. But the same point might be valid as to the requests that the Chief of Naval Operations made to the Secretary, or to the Chief of Staff of the Air Force or the Army.

I do not argue with the Senator about his proposition. I am prepared to take the amendment to conference and see what the will of the House will be in that regard. I think we will probably work out something that will require an annex to the report, to have all of the requests of the various Chiefs be provided to Congress.

Let us explore that, if the Senator will, but I am happy to recommend we take it to the conference.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I appreciate the effort on the part of the Senator from Alaska to help solve this dilemma. I believe it is a dilemma, as I stated before. The Department of Defense—and I must



place great responsibility on them—know full well Congress is going to add this money on. So, therefore, they will request funding for, perhaps, less popular and certainly programs with less constituent support, knowing full well the Congress is going to add on additional money. That is what I am trying to do. The Senator from Alaska obviously appreciates what I am trying to get at.

Basically what I am asking for, in some respects, is a future years defense plan for the Guard and Reserve to try to identify and prioritize their requirements.

If there is a way I can work with the Senator from Alaska and the other conferees and the Senator from Hawaii in trying to achieve this goal—I am not saying this amendment is the best way, but I think it is an issue that must be addressed, and I believe the amendment addresses it.

I, again, appreciate the understanding of the dilemma on the part of the Senator from Alaska.

The PRESIDING OFFICER. Is there further debate on the McCain amendment?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I commend my friend from Arizona for this amendment. This is a subject which has been discussed at some length in the Armed Services Committee. He has consistently fought for and has been on the side of trying to identify what the priorities of the Guard and Reserve are so that we could at least consider those priorities when it comes time to identifying the items in the authorization bill. As a matter of fact, he was very forthright in his support of that position on the authorization bill.

We did adopt an amendment which I offered, I believe, on the authorization bill a few weeks ago. The question I would like to ask of the Senator from Arizona is this: Is the approach in this amendment either similar to or, at a minimum, consistent with the requirement that we added to the authorization bill on the floor, that the Guard and the Reserve components identify, prior to submission of the budget, what their priorities are so that they could be considered by the Congress when the time comes, if we add money to identify what those items are?

Mr. McCAIN. Mr. President, I say to my friend from Michigan, indeed, I believe this amendment is complementary to the amendment—a very thoughtful and important amendment—that the Senator from Michigan added to the defense authorization bill.

I also express my appreciation to the Senator from Michigan who has also fought against this earmarking of funds. Again, I would like to point out, the Appropriations Committee has simply added the money and they have not earmarked those funds, which I think is a significant improvement over what the authorizing committee has been

doing. But in response to the question from my friend from Michigan, I believe this is a complementary amendment to that which the Senator from Michigan had added to the authorization bill.

Mr. LEVIN. Mr. President, I think it would be useful, assuming this amendment is adopted, for the appropriators to harmonize this language with the language that is in the authorization bill, to make sure we have precisely the same requirement, whatever it ends up being, assuming that it remains in the two bills following conference.

I also want to commend the Appropriations Committee, Senator STEVENS and Senator INOUE, for following the generic approach on this Guard and Reserve issue. They have taken the correct position in terms of giving the Guard and Reserve components the greatest flexibility to do what is most needed by those components, rather than just some add-ons by Members of the Congress.

This is an important issue. It has been raised with great frequency on this floor. The Senate has generally taken the approach that we are going to give them the greatest flexibility rather than doing the earmarking.

I hope we prevail both in conference on the authorizing bill and on the appropriations bill. I join my friend from Arizona in thanking the Appropriations Committee for taking the position that they have and for accepting this amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. STEVENS. Mr. President, I say to my friend from Michigan that our flexibility in this bill is hampered by the earmarking in the authorization bill. I am not sure that we will survive conference so long as the authorization bill insists on pinning down the limited amount of money. It will lead to demands from both the House and Senate appropriators to challenge that.

I agree with the Senator from Arizona and the Senator from Michigan, Mr. President, but we have to have it in both committees in order to succeed. I do urge acceptance of the amendment.

Mr. LEVIN. If the Senator from Alaska will yield on that point, I do happen to agree with him in terms of his comment on the authorizing committee. Some of us made an effort in committee to totally eliminate those earmarks. We failed by, I think, one vote in committee. We ended with a sort of hybrid: some of the money earmarked and some not.

I agree, the fact some of it is earmarked in the Senate authorization bill does make your work more difficult in conference. I happen to regret that because I am on the generic side of this debate, but it is a fact of life.

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

The PRESIDING OFFICER. The question is on agreeing to amendment

No. 4441, the amendment offered by the Senator from Arizona.

The amendment (No. 4441) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, on the next amendment, I understand the Senator from Arizona would like a time agreement. Will he state that again, please?

Mr. McCAIN. I am more than happy to agree to any time agreement. I suggest 20 minutes equally divided on the amendment, if that is agreeable to the Senator from Alaska, or any other time agreement that he chooses to enter into.

Mr. STEVENS. I am pleased to enter into that agreement. That means this amendment will be voted on at quarter after 2.

The PRESIDING OFFICER. Without objection, it is so ordered. The vote will be taken at quarter after 2.

The Senator from Arizona is recognized.

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

#### AMENDMENT NO. 4442

(Purpose: To limit the use of funds for programs, projects, and activities not included in the most recent future-years defense program)

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 4442.

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

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

The amendment is as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be obligated or expended for any program, project, or activity which is not included in the future-years defense program of the Department of Defense for fiscal years 1997 through 2002 submitted to Congress in 1996 under section 221 of title 10, United States Code, unless the Secretary of Defense certifies to Congress that—

(1) the program, project, or activity fulfills an existing, validated military requirement;

(2) the program, project, or activity is of a higher priority than any other program, project, or activity included in that future-years defense program for which no funds are appropriated or otherwise made available by this Act; and

(3) if additional funds will be required for the program, project, or activity in future fiscal years, such funds will be included in the future-years defense program to be submitted to Congress under such section in 1997.

Mr. STEVENS. Mr. President, I ask unanimous consent that we amend the unanimous consent agreement to include that it not be subject to an amendment in the second degree.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, the amendment would require an assessment by the Department of Defense programs included in the appropriations bill which are not in the administration's future years defense plan. The Secretary of Defense would be required to certify that the program fulfills a military requirement, that it is a higher priority than any other unfunded program in the future years defense plan, and any future funding requirement associated with the program will be included in next year's future years defense plan. Until the assessment is complete and the certification provided to Congress, no funds for these programs could be obligated or expended.

Mr. President, I ask unanimous consent that there be a time agreement of 20 minutes equally divided, if that has not already been agreed to.

The PRESIDING OFFICER. It has been agreed to.

Mr. MCCAIN. Mr. President, this amendment is needed. The amendment would impose some degree of restraint on the Congress' seemingly unlimited desire to waste scarce defense resources on unnecessary projects.

This Congress has succeeded in increasing the President's inadequate defense budget requests of the last 2 years, adding a total of \$18 billion. I fully supported these increases which have slowed, although not halted, the too-rapid decline in the defense budget over the past decade. Failure to provide adequate funding for defense will seriously hinder the ability of our military services to ensure our future security and have a deleterious effect on our Nation's ability to influence world events and maintain peace.

However, much of this additional \$18 billion is devoted to unnecessary and unwarranted projects. Last year, the Congress wasted \$4 billion of the defense budget on unnecessary projects. These included \$700 million for unrequested, low-priority military construction projects, \$1.2 billion for B-2 bombers and *Seawolf* submarines, another \$2.2 billion for unrequested projects of special interest, such as earmarks for specific universities, centers, or other entities; nondefense activities, such as Coast Guard operations, support to the Atlanta Olympics, medical research education and programs; and unrequested Guard and Reserve equipment.

Mr. President, that adds up to \$4.1 billion, which did little or nothing to enhance the readiness of our forces today or to modernize our forces. This year, while it appears the Senate may be exercising restraint, I have identified only \$2 billion in this year's as opposed to last year's budget.

I know this is sometimes an unpleasant experience, but I have to identify some of these projects that honestly have no relation to defense spending.

There is nonauthorized add-ons and earmarks—I am not going to go through all of them:

A \$3.4 million add-on for "Med teams";

A \$14 million add-on for Akamai program, to continue telemedicine efforts at Tripler Army Medical Center in Hawaii;

Earmarks \$2.7 million for development of "dual-mode hyperspectral/fluorescence imaging technology";

The sum of \$8 million for the mitigation of environmental impacts on Indian lands;

A \$477,000 grant to Kansas Unified School District 207 to integrate schools at Fort Leavenworth into post-fiber-optic network;

There is \$100 million for prostate cancer research; \$93 million of that is earmarked in the bill. The report specifies a total of \$100 million for research to be conducted in conjunction with the Center for Prostate Disease Research.

There is a \$2 million add-on for the National Automotive Center; a \$5.4 million add-on for Hawaii Small Business Development Center; a \$4 million add-on for Instrumented Factory for gears; \$900,000 earmarked for National Center for Physical Acoustics for research on ocean acoustics for purchase of special equipment; \$7 million add-on for Center of Excellence for Research in Ocean Sciences in Oregon.

There is an \$8 million add-on to support Pacific Disaster Center; a \$3 million add-on for Southern Observatory for Astronomical Research; \$4.75 million earmarked for Charleston Navy Hospital for a cancer control program conducted in conjunction with a State-owned cancer center serving coastal South Carolina.

There is a \$350,000 add-on for a DOD-State-local government joint task force studying wastewater treatment, management, and disposal; \$10 million earmarked for joint Army-Tennessee Valley Authority project to "develop, demonstrate, and validate a plasma energy pyrolysis system \* \* \* to render hazardous, chemical, and medical waste into an inert glass slag byproduct."

There is \$1 million for brown tree snake control; again, a \$2 million add-on for natural gas boiler demonstration; \$2.5 million add-on for carbon reinforced recycled thermoplastic engineered lumber; \$7 million earmarked for evaluation of a multithread architecture experimental computer; a \$26.8 million add-on to initiate program using DOD satellite capabilities in support of civil needs, such as detecting forest fires and volcanic activity; a \$20 million add-on for Electric and Hybrid Electric Vehicle Consortia program.

There is a \$25 million add-on for Optoelectronics consortia. By the way, only \$20 million was authorized. There is a \$13 million add-on for oceanographic partnership programs.

Mr. President, I know that the argument can be and will be made that each of those programs I talked about are

worthy and important programs. Most of those that I identified have little, if anything, to do with national defense. They were not requested by the Department of Defense, nor in many cases were they authorized in the authorizing bill.

I think this amendment is a necessary starting point for curbing this kind of spending. It is aimed only at projects that are not included in the spending plans of the military services until after the year 2002.

Perhaps my colleagues are unaware of what a future years defense plan is. It is the plan the Department of Defense documents which specifies the programs, projects, and activities that are planned for a 6-year period. The current FYDP was submitted to Congress earlier this year and covers fiscal years 1997 through 2002. The services' highest priority programs are included in that document.

Mr. President, I point out that the total funding for defense in the current future years defense program is \$1.5 trillion—\$1.5 trillion—which means there are lots and lots and lots of projects in there. Lots of those projects are not funded in the decisions made by the Congress of the United States.

Mr. President, I understand the opposition to this amendment and have very few illusions as to its chance of passage, but I feel that it is my obligation to seek its passage.

I also ask unanimous consent, Mr. President, that a letter from the Citizens Against Government Waste in support of this amendment be printed in the RECORD.

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

COUNCIL FOR CITIZENS  
AGAINST GOVERNMENT WASTE,  
Washington, DC, July 11, 1996.

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

DEAR SENATOR MCCAIN: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAGW), I am writing to endorse your amendment to the FY 1997 Department of Defense (DOD) Appropriations bill (S. 1894). Your amendment prohibits the use of funds for projects not included in the DOD's Future Years Defense Program (FYDP) unless the Secretary of Defense certifies that those programs are a higher priority than the unfunded FYDP items and will be included in the following year's FYDP. S. 1894 contains over \$2 billion worth of items not included in FYDP.

As you know, DOD submits a FYDP every year which specifies programs, projects, and activities that are planned for a six-year period. Only items of the highest priority are included by DOD. The current FYDP was submitted this year and covers FYs 1997 through 2002. This FYDP contains \$1.5 trillion worth of spending items, many of which were ignored by Congress and replaced with wasteful items.

Some of the items included in S. 1894 have been listed in our Congressional Pig Book:

\$1 million for Brown Tree Snake control.

\$15 million for High Frequency Active Auroral Research Program (HAARP). While it was authorized, it is an objectionable add-on.

\$4 million add-on for the instrumented factory for gears. In FY 1996, this program received a \$5 million add-on in conference.

Wasteful spending crowds out valuable resources for high priority projects. Your amendment would help stop pork-barrel spending hidden under the cloak of defense spending. We urge your colleagues to support this amendment, which will be considered for inclusion in CCAGW's 1996 Congressional Ratings.

Sincerely,

THOMAS A. SCHATZ,  
President.

Mr. McCain. Mr. President, I reserve the remainder of my time.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, unfortunately, this is one amendment that we have to disagree with the Senator from Arizona on in regard to his proposal. It would prohibit the obligation of any congressionally approved funds, by definition, funds approved by the President, too, unless those funds were in the President's original plan.

The budget resolution that we have adopted in the Congress is \$27.5 billion more than the President's plan. That is the 5-year plan. I stood here listening to the Senator from Arizona, and I was remembering battles that this Senator has been involved in. Three times other committees zeroed out the C-17, and the President did not request it. Our committee insisted on it. Our committee insisted on upgrading the Patriot missile when it had not been requested, was not in anyone's authorization bill. We believed it should have been upgraded. It had a significant role, I think, in the Persian Gulf war.

On the V-22, the Osprey, it was never recommended by the President or by the Secretary of Defense. We had met with the Marines, and they gave us their concept of a new order of battle, really, if they could have this new system. And our subcommittee again battled. I remember the battles here on the floor with some of my former friends about our adding money to the bill that was not authorized or requested. Today the V-22 is the signal part of our defense effort. I think this will be one of the few items of new technology, really innovative technology, in the overall field of aviation. I predict that within 20 years, it will be a significant part of commuter airline transportation throughout the world.

I do not disagree with the Senator from Arizona that we do at times agree to money that has not been requested that could be considered in a subsequent year. But I do not believe we should abandon the total flexibility that Congress has. Congress has the authority to initiate spending in areas where it feels it is necessary to meet the national defense requirements, our national security requirements. Our obligation is to provide for the common defense under the Constitution. I keep repeating that here on the floor.

I must oppose the Senator's amendment because we would have no flexi-

bility whatsoever. Under the current budget resolution, we have programmed even this year \$266.362 billion for defense. The President asked for \$255.1 billion for defense. Over the period of 5 years, as I said, we asked for \$27.5 billion more than the President.

Senator McCain's amendment would say, even if we provided it, the Secretary of Defense would uniquely have impoundment authority, the authority to prioritize spending. In our opinion, it is not the right thing to do. So at the appropriate time, I will make a motion to table the amendment.

This language, as I understand it, would require that the Secretary of Defense, after Congress has passed an act and the President has signed it, that the Secretary of Defense must certify that the program meets valid military requirements. The Osprey stands out in my mind, Mr. President. No Secretary of Defense that I knew ever supported the Osprey, V-22. I do not wish to give the Secretary of Defense a veto power that I would not give to the President of the United States.

Mr. McCain addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCain. How much time do I have?

The PRESIDING OFFICER. The Senator has 1 minute 33 seconds.

Mr. McCain. Mr. President, I ask unanimous consent to vitiate the request for the yeas and nays.

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

Mr. McCain. Mr. President, I understand how this vote would come out. I will be satisfied with a voice vote on it. I want to assure the Senator from Alaska and the Senator from Hawaii that I am very appreciative of their very hard work and efforts. I am very appreciative of the fact that we have gone from \$4 billion to \$2 billion of, in my view, unnecessary and unwarranted and unauthorized spending.

