NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 3 o'clock having arrived, under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 88, S. 936, the National Defense Authorization Act for fiscal year 1998: Trent Lott, Strom Thurmond, Jesse Helms, Pete Domenici, R.F. Bennett, Dan Coats, John Warner, Phil Gramm, Thad Cochran, Larry E. Craig, Ted Stevens, Tim Hutchinson, Jon Kyl, Rick Santorum, Mike DeWine, and Spencer Abraham.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 936, the Department of Defense authorization bill, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Indiana [Mr. COATS], the Senator from Akansas [Mr. HUTCHINSON], the Senator from Vermont [Mr. JEFFORDS], the Senator from Arizona [Mr. MCCAIN], the Senator from Delaware [Mr. ROTH], and the Senator from Oregon [Mr. SMITH] are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Louisiana [Ms. LANDRIEU], and the Senator from Maryland [Ms. MIKULSKI] are necessarily absent.

The yeas and nays resulted—yeas 46, nays 45, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—46

Abraham	Faircloth	Murkowski
Allard	Frist	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Santorum
Bond	Grassley	Sessions
Brownback	Gregg	Shelby
Burns	Hagel	Smith (NH)
Campbell	Hatch	Snowe
Chafee	Helms	Specter
Collins	Hutchison	Stevens
Coverdell	Inhofe	Thomas
Craig	Kempthorne	Thompson
D'Amato	Kyl	Thurmond
DeWine	Lott	Warner
Domenici	Mack	
Enzi	McConnell	

NAYS—45

Akaka	Durbin	Kohl
Baucus	Feingold	Lautenberg
Bingaman	Feinstein	Leahy
Boxer	Ford	Levin
Breaux	Glenn	Lieberman
Bryan	Gorton	Lugar
Bumpers	Graham	Moseley-Braun
Byrd	Harkin	Moynihan
Cleland	Hollings	Murray
Cochran	Inouye	Reed
Conrad	Johnson	Reid
Daschle	Kennedy	
Dodd	Kerrey	
Dorgan	Kerry	
Robb	Sarbanes	Wellstone
Rockefeller	Torricelli	Wyden

NOT VOTING—9

Biden	Jeffords	Mikulski
Coats	Landrieu	Roth
Hutchinson	McCain	Smith (OR)

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The pending question is amendment No. 666, offered by the Senator from Minnesota.

Mr. LEVIN. 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. KENNEDY. 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. 658, AS MODIFIED

Mr. KENNEDY. Mr. President, I would like to and will speak briefly on an issue that I think is of significance and importance as we are addressing the defense authorization bill, and that is the amendment of the Senator from Indiana, Senator LUGAR.

I urge that the Senate support his amendment to restore the cuts made in the Nunn-Lugar cooperative threat reduction programs in the Department of Defense and related nuclear material security programs in the Department of Energy. The funds spent on these programs are the most important cost-effective contribution to our national security that we can make.

Today, and for the foreseeable future, the greatest threat to national security involves potential terrorist acts using weapons of mass destruction. And it is ironic that after living for 40 years under the specter of a cold war nuclear holocaust, the prospect of a nuclear explosion taking place within the United States has actually increased since the dissolution of the former Soviet Union. This is the ominous view of both the intelligence community and the Department of Defense. Any defense bill we enact must deal responsibly with this threat.

We have taken significant steps to do so in recent years. In 1991, Senator Nunn and Senator LUGAR initiated the Cooperative Threat Reduction Program. The basic concept of that program and the nuclear materials safety programs at the Department of Energy is that paying for the destruction and safeguarding of nuclear weapons in the states of the former Soviet Union increases the security of America itself.

The accomplishments of these programs offer convincing evidence that the Nunn-Lugar program works. The Defense Department has already helped to fund the elimination of 6,000 nuclear warheads in nations of the former Soviet Union. Never again will these weapons threaten the United States.

The funds for the Nunn-Lugar and related programs are the most cost-effective dollars spent in the entire defense budget.

They support the complete destruction of nuclear weapons in the nations of the former Soviet Union.

They strengthen border controls to prevent the illegal transport of nuclear bomb-making materials.

They support efforts to protect these materials from theft at their storage sites or during transport.

They provide employment and economic incentives for former Soviet weapons scientists to avoid the temptation that they will sell their know-how to buyers from nations and organizations that support international terrorism.