However, Mr. President, I do not intend to quit in trying to stop add-ons such as those that I described before. I believe that the American people deserve to have a thorough ventilation and thorough hearing of the requirements and the appropriations that are included in this bill. I do, as I said before, appreciate the reductions in unauthorized earmarks and spending, and I think we will continue to make progress. At the same time, I have to bring to the attention of my colleagues areas that I feel are absolutely unnecessary and wasteful projects.

I yield the floor.

Mr. INOUE. Mr. President, of course, I commend my colleague from Arizona for bringing this matter to the attention of the Senate. Every Member of this body is desirous of providing the finest defense at the least cost.

There are a few things that we should remind ourselves. First is the Constitution of the United States. Mr. President, it is not the President who is responsible to declare war, to raise and

support armies, to provide and maintain a Navy, to make rules for the Government on regulations of land and naval forces. That is the power of the Congress of the United States. We, the Members of the Congress, were not elected by our constituents to serve as rubber stamps of the Secretary of Defense or, for that matter, of the President of the United States.

As my distinguished colleague from Alaska pointed out, if it were not for the initiative taken by this committee, the C-17 would not be in existence, the V-22 would be a thing of the past, the Patriot upgrade would not have helped our troops in Desert Storm.

For that matter, I think we should recall, in early 1990, when the seas were calm and the Middle East seemed to be a tranquil place, the Pentagon was considering doing away with the central command. That is fact, Mr. President. They were about to break up the central command and retire General Schwarzkopf. When this subcommittee heard about that, we called upon the Secretary of Defense to delay that decision for at least a year because we, on this subcommittee, felt the seas were not tranquil in the Middle East, that the air was not calm in the Middle East, that something was brewing, and within 8 months, we were shooting and they were shooting at us. If we had served as rubberstamps for the President of the United States and the Department of Defense, General Schwarzkopf would now be retired and Desert Storm would have been a disaster.

The weapon that most people credit with the great successes of Desert Storm is the F-117, the stealth fighter, the fighter that was able, in a stealthy fashion, to knock out all of the radar positions of the Iraqis. I believe we should recall that the administration did not want any more F-117's. For that matter, our companion committees in the Congress of the United States did not favor the F-117. Thank God for this subcommittee; we got the F-117.

Mr. President, I think we should always remind ourselves that the Congress shall have the power to raise armies, to support armies, to provide and maintain a Navy, to provide for calling forth the militia to execute the law of the Union against suppressions and insurrections, and to repel invasions. We are the people who are responsible for the Defense Department. We are the people who are responsible to declare war.

Mr. President, we take our responsibilities very seriously. We will do our very best to help our Senator from Arizona to bring down the costs of defense. This is not the way to do it, sir.

The PRESIDING OFFICER. There are 45 seconds remaining.

Mr. STEVENS. I yield the floor.

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

The amendment (No. 4442) is rejected.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to table the motion.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 4582, AS MODIFIED

(Purpose: To provide funds for preparing the application for renewal of the use of the McGregor Range at Fort Bliss, Texas)

Mr. STEVENS. Mr. President, I send to the desk a modification of amendment No. 4582.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. GRAMM, proposes an amendment numbered 4582, as modified.

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

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

The amendment is as follows:

At the end of the bill add the following:

SEC. . . Of the funds appropriated in title II of this Act, not less than \$7.1 million is available to perform the environmental impact statement and associated baseline studies necessary to prepare an application for renewal of use of the McGregor Range at Fort Bliss, Texas.

Mr. STEVENS. As amended, this makes funds available for a project in Texas which the Senator from Texas wishes to be certain is authorized and the moneys are available for.

Mr. INOUE. Mr. President, I am pleased to advise the Senate that the managers have approved this measure.

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

The amendment (No. 4582), as modified, was agreed to.

Mr. INOUE. I move to reconsider the vote.

Mr. STEVENS. I move to lay it on the table.

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 4883

(Purpose: To provide \$7,500,000 to fund 1.5 ship years in the university research fleet under the Oceanographic and Atmospheric Technology program)

Mr. GORTON. Mr. President, I have an amendment, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 4883.

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

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

The amendment is as follows:

On page 29, line 20, strike out "Forces." and insert in lieu thereof "Forces: *Provided further*, That of the funds appropriated in this paragraph, \$7,500,000 shall be available for 1.5 ship years in the university research

fleet under the Oceanographic and Atmospheric Technology program."

Mr. GORTON. Mr. President, this has to do with the military oceanographic research survey administered by the Dept. of the Navy. I understand it has been cleared by both of the distinguished managers. I want to tell them how much I appreciate their cooperation in this respect.

Mr. President: today I am offering an amendment which will increase funding for the Navy's military oceanographic research survey capabilities. With enhanced survey capabilities, university research fleets will be able to help the Navy in the important work of oceanographic research.

This amendment will reduce an approximately 240 ship-year backlog in military oceanographic survey vessels which are operated by the Oceanographer of the Navy. It allows the Navy to use non-military research ships as a supplement to its own fleet.

Most of the Navy's surveys are overseas; some are in American waters. Clearly, the Navy Oceanographer's eight ships cannot, by themselves, do all the work for 240 ship-years of backlog. They need help. The University Oceanographic Laboratory System [UNOLS], an umbrella organization of oceanographic research ships, can provide that help. These research ships are owned and operated by a variety of agencies and private organizations, including the University of Washington in Seattle. With the additional funds provided by this amendment, the Navy can enlist the aid of UNOLS in reducing its backlog.

This initiative will bring military and civilian oceanographers, together, in a spirit of partnership, for exchanges of ideas and capabilities. I thank the committee for agreeing to this amendment.

Mr. STEVENS. The Senator from Washington has identified that immediate attention be paid to this activity. We support his position that it should be maintained at the current level, and urge adoption.

Mr. INOUE. Mr. President, the managers are pleased to support this amendment.

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

The amendment (No. 4883) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUE. I move to table the motion.

The motion to lay on the table was agreed to.

#### PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that Sharon Dunbar be permitted privileges of the floor during consideration of this bill.

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

#### AMENDMENT NO. 4884

(Purpose: To provide \$12,000,000 for the Pulse Doppler Upgrade modification to the AN/SPS-48E radar system)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mrs. FEINSTEIN, proposes an amendment numbered 4884.

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

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

The amendment is as follows:

On page 29, line 20, strike out "Forces." and insert in lieu thereof "Forces: *Provided further*, That of the funds available under this paragraph, \$12,000,000 is available for the Pulse Doppler Upgrade modification to the AN/SPS-48E radar system."

Mrs. FEINSTEIN. Mr. President, I rise today in support of my amendment to authorize \$12 million for the development of a pulse doppler upgrade to the AN/SPS-48E radar system.

The AN/SPS-48E is currently the only surveillance radar capable of detecting low flying cruise missiles coming out of the severe ground clutter that is typical of littoral warfare over water or land. Given the proper funding, the Navy agrees that the AN/SPS-48E pulse doppler upgrade would re-initiate clutter reduction engineering activities, thereby improving their ability to meet current and emerging threats. Present lack of funding for this one-of-a-kind, superior radar system leaves our large deck amphibious ships and the new LPD-17 class ships and their crews unprotected and vulnerable to attack.

I am pleased that this amendment is acceptable and I thank the managers of the bill.

Mr. INOUE. Mr. President, this amendment has been cleared by both sides. We are pleased to support it.

Mr. STEVENS. Mr. President, I concur in adoption of this amendment.

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

The amendment (No. 4884) was agreed to.

Mr. INOUE. I move to reconsider the vote.

Mr. STEVENS. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AIR BATTLE CAPTAIN PROGRAM AT THE CENTER FOR AEROSPACE SCIENCES, UNIVERSITY OF NORTH DAKOTA

Mr. CONRAD. Mr. President, I see that my esteemed colleague, Senator INOUE, the ranking member of the Defense Appropriations Subcommittee, is on the floor. I wonder if the Senator from Hawaii would be willing to engage in a colloquy with my friend from North Dakota and me over a matter of importance to our State and the U.S. Army.

Mr. INOUE. I would be happy to do so.

Mr. CONRAD. I thank the Senator. As my friend from Hawaii may recall, the internationally recognized Center for Aerospace Sciences [CAS] at the University of North Dakota [UND] has been conducting intensive helicopter flight training for U.S. Army Reserve Officer Training Corps [ROTC] scholarship recipients for the past decade and a half. The 1995-96 school year was the last year of a 5-year test program designed to produce 15 second lieutenants every year for the Army Aviation branch who are ready for tactical aircraft training and further assignment as combat-ready aviators upon graduation from UND. Because of the unique flight training students receive at CAS, the entire UND class has almost always received active duty helicopter assignments upon graduation.

Mr. INOUE. Yes, I am aware of this program. Has this training been cost-effective for the Army?

Mr. CONRAD. Yes, it has. In fact, it costs approximately 40 percent less to train helicopter pilots at UND than at the Army's usual facility at Fort Rucker.

Mr. DORGAN. If my senior colleague from North Dakota would yield for a moment, I would also like to note that the recent proposal for program continuation forwarded to the commanding general at Fort Rucker suggests that we will save even more than that. My friend from Hawaii and all Senators should also be aware that the Army has consistently praised UND graduates for their excellent performance and superior airmanship. The CAS program is unique in the United States, and consequently its aviator graduates in the Air Battle Captain Program are better trained than any other ROTC graduates seeking Army aviation assignments. Appropriately, the entire UND Air Battle Captain class has consistently received active duty helicopter assignments upon graduation.

Mr. INOUE. Considering both the cost savings and the excellent performance of UND's graduates, this program appears to be an excellent buy.

Mr. DORGAN. It is, and consequently I and my colleague from North Dakota were very surprised to learn that only 2 of this year's class of 15 graduates were assigned to active duty aviation. Clearly, many programs within the Armed Services are undergoing reorganization as part of the defense-wide effort to cut costs, but to reject the graduates from the aviation program at UND Aerospace does not make any

sense to me. After all, these young officers have been handpicked and well trained. To reject these young men and women after this special training seems wasteful.

Mr. INOUE. I understand the concern of my friends from North Dakota. From what I have heard today, rejecting these fine young men and women for the positions for which their country has trained them does not appear to make much sense.

Mr. CONRAD. That is also our thinking, and Senator DORGAN and I, with our friend from the other body, Congressman EARL POMEROY, wrote to the Secretary of Defense on May 31, asking that the assignments given to this year's graduates be reexamined. We are hopeful that it is not too late for the members of class of 1996 to receive the assignments they had every right to expect when they enrolled in the program over 3 years ago. Every member of this year's ABC class made time-consuming, costly commitments to this excellent program. In addition, the funds spent by the Army over the past 3 years on their training is in danger of going to waste if current orders are not reviewed. All 15 students are uniquely qualified to be Army helicopter pilots, and we believe it is only right to give these young people the opportunity to serve their country in this capacity, especially now that significant tax dollars have been invested in their training.

It is our hope that any procedural error which may have hindered UND's graduates during this year's selection process can be corrected for this year's class. We are also concerned, however, about future classes. We hope that UND students will be able to benefit from this excellent program for many years to come.

Mr. INOUE. Has the Defense Department responded to your letter or taken action in light of your very understandable concern?

Mr. CONRAD. Unfortunately, we have not yet received a substantive response.

Mr. INOUE. In light of the stress that this delay must be inflicting on this year's graduates, I would hope that the Defense Department would expedite action in this matter. I look forward to a favorable response to the letter my friends from North Dakota have sent to Secretary Perry, and would hope that Senators CONRAD and DORGAN would not hesitate to let me know if I can be of assistance.

Mr. DORGAN. I thank my esteemed colleague from Hawaii. We will be sure to do so.

Mr. CONRAD. I also thank the distinguished ranking member for his time and support. I thank the Chair, and yield the floor.

LAST CENTER

Mr. JEFFORDS. Mr. President, I would like to bring to your attention an item in this bill which is listed under the heading of Industrial Preparedness, namely the Lithographic and Alternative Semiconductor Processing Techniques [LAST] Center. This

Center will play a major role in the development of a critical technology for our national defense. As you know, our national defense is heavily dependent on the electronics industry, in which there are certain critical tools and technologies. Of these, lithography is pivotal to our Nation's continued success. This is the technology used to create the ever-shrinking patterns found on integrated circuit chips and is an area where we face fierce international competition. The United States must retain leadership in this dual-use technology area through the continued investments by government, industry, universities, and industrial associations.

Since 1988, the Defense Advanced Research Projects Agency [DARPA] has been working with the Naval Air Systems Command and the Naval Research Laboratory to develop alternative lithographic technologies. Proximity x-ray lithography is considered to be the primary backup to the optical lithography technologies currently used, and to have the most promise for manufacturing future generations of chips. Yet by fiscal year 1998, DARPA plans to curtail the bulk of its funding in proximity x-ray technology.

This technology is at the delicate point where DARPA believes it is too mature to meet its development investment profile, yet the industrial infrastructure is not yet sufficient to sustain it. Therefore, DOD investment is needed to continue development of x-ray lithography and other mask technologies and to demonstrate how semiconductor processes can be used in leading edge military applications. This work more clearly fits the needs of the services than the mission of DARPA.

The bill the Senate is considering today begins a smooth transition of the results of DARPA's Advanced Lithography Program in proximity x-ray lithography to the Navy in fiscal year 1997. It establishes a Manufacturing Technology Program Center of Excellence, which would be based at the IBM research facility in Essex Junction, VT.

The bill provides for the extension of efforts begun in the DARPA Advanced Lithography Program through transition to the Lithographic and Alternative Semiconductor Processing Techniques [LAST] Center and funds the Center at \$15 million in fiscal year 1997, from the manufacturing technology budget, PE78011N. It increases the request in that line by \$15 million. This increase is in addition to any other planned increases.

The Naval Air Systems Command should manage this Center since it currently is the agent for most of the DARPA contracts in this technology area. As the LAST Center's programs are part of a larger ongoing government, university, industry effort to

nurture advanced lithography, both the Center's program and DARPA's X-ray Proximity Printing Program must be viewed as an ongoing effort. A coordinating effort for the LAST Program should be established and the Navy should chair a coordinating panel including representatives of DARPA and the three services, as appropriate.

This is extremely important in light of recent developments in Asia, in particular, NTT's announcement of .07 micron device demonstrations using proximity x-ray technology and Mitsubishi's recent announcement that it is proceeding with a \$1 billion semiconductor fabrication facility built around synchrotron x-ray lithography technology. These, along with the fabrication of the Pohang beam line for x-ray lithography in Korea, underscore the worldwide investment being made in this critical technology.

The LAST Center will allow DOD to begin the insertion of x-ray technology and alternative semiconductor processing techniques into military applications. This Center will be of high value to military systems. I believe the Secretary of the Navy should support its continuation for a period of 5 years beginning in the Navy's fiscal year 1998 budget request.

Mr. President, I would like to thank my colleague from Alaska for joining me in a discussion of this important matter on the floor of the Senate, and I commend him for including this important item in the bill before us.

Mr. STEVENS. Mr. President, I am pleased to agree with my colleague from Vermont on the importance of maintaining the defense investment in advanced lithography, including proximity x-ray lithography. In particular, the research and development that would be undertaken at this LAST Center should provide advanced electronics manufacturing capabilities, which are essential to our national defense.

#### UH-60 AIR AMBULANCE COMPANIES FOR THE NATIONAL GUARD

Mr. DOMENICI. Mr. President, I would like to briefly share my concerns about an issue of importance to National Guard medical operations and capabilities in New Mexico and Nevada.

Mr. STEVENS. I appreciate the Senator coming to the floor to share his concerns on this issue with his colleagues.

Mr. DOMENICI. I understand that at the end of fiscal year 1997, the National Guard bureau will only have four National Guard UH-60 air ambulance companies throughout the United States. I am greatly concerned about the overall lack of air ambulance capability supporting our National Guard Forces.

Mr. DOMENICI. In order to address this shortfall, it would be appropriate for the Department of Defense to assess the requirements for additional UH-60 air ambulance companies beyond what currently exists in the current DOD plan for the National Guard. This re-

view should identify the procurement profile for this aircraft, as well as associated funding and number of aircraft, in order to satisfy these requirements over the next 5 years.

Mr. STEVENS. I wholeheartedly endorse this review by the Department of Defense, which should be completed and submitted to the Congressional Defense Committees no later than April 30, 1997. I applaud the Senator from New Mexico for Bringing this issue to the committee's attention.

#### MILITARY USE OF A METAL CONDITIONER

Mr. WARNER. Mr. President, I would like to discuss an important matter with my distinguished colleague, the chairman of the Defense Appropriations Subcommittee. I bring to the chairman's attention a remarkable product called MILITEC-1, which is manufactured by a small Virginia company. The product is a synthetic metal conditioner that makes machines run better, and makes weapons more reliable. This permits smoother running machines that consume less power, are more reliable, and require less maintenance and parts replacement. MILITEC-1 can help our military forces save money and human resources on repairs, while at the same time have equipment that runs better.

Tests and extensive experience by both government and commercial users have proven MILITEC-1's effectiveness. The Department of Defense has issued national stock numbers to facilitate purchase of the product by all Federal Government activities, including military units, as well as by state and local law enforcement agencies.

In fact, several Federal law enforcement agencies direct the use of MILITEC-1. Indeed, in a recent issue of the Washington Post, a spokesman for the U.S. Secret Service was quoted as saying,

"Our 2,000 agents and 1,200 officers are issued a small bottle of the stuff with their guns. We've found that it repels water extremely well and keeps weapons operating smoothly. Obviously, that is a high priority for us."

I appreciate the Service's concern for its special mission, and I believe our troops should have that same advantage.

Mr. STEVENS. I have heard of the Virginia product my distinguished colleague describes, and I concur with his interest in giving our military the opportunity to have the advantage that many law enforcement agencies already enjoy.

Mr. WARNER. Mr. President, I understand that some officials in the Defense Department have been hesitant to employ a synthetic metal conditioner, even for testing, preferring to use only traditional lubricants. This is in spite of the fact that a great many field users in the military services strongly prefer it over standard-issue products. Would the chairman agree that, if the Department requires formal performance testing to determine the value of a synthetic metal conditioner

before approving services-wide use, they should provide adequate resources from appropriated funds to conduct such performance testing?

Mr. STEVENS. I agree with the distinguished Senator from Virginia that if the Department of Defense wishes to conduct performance tests to determine the merit of a synthetic metal conditioner for military use, the Department should consider funding such tests from within available funds.

#### PCB AND ASBESTOS REMOVAL

Mr. KERREY. Mr. President, will the Senator from Alaska help me understand a part of the bill. Within the Formerly Used Defense Site Program you have added \$25,000,000 for PCB and asbestos removal. We have a situation out at the University of Nebraska where the Department turned over some land and buildings to the university in the 1960's. The problem is that the buildings contained ammunition and are contaminated. We now need to tear them down. However, the cost of structural demolition and removal of the asbestos and contamination within these buildings is considerable. Is the purpose of this \$25,000,000 for problems like we have at the University of Nebraska?

Mr. STEVENS. This is exactly the kind of problem we have heard about. That is why we added this funding. We want to accelerate the cleanup of these sites wherever possible.

Mr. KERREY. I will work with the Department to help the University of Nebraska to demolish these structures and remove this asbestos. I thank the Senator from Alaska.

#### EOA-TYPE SYSTEMS

Mr. HEFLIN. Mr. President, I would like to take a moment to enter into colloquy with the distinguished Senator from Alaska, my friend, Mr. STEVENS.

Mr. STEVENS. Mr. President, I would be pleased to enter into a colloquy with my friend from Alabama.

Mr. HEFLIN. First let me compliment the Senator on the excellent work the committee has done this year. This is an outstanding bill. I would also like to thank staff for their hard work and dedication. As you know, I have a keen interest in the Army's electronic maintenance programs. I would, therefore, appreciate a clarification of the guidance provided in the committee report dealing with the purchase of electro optic test equipment.

The report directs the Army not to procure any sole-source off-vehicle E-O test equipment until the results of a study have been provided to the defense committees of Congress. My question is, Does this guidance restrict the procurement of variants of the Electro Optic Augmentation System, an on-vehicle tester?

Mr. STEVENS. Let me assure the Senator that the committee's guidance



was not intended to restrict the purchase of EOA-type systems.

Mr. HEFLIN. I appreciate the clarification of this important matter. I thank the Senator.

#### WHITE HOUSE COMMUNICATIONS SUPPORT

Mr. SHELBY. Mr. President, historically the White House Communications Agency, commonly referred to as WHCA, has provided telecommunications support for the President in his role as Commander in Chief. WHCA, as part of its mission, has provided radio communications, telephone, and other telecommunications resources to the Secret Service under the authority of the Presidential Protection Assistance Act of 1976. This act states that the assistance is provided to the Secret Service without reimbursement provided that the assistance is on a "temporary basis".

Mr. STEVENS. That is correct. This WHCA support to the Secret Service had been provided on a non-reimbursable basis for 15 years, absent a clear definition of "temporary basis." As I understand the issue, this support which is provided to the Secret Service is essential and must be provided regardless of the funding source.

Mr. SHELBY. Absolutely, the support is essential in order for the Secret Service to effectively carry out their protective mission. The 15-year practice of providing this support under the Presidential Assistance Act has worked well. Recently, because of strict interpretations of that act it has been suggested that the funding to cover the cost of this support be transferred to the Secret Service so that they can then return the funds to the Defense Department to cover the cost.

Mr. STEVENS. In other words, there is no savings and there is increased redtape. This appears to be a typical bureaucratic solution—fix something that is not broken.

Mr. SHELBY. Exactly. For 15 years this essential support is provided by WHCA and funded through the Defense Department. Now, because after 15 years someone has decided to interpret guidelines differently, we must alter the funding process and add bureaucratic redtape to the process that works just fine. Providing the funds to the Secret Service so that they can return it to the White House Communications Agency is a waste of time and effort. There are no savings, just added redtape.

Mr. STEVENS. Was this change requested by the Secret Service or WHCA?

Mr. SHELBY. To my knowledge, these agencies did not request such a change. The system which existed for 15 years was fine. Certainly, if required to proceed with this reimbursement procedure they will comply. The support services are essential. Once again, however, if it isn't broke, don't fix it.

Mr. STEVENS. I agree. If the support is essential and has been provided for so many years there is no need to create more administrative redtape. Not

only won't this process save taxpayer dollars, it will cost more money due to the increased administrative processes. The support is essential and should be funded in the most streamlined of methods. We should continue to fund this support directly to WHCA and their support of the Secret Service should continue.

Mr. SHELBY. Mr. President, I understand that the House has included language in their bill regarding this issue. I would hope that we can examine this issue closely in conference to ensure that the most efficient and cost-effective procedure to address this issue will be implemented.

Mr. STEVENS. We will certainly address it, and hopefully continue to fund this support program without added redtape.

#### B-52H BOMBERS

Mr. CONRAD. Mr. President, I note that the distinguished chairman and ranking member of the Defense Appropriations Subcommittee are on the floor, and I would like to engage in a colloquy for the purposes of discussing the subcommittee's intentions regarding B-52H bombers.

As my colleagues are aware, during floor consideration of the fiscal year 1997 Defense Authorization bill, I offered an amendment with my distinguished colleague from North Dakota which clarified the Senate's intent regarding B-52's by instructing the Secretary of the Air Force to retain the entire inventory of these battle tested, dual-capable bombers in active status, and to ensure that aircraft in attrition reserve would receive the standard maintenance and upgrades just like other B-52's. Our amendment was unanimously approved by the Senate with the full support of the Armed Services Committee, which again this year has clearly instructed the Air Force not to retire, or to prepare to retire, any B-52's during the fiscal year.

With passage of an amendment offered by Senator STEVENS to the defense appropriations bill, a total of \$69,500,000 will have been added to the fiscal year 1997 defense budget request to maintain the entire fleet of 94 B-52H aircraft. In light of this additional funding, is my understanding correct that the Defense Appropriations Subcommittee agrees that the Defense Department should not retire, or prepare to retire, any B-52's during fiscal year 1997?

Mr. STEVENS. The Senator is correct. Additional funds have been provided for operations and maintenance, military personnel, and procurement at levels considered appropriate to allow all B-52's to be retained in active and attrition reserve status.

Mr. CONRAD. Would the chairman also agree that all the B-52's should receive standard maintenance and upgrades?

Mr. STEVENS. That is the subcommittee's intent. Depriving the attrition reserve bombers of the maintenance and modifications required for

them to operate in combat would be inconsistent with the subcommittee's understanding of what attrition reserve status entails.

Mr. CONRAD. I thank the chairman for this strong statement of support. Might I ask the distinguished ranking member whether he shares this understanding?

Mr. INOUE. I certainly do. I am pleased that we were able to provide the funding necessary to ensure that there be no question that B-52's should not be retired, or prepared for retirement, during fiscal year 1997.

Mr. CONRAD. Again, I thank the chairman and ranking member for their help on this extremely important matter, and would like to clarify a last point for the Record. As my friends on the Defense Subcommittee are aware, the Air Force's estimates of the additional funding required to maintain these aircraft have fluctuated over the past several months. Would the subcommittee be willing to reallocate B-52 funds between appropriations accounts in conference, or to describe in the conference managers' statement, the subcommittee's understanding of how the additional \$69,500,000 is to be spent, should clarification be necessary?

Mr. STEVENS. I understand my friend's concerns, and, if necessary, we could raise these matters in the conference with our House counterparts. I also would add, in recognition of my friend's interests in this matter, that we will do our best to come out of conference with the full \$69,500,000 we have allocated for the B-52's.

Mr. INOUE. The Senator from North Dakota raises a valid point, and I know that the chairman and I will try to accommodate him should it become clear that some reallocation of B-52 funds between appropriations accounts, or further language clarification, is advisable.

Mr. CONRAD. Once again I thank the Defense Subcommittee's distinguished leadership for their strong support. I greatly appreciate their cooperation throughout this process and the hard work of their able staff members, and am pleased that we have been able to work together to maintain our entire fleet of B-52's.

#### TELEMEDICINE

Mr. SPECTER. Mr. President, I have sought recognition for the purpose of engaging my good friend, the distinguished chairman of the Defense Appropriations Subcommittee, in a colloquy regarding support to the Army, Navy, Air Force, and other branches of the military in their efforts to promote and utilize the innovative delivery of telemedicine processes and techniques which improve the responsiveness and quality of care.

A coordinated and innovative telemedicine system designed to enhance the medical and behavioral care provided to personnel who have been exposed to high-trauma events would be of considerable benefit to the U.S. military. It would expand the knowledge

base needed for successfully delivering both emergency and disaster management services and would also expand the applications of telemedicine and enhance diagnostic and treatment coordination and delivery. Given the experience of the U.S. military during and since the Persian Gulf war and the increased threat posed by weapons of mass destruction the military could benefit greatly from such a resource.

I would further note that the northeast region of the United States is inadequately represented in national telemedicine research. I urge the conferees to consider directing the Department of Defense to allocate a portion of the \$20 million for telemedicine in the Defense appropriation's fiscal year 1997 bill, to an organization in the northeastern United States with lengthy experience in organizing and providing comprehensive medical and behavioral services. A not-for-profit health care organization engaged in the delivery of medical care, in medical and allied health education and training, and in medical research would be the most appropriate type of entity for achieving expanded applications and coordination of telemedicine efforts. Both the U.S. military and the northeast region would benefit from allocating funds to a qualified entity in the region.

Mr. STEVENS. Mr. President, I would say to the distinguished senior Senator from Pennsylvania that I have long been a supporter of telemedicine and its application to military medicine. I believe that telemedicine can significantly enhance medical readiness and I encourage the Department of Defense to seek innovative opportunities to expand those capabilities. I will be happy to work with the senior Senator from Pennsylvania and the Department of Defense to ensure that such proposals, especially those qualified proposals being put forward in the northeast region of the United States, receive a thorough review for possible inclusion into the fiscal year 1997 Department of Defense telemedicine programs.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. STEVENS. Mr. President, I see the Senator from Iowa is here. We have discussed an agreement concerning an amendment he is to offer.

He is going to offer an amendment to the bill pertaining to the number of general officers, I believe, in the Marine Corps.

I just simply want to ask unanimous consent that his amendment not be subject to a second-degree amendment but that he be permitted to modify

that amendment during the debate if he so wishes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. I have an amendment I am going to offer, but I do not want to send it to the desk at this point. I hope we will be able to do today what we were not able to do in late June when I discussed this very same issue on the Defense authorization bill. I hope that I have a chance to have some dialog in a very formal way of educating our colleagues about this issue I am raising, and I hope to have that with some members of the Senate Armed Services Committee as well as prominent members of the Senate Appropriations Committee who are in the Chamber.

To remind my colleagues, this is the issue of whether or not we need 12 more Marine generals. This issue, I admit, appears to be micromanaging the Defense Department. Most of my speeches on the Defense Department come during the budget debate, the budget resolution debate which is very much a macro-approach on defense expenditures.

I think, however, that in the sense of micromanaging we raise a point of how money is being spent because if my amendment which I will offer would be adopted, I do not pretend to subtract big dollars from the appropriations bill that is before us. The issue here is a broader issue of what are the priorities within our military establishment. We hear from the Secretary of Defense, we hear from the Senate Armed Services Committee, and maybe we all agree, of the need for modernization of the military, the updating of our capabilities, that spending money on that is a very high priority. And so we are seeing in the days now beyond the cold war era and also in the era of efforts to reduce the deficit and hopefully to balance the budget, a military force structure that is downsizing.

So if it appears to be micromanaging, it is only because it is so very obvious that when you have a downsizing taking place, why are we "topsizeing" the administrative overhead in the form of more brass at the top. The Marines like to say—and I think they have every right to say this—they are looking for "a few good men." Obviously, today we amend that, that the Marines are looking for a few good men and women.

I think most of us remember that slogan on TV or we saw it in a magazine or we even saw it on bumper stickers. For me, these words always spoke

the truth, because even though I have not been in the military I had a brother that proudly served in World War II in the Marines, and I remember as a teenager putting as many of his Marine emblems on as I could because I wanted to be just like my brother. And so I have great admiration for any branch of military service, but if there is one that I always thought most of it was the Marines because of my brother. And whether then in World War II, when they had 485,000 troops with 70 generals, or today, when they have 173,000 with 68 generals, you can only conclude that the Marine Corps is small but it is very tough, it is very disciplined, and, quite frankly, in every sense it is very different from the Army, the Navy, and the Air Force. The Marines are proud of it, and Americans ought to be proud of it.

But when I see these proposals that come before us, I think something has changed, that the Marines are not just looking for a few good men and women anymore. With this appropriation bill, and with the authorization bill, they are looking for a few more generals, 12 to be exact. The Marines want the extra generals at a time when the Marine Corps is getting smaller.

Let me say, I hoped to have dialog with the Senate Armed Services Committee on this. But this issue that is included in the Senate Armed Services Committee bill was very hotly debated in the deliberations of the House Armed Services Committee, and the House Armed Services Committee rejected—rejected—the Marine Corps' attempt to authorize 12 more generals. So, even within this Congress there is a diverse opinion on whether or not this is justified. So they want extra generals.

The other services downsizing like the Marine Corps. The Department of Defense has cut the number of general officers in the other services by 20 percent. You will see from the chart here how this is divided up, but a total figure has dropped by 204 since we have had the downsizing of the military, from 1,055 in 1987 to 851 in 1995. So, why does the Marine Corps need a few more generals to lead fewer men and women?