They fund cooperative efforts to match U.S. commercial applications with the Russian defense industry.

Since these programs began, Congress has fully funded the administration's budget requests until this year. The current committee bill reduces the President's request by $135 million. The bill takes $60 million from the Defense Department's Cooperative Threat Reduction Program, which the department intended to use to help Ukraine destroy its SS–24 intercontinental ballistic missiles.

We specifically encouraged the new Government of Ukraine to take this step because these missiles pose a clear and present danger to our national security. It is a costly operation, but few are more worthwhile. It is imperative that we maintain fully funded and well-structured programs to deal with all aspects of this serious threat.

The initiatives undertaken in this area by the Department of Energy are equally essential. The International Nuclear Safety Program upgrades safety devices on Chernobyl-era nuclear reactors. Yet, its funding has been cut by $50 million.

The Materials Protection, Control, and Accounting Program supports efforts to identify and store the nuclear materials that are most likely to be stolen. Yet, its funding is cut by $25 million.

Under these two programs, the Department of Energy has succeeded in making tons of nuclear weapons materials secure, primarily plutonium and highly enriched uranium. Previously, these materials had not been protected by even the most elementary security precautions. These materials posed grave threats to our national security, and they still do.

Alarming public reports in recent years have mentioned cases where nuclear materials were intercepted at border crossings. We can only wonder how many shipments have gone undetected at border crossings and whether terrorists even now have custody of these materials.

The National Research Council released a report this spring on U.S. proliferation policy and the former Soviet Union. Its first and strongest recommendation is full funding for the Materials Protection, Control, and Accounting Program.

The report goes on to express strong support for the overall Departments of Defense and Energy CTR Programs. But the material protection program was specifically singled out as the most important area for additional funding.

The reason is clear. Bomb-grade nuclear weapon material poses so great a threat to national security that the United States should do all we can to work with Russia to guarantee these materials are safely stored—no ifs, ands, or buts. There is no margin for error, none whatsoever.

The design and manufacture of a crude homemade nuclear weapon is a relatively easy task if the needed uranium or plutonium is available. It takes just 10 pounds of plutonium—about a single handful—to utterly destroy any American city.

Without a major ongoing effort to identify, catalog, transport, store, and eventually reprocess or destroy Russia's nuclear material, it is just a matter of time before some terrorist group becomes a nuclear power. That is why these programs are so important. That is what restoring these funds is all about. The last thing we need is to look the other way as the next Timothy McVeigh prepares to destroy an entire American city.

Over the years we have spent billions of dollars building our nuclear weapons and implementing strategies to prevent nuclear war. Now when a relatively small sum of money can deal with this current threat, how can we afford not to? If a terrorist explodes a nuclear weapon in the United States, we may well never know who to retaliate against.

It may already be too late. But we hope and pray it is not. We must do more—much more—to see that the current loose controls over nuclear weapons and bomb-making materials in the nations of the former Soviet Union do not result in a nuclear terrorist attack on the United States or any other nation.

There will be no comfort in saying the morning after, ''If only we had done more.'' Now is the time to do more. Restoring these funds is the indispensable first step toward doing more, doing it, and doing it as soon as possible.

I commend the Senator from Indiana for his leadership on this issue.

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. THURMOND. 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. THURMOND. Mr. President, I ask unanimous consent that Senator KYL and Senator COVERDELL be added as cosponsors to amendment No. 420 offered by Senator COCHRAN.

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

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

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

Mr. MCCAIN. Mr. President, I understand, and I have been briefed that there will be an amendment proposed on behalf of several Senators to increase the amount for National Guard Civilian Youth Opportunity Program to $48 million and to provide a substitute for the provision extending and revising the authority of the program.

Mr. President, I strongly object to this amendment. It is already at $20 million. The fundamental question here arises when we are complaining about the fact that there is not enough money for flying time, there is not enough money for pay raises, there is not enough money for quality of life for men and women who are in the military who are serving, and there is not enough money for modernization of the force—and every military leader will tell you that—and now we want to add $28 million to a program which, really, the National Guard has no business being in. It has no business being in a Civilian Youth Opportunity Program.

Oftentimes we refer to the job and role of our Founding Fathers, Mr. President. Who in our Founding Fathers thought that the job of the National Guard was to administer Civilian Youth Opportunity Programs?