You see here, the Army has gone from about 400 in 1987 down to this figure that is under 300. The Air Force has gone from 335 down to just a little over 300. The Navy, at 250-plus admirals, down just a little bit, but down some. The Marine Corps has been very steady right here—very steady during this period of time. I am not arguing here that the Marines should have downsized in the number of general officers. I am not arguing that at all. I am just arguing for the point of view that the downsizing has gone on and there has been a downsizing in the number of generals and admirals. The Marines have been very steady. I am arguing that they should not be going up.

While this is going down, why, then, do we raise this up considerably, by 12,

by another 20 percent, more generals to lead fewer men and women? Why is the Marine Corps trying to have more brass at the top when the bottom is getting smaller? Why is the Marine Corps top-sizing when, in fact, throughout the branches it is downsizing? Why does the Marine Corps want more generals when junior officers and sergeants are getting thrown out?

Of course, Mr. President, the heart and soul of the Marine Corps are its 27 infantry battalions. This is what the Marine Corps is all about. Everything the Marine Corps does is focused on moving, protecting, and supporting these 27 battalions. If those 27 battalions are not healthy, then the Marine Corps is not strong.

A doctor has been examining the vital signs of the 27 battalions, and they are not up to snuff. There are, in fact, critical shortages within the Marines. It does not happen to be whether or not they need 12 more generals. The critical shortage is of platoon commanders and sergeants. Lieutenants and sergeants are the ones who train the force and keep it ready to go. If war broke out, they would lead these units in battle. So why is the Marine Corps adding generals when there is a critical shortage of sergeants? The Marine Corps could buy the sergeants it needs at the price of the 12 generals it is asking for.

I raised, as I said before, these questions on June 26 when the Defense authorization bill was on the floor. Senator WARNER responded to my question on June 28. I did not have an opportunity to have a dialog with him on the floor of the Senate on it, but he spent a great deal of time, I am sure, putting together a statement. It was in the RECORD, and I have had a chance to study that. Frankly, I still do not understand the answers. So that is why I am here today.

I raise these questions again for one reason. The Defense authorization bill as approved by this body on July 10 contains a special provision. That special provision is section 405. Section 405 increases the number of generals from 68 to 80. That is 12 more generals. The House-passed version of the bill contains no such authority. As I said, there was very heated debate on this in the House Armed Services Committee. The House rejected the request for more Marine generals.

In 1987, as you can see here, the end strength of the marines was, to be exact, 199,525. At that time, the Marine Corps had a total of 70 generals, 2 more than what they have right now. Those 70 generals led the Marine Corps through the gulf war, which would have been here in 1990-91. And then, like every other branch, the Marine Corps began downsizing. The number of generals during this period of time dropped by just 2, to 68. But marine end strength continued a gradual decline until fiscal year 1994, right here, when it got down to 174,158. This year it dropped off again to, to be exact,

172,434. That is a reduction of 27,091 marines since fiscal year 1987. Despite the continuing drop in end strength, the number of generals stayed, as I said here—the number of generals has been very constant during this period of time, and it is still constant over here at 68 to 70; 68 right now is the exact number.

Despite the continuing drop in end strength, we see this level at 68 provided for until section 405 came along, to authorize 80 Marine generals. That would cause this figure to head north. My question is, why?

I am sure we are going to have an answer to that. I hope it is an answer that will negate my need for this amendment. But, frankly, I think I have had a chance to study several documents. I have had a chance to study several documents that I am going to make some reference to in further debate on my amendment, that tell me that, first of all, some of the things that have been told to Senators about why these additional Marine generals are needed, are simply not true. I will also try to demonstrate where the real need in the military is.

I said more sergeants and more commanding officers. We have evidence of that. There are papers prepared by a Marine Corps major that raise questions about the need for certain redundant commands and the extra generals to run them, and also the issue of the layers of command that we have, unnecessary duplication.

Then there is a KAPOK study referred to by Senator WARNER in his statement that I think shows me something different than what it showed to Senator WARNER that I want to discuss with my colleagues.

So why do 27,000 fewer Marines need more generals giving them orders? These are the reasons that I have heard so far, and I am going to lay these out, but my colleagues on the opposite side of this issue will discuss these as well.

First, we have the explanation given on page 279 of the Armed Services Committee report:

This increase is intended to permit the Marine Corps to have greater representation at the general officer level on the Department of Navy/Secretariat staff and in the joint arena. . . .

So, are these folks then, by that explanation, to become bureaucratic warriors?

The second argument that is given is that technology has changed the nature of warfare. More generals are needed to run the battle. Some would say this is an exact outgrowth of the Goldwater-Nichols Act of 1986, and that is why this is necessary. I think there is an awful lot about Goldwater-Nichols that we need to look at that is very legitimate. But it is in regard to the efficiency that comes as a result of Goldwater-Nichols, not the administrative overhead and waste that Goldwater-Nichols might generate if misinterpreted and used as an excuse for in justifying 12 additional generals at this point.

Last, another rationale given. Some contend that the Marines need the additional 12 general officers to fill critical war-fighting billets. Who is going to argue with that one?

But I have some points I want to make about that. I think we will show, at most, a very, very small minority of these might go to that purpose, because we want to make sure that we maintain the war-fighting capability of every service. National defense is a primary responsibility of the Federal Government, and no other level of government in the United States contributes to that.

So, as I said, we have these four arguments, and many more, that might be given. I do not understand these arguments. Why do the Marines need more generals when the Marine Corps is downsizing, as you see what has happened since 1986. Why increase the number of generals when there is a critical shortage of sergeants and lieutenants in the infantry battalions? These critical war-fighting billets need to be filled before we add wasteful and unnecessary brass at the top.

I want to yield the floor now, because I hope to encourage discussion on this. I will have some further responses, but I hope I have more specific comments from the other side. I do not mean the Democratic side, I mean people presumably on the Armed Services Committee, both Republican and Democrat, who disagree with my point of view, and then I would like to speak again.

I yield the floor.

Mr. THURMOND addressed the Chair. The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I am not going to take but just a few minutes. The point that has been raised by the able Senator is in conference now. This is not an appropriations matter. It is in the bill we passed in the Senate. It will be decided in conference. This is not an authorization bill, this is an appropriations bill. The authorization bill that the Senate passed includes certain figures for the Marine Corps and the number of generals. The House is different. So they will decide that issue there.

This is an appropriations measure, and I think it will be a mistake to even consider this here, because it will be settled in conference. The conference will determine this matter, and since it is not an appropriations matter, I suggest that we not consider it here, and I ask the able Senator if he will withdraw his amendment and let it be settled in conference?

Mr. GRASSLEY. You have asked a very legitimate question, but I was hoping to have discussion on it on the floor during the debate on the armed services bill. I had asked Senator WARNER, who offered to respond to it, but on that particular day I was speaking, he could not respond because he did not have the answer right then, he wanted to study it. And that is legitimate.

I asked him if he would call me to the floor the next day and to give me

an opportunity to respond. He probably did not have time, so I am not stating there is fault. I am simply stating what I believe to be a fact. So we did not have a discussion of this.

Mr. THURMOND. I assure the Senator, it will receive careful consideration in the conference.

Mr. GRASSLEY. I know that, but I think the conference will benefit from a discussion of this issue on the floor of the Senate that we did not have during the authorization bill. That is why I bring it here. I legitimately bring it here because I am not trying to cut out a number of dollars to take it away from the Defense Department. I am only asking my colleagues to choose the necessity of 12 additional generals in the Marine Corps versus the needs of modernization and a lot of other needs of the military and have the money spent on those needs that Secretary Perry has put forth.

So I hope that you will agree with me that even though this does involve the priority of money within the Defense Department, and that makes it an appropriations issue, as I see it, I say to my distinguished colleague from South Carolina, I do not want to withdraw it at this point.

Mr. STEVENS. Will the Senator yield?

Mr. THURMOND. I will be pleased to yield.

Mr. STEVENS. Mr. President, the ratio of general officers to enlisted ranks in the Air Force is 1 to 1,380; in the Army, it is 1 to 1,552; in the Navy, it is 1 to 2,143; in the Marine Corps, it is 1 to 2,558.

There are 57 members of the headquarters staff who are of general rank; they are admirals in the Navy. There are 51 in the Army, 45 in the Air Force and 18 in the Marine Corps. The Marine Corps has the lowest number of generals. That is the lowest number of generals per enlisted ranks, and it has the lowest number of generals in the service headquarters. They are more with their troops than the others. The others have probably more sweeping responsibilities in terms of headquarters staff. I am not being critical to the alignment.

I say, I do agree with the Senator from South Carolina. We have never tried to regulate through the appropriations process the number of general officers. The time might come when we take that battle on. But we have not done it so far. I see no reason to do it now.

The Senator's amendment would say that none of the funds appropriated by this act could be used to support more than 68 general officers on active duty in the Marine Corps. It is opposed by the Marine Corps, obviously, because they have this, what we call, the tooth to tail ratio of 1 to 2,568, which is almost twice that of the Army. And they have one-third of the general officers in their headquarters staff than the Army does.

So I really urge the Senator again to not persist. This matter was debated

on the Armed Services bill. It is in conference.

I see the Senator from Idaho, who is the chairman of that subcommittee, is here now. I will be happy not to make a motion to table yet if he wishes to speak to the matter. But it is my feeling that this is not an appropriate debate for an appropriations bill.

We do not deal with force structure. We do not deal with the allocation between the generals and the enlisted, and officers in general, between officers and the enlisted corps, except at the request of the Armed Services Committee when we do fund separate items they have requested.

So I believe, I say to the Senator, this is not a proper debate for the appropriations process. I do not say that in the sense of judging this Senator's right to bring the matter to the floor. But I intend to make a motion to table as soon as the Senator has completed his statement.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I just want to say this again. This is not an authorization bill. This is an appropriations bill. This very item is in conference now between the Senate and the House, because they did not agree with this. I want to assure the Senator that his point will be carefully considered and given every consideration in that conference. I will see, myself, that it gets careful consideration.

The House and the Senate differ. They can arrive at a conclusion as to what decisions should be made. But to bring it up on the floor on another bill, an appropriations bill, is really not appropriate. I assure the Senator again that we will give it careful consideration when we have a conference. And the conference will begin in a few days. In fact, the chairman of the House committee and I have talked today about starting this conference right away. We expect to meet tomorrow to begin this conference.

The PRESIDING OFFICER. Who seeks time?

Mr. STEVENS. May I inquire of the Senator from Iowa, does he wish to make any further statement in this regard?

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. First of all, to comment on the figures, the ratio, that the Senator from Alaska gave. I do not think these numbers are exactly like what he gave, but I think they are very close. I have a chart here because I want to make the very point that the Senator was making.

But what the Senator is suggesting, the distinguished chairman of the committee, is that we should solve this problem that the Marines have—and the Marine ratio is not a problem, the fact that they have one general for 2,568 Marines. That is good. That is lean.

There has been a downsizing here. And it seems to me that you keep the

Marine ratio where it is. You do not solve the problem by making the Marine Corps chubby with generals like the Navy is chubby with admirals.

This is what should happen in this normal downsizing. The number of Marines go down, as we have seen here from 199,000 down to 172,000. The Army has been downsized. The Air Force has been downsized and the Navy has been downsized. You have seen a reduction in the number of general officers. You have seen the Marines keep constant during this period of time of downsizing.

I do not find fault with that. I am not saying that should be necessarily reduced like the Army, Navy, and Air Force. But more generals would bring the Marine Corps number down. At a time of budget constraints and at a time when the Secretary of Defense is advising us he has to have more money for the modernization of our military force, I just think that this is a very wise expenditure of money or a good way to set our priorities in the Defense Department.

So, as I said, I was hoping that there would be a willingness on the part of the Armed Services Committee to discuss these issues. I see one of the subcommittee chairman of the Armed Services Committee here. I would like to defer to the Senator to speak on this point because obviously he is here because he disagrees with me. But I want to answer some of the points he brings up, if the Senator has strong opposition to my amendment.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I am here to affirm what the chairman of the Senate Armed Services Committee has stated, what the chairman of the Senate Subcommittee on Defense Appropriations has stated, and the ranking member. This is not the appropriate bill for this type of legislation to be attached to.

In the subcommittee dealing with military personnel, which I am the chairman of, we are dealing with this very issue. I will tell the Senator, without going into all the details, because, again, I say to my friend from Iowa, we are right in the midst of the very discussions that he is suggesting should take place, we are having them, both among the Senate conferees and the House conferees, as to whether or not this is an appropriate proposal, and also what the appropriate number should be.

I tell the Senator, the Secretary of Defense, the Secretary of Navy, they all support this proposal. In fact, we have a letter from the Secretary of the Navy to Congressman SONNY MONTGOMERY discussing this whole issue. Part of the rationale for this is because of the Goldwater-Nichols joint operation. We have situations where, in joint command, the marines have had to forego

their responsibility because they do not have the generals to fulfill that role in that joint command.

So we have some legitimate reasons why the marines have asked for this. And you do have, again, the Navy and the Secretary of Defense that support this. But as the chairman of the full Armed Services Committee has said, we are in conference discussing this on the appropriate bill, which is the defense authorization bill, not the appropriations bill. So, again, I just say to the Senator from Iowa, I think it would be in our best interest if we could remove this amendment from the discussion on the appropriations bill. I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Alaska.

Mr. STEVENS. Does the Senator from Iowa wish to respond to that again?

Mr. GRASSLEY. I will take some time.

Mr. STEVENS. The Senator from Alaska is going to move to table the Senator from Iowa's amendment, but I want to be courteous.

Mr. GRASSLEY. I have not sent the amendment to the desk yet. I will go ahead, if that is what the Senator wants me to do. I think the statement by the Senator from Idaho, the statement by the Senator from South Carolina indicate that they want to discuss this on the basis of procedure and not on the basis of substance. So if we cannot have a debate on this, then I guess I will take advantage of the time for offering my amendment to express my views in the way of informing my colleagues in this body why I think some of the arguments that have been used in support of these 12 additional Marines are not legitimate arguments. I appreciate the attention of people who are involved in this debate.

There is only one point of procedure that I will take advantage of now before I save some time on the substance of my amendment. That is, remember, this bill that is before us has the appropriations for the personnel accounts of the Department of Defense.

The point being made by my two colleagues on the Armed Services Committee that this is not something legitimately discussed in a bill that provides the money for the salaries of the people in the military, including whether or not we ought to have 12 additional marine generals, just is not legitimate. There is no more legitimate point of discussing appropriations and the number of slots you are going to fund than in the very bill that has the appropriated money for the personnel accounts.

Now, the distinguished Senator from Idaho, who is now in the chair, stated the rationale of the Goldwater-Nichols legislation. I will respond to that because I think that if that is the reason for this, then the rationale behind the Goldwater-Nichols legislation of reduc-

ing interservice conflict and the duplication between services for getting to the mission of each service is not being properly met, because the Goldwater-Nichols Act placed special emphasis upon joint operations, joint staff, and joint duty.

Now, we agree on that, I am sure. The present Goldwater-Nichols legislation presently exempts 12 joint general officer billets from statutory service seals. So there is already consideration in Goldwater-Nichols for the needs of joint command, joint operations, joint staff, and all of that. We should not consider Goldwater-Nichols—which, by the way, was passed in 1986—as constituting a license to expand joint and service headquarters when the force structure is shrinking.

Now, I quoted in June quite liberally from Marine Gen. John Sheehan. I am sure the Marine command has gotten to General Sheehan and said to him, "General Sheehan, call up some Senators and tell them that GRASSLEY might be misquoting you or using your statement out of context." Let me assure you, I have studied what General Sheehan has said and what I said in June, and I am going to say that what General Sheehan said is not out of context. It is a voice within the Marines arguing that we not have a lot of waste on overhead and command, so that the Marines can fulfill their responsibility. General Sheehan talks about excess headquarters, but the need for excess headquarters is generated by general officers who occupy those headquarters that General Sheehan is so worried about.