The National Guard, I am told by my colleagues who are in areas where there have been floods, devastation, and other disasters, has its hands full. The National Guard has a great deal of difficulty in maintaining training levels of efficiency. We found that out during Operation Desert Storm. Now we want to add $28 million to a program that the National Guard has no business being in.

Mr. President, I am sure when we have a recorded vote on this—and I will demand a recorded vote—that it will carry overwhelmingly, just like the military construction appropriations bill that is coming before us will carry overwhelmingly that has billions of dollars of wasteful and pork barrel spending, but sooner or later, sooner or later, Mr. President, the American people are going to be fed up. They are going to stop supporting spending for national defense and they will stop because they see this kind of unnecessary and wasteful and pork barrel spending.

I read in the newspaper today the military construction bill has some $900 million additional for projects that the administration or the Department of Defense could not find anywhere on their priority list—nowhere to be found on their priority list as being necessary, but they also happen to match up to districts of powerful Members of the other body's committee.

It has to stop, Mr. President. A lot of people are getting tired of it. I am sure, as has happened on many other occasions, that when we have a recorded vote on this, it will carry overwhelmingly, but sooner or later we will ask ourselves the question, When are we going to spend the money where the priorities are, according to the leaders of the military, both military and civilian? It certainly isn't in this program. Is $28 million a lot of money? Certainly not in this entire bill. But it is symptomatic of the problem that has afflicted defense spending for too long and is becoming epidemic. The House overwhelmingly wants to spend what potentially would be $27 billion additionally for B–2 bombers that they can't find a military leader who will say we need. $27 billion. We hear time after time that we are not modernizing the force, that we are losing quality men and women out of the military, we are having to lower our recruitment standards in order to meet our quotas. What are we going to do to solve it? Spend $27 billion on B–2 bombers, add $28 million to the National Guard, and the pork barrel list goes on and on and on.

I am telling you, from talking to my constituents, people are getting a little weary of it, Mr. President. So when this amendment comes up, I tell the chairman and the Democrat manager, I will want to talk again on it, not because it is a lot of money—$28 million is not a lot of money in a defense bill—but it is the wrong thing to do. It is wrong what we are doing in military construction in the bill and wrong what we are doing authorizing projects and programs that we don't need, when at the same time there are severe and fundamental problems in the military that are not being addressed, which means that the Congress of the United States isn't performing its responsibilities in a mature fashion and in a way that will provide for the national security of this country.

I yield the floor.

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. THURMOND. 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. 744

(Purpose: To extend the chiropractic health care demonstration Project for two years)

Mr. THURMOND. Mr. President, I offer an amendment that would extend the Chiropractic Health Care Demonstration Project for 2 years.

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

Mr. President, I urge that the Senate adopt this amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND] proposes an amendment numbered 744.

Mr. THURMOND. 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 title VII, add the following:

SEC. 708. CHIROPRACTIC HEALTH CARE DEMONSTRATION PROGRAM.

(a) TWO-YEAR EXTENSION.—Subsection (b) of section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2809; 10 U.S.C. 1092 note) is amended by striking out ''1997'' and inserting in lieu thereof ''1999''.

(b) EXPANSION TO AT LEAST THREE ADDITIONAL TREATMENT FACILITIES.—Subsection (a)(2) of such section is amended by striking out ''not less than 10'' and inserting in lieu thereof ''the National Naval Medical Center, the Walter Reed Army Medical Center, and not less than 11 other''

(c) REPORTS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking out ''Committees on Armed Services of the Senate and'' and inserting in lieu thereof ''Committee on Armed Services of the Senate and the Committee on National Security of'';

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following new paragraph (3):

''(3)(A) Not later than January 30, 1998, the Secretary of Defense shall submit to the committees referred to in paragraph (1) a report that identifies the additional treatment facilities designated to furnish chiropractic care under the program that were not so designated before the report required by paragraph (1) was prepared, together with the plan for the conduct of the program at the additional treatment facilities.

''(B) Not later than May 1, 1998, the Secretary of Defense shall modify the plan for evaluating the program submitted pursuant to paragraph (2) in order to provide for the evaluation of program at all of the designated treatment facilities, including the treatment facilities referred to in subparagraph (B).''; and

(4) in paragraph (4), as redesignated by paragraph (2), by striking out ''The Secretary'' and inserting in lieu thereof ''Not later than May 1, 2000, the Secretary''.

Mr. THURMOND. Mr. President, I propose an amendment that would extend the Chiropractic Health Care Demonstration Program for 2 years and would include the National Capitol region as a demonstration site.

In the National Defense Authorization Act for fiscal year 1995, Congress directed the Secretary of Defense to conduct a demonstration program to determine whether chiropractic health care should be provided as part of the military health care system. The legislation requires a comprehensive evaluation of the program. Representatives of the chiropractic health care community are required to be included in the evaluation process.

The National Capitol region was not one of the 10 sites selected to be part of the demonstration. My amendment would expand the demonstration to include the National Capitol region. In order to include the experiences of chiropractic care in the National Capitol region in the evaluation, I propose to extend the demonstration program for 2 additional years. I am confident that this amendment will result in a better evaluation of the chiropractic care demonstration.

I urge my colleagues to support this amendment.

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

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 744) was agreed to.

Mr. THURMOND. 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.

AMENDMENT NO. 648

(Purpose: To require a report on Department of Defense policies and programs to promote healthy lifestyles among members of the Armed Forces and their dependents)

Mr. LEVIN. Mr. President, on behalf of Senator BINGAMAN, I offer an amendment No. 648 that would require a report on the Department of Defense policies and programs to promote healthy lifestyles among members of the Armed Forces and their dependents.

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

Mr. THURMOND. Mr. President, we favor the amendment.

We urge it be agreed to.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BINGAMAN, proposes an amendment numbered 648.

Mr. LEVIN. 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 306, between lines 4 and 5, insert the following:

SEC. 1041. REPORT ON POLICIES AND PROGRAMS TO PROMOTE HEALTHY LIFESTYLES AMONG MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) REPORT.—Not later than March 30, 1998, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the effectiveness of the policies and programs of the Department of Defense intended to promote healthy lifestyles among members of the Armed Forces and their dependents.

(b) COVERED POLICIES AND PROGRAMS.—The report under subsection (a) shall address the following:

(1) Programs intended to educate members of the Armed Forces and their dependents about the potential health consequences of the use of alcohol and tobacco.

(2) Policies of the commissaries, post exchanges, service clubs, and entertainment activities relating to the sale and use of alcohol and tobacco.

(3) Programs intended to provide support to members of the Armed Forces and dependents who elect to reduce or eliminate their use of alcohol or tobacco.

(4) Any other policies or programs intended to promote healthy lifestyles among members of the Armed Forces and their dependents.

Mr. LEVIN. Mr. President, we urge the Senate adopt the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 648) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 745

(Purpose: To authorize the Secretary of the Army to donate excess furniture, and other excess property, of closed Army chapels to religious organizations that have suffered damage or destruction of property as a result of acts of arson or terrorism)

Mr. THURMOND. Mr. President, on behalf of Senator HELMS, I offer an amendment which would authorize the Secretary of the Army to transfer excess religious articles formerly in chapels of the Department of the Army to churches that have been damaged or destroyed as a result of an act of arson or terrorism.

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

Mr. LEVIN. Mr. President, the amendment has, indeed, been cleared, and we support it.

Mr. THURMOND. Mr. President, I urge the Senate adopt this amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. HELMS, proposes an amendment numbered 745.

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

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

The amendment is as follows:

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

SEC. 1075. DONATION OF EXCESS ARMY CHAPEL PROPERTY TO CHURCHES DAMAGED OR DESTROYED BY ARSON OR OTHER ACTS OF TERRORISM.

(a) AUTHORITY.—Notwithstanding any other provisions of law, the Secretary of the Army may donate property described in subsection (b) to an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is a religious organization in order to assist the organization in restoring or replacing property of the organization that has been damaged or destroyed as a result of an act of arson or terrorism, as determined pursuant to procedures prescribed by the Secretary.

(b) PROPERTY COVERED.—The property authorized to be donated under subsection (a) is furniture and other property that is in, or

formerly in, chapels or being closed and is determined as being excess to the requirements of the Army. No real property may be donated under this section.

(c) DONEES NOT TO BE CHARGED.—No charge may be imposed by the Secretary on a donee of property under this section in connection with the donation. However, the donee shall defray any expense for shipping or other transportation of property donated under this section from the location of the property when donated to any other location.