He said this: "Headquarters in defense agencies should not be growing as the force shrinks. At the end of the day, we need combat capability in the field." He is—General Sheehan—is commander and head of the U.S. Atlantic Command.

Headquarters should shrink as the force shrinks. I believe that is what he is saying. The joint headquarters should replace redundant service headquarters. This should happen as the joint headquarters begin to perform the missions previously done by service headquarters. Joint headquarters were not formed to create another redundant layer of bureaucracy. Service headquarters should be reduced or eliminated as joint headquarters take charge. That was the whole idea behind the Goldwater-Nichols reform: to fuse, to integrate, and to consolidate, get rid of wasteful, overlapping commands, headquarters, operations, and equipment.

Marine Corps commands in North Carolina are prime examples of redundancy. There are four layers of command headquarters for the 2d Marine Division and the 2d Marine Air Wing based in North Carolina. Each layer has command headquarters, generals, large staff, buildings, vehicles, airplanes—the whole works. The four layers are as follows: Layer 1 is the 2d Marine Division and the 2d Marine Air

Wing; layer 2 is the 2d Marine Expeditionary Force colocated with the division; layer 3 is the Marine Corps Forces Atlantic colocated with the division; and layer 4 is the U.S. Atlantic Command at Norfolk, VA, under Marine Corps General Sheehan.

Mr. President, how many of these layers are really needed? Each layer exists to command and control ground air teams of the 2d Marine Division and the 2d Marine Air Wing. Two layers will get the job done. So, two layers are redundant.

I am not alone in that view. Maj. David A. Anderson—and, of course, I do not know Major Anderson, but he wrote an article called "Stretched Too Thin," raising questions about our shrinking budget and about the challenges before us to do more with less. This is an issue from the U.S. Naval Institute proceedings, July of this year, right now, in fact.

I ask unanimous consent the article of this Marine Corps major be printed in the RECORD. It is from inside the Marines, another very good document for my colleagues if this thing is going to be considered in conference, that my colleagues ought to take into consideration.

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

#### STRETCHED TOO THIN

(By Major David A. Anderson, U.S. Marine Corps)

Realigning to meet the nation's changing needs will require a painful reorganization—to include standing down the III Marine Expeditionary Force on Okinawa—but the Marine Corps that emerges can provide a better capability for the nation and an improved quality of life for the troops.

The Marine Corps has embarked on a journey into a new era, filled with much uncertainty. This is not new for us; our history is filled with such times of challenge and duress that we as Marines have overcome—a time-honored tradition that we have come to expect of ourselves and our nation of us. This time, however, our challenge is made greater by the environmental turbulence within which we operate; global political uncertainty, downsizing, shrinking defense budgets, changing and competing roles and missions, increasing societal expectations, the ever-increasing pace of technology, and the upswing in jointness and operations other than war.

The challenge before us is to do more with less. We have done this and continue to do so with uncommon vigor and resourcefulness. In fact, no other organization—military or otherwise—does a better job of allocating scarce resources to competing needs and maximizing the benefits than the Marine Corps. In spite of this, we are approaching our threshold of effectiveness, because our strategy and capabilities are not in sync with today's environment.

The Marine Corps is affected by two environments—external and internal—each of which consists of five broad elements; political, economic, physical, technological, and societal. The external factors influence the internal policies and practices, which in turn influence our values, attitudes, and behavior.

Political Elements. The Department of Defense is in the midst of a congressionally mandated reduction in force. But what we have discovered is that because of the unstable nature of global politics, U.S. willingness

to intervene, and additional requirements to operate in joint arenas and conduct operations other than war, operational tempo has not been reduced in proportion to force reductions. The Marine Corps' response has been to improve existing capabilities within the reduced force structure and to operate smarter, using advanced technology and our inherent ingenuity.

The nut that has yet to be cracked, however, is the one that balances operational training, operational deployments, and the morale and welfare of our Marines within current personnel and budget restraints. It is well documented that 10-25% of our active-duty force is operationally deployed at any one time. The Marine Corps currently is at approximately 87% manning from its peak years of the mid-1980s. It has the longest training pipeline of all the armed services, along with requisite school requirements, joint billet requirements, the manning of a joint task force headquarters, and an inordinately high first-term attrition rate (approximately 30%). This leaves an effective operating force of 50-70% of total personnel strength.

In an effort to minimize the impact on the operational force, we have established personal staffing goals, prorate distributions of critical military occupational specialties (MOSs) and ranks, and out-of-hide tables of organization (T/Os). This has created a phenomenon I call "peg-holing." Let's say there are six people qualified to fill ten billet requirements. Essentially what happens is that respective monitors chase these billets through continuous reassignment, with the squeaky-wheeled command getting the grease, leaving some other command bone dry. As an extreme example, consider the shortage of 0402 logistics majors within the 2d Force Service Support Group. While I was assigned to 2d Landing Support Battalion—from August 1993 to July 1995—the battalion's T/O called for six majors; the staffing goal was two; one was on hand. Another example within the same battalion is 0481 landing support specialists. The T/O calls for 312; on hand were 277, of whom 119 were deployed. The remaining 158 Marines then must support day-to-day II Marine Expeditionary Force operations, meet annual training requirements, fill out-of-hide T/O requirements, and maintain an Air Contingency Force detachment (and also squeeze in schooling or annual leave).

As additional challenge to our operational force has been the establishment of such new military occupation specialties as computer small systems specialists and the adoption of systems such as the MAGTF Deployment Support System II, which reflect our incorporation of advanced technologies. They have come at the expense of other MOSs, because we have imposed the requirement without increasing overall force strength or compromising mission capabilities. The result—once again—is an overextended operational force.

Economic Element. Ever deeper defense cuts have come at great expense to the Marine Corps, despite our ability to squeeze more value out of every dollar spent. Those who entered active service after 1 August 1986, upon retiring at 20 years, will receive 40% of their base pay instead of the 50% received by those who entered prior to this date. Dependent health care is costing active-duty members more each year. Collectively, our equipment has exceeded its service life. The Marine Corps procurement budget is averaging only 50% of the \$1.2 billion it needs annually. Prepositioned war reserves have been depleted to offset nonrepairable equipment, and a growing portion of our budget is being spent to repair aging equipment. The Army is acquiring additional big-

ger, faster, more capable ships in support of its maritime prepositioning force. We are forced to buy and fix less-capable ships.

Most of our shrinking budget, out of necessity, is being spent to sustain operational forces. This leaves little money to maintain or upgrade existing facilities, including base housing (which is substandard, inadequate, or uninhabitable in several locations), or to purchase garrison property. Most alarming is the backlog of military construction projects the Marine Corps has accumulated. During a recent visit to the 2d Force Service Support Group, Major General B. Don Lynch noted that at current funding levels, it could take another 100 years to fund our current military construction requirements.

Physical Element. Many of the facilities in which we work and live require extensive renovation or replacement. Complicating our housing problems is the shortage of base quarters in high-cost geographical areas such as Washington, D.C., Southern California, and Hawaii. Often the wait for quarters is as long as 12-24 months, and the best off-base housing locations are well beyond the means of most Marine families. Many Marines must deal with an excessive commute time because they cannot find affordable off-base housing close to work. Those who can afford to buy homes often are reluctant to do so, because they fear having to sell or rent when they are transferred after their typical three-year tours. Furthermore, housing allowances often fall short of the true cost of housing.

Technological Element. In our rapidly changing age of technology, the accumulation of technology doubles every seven years—faster in some fields. The Marine Corps is doing its best to sort through what it can and cannot use or afford. We are discovering that what we can afford will not keep us at the forefront in operational readiness. In many instances, we are able to buy only enough promising technologies to keep our foot in the door. Often by the time we can afford and fully implement a technology it has become obsolete.

We are even having difficulty assessing the value of technologies because of personnel shortages. A significant part of adopting new technologies is recognizing the personnel requirements to operate and maintain them. This has placed us in the situation of having to create new MOSs at the expense of others—and thus continue to expand the mission requirements of our Marines.

Social Element. The word's out on the street that what you will get from the Marine Corps is demanding work, frequent deployments, substandard living quarters, little free time, slow promotions, and fewer reenlistment opportunities. These impressions, the abolishment of the draft, and eroding benefits are making it difficult for the service to attract society's best and brightest young men and women. It is showing in the Marine Corps' first-term enlistments: one-third fail to complete their enlistment contracts. This problem probably is multifaceted: there is a prevailing societal attitude of "If it doesn't feel good, don't do it"; many young people are growing up without healthy role models; and some become disillusioned with the Marine Corps when it fails to meet their expectations. But the most serious contributing factor is that more than 45% of our first-termers enter under some type of enlistment waiver—and not just for minor traffic violations. They include admitted and frequent drug use, serious offenses, juvenile felonies, and medical (to include psychological) waivers.

I found this figure appalling and unbelievable, so I decided to put it to the test. I randomly surveyed 125 of my first-termers. To my surprise, 57—or 45.6%—had entered with

waivers other than for minor traffic violations. As many as 49 of the 57 waivers were given at individual recruiting stations. We are having to compromise our institutional standards to meet our enlistment goals. In addition, I found a direct positive correlation between those enlisting with waivers and those who were subject to nonjudicial punishment and first-term attrition.

Societal pressures and expectations add to our challenge. For example, we must allow for and accommodate marriages of our junior Marines, further exacerbating our leadership challenge and our need to stretch a dollar. Many of these young marriages fail, adding to an already inordinately high divorce rate among Marines. As these marriages deteriorate, we spend significant time providing counseling and dealing with issues such as bad debts and alcohol or spousal and child abuse.

#### *Reshaping for the Future*

This picture leaves much to be desired, but it is not all gloom and doom. The short answer to our problems is a lot more money and many more quality young men and women with moral fiber and a strong work ethic. Unfortunately, the reality is that our budget most likely will be cut further, our force will get smaller, and societal values and expectations will not change anytime soon. What remains for the Corps to do is to assess more realistic options—those that meet the needs of our nation, preserve our integrity, and stay in line with our Commandant's planning guidance—and choose the one that best meets the challenges of current and future environmental turbulence and is responsive and quickly adaptable to both new threats and emerging opportunities.

The first step in the process is to re-identify ourselves. Who are we, and what is our role/mission? As the Commandant has stated, "The Marine Corps is the nation's naval, combined arms, expeditionary force in readiness. Our reason for being is what it always has been—warfighting." He further states, "It is vital that our organization be designed with one goal in mind: success on the battlefield." To this end, the Marine Corps should be measured by the return on investment it offers the nation. The two key factors that determine return on investment are competitive effectiveness and strategic responsiveness.

Competitive effectiveness is a measure of how well we operate. It can be divided into two submeasures: efficiency in swiftly and decisively responding to our nation's needs, and effectiveness in getting the job done. Strategic responsiveness is a measure of how well we relate to the environment. It also can be divided into two submeasures: attractiveness, that is, being the force of choice; and capability responsiveness, or whether capabilities match battlefield needs.

I believe that our force can be structured and equipped better—to meet the changing needs of our nation and our Commandant's vision for the future, to preserve the integrity of our institutions, improve quality of life for our Marines, and maximize return on investment—within current operating restraints. The proposal is a painful one, but it can preserve our future as the force of choice. We cannot sustain today's Marine Corps and meet tomorrow's needs. A leaner, better-equipped, and more-prepared force should be our objective.

Our warfighting capabilities should focus on:

One warfighting Marine expeditionary force (MEF) capable of organizing a Marine air-ground task force (MAGTF) in support of a major regional contingency.

One warfighting MEF capable of organizing a MAGTF in support of a small-scale regional contingency.



One MEF maintaining a fully capable, expeditionary, joint task force headquarters.

One MEF capable of executing the full range of operations other than war.

The capability to employ three forward operating Marine forces in the form of Marine expeditionary units (special operations capable) (MEU/SOCs).

The capability to employ forward operating maritime prepositioning squadrons (MPSS) as part of the Marine Corps Maritime Prepositioning Force as logistics support to a contingency MAGTF.

A fully integrated indivisible reserve force. A force built around this concept could look something like this:

Commander, Marine Forces Pacific/I MEF, with a collocated headquarters at Camp Pendleton, California, capable of organizing a MAGTF in support of one major regional contingency; employing two forward operating Marine forces in the form of a MEU(SOC), with one in reserve; and employing one operating MPS—with current staffing goal force structure.

I MEF (Forward), located in Guam or Australia and capable of orchestrating Asian/Pacific Rim contingency operations; a forward logistics base in support of regional contingencies and joint training operations; employing one forward operating MPS.

III MEF would be stood down entirely (personnel and equipment), with equipment redistributed to I MEF, II MEF, and prepositioned war reserves; personnel reassigned as needed to support I MEF (Forward) mission and to fill I MEF and II MEF shortfalls, as well as joint task force headquarters, joint, and critical non-FMF billets; remaining force reduced through end-of-active-service and retirement attrition.

Commander, Marine Forces Atlantic/II MEF/Joint Task Force Headquarters, with co-located headquarters at Camp Lejeune, North Carolina, and joint headquarters at Norfolk, Virginia, tasked with employing one warfighting MEF capable of organizing a MAGTF in support of a small-scale regional contingency; employing a fully capable, expeditionary, joint task force headquarters; executing the full range of operations other than war; employing one forward-operating Marine force in the form of a MEU(SOC) with one in reserve; employing one forward-operating MPS. This includes standing down one infantry-regiment equivalent and proportionate support personnel/equipment, reassigning personnel and reducing strength equivalent through end-of-active-service and retirement attrition and redistributing equipment.

Non-FMF/Support Commands capable of sustaining or improving current FMF support within the present command structure, with a reduction of personnel strength in line with FMF force reduction and an increased number of joint billets, as required.

This plan reduces our force strength by 17,000–22,000, with the following advantages:

It complies with the Commandant's planning guidance.

It reduces force strength 10–12 percent without significantly compromising operational capabilities.

It reduces overseas deployments by 40–60%, thus saving money and improving force morale.

It allows us to divert dollars previously committed to support deployments and procurement dollars planned for replacing aging equipment to other areas historically neglected because of funding shortages, as well as to innovative technologies and concepts that will put us at the cutting edge in expeditionary force readiness.

It makes the Marine Corps more appealing to young men and women, which eventually will allow for more selective recruiting.

It increases the nation's return on its investment in the Marine Corps.

It shrinks the strategy-capability gap.

This is not a panacea for all our ailments, nor does it completely close our strategy-capability gap. It is, however, a necessary step in the right direction, when coupled with initiatives to get more Department of the Navy/Defense dollars, divest ourselves of unproductive areas, streamline processes, lengthen tours, shorten promotion time, and improve reenlistment incentives.

Mr. GRASSLEY. By eliminating redundant commands, more marine generals would be available for joint duty. Unfortunately, that is not what the Marine Corps has in mind. The Marine Corps wants, obviously, to have it both ways. They want to keep generals in the old redundant marine headquarters. In fact, the Marine Corps would like to place at least three of these 12 new generals in these overlapping commands.

Get this: We have 12 more generals. You say we need them because of Goldwater-Nichols. They want to place three of these new generals in these overlapping commands. They want to assign more generals to the new joint headquarters, too. I think the Marine Corps needs to make a choice and to place priorities where they belong. That is the argument, my comment, on Goldwater-Nichols.

The second is the use by the Senate Armed Services Committee of the rationale in its report language where it wants to make very clear that the extra generals are not needed for warfighting jobs. It kind of backs up what I said in regard to the supposed argument that we need more generals because of the requirements of Goldwater-Nichols. The Armed Services Committee says they are not needed for warfighting jobs. Remember, the purpose of our defense is the defense of the country. That involves the potential of going to war. That is war fighting.

I want to read the language one more time:

The increase is intended to permit the Marine Corps to have greater representation at the general officer level on the Department of Navy Secretariat staff and in the joint arena.

Now, that is not war fighting. The committee is saying that these generals are needed for bureaucratic infighting. That is the way I read it. And where? Maybe in the Pentagon budget wars.