Mr. HELMS. Mr. President, when the Pilgrims boarded the Mayflower and set sail for a new world, they were searching for a land where they would be free to worship God as they wished. Our Founding Fathers, inspired by their example, incorporated the principle of religious freedom into our national fabric. The importance of this principle to our national character is emphasized by its honored place in the first clause of our Bill of Rights which reads ''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.''

In spite of this protection, some citizens have, at times, sought to deny others the right to worship. In extreme cases, this intolerance has turned to violence as houses of worship were desecrated by fire or vandalism. Last month, the National Church Arson Task Force released a report that found no evidence of a nationwide conspiracy behind the fires. I never believed there was a conspiracy but that finding does not diminish the suffering of the congregations in my home State and across the United States who have been victimized in these incidents.

Let there be no doubt, Mr. President, no act is more despicable than the desecration of a house of worship. It is fitting that the perpetrators of such a heinous crime be apprehended and prosecuted to the full extent of the law, I commend the Federal, State, and local law enforcement officials who work diligently to investigate these shameless acts and to prevent their recurrence.

Mr. President, while stories of church burnings are no longer on the front page of every newspaper or the lead story on the evening news, the victims remain. The pastor of one of those congregations, Pastor Brenda Stevenson of the New Outreach Christian Center in Charlotte, which was destroyed by an arsonist in 1995, recently wrote me about her church's effort to rebuild. She informed me that her congregation was able to rebuild with the help of the Christian Coalition's Samaritan project and the Save the Churches fund but that further help was needed. Specifically, Pastor Stevenson requested that excess religious property, formerly used in closed military chapels, be made available to churches that have suffered these terrible acts.

I am told that precisely such property has been found at Fort Bragg, NC, where several old wooden chapels were closed as part of a consolidation. The approximately $25,000 worth of property, including 65 oak pews, 3 altars, 2 pulpits, communion sets, and other religious property, has been declared excess to the needs of Fort Bragg and would ordinarily be sold at auction to the highest bidder. Similar property may also be available at other Army installations.

I agree with Pastor Stevenson that the Army should be allowed to donate this surplus property to some of the churches damaged or destroyed as a result of arson or terrorism. The amendment I am introducing gives the Secretary of the Army authority to donate such property as it becomes available at Army installations.

Mr. President, I know this matter may seem of little consequence to some considering that Congress is considering a budget in excess of $1.7 trillion dollars. However, the gift of this furniture and religious property can mean a very great deal to congregations such as the New Outreach Christian Center that are struggling to rebuild.

Moreover, it is appropriate that Fort Bragg, home of the XVIII Airborne Corps, 82d Airborne Division, and special operations force, which have done so much to protect our liberties abroad, be permitted to contribute to the defense of those liberties at home. I invite my colleagues to join in support of this bill so that some small measure of relief can be provided to these victims.

Mr. President, I ask unanimous consent that a copy of Pastor Stevenson's letter be printed in the RECORD.

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

NEW OUTREACH CHRISTIAN CENTER,
Charlotte, NC, June 6, 1997.

Hon. JESSE HELMS,
U.S. Senator,
Washington, DC.

DEAR SENATOR HELMS: The New Outreach Christian Center was desecrated by an arson March 14, 1995. This horrific act shocked our community and the county. With the assistance of the ''Save the Churches Fund'' grant of the Christian Coalition we were able to rebuild our house of worship.

The Samaritan Project, an outgrowth of the ''Save the Churches Fund'' has notified us that the military may have furniture, materials and equipment which could be of further help to our church. I ask that legislation be initiated that would allow churches that have been harmed by acts of violence to receive the items from these closed chapels. This could assist my church and others throughout the country.

Please move forward on this issue. As a country we cannot accept violence against any house of worship, and must unite to help rebuild them. If there are any questions please call Pastor Brenda Stevenson.

Thank you and God Bless,

BRENDA STEVENSON,
Pastor.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 745) was agreed to.

Mr. THURMOND. 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.

AMENDMENT NO. 649

(Purpose: To provide for increased administrative flexibility and efficiency in the management of the Junior Reserve Officers' Training Corps)

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, on behalf of Senator BINGAMAN, I offer an amendment numbered 649 that would provide for increased administrative flexibility and efficiency in the management of the Junior ROTC Program.

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

Mr. THURMOND. Mr. President, the amendment is accepted on our side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. BINGAMAN, proposes an amendment numbered 649.

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

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

The amendment is as follows:

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

SEC. . FLEXIBILITY IN MANAGEMENT OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) AUTHORITY OF THE SECRETARY OF DEFENSE.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following:

''§ 2032. Responsibility of the Secretary of Defense

''(a) COORDINATION BY SECRETARY OF DEFENSE.—The Secretary of Defense shall coordinate the establishment and maintenance of Junior Reserve Officers' Training Corps units by the Secretaries of the military departments in order to maximize enrollment in the Corps and to enhance administrative efficiency in the management of the Corps. The Secretary may impose such requirements regarding establishment of units and transfer of existing units as the Secretary considers necessary to achieve the objectives set forth in the preceding sentence.

''(b) CONSIDERATION OF NEW SCHOOL OPENINGS AND CONSOLIDATIONS.—In carrying out subsection (a), the Secretary shall take into consideration openings of new schools, consolidation of schools, and the desirability of continuing the opportunity for participation in the Corps by participants whose continued participation would otherwise be adversely affected by new school openings and consolidations of schools.

''(c) FUNDING.—If amounts available for the Junior Reserve Officers' Training Corps are insufficient for taking actions considered necessary by the Secretary under subsection (a), the Secretary shall seek additional funding for units from the local educational administration agencies concerned.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

''2032. Responsibility of the Secretary of Defense.''.

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

The amendment (No. 649) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 746

(Purpose: To require the procurement of recycled copier paper by the Department of Defense)

Mr. THURMOND. Mr. President, on behalf of Senator JEFFORDS, I offer an amendment that would codify and extend the Executive Order 12873 requirement regarding Federal agency use of recycled content paper by providing for increased Department of Defense purchases of such paper for copy machines.

Mr. President, I believe this amendment has been cleared by the other side. I urge the Senate to adopt it.

Mr. LEVIN. Mr. President, this amendment has been cleared on this side. We support it. It is a good amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. JEFFORDS, proposes an amendment numbered 746.

Mr. THURMOND. 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 84, after line 23, add the following:

SEC. 340. PROCUREMENT OF RECYCLED COPIER PAPER.

(a) REQUIREMENT.—(1) Except as provided in subsection (b), a department or agency of the Department of Defense may not procure copying machine paper after a date set forth in paragraph (2) unless the percentage of post-consumer recycled content of the paper meets the percentage set forth with respect to such date in that paragraph.

(2) The percentage of post-consumer recycled content of paper required under paragraph (1) is as follows:

(A) 20 percent as of January 1, 1998.

(B) 30 percent as of January 1, 1999.

(C) 50 percent as of January 1, 2004.

(b) EXCEPTIONS.—A department or agency may procure copying machine paper having a percentage of post-consumer recycled content that does not meet the applicable requirement in subsection (a) if—

(1) the cost of procuring copying machine paper under such requirement would exceed by more than 7 percent the cost of procuring copying machine paper having a percentage of post-consumer recycled content that does not meet such requirement;

(2) copying machine paper having a percentage of post-consumer recycled content meeting such requirement is not reasonably available within a reasonable period of time;

(3) copying machine paper having a percentage of post-consumer recycled content meeting such requirement does not meet performance standards of the department or agency for copying machine paper; or

(4) in the case of the requirement in paragraph (2)(C) of that subsection, the Secretary of Defense makes the certification described in subsection (c).

(c) CERTIFICATION OF INABILITY TO MEET GOAL IN 2004.—If the Secretary determines that any department or agency of the Department will be unable to meet the goal specified in subsection (a)(2)(C) by the date specified in that subsection, the Secretary shall certify that determination to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives. The Secretary shall submit such certification, if at all, not later than January 1, 2003.

Mr. JEFFORDS. Mr. President, more than 20 years ago Congress passed the Resource Conservation and Recovery Act to promote Government purchases of products made from recycled materials. Since then, State and local governments throughout the country have enacted similar policies. Ten years ago, only 13 States and a handful of local governments had buy recycled laws. Today, at least 45 States and more than 500 local governments have established legal requirements to purchase recycled content products. In 1993, the administration issued Executive Order 12873 which reinforced the principle of increasing the Federal Government's use of recycled-content products, especially paper products.