Now, the Marine Corps tells an entirely different story. The Marine Corps has provided a list of 14 positions that might be filled with new generals.

Now, I know the legislation only called for 12, but the list covers 14 slots. I ask unanimous consent to have the list of these 14 generals for the Marine Corps printed in the RECORD.

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

USMC ADDITIONAL AUTHORIZATION REQUEST

CG, II Marine Expeditionary Force.

DepCG, I Marine Expeditionary Force.

DepComdr, MarForLant.

ADC, 1st Marine Division.

ADC, 2d Marine Division.

AWC, 2d Marine Aircraft Wing.

CG, MCRC/ERR.

CG, MCRC/WRR.

Dir, Warfighting Development Integration Division.

ADC/S P&R (Programs).

Joint (NMCC-4).

Joint (USPACOM).

Joint (USCentCom).

Joint (USSouthCom).

Mr. GRASSLEY. The Marine Corps says that 12 additional generals are needed to fill vacant warfighting positions. To the members of the Senate Armed Services Committee, you say in your report that they are not needed for war fighting, that they are needed because of the needs within the Pentagon, within the bureaucracy. The marines themselves say they need the additional generals to fill vacant warfighting positions.

Now, it seems to me that we ought to be able to have the Armed Services Committee and the Marine Corps talking off the same song sheet if there is a need for it. Those are the Marine Corps' own words. I underscore in this effort the word "vacant"—to fill vacant warfighting positions.

First, if you look at these, to say that these are warfighting positions—and I am using the Marine Corps' rationale, not the Armed Services Committee's rationale—I think that would really be stretching the point. Three of the positions, by the Marine Corps' own request, are in the Pentagon. I hope I do not insult people when I say that is not war fighting. I understand that the entire military is dedicated to war fighting, yes, but close to the battlefield, no.

Two of these generals are for recruiting. That is not war fighting. Three are high-level joint headquarters positions. That is not war fighting. Five or six are connected with Marine combat forces, and that is getting close to war fighting. But now, just reading the request of what the marines want to do with 14 additional generals does not fully explain the issue. So you have to dig deeper.

When you get down to the nitty-gritty, Mr. President, you see that few, if any, of the new generals would actually fill vacant—emphasis on "vacant"—warfighting positions. Now, that is, again, the Marine Corps rationale for these generals, not the Senate Armed Services Committee rationale for generals. So to back up the assertion I just made, you need to examine each proposed billet. I have done that. To do that, you need two documents. You need the Department of Defense directory entitled "General Officer Worldwide Roster." I have it here. This is the March 1996 issue. And you also need the "United States Marine Corps General Officers Position List," provided by the Director of Personnel Management on July 9, 1996.

If you go down the list—and I am not going to go through all these positions

because I do not think I have to in order to justify my statements—you can look at the first position at the top of the list. No. 1, commanding general of the Second Marine Expeditionary Force. Now then, if you consult the Department of Defense directory, they say the position is already filled by Lt. Gen. Charles E. Wilhelm. General Wilhelm wears a second hat as commander of the Marine Corps Forces Atlantic.

If you look at the second position on the list, it is deputy commanding general, First Marine Expeditionary Force. If you look at the directory in the Department of Defense, that position is also filled. It is filled by an acting brigadier general, Edward R. Langston, Jr., a senior colonel doing a general's job. He wears a general's insignia but is paid as a colonel. In military language, he is "frocked." General Langston is the deputy under Gen. Anthony C. Zinni, the commanding general. Mr. President, I could go through all the positions, but the results are the same.

Bottom line: All but one of the existing positions is filled. Only one is actually vacant. That is why I have said that the marines say they want an additional 14 marines to fill vacant war-fighting positions. The Senate Armed Services Committee says they need them not for war fighting, but for other purposes.

I want to place in the RECORD the status of each of the proposed posts that I have referred to. I ask unanimous consent that it be printed in the RECORD.

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

#### POSSIBLE ASSIGNMENTS FOR NEW GENERALS

Main argument: The Marine Corps says it needs the additional 12 generals to fill critical billets as follows:

No. 1. Position: Commanding General, 2ND Marine Expeditionary Force.—Current Status: Filled by Lieutenant General Charles E. Wilhelm.

No. 2. Position: Deputy Commanding General, 1ST Marine Expeditionary Forces.—Current Status: Filled by acting\*\* Brigadier General Edward R. Langston, Jr.

No. 3. Position: Deputy Commander, Marine Corps Forces Atlantic.—Current Status: Filled by acting\*\* Brigadier General Martin R. Berndt.

No. 4. Position: Assistant Division Commander, 1st Marine Division.—Current Status: Filled by acting\*\* Brigadier General Jan C. Huly.

No. 5. Position: Assistant Division Commander, 2ND Marine Division.—Current Status: Vacant.

No. 6. Position: Assistant Wing Commander, 2ND Marine Air Wing.—Current Status: Filled by colonel selected for general.

No. 7. Position: Commanding General, Marine Corps Recruit Depot/Eastern Recruiting Region.—Current Status: Filled by acting\*\* Brigadier General Jerry F. Humble.

No. 8. Position: Commanding General, Marine Corps Recruit Depot/Western Recruiting Region.—Current Status: Filled by acting\*\* Brigadier General Garry L. Parks.

No. 9. Position: Director, Warfighting Development Integration Division.—Current Status: New Position.

No. 10. Position: Assistant Deputy Chief of Staff for Programs and Resources (Pro-

grams).—Current Status: Filled by Major General Thomas A. Braaten (Deputy Chief of Staff for Programs & Resources is Major General Jeffrey W. Oster).

No. 11. Position: Joint Staff, National Military Command Center.—Current Status: Filled by acting\*\* Brigadier General Dennis T. Krupp.

No. 12. Position: Joint, U.S. Southern Command.—Current Status: New Position.

No. 13. Position: Joint, U.S. Pacific Command.—Current Status: New Position (Marine Corps is represented by Major General Martin R. Steele as Director for Strategic Planning & Policy).

No. 14. Position: Joint, U.S. Central Command.—Current Status: New Position (Marine Corps is represented by Lieutenant General Richard I. Neal as Deputy CINC and by Brigadier General Matthew E. Brodrick as Commander Forward Headquarters Element/Inspector General).

Recap: 9 filled\*\*; 1 vacant; and 4 new.

\*\*Six of the nine positions are filled by acting brigadier generals. These are senior colonels who occupy a general's billet. He or she wears the insignia of a brigadier general but is paid as a colonel. The Marine Corps refers to this status as "frocked."

Source: Department of Defense, General/Flag Officer Worldwide Roster, March 1996; Updated and verified by Marine Corps document dated July 9, 1996.

Mr. GRASSLEY. Mr. President, as I have said, 9 of the 14 proposed general officers positions are already occupied. Of the nine occupied positions, one is filled by a lieutenant general, one is filled by a major general, one is filled by a general selectee, and six are filled by acting brigadier generals.

So, Mr. President, it seems like these vacant—again, I emphasize the word "vacant"—war-fighting positions are already well covered. They are filled.

Mr. President, there is one thing about all this that really bothers me, and that is the one vacant position. I want to talk about that one vacant position. Of all of the positions, the vacant one seems like the most important one, and ought to be filled: assistant commander of the 2d Marine Division. It is not like there is a gaping hole in the command structure. As I understand it, the division's chief of staff is doing the job. He is a senior colonel, who is getting excellent experience, experience that is preparing him for promotion to general. But if this position is as important as I think it is, why is this position not filled? Why is the Marine Corps fattening up headquarters staff with generals when one of its three divisions is short a general officer?

If war fighting is the top priority—and that is what the Marines say, not what the Senate Armed Services Committee said—why are so few generals assigned to war-fighting billets? Only 25 percent of all Marine generals are in combat posts. About 50 percent of the Marine generals are in the Washington, DC, area. Are these misplaced priorities? Are Marine generals in the wrong place? If the Marine Corps is short of generals in war-fighting commands, then some generals should be moved. They should be moved from lower priority command headquarters to top priority combat jobs.

Mr. President, war fighting is not the driving force behind the proposal for additional Marine generals. If it were, the proposal would be linked to force structure. But it cannot be linked to force structure because, as I have shown so many times with my charts—and I will not get them out again—the structure is shrinking. This happens to be the Marines—down from 199,000 in 1987 to 172,000 right now.

So it seems to me that might not argue for fewer generals, but it surely does not argue for 12 more generals. So it had to be hooked up to something else. That something else is vacant headquarter billets. That is what is driving this.

The Marine Corps commissioned an independent study to figure out exactly how many more generals were needed to fill these posts. The study was conducted by Kapos Associates, Inc. That study is fairly thick, and it was referred to by Senator WARNER in his response to my statement in June. I do not know whether he actually labeled it as the Kapos study. But I think it is the only one he could have been referring to. It is entitled "An Analysis of U.S. Marine Corps General Officers Billet Requirements." It is dated March 20, 1996. The Kapos study concluded—this study that I just held up—that the Marine Corps needed—get this. This study recommended 37-to-95 more generals to fill key positions. I suppose I ought to look at that 37 to 95 and say to myself, "Well, heavens. If they are only going to suggest 12 more, we ought to be happy, and just sit down and shut up." But the Kapos study did not look at the war-fighting requirements. That is very basic to why I think you had better be careful when you quote from this study. It did not look at force structure. It had one goal—fill those big, fat headquarter jobs sitting out there. The question was not in this study: How many generals do we need? Instead it was: How many positions do we fill? In no way did this Kapos study address the threat. It did not look at future force requirements or the need to downsize. This was a study about how to take and hold important bureaucratic real estate—pure and simple. That is the engine driving the mushrooming headquarters problem that is so much of a concern to General Sheehan of the Atlantic Command.

As a force shrinks, generals are flocking to the headquarters. That is my response to the second argument. The first one was the Goldwater-Nichols rationale.

The second is what is stated in the U.S. Senate Armed Services Committee report saying that these are not needed for war-fighting capability, and that is opposite what the Marine Corps said in this document that I put in the RECORD, where they want these 14 Marine generals, that that is for war fighting.

It also sounds like the Marines want to be top-heavy with rank like the

other services. As I said, the other services are top-heavy. The Marines, from the standpoint of general to marine ratio, is a lot more efficient and effective. It's less top-heavy but if this goes through, then that means that the Marine Corps will be chubby with general officers the same way the Navy is chubby with admirals at a time of the force is shrinking. I suppose the Marines feel like they have been short-changed.

The other services have far more generals. They probably want a place at the negotiating table in the Pentagon, too. The Army has 291 generals, or 1 general for every 1,748 soldiers. The Navy has 218 admirals, or 1 admiral for every 1,994 sailors. The Air Force has 274, 1 general for every 1,461 airmen. The Marine Corps, 68 generals, or 1 for every 2,568 Marines. Big is good. Small is bad. The Air Force is the smallest, or the fattest. The Marine Corps is the leanest. But we do not fix this problem by making the Marine Corps chubby like the Navy, for example. But that is what happens if we give the Marine Corps 12 additional generals. We fix this problem by making other services lean like the Marine Corps.

In other words, I am suggesting that, at a time when the Secretary of Defense is saying that our primary responsibility is improvement and modernization of our capability, we ought to be very cautious about wasting money on administrative overhead. The Marine Corps used to be really lean and mean.

You will see here, at the height of World War II, there were 485,000 marines, 72 generals. The 72 generals is about the same as today, 68 to be exact. But the Marine Corps was three times bigger back then—1 general for every 6,838 marines.

Clearly, the other services are top-heavy compared to the Marines. You do not balance the load by making the Marine Corps top-heavy like the other services. You fix it by making the others less top-heavy, by reducing the number of generals. You fix it by giving them the right number of generals, a number that matches force structure.

Lastly, the proponents for more Marine generals suggest that technology creates a need for more generals. That is possible. But the reverse is also possible. Technology could reduce the need for so many generals and admirals.

When it comes to technology, you ought to take, for instance, CCCI. That stands for Command, Control, Communications, and Intelligence. Billions of dollars are going to be spent for CCCI. That technology gives the top generals and admirals the capability to run the battle from the Pentagon. It gives them the ability to communicate directly down to the smallest units operating anywhere in the world. Just read Colin Powell's book "My American Journey," and you can see how he did it. He just by-passed all the redundant service headquarters in between.

So CCCI could reduce the need for having so many generals forward deployed with the infantry battalions.

So I do not understand the need for more Marine Corps generals when the Marine Corps is downsizing. The number of generals should be decreased as the Marine Corps gets smaller.

The request for more generals reminds me of the recent words of Marine Corps Gen. John Sheehan, Atlantic Command. I quote him extensively on June 18 in my case to freeze the defense infrastructure costs. General Sheehan argues that "Headquarters should not be growing as the force shrinks."

Continuing to quote, "The growth in headquarter staff jobs is threatening the military's war-fighting capabilities."

So I think General Sheehan from inside the Marines hits the nail on the head. He has identified the root cause of the problem. He helps me understand why the Department of Defense cannot cut infrastructure costs. The growth in headquarter staff is being driven by one powerful force—excess generals and admirals searching for a mission. Each senior officer needs a place to call a home and to hoist a flag. Every senior officer needs a command, a headquarters, a base, a staff, or a large department of some kind somewhere someplace. Each new general funded in this bill will need some new piece of real estate.

All of this makes me think that more Marine generals now is not a good idea. Responding instead, as the Secretary of Defense, Mr. Perry, says, modernization is our greatest need.

So the amendment that I am going to offer this afternoon would put a lid on the number of Marine generals at 68 where it is today, not making a decision for the authorization committee, as the distinguished members of the authorization committee are saying that I am impinging upon their decision. You go ahead and make whatever decision you want. But should we spend money on 12 more Marine generals when the force structure has shrunk by 27,000? Or should that money instead be spent on modernization, as the Secretary of Defense says? It seems to me that is where it belongs.

I am going to yield the floor. I still have some other pieces of supporting information and documentation I want to put in the RECORD, and I ask to do that.

I yield the floor.

#### AMENDMENT NO. 4453

(Purpose: To provide \$150,000,000 for defending the United States against weapons of mass destruction, and to provide offsetting reductions in other appropriation amounts)

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, as I understand it, there is no amendment pending at this point.

The PRESIDING OFFICER. The Senator is correct.

Mr. NUNN. Mr. President, if it is satisfactory with the Senator from Alaska, the chairman of the committee and manager of the bill, I will present an amendment at this time, but I would like to make sure it is satisfactory to him.

Mr. STEVENS. We are prepared for the Senator's amendment and welcome it.

Mr. NUNN. I thank the Senator from Alaska.

Mr. President, this amendment on behalf of myself and Senator LUGAR, Senator DOMENICI, Senator WARNER, Senator HARKIN, and others, is filed at the desk as amendment No. 4453, so I call up the amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself, Mr. LUGAR, Mr. DOMENICI, Mr. WARNER, and Mr. HARKIN, proposes an amendment numbered 4453.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert:

SEC. . In addition to amounts provided elsewhere in this act, \$150,000,000 is appropriated for defense against weapons of mass destruction, including domestic preparedness, interdiction of weapons of mass destruction and related materials, control and disposition of weapons of mass destruction and related materials threatening the United States, coordination of policy and countermeasures against proliferation of weapons of mass destruction, and miscellaneous related programs, projects, and activities as authorized by law: *Provided*, That the total amount available under the heading "Research, Development, Test and Evaluation, Defense-Wide" for the Joint Technology Insertion Program shall be \$2,523,000: *Provided further*, That the total amount appropriated under the heading "Research, Development, Test and Evaluation, Defense-Wide" is hereby reduced by \$12,000,000: *Provided further*, That the total amount appropriated under the heading "Operation and Maintenance, Defense-Wide" is hereby reduced by \$138,000,000.