Yet in 1996, the Department of Defense, the single largest consumer of copy paper in the world, had a compliance record of only 14 percent regarding its procurement of copy paper. Although DOD should be complimented for recently volunteering to buy only recycled-content copy paper, its decision was due to the General Services Administration's initiative to set the price of recycled paper at 5 cents cheaper than virgin paper. History leads us to assume that DOD will revert to the policy of buying virgin paper should the price shift a nickel.

Well, Mr. President, price is important, but it is only one factor in the equation. As the largest user, DOD must be the role model for other Government agencies and comply with the intent of Congress and the administration. This amendment affords DOD the flexibility of buying nonrecycled paper if the price differential is unreasonable compared to virgin paper, while defining the term ''unreasonable'' as ''greater than 7 percent''.

Additionally, the intent of this amendment is to cause Defense Department procurement offices to buy copy paper in an environmentally responsible manner and is not meant to place unreasonable constraints on the process. It, therefore, contains provisions which allow procuring agencies to choose not to buy the recycled paper if the product is unavailable within a reasonable period of time, or if the product does not meet reasonable performance standards.

Finally, this amendment builds on the intent of the executive order and extends it into the 21st century. Under this amendment, the required postconsumer content will rise to 50 percent in 2004. This initiative is based upon ongoing technological advances within the paper industry and the expectation that they will push down the cost of recycled paper in future years. If DOD cannot meet this requirement, a provision is included in the amendment which will allow them to report to Congress for purposes of gaining a deferment.

Mr. President, only through legislative action can we ensure that DOD will continue to shoulder its environmental responsibilities and serve as the role model it must be.

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

The amendment (No. 746) was agreed to.

Mr. THURMOND. 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.

AMENDMENT NO. 747

(Purpose: To improve the provisions on depot inventory, and financial management reform)

Mr. LEVIN. Mr. President, on behalf of Senators HARKIN and DURBIN, I offer an amendment which would modify language in the bill addressing inventory management, depot management, and financial management issues.

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

Mr. THURMOND. Mr. President, the amendment is cleared on our side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. HARKIN, for himself and Mr. DURBIN, proposes an amendment numbered 747.

Mr. LEVIN. 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 59, after line 14, add the following new paragraph (3):

''(3) The Secretary of a military department may conduct a pilot program, consistent with applicable requirements of law, to test any practices referred to in paragraph (2) that the Secretary determines could improve the efficiency and effectiveness of depot-level operations, improve the support provided by depot-level activities for the armed forces user of the services of such activities for the armed forces user of the services of such activities, and enhance readiness by reducing the time that it takes to repair equipment.''

On page 101, between lines 21 and 22, insert the following:

''(3) For the purposes of this section, the term 'best commercial inventory practice' includes a so-called prime vendor arrangement and any other practice that the Director determines will enable the Defense Logistics Agency to reduce inventory levels and holding costs while improving the responsiveness of the supply system to user needs.''

On page 268, line 8, strike out ''(L)'' and insert in lieu thereof the following:

''(L) Actions that can be taken to ensure that each comptroller position and each comparable position in the Department of Defense, whether filled by a member of the

Armed Forces or a civilian employee, is filled by a person who, by reason of education, technical competence, and experience, has the core competencies for financial management.

''(M)''.

Mr. HARKIN. Mr. President, I offer an amendment with Senator RICHARD DURBIN regarding some much needed reforms in the way the Department of Defense manages its inventory of goods, as well as its financial management systems. Our amendment modifies some very useful language that is included in the Senate Armed Services Committee version of the Defense Authorization bill.

I first would like to applaud the members of the Armed Services Committee for including provisions in the bill that moves the DOD toward better management of its finances and inventories. These provisions are important steps toward fixing some critical problems. We believe that our amendment adds a few simple improvements to the committee provisions.

One element of our amendment requires that the DOD take actions to ensure that its comptrollers are adequately trained. Afterall, the comptroller is the key technical expert who overseas and manages the day-to-day financial operations. For example, the comptroller of the Pacific Fleet, billeted for a Navy captain, is responsible for the financial management and financial reporting of an annual budget of about $5 billion, comparable in size to a Fortune 500 corporation.