Mr. NUNN. Mr. President, I ask unanimous consent that minority staff members on the Armed Services Committee and two congressional fellows—and I send a list to the desk—be accorded privileges of the floor during the Senate's consideration of votes relating to the Department of Defense appropriations bill for fiscal year 1997.

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

The list is as follows:

#### MINORITY STAFF MEMBERS

Christine E. Cowart.  
Richard D. DeBobs.  
Andrew S. Effron.  
Andrew B. Fulford.  
Daniel B. Ginsberg.  
Mickie Jan Gordon.  
Creighton Greene.  
Patrick T. Henry.  
William E. Hoehn, Jr.  
Jennifer A. Lambert.  
Michael McCord.

Frank Norton, Jr.  
 Arnold L. Punaro.  
 Julie K. Rief.  
 James R. Thompson III.

## CONGRESSIONAL FELLOWS

Maurice B. Hutchinson.  
 DeNeige V. Watson.

Mr. NUNN. Mr. President, the amendment that is now the pending business provides funding for Defense Department activities authorized by the Defense Against Weapons of Mass Destruction Act which was accepted by a 96-to-0 vote 2 weeks ago in this Chamber. That program deals with one of the most urgent national security problems America faces today, and this amendment funds the DOD part of that authorization. We have worked very carefully and constructively with the appropriations staff, our friends from Alaska and Hawaii, Senator STEVENS and Senator INOUE. They have both been very strong supporters of this overall initiative, and they have been very cooperative in working with us. We did not have the authorization bill drafted in time to get that to the appropriators for their consideration in their normal markup activities. Therefore, we have this amendment in the Chamber today.

This amendment, as I have said, deals with one of the most urgent national security problems facing America today. I have just come from a press conference with Bob Ellsworth and General Goodpaster and others, Dr. Rita Hauser, where they have spent a number of months with a very distinguished panel, including the Senator from Arizona, Mr. McCain; the Senator from Florida, Mr. GRAHAM; Congressman PAT ROBERTS; Brent Scowcroft; and others.

That report, which sets forth America's vital interests and distinguishes those vital interests from extremely important interests and distinguishes both of those categories from less important interests, makes an enormous contribution to the dialog we should have in this country about what is truly in the vital interests of America.

By the term "vital," I mean interests that are so strong and have so much effect on the American people, their security and their well-being that we are willing to fight if necessary and send our young men and women to war if necessary to protect those interests.

It is very clear in reading that report that one of the top vital interests of the United States is to prevent this country from being the victim of attacks with weapons of mass destruction from terrorist groups and, in order to do that, to do everything we can possibly do to get ready for that and to deter it and prevent it by stopping these weapons at the source before they get to this country and, if they do get here, God forbid, doing something about it and being prepared to deal with it.

This threat of attack on American cities and towns by terrorists, malcontents, or representatives of hostile

powers using radiological, chemical, biological, and nuclear weapons, in my view, is a top and vital national security interest of this country.

This threat is very different from the threat of nuclear annihilation with which our Nation and the world dealt in the cold war after World War II. During the cold war, both we and the Soviet Union recognized that either side could destroy the other within a matter of hours but only at the price of its own destruction.

Today, this kind of cataclysmic threat is greatly reduced, but tragically the end of the cold war has not brought peace and stability. As a matter of fact, I think we can describe the period of the cold war as being one where we had very high risks because of the likelihood of escalation, and escalation would mean the use of weapons of mass destruction when two superpowers confront each other all over the globe. But during that period of high risk we also had high stability because both superpowers understood the consequence of getting into a nuclear war and therefore did everything they could to prevent it, including controlling clients and allies so that we would not have wars that could escalate involving the two superpowers.

We have moved into another era now. We are in a period of much lower risk, but because we do not have those superpowers contending and constraining, we are in a period of lower stability, lower risk but lower stability. Some of those States that we call rogue nations, fanatic groups, small disaffected groups, and subnational factions or movements that hold various grievances against the U.S. Government have increasing access to and knowledge about the construction of weapons of mass destruction. Individuals and groups are not likely to be deterred from using weapons of mass destruction by the classical threat of overwhelming retaliation. Most of them do not have a return address so we do not know where they are in many cases, let alone have a real fix on how to deter them. These groups are not deterred by the threat of a nuclear counterstrike, and a national missile defense system, no matter how capable, is irrelevant to them. These subnational groups and terrorist groups are the primary focus of our threat today.

Mr. President, the Permanent Subcommittee on Investigations held a series of hearings over the last year, the subcommittee chaired by Senator ROTH. I have chaired it in the past and am now the ranking Democrat member on it. We had hearings, a whole series of hearings over the last year. Senator LUGAR has had hearings in the Foreign Relations Committee, and the hearings have been about the proliferation of weapons of mass destruction. At those hearings, we heard from representatives of the intelligence and law enforcement communities, the Defense Department, private industry, State

and local governments, academia and foreign officials. These witnesses described the threat that we cannot ignore and which we are, without any doubt, unprepared to handle. CIA Director John Deutch, for one, candidly observed, "We have been lucky so far."

The release of deadly sarin gas in the Tokyo subway was a warning bell for America. Prior to those attacks in Japan, the sect that carried out those attacks was unknown to United States intelligence and poorly monitored by Japanese authorities.

We received a louder warning bell in the World Trade Center bombing in New York. It was here in the United States, not half a world away. The trial judge at the sentencing of those responsible for the New York Trade Center bombing pointed out that the killers in that case had access to chemicals to make lethal cyanide gas. According to this trial judge, they probably put those chemicals into that bomb that exploded. Fortunately, the chemicals appeared to have been vaporized by the force of the blast. Otherwise, the smoke and fumes that were drawn into and up through the tower in New York would have been far, far more lethal.

So according to this opinion by the trial judge, Mr. President, we have already had a major chemical attempt in this country.

We had a third warning bell in the bombing of the Alfred P. Murrah Federal Building in Oklahoma City. This showed yet again the ease of access to simple, widely available commercial products that, when combined, can provide powerful explosives.

This kind of knowledge can also give us the threat of chemical weapons. This knowledge and much more is available over the Internet today to millions and millions of people.

Our purpose here today is not to frighten anyone, certainly not to frighten the American people. It is to persuade the Congress that we face a new and a very severe national security threat for which American Government at all levels—State, local and Federal—are at this stage woefully and inadequately prepared. We must begin now, today, to prepare for what surely threatens us already. To do this effectively we must take the expertise that has been built up over the years in both the Department of Defense and Department of Energy and make it available to Federal, State and local emergency preparedness and emergency response teams. There is much to do to prepare our State and local governments for this threat. Doing it will require leadership from the people who know about it and who have expertise in it, that is the Department of Defense and the Department of Energy. There is simply no other practical source.

In the authorization bill we make it clear we hope to move this function over a period of time to the Federal Emergency Management Agency or

other appropriate agencies, but today we have no choice. If we are going to deal with this problem, it has to be dealt with by people who have the training and equipment and know-how and expertise, and that is the Department of Energy and the Department of Defense.

The time to do this is now, not after we suffer a great tragedy. Like many of my colleagues, I believe there is a high likelihood that a chemical or biological incident will take place on American soil in the next several years. I hope and pray that does not happen. But we do not want to be in a posture of demanding to know why were we not prepared.

This training and equipment function is the heart of the act, but it is not the whole act. Other parts are designed to beef up our capability to detect and interdict weapons of mass destruction and their components before they reach the United States. In addition, the authorization act allocates some funds for expansion and continuation of the original Nunn-Lugar concept through very important high-priority programs run both by the Department of Energy and by the Department of Defense.

Finally, the act establishes a coordinator in the office of the President of the United States, to address serious deficiencies in the coordination of activities across the many Federal, State and local agencies who have some responsibility for portions of the overall program.

The amendment I propose today, with my colleague and partner, Senator LUGAR, and Senator DOMENICI, provides funds for the portions of this act that are conducted by the Department of Defense. It is certainly my hope the Department of Energy funding will be in the appropriate appropriation bill when it comes forward. Specifically, these activities include the training of local first responders on dealing with a chemical or biological terrorist incident; providing assistance to the U.S. Customs Service and customs services in the former Soviet Union, Baltics, and Eastern Europe in interdicting such materials; stepping up research and development efforts—and this is enormously important—in developing technologies that can detect chemical and biological weapons and materials; and bolstering programs in the original Nunn-Lugar program that are designed to stop these materials at their source, which is by far the best way and most efficient way and the safest way to protect our own country and prevent the use of such materials here in America.

Mr. President, when I use the term “first providers,” I am talking primarily about firemen, policemen and health officials who would rush to the scene and, in virtually every exercise we have had, the second tier fatalities have come in these categories, people who rush to the scene to help the victims and end up being victims them-

selves because they are not equipped or trained to deal with this kind of threat.

This amendment is fully offset in achievable savings from various Department of Defense accounts. The total here is \$150 million, which is completely offset so this does not increase the bill in terms of total amount. I am convinced we must address this issue before the unthinkable happens in this country.

Can we afford to dismiss the possibility that another World Trade Center or Oklahoma City bombing could involve chemicals, biological weapons, or radioactive materials? If we do ignore this threat, we do so at our own great peril. The trends are clear. More nations and groups are exploiting the increased availability of information, technology and materials to acquire mass destruction or mass terror capabilities. There is no reason to believe that they are not willing to use them. I have heard too many experts, whose opinions and credentials I respect who have vast experience in this area, tell me it is not a question of if, but only of when.

I believe this legislation, while only a beginning, responds to a very urgent national security concern of our Nation and I believe it is a strong beginning. So I urge my colleagues to support the amendment.

I see my colleague and friend on the floor, the Senator from Indiana, so I yield the floor.

Mr. STEVENS. Will the Senator yield just one moment? Would he be interested in a time agreement on this amendment?

Mr. NUNN. I would say, we can enter into a time agreement very easily. I think we could also simply make a couple of more speeches and have a vote or order a vote and stack the vote, whenever the Senator from Alaska would like to do so.

Mr. STEVENS. We are prepared to accept the amendment without a vote.

Mr. NUNN. I would like to consult and talk with the Senator from Indiana on that, but I appreciate the Senator's expression.

Mr. STEVENS. Could we agree to another 20 minutes on this amendment?

Mr. NUNN. I have concluded my remarks. I think the Senator from Indiana indicates that will be acceptable to him.

Mr. STEVENS. Mr. President, I ask unanimous consent there be a vote on this amendment—we will not make a motion to table it—if desired by the sponsors, at no later than 4:15 today.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. I will withhold that request for a minute.

Mr. NUNN. Just reserving the right to object, whatever the Senator wants to do on a rollcall vote will be fine. I would like to have a rollcall vote but I will consult with him on that. But in terms of the order, if the Senator prefers to order this at some later time

and stack it with some other amendment if we do have a rollcall, that is fine with the authors.

Mr. STEVENS. We are using rollcall votes, when we do have them, to sort of flush out other amendments, so I would be pleased to have a vote or not have a vote but we will discuss it and I will withhold the request.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, prior to the Fourth of July recess, the Senate passed an amendment to the DOD authorization bill offered by Senators NUNN and DOMENICI and myself that was entitled the “Defense Against Weapons of Mass Destruction Act of 1996.” The vote on that amendment was 96 to 0.

Last week, the Senate voted final passage of the Defense authorization bill, that contained our amendment.

The amendment we are offering to the DOD appropriations bill is designed to appropriate the resources to implement the programs outlined in our amendment to the DOD authorization bill, and to provide offsetting reductions in other appropriation amounts.

To refresh the memories of my colleagues, our amendment to the authorizing legislation dealt with one of the most urgent national security problems America faces. That is, the threat of attack on American cities and towns by terrorists or representatives of hostile powers using radiological, chemical, biological, or nuclear weapons.

The current state of our domestic readiness to deal with these kind of attacks is woefully inadequate. Our amendment sought to begin today to prepare for what surely threatens us already.

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

Our hearings over the past year demonstrated that the United States is woefully unprepared for domestic terrorist incidents involving weapons of mass destruction. Although recent Presidential decision directives address the coordination of both crisis and consequence management of a WMD incident, the Federal Government has done too little to prepare for a nuclear threat or nuclear detonation on American soil, and even less for a biological or chemical threat or incident.

This is particularly true with regard to the training and equipping of the local first responders—the firemen, police, emergency management teams, and medical personnel who will be on the frontlines if deterrence and prevention of such incidents fail. Our amendment sets forth several common-sense measures that could greatly improve

our readiness to cope with a domestic incident involving weapons of mass destruction.

Almost all of the expertise in defending against and acting in response to such chemical and biological threats and their execution resides in the Department of Defense which has worked to protect our Armed Forces against chemical and biological attack. It is our belief that this expertise must be utilized and can be utilized without infringing on DOD's major missions or on our civil liberties.

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

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

In addition to enhanced efforts to secure the weapons and materials of mass destruction, we must recognize that the combination of organized crime, porous borders, severe economic dislocation, and corruption in the states of the former Soviet Union has greatly increased the risk that lethal materials of mass destruction as well as the know-how for producing them can pass rather easily through the borders of the former Soviet Union. While much of the risk still resides in the four nuclear states of the former Soviet Union, there is also great risk in the states of the southern tier and the Caucasus. This region shares common borders with nations in the Middle East and poses a substantial smuggling threat.

Although Nunn-Lugar programs have begun to offer training and equipment to establish controls on borders and exports throughout the former Soviet Union, much more needs to be done.

The last and major component of our amendment to the Department of Defense authorization bill stemmed from the recognition much of the current effort to deal with the NBC threat cross-cuts numerous Federal departments and agencies and highlights the need

for the creation of a national coordinator for nonproliferation and counterproliferation policy in order to provide a more strategic and coordinated vision and response.

This portion of our amendment addressed three serious deficiencies in planning for contingencies at home occasioned by the threats posed by weapons of mass destruction. First is the lack of coordination of activities across the many Federal agencies who have some responsibility for some portions of the overall problem. Second is the lack of coordination of Federal agencies and activities with those of the States and local governments who will be the first to bear the brunt of any attacks.

Third, is the lack of national security funding in many of the Federal agencies whose actions must ultimately be integrated with those of the Department of Defense and the Department of Energy.

To support a comprehensive approach to nonproliferation, our amendment provided that a national coordinator should chair a new Committee on Proliferation, Crime, and Terrorism, to be established within the National Security Council. That committee should include the Secretaries of State, Defense, Energy, the Attorney General, the Director for Central Intelligence, and other department and agency heads the President deems necessary. This committee within the National Security Council should serve as the focal point for all government nonproliferation, counterproliferation, law enforcement, intelligence,

counterterrorism, and other efforts to combat threats to the United States posed by weapons of mass destruction.

Mr. President, our colleagues in the Senate gave overwhelming support last month to our amendment by a vote of 96 to 0.

This amendment to the Department of Defense appropriations bill provides the resources to carry out the critically important programs established in our amendment to the authorization bill.

We hope for an equally overwhelming vote in support of this amendment to fully fund these programs.

I thank the Chair.

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

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

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

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

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Alaska.

Mr. STEVENS. Mr. President, we concur in the statements made by the Senator from Georgia and the Senator from Indiana. The Senator from Hawaii and I support the amendment. We are prepared to either accept it or to have a rollcall vote. What is the desire of the Senator from Georgia?

Mr. NUNN. I would like to have a rollcall vote, if that is satisfactory with the floor managers, but I will do it at whatever time is convenient.

Mr. STEVENS. Mr. President, I ask unanimous consent that the rollcall vote on this amendment take place at 4:15 and not be subject to second-degree amendments; that the rollcall start at 4:15.

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

Mr. STEVENS. I suggest the absence of a quorum.

Mr. INOUE addressed the Chair.

Mr. STEVENS. I withhold that.

Mr. NUNN. Mr. President, do we need the yeas and nays on the amendment? I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 4885

(Purpose: To provide \$3,000,000 for the Operational Field Assessment Program)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. HEFLIN, for himself, and Mr. SHELBY, proposes an amendment numbered 4885.

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

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

The amendment is as follows:

On page 31, line 6, strike out "1998." and insert in lieu thereof "1998: *Provided*, That of the funds appropriated in this paragraph, \$3,000,000 is available for the Operational Field Assessment Program."

Mr. HEFLIN. Mr. President, I rise today to offer an amendment to the



Defense appropriations bill to enable the Department of Defense to initiate a program called Operational Field Assessments. The warfighter, as a result of lessons learned from Desert Storm, Desert Shield, and Bosnia, needs this quicker way of evaluating joint tactics, doctrine and procedures.

The Operational Field Assessment is a nontraditional, field executed evaluation that pits the warfighter, that is the pilot, ship driver, or tank commander, against multiple threat hardware pieces, operated with changeable technical parameters, as would be encountered in a specific unified command's combat environment. The requirements to be satisfied and the scenarios to be executed are driven primarily, by a command intelligence element, working in concert with the command's operations personnel. It is patterned after the threat, conducted with a "human-in-the-loop" approach, and has no preconceived outcomes. The object is to learn from the experience.

The Operational Field Assessment can be conducted on a large scale with multiple weapons and complex scenarios, or on a small scale with a few weapons and simple scenarios as required by the command. It can be executed jointly or in a combined environment with our allies. It involves a host of expert organizations; ranging from the various Scientific and Technical Intelligence Centers, owners of foreign material hardware, test ranges, research and development entities, and the services, to name a few. The DOT&E has assumed OSD advocacy for the OFA because the critical experience and expertise necessary to plan, execute, and evaluate the results of joint operational field assessments resides primarily in the DOT&E Office. The OFA program will also be invaluable in improving the future acquisition oversight of joint OT&E. The Director, OT&E, has created a MOU with Defense Intelligence Agency, the National Security Agency, and the National Reconnaissance Office to assist in support of this program. It is a new approach to provide our warfighters with valuable, needed, and usable intelligence information in an era when we must be smarter with our fiscal resources. Our warfighters need it and I fully support it. Due to the urgent requirement of this program, I urge my colleagues to fully support this amendment.

Mr. INOUE. Mr. President, this amendment earmarks funds for the Operational Field Assessment Program. It is to provide our commanders an innovative, flexible and timely response in the innovation of solutions to war-fighting identified deficiencies.

This has been cleared by both sides, Mr. President.

Mr. STEVENS. We support the amendment, Mr. President, and I ask for the adoption of the amendment.

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

The amendment (No. 4885) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 4886

(Purpose: To set aside \$3,000,000 for acceleration of a program to develop thermally stable jet fuels using chemicals derived from coal)

Mr. STEVENS. Mr. President, I have an amendment which I send to the desk on behalf of Senator SANTORUM.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SANTORUM, proposes an amendment numbered 4886.

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

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

The amendment is as follows:

On page 30, line 2, before the period at the end insert "Provided, That of the funds appropriated under this heading, \$3,000,000 shall be available for acceleration of a program to develop thermally stable jet fuels using chemicals derived from coal".

Mr. STEVENS. Mr. President, this funds an item that is specifically in the authorization bill concerning coal research. It has been cleared.

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

The amendment (No. 4886) was agreed to.

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

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 4451

(Purpose: To set aside \$20,000,000 for payment to certain Vietnamese commandos captured and interned by North Vietnam)

Mr. INOUE. Mr. President, on behalf of Senators KERRY and MCCAIN, I ask for the immediate consideration of amendment No. 4451.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. KERRY, for himself, and Mr. MCCAIN, proposes an amendment numbered 4451.

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

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

The amendment is as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Of the total amount appropriated under title II, \$20,000,000 shall be available subject to authorization, until expended, for payments to Vietnamese commandos captured and incarcerated by North Vietnam after having entered the Democratic Republic of Vietnam pursuant to operations under a Vietnam era operation plan known as

"OPLAN 34A", or its predecessor, and to Vietnamese operatives captured and incarcerated by North Vietnamese forces while participating in operations in Laos or along the Lao-Vietnamese border pursuant to "OPLAN 35", who died in captivity or who remained in captivity after 1973, and who have not received payment from the United States for the period spent in captivity.

Mr. INOUE. Mr. President, this amendment appropriates \$20 million for payments to Vietnamese commandos who were captured and incarcerated by North Vietnamese forces while they were engaged in covert activities pursuant to United States operations.

These operations were joint United States-South Vietnamese intelligence-gathering operations. And approximately 500 Vietnamese operatives, some civilians, some members of the Army, were recruited by the Government of South Vietnam. And we provided training and funding, including salaries, allowances, bonuses and death benefits. The majority of these operatives were captured. They were tried for treason by the north, and imprisoned in North Vietnam until the 1980's.

Declassified Department of Defense documents suggest that the Defense Department systematically wrote off the commandos known to be in captivity as dead in order to avoid paying monthly salaries. The death benefits were paid to the next of kin. Many of the commandos spent 20 years or more in prison. This amendment would provide the funds to repay each commando a lump sum of \$40,000. This amendment has been cleared by the managers of this measure. It has the approval of the administration.

Mr. STEVENS. Mr. President, this amendment, as I understand it, is co-sponsored by Senator KERREY and Senator MCCAIN, two of our Members who should know more about this subject than anyone else. I am pleased to support it, but I point out it is limited. It is limited to the authorization. I do not think it ought to be expanded beyond the scope as defined in the original authorization. I urge the adoption of the amendment.

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

The amendment (No. 4451) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 4887

Mr. STEVENS. Mr. President, I send to the desk an amendment for the Senator from Utah, [Mr. BENNETT].

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. BENNETT, proposes amendment numbered 4887.

On page 29, line 20, strike "Forces" and insert in lieu therefore "Forces: Provided further, That of the funds available under this

heading, \$1,000,000 is available for evaluation of a non-developmental Doppler sonar velocity log".

Mr. STEVENS. Mr. President, this is the amendment of the Senator from Utah. It seems to be very much in order as far as we are concerned. It is for an investigation of an entirely new concept. I believe the Senator from Hawaii has also cleared this.

Mr. INOUE. We have no objection.

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

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

The amendment (No. 4887) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 4888

(Purpose: To set aside \$10,000,000 for independent scientific research on possible causal relationships between gulf war service and gulf war syndrome)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. INOUE], for Mr. BYRD, proposes an amendment numbered 4888.

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

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

The amendment is as follows:

On page 33, line 2, before the period at the end insert: "Provided, further, That of the funds appropriated under this heading, \$10,000,000 shall be available for scientific research to be carried out by entities independent of the Federal Government on possible causal relationships between the complex of illnesses and symptoms commonly known as "Gulf War syndrome" and the possible exposures of members of the Armed Forces to chemical warfare agents or other hazardous materials during service on active duty as a member of the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War".

#### PERSIAN GULF SYNDROME

Mr. BYRD. Mr. President, the amendment that I am offering will designate \$10 million from within the funds allocated to the Defense Health Program to investigate the possible links between exposure to chemical warfare agents and what has come to be called "Gulf War Syndrome." I understand that the amendment has been cleared by the managers of the bill, and I thank them for their assistance. On June 21, 1996, the Department of Defense announced that between 300 and 400 U.S. soldiers may have been exposed to the chemical warfare agents sarin and mustard gas when they de-

stroyed an Iraqi ammunition storage facility in March, 1991. The Department of Defense further announced that other events and locations would be examined to determine whether or not additional military personnel were exposed to chemical warfare agents. Up to this point, the Department of Defense had maintained that no personnel were exposed to chemical warfare agents, so no scientific research on the link between the soldier's illnesses and these agents had been conducted. My amendment would remedy that situation by providing \$10 million for badly needed independent scientific research on this topic.

Many soldiers have maintained that their illnesses resulted from their wartime service in the Gulf, whether from chemical warfare agents or from other hazardous exposures. Some of these soldiers suffer an additional, tragic, problem. Their children born after the war have birth defects or catastrophic illnesses that these soldiers believe are the result of their wartime exposures. No independent scientific research has been conducted on this link, although medical literature suggests that chemical warfare agents are teratogens. That is, they are believed to cause birth defects and other problems in children of exposure victims, according to the Institute of Medicine and the Stockholm International Peace Research Institute. In the Defense Authorization bill, I offered an amendment that would provide medical care for these children until scientific evidence determines whether this link is verified. So, I expect that the Department of Defense will move quickly to obligate these funds, and to include in the research an examination of the possible link between chemical warfare agent exposure and birth defects.

Mr. INOUE. Mr. President, this amendment provides \$10 million within the funding available for defense health programs to research the gulf war syndrome. This measure has been authorized by the Senate, and it has been cleared by both sides.

Mr. STEVENS. Mr. President, this is money earmarked within existing funds as was previously ordered by the authorization bill, and we believe it is in order.

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

The amendment (No. 4888) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I believe it is in order now for us to proceed with the recorded vote.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

#### AMENDMENT NO. 4453

Mr. DOMENICI. The Senator has 30 seconds before the vote. I ask the Senator, could I have 30 seconds?

Mr. STEVENS. Yes.

Mr. DOMENICI. I was not here when Senator NUNN and Senator LUGAR spoke on this amendment. I have been part of preparing the amendment. It has more facets than that which we are talking about here. But I want to thank Senator STEVENS. He attended a session where these ideas were thrashed around by some of America's experts and concerned people from the laboratories and various branches of the military.

I wholeheartedly support this amendment. I hope the Senate will adopt it. It is obvious to most of us, who are looking around this world, that America's most serious security problem has changed dramatically, and it is now the threat of biological and chemical weapons of mass destruction. It will be very hard to contain them and locate them and to get a management scheme with high technology and science to find out more about them and to be able to defend ourselves, but I think this is a step in the right direction getting our communities prepared. I wholeheartedly support it.

The PRESIDING OFFICER. The question occurs on agreeing to the amendment No. 4453 offered by the Senator from Georgia [Mr. NUNN]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 100, nays 0, as follows:

The result was announced—yeas 100, nays 0, as follows:

[Rollcall Vote No. 195 Leg.]

#### YEAS—100

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

The amendment (No. 4453) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I yield to the leader.

Mr. LOTT. Mr. President, first, I want to thank the two managers to the bill. I have not had too many occasions in the last few days to congratulate Senators for really making good progress and doing a great job.

The Senator from Alaska and the Senator from Hawaii, as always, are really doing a good job in working through the amendments without our having to resort to a cloture motion. They have cleared out a number of amendments. A number have been accepted, and some we are voting on.

I urge colleagues to continue working with the managers, and I believe we can get this done. The leadership is committed to getting the defense appropriations bill done today. If we continue to have good cooperation, we can get it done at a reasonable hour. I thank the Senators for what they have been doing, and I urge them to continue.

#### THE NATIONAL GAMBLING IMPACT STUDY COMMISSION ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 449, S. 704, a bill to establish the Gambling Impact Study Commission.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 704) to establish the Gambling Impact Study Commission.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Governmental Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "National Gambling Impact Study Commission Act".

#### SEC. 2. FINDINGS.

The Congress finds that—

(1) the most recent Federal study of gambling in the United States was completed in 1976;

(2) legalization of gambling has increased substantially over the past 20 years, and State, local, and Native American tribal governments have established gambling as a source of jobs and additional revenue;

(3) the growth of various forms of gambling, including electronic gambling and gambling over the Internet, could affect interstate and international matters under the jurisdiction of the Federal Government;

(4) questions have been raised regarding the social and economic impacts of gambling, and Federal, State, local, and Native American tribal governments lack recent, comprehensive information regarding those impacts; and

(5) a Federal commission should be established to conduct a comprehensive study of the social and economic impacts of gambling in the United States.

#### SEC. 3. NATIONAL GAMBLING IMPACT STUDY COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the National Gambling Impact Study Commission (hereinafter referred to in this Act as "the Commission"). The Commission shall—

(1) be composed of 9 members appointed in accordance with subsection (b); and

(2) conduct its business in accordance with the provisions of this Act.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commissioners shall be appointed for the life of the Commission as follows:

(A) 3 shall be appointed by the President of the United States.

(B) 3 shall be appointed by the Speaker of the House of Representatives.

(C) 3 shall be appointed by the Majority Leader of the Senate.

(2) PERSONS ELIGIBLE.—The members of the Commission shall be individuals who have knowledge or expertise, whether by experience or training, in matters to be studied by the Commission under section 4. The members may be from the public or private sector, and may include Federal, State, local, or Native American tribal officers or employees, members of academia, non-profit organizations, or industry, or other interested individuals.

(3) CONSULTATION REQUIRED.—The President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall consult among themselves prior to the appointment of the members of the Commission in order to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the Commission under section 4.

(4) COMPLETION OF APPOINTMENTS; VACANCIES.—The President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall conduct the consultation required under paragraph (3) and shall each make their respective appointments not later than 60 days after the date of enactment of this Act. Any vacancy that occurs during the life of the Commission shall not affect the powers of the Commission, and shall be filled in the same manner as the original appointment not later than 60 days after the vacancy occurs.

(5) OPERATION OF THE COMMISSION.—

(A) CHAIRMANSHIP.—The President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall jointly designate one member as the Chairman of the Commission. In the event of a disagreement among the appointing authorities, the Chairman shall be determined by a majority vote of the appointing authorities. The determination of which member shall be Chairman shall be made not later than 15 days after the appointment of the last member of the Commission, but in no case later than 75 days after the date of enactment of this Act.

(B) MEETINGS.—The Commission shall meet at the call of the Chairman. The initial meeting of the Commission shall be conducted not later than 30 days after the appointment of the last member of the Commission, or not later than 30 days after the date on which appropriated funds are available for the Commission, whichever is later.

(C) QUORUM; VOTING; RULES.—A majority of the members of the Commission shall constitute a quorum to conduct business, but the Commission may establish a lesser quorum for conducting hearings scheduled by the Commission. Each member of the Commission shall have one vote, and the vote of each member shall be accorded the same weight. The Commission may establish

by majority vote any other rules for the conduct of the Commission's business, if such rules are not inconsistent with this Act or other applicable law.

#### SEC. 4. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—It shall be the duty of the Commission to conduct a comprehensive legal and factual study of the social and economic impacts of gambling in the United States on—

(A) Federal, State, local, and Native American tribal governments; and

(B) communities and social institutions generally, including individuals, families, and businesses within such communities and institutions.

(2) MATTERS TO BE STUDIED.—The matters studied by the Commission under paragraph (1) shall at a minimum include—

(A) a review of existing Federal, State, local, and Native American tribal government policies and practices with respect to the legalization or prohibition of gambling, including a review of the costs of such policies and practices;

(B) an assessment of the relationship between gambling and levels of crime, and of existing enforcement and regulatory practices that are intended to address any such relationship;

(C) an assessment of pathological or problem gambling, including its impact on individuals, families, businesses, social institutions, and the economy;

(D) an assessment of the impacts of gambling on individuals, families, businesses, social institutions, and the economy generally, including the role of advertising in promoting gambling and the impact of gambling on depressed economic areas;

(E) an assessment of the extent to which gambling provides revenues to State, local, and Native American tribal governments, and the extent to which possible alternative revenue sources may exist for such governments; and

(F) an assessment of the interstate and international effects of gambling by electronic means, including the use of interactive technologies and the Internet.

(b) REPORT.—No later than 2 years after the date on which the Commission first meets, the Commission shall submit to the President, the Congress, State Governors, and Native American tribal governments a comprehensive report of the Commission's findings and conclusions, together with any recommendations of the Commission. Such report shall include a summary of the reports submitted to the Commission by the Advisory Commission on Intergovernmental Relations and National Research Council under section 7, as well as a summary of any other material relied on by the Commission in the preparation of its report.

#### SEC. 5. POWERS OF THE COMMISSION.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Commission considers advisable to carry out its duties under section 4.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Commission shall be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Commission.

(b) SUBPOENAS.—

(1) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may by majority vote require by subpoena the production of any written or recorded information, document,