Earlier this year, I released a General Accounting Office report, entitled ''Financial Management: Opportunities to Improve Experience and Training of Key Navy Comptrollers.'' The GAO report states that the Navy's financial and accounting systems have been substantially hampered by the fact that the Navy has no specific career path for financial officers, has inadequate financial management and accounting education standards for comptroller jobs, and has a policy of rotating officers too often through key accounting positions. In the report, GAO pointed to these personnel practices as one cause of GAO findings of misstatements in almost all of the Navy's major accounts.

The GAO report recommended that the Secretary of Defense ensure that the following steps are taken by the Navy, all of which are applicable to the other Armed Services:

Identify which key military comptroller positions can be converted to civilian status in order to gain greater continuity, technical competency, and cost savings.

For those comptroller positions identified for conversion to civilian status, ensure that those positions are filled by individuals who possess both the proper education and experience.

For those comptroller positions that should remain in military billets, establish a career path in the financial management and ensures that military officers are prepared, both in terms of education and experience, for comptrollership responsibilities.

This year, I also released, along with Senator DURBIN, Congressman PETER DEFAZIO and Congresswoman MALONEY, a second GAO report that addressed some critical problems with the DOD's inventory practices. ''Defense Logistics: Much of the Inventory Exceeds Current Needs'' detailed billions of dollars in unneeded supplies and equipment within the DOD's inventory. Although DOD has made some progress in reducing the overstock in its inventory, much more needs to be done. This is especially true in its overstock of spare parts and hardware items.

I agree with the committee's attempt to institutionalize best commercial practices in the management of DOD's inventory, especially for the inventory of spare parts. Our amendment simply requires the DOD to implement pilot programs when needed. It also clarifies the definition of best commercial practices to include the so-called prime vendor arrangements which have proven very successful.

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

The amendment (No. 747) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 748

(Purpose: To streamline electronic commerce requirements and for other purposes)

Mr. THURMOND. Mr. President, on behalf of Senators THOMPSON and GLENN, I offer an amendment which would amend the requirements in the Federal Acquisition Streamlining Act of 1994 to allow electronic commerce at DOD and other Federal agencies to be implemented in a cost-effective manner consistent with commercial practices.

The amendment would also make changes to current procurement law to conform civilian agency statutes to DOD statutes regarding the performance-based contracting and to revise a pilot program for the purchase of information technology to make it more competitive by allowing more than one vendor to participate in the program.

Mr. President, I believe this amendment has been cleared by the other side, and I urge that the Senate adopt this amendment.

Mr. LEVIN. Mr. President, the amendment has been cleared on this side. It is a good amendment. We support it.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. THOMPSON, for himself, and Mr. GLENN, proposes an amendment numbered 748.

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

Mr. THOMPSON. Mr. President, I offer this amendment on behalf of myself as chairman of the Governmental Affairs Committee and Senator GLENN, the committee's ranking minority member. We thank the chairman and ranking member of the Armed Services Committee for their cooperation and assistance in preparing this amendment which will benefit not only the procurement process within the Department of Defense, but other agencies across the Federal Government as well.

The amendment which we offer today began as a request from the administration to include additional procurement-related reforms to those enacted over the last 4 years and those already included in S. 936. Our amendment includes the following provisions:

First, it would amend current Governmentwide procurement law which requires the development and implementation of a Governmentwide Federal Acquisition Computer Network architecture—called FACNET and enacted as part of the Federal Acquisition Streamlining Act of 1994 [FASA]. At the time, Congress intended to require the Government to evolve its acquisition process from a paper-based process to an electronic process. The specific intent of FACNET was to provide a common architecture to implement electronic commerce within the Governmentwide procurement system.

However, GAO recently reviewed the Government's progress in developing and implementing FACNET, and concluded that, in the short time since passage of FASA, alternative electronic purchasing methods have become readily available to the Government and its vendors. Given these advances in technology, the overly proscriptive requirements of FASA and problems with implementation by the agencies, GAO questioned whether and to what extent FACNET makes good business sense. GAO recommended that if the FACNET requirements were an impediment to the implementation of a Governmentwide electronic commerce strategy, then legislative changes should be enacted. This amendment would provide those changes to give flexibility to implement electronic commerce at DOD and other Federal agencies in an efficient and cost-effective manner consistent with commercial practice.

Further, the amendment would make technical changes to current procurement law to: First, conform civilian agency statutes to DOD statues regarding performance-based contracting; and second, revise a pilot program for the purchase of information technology to make it more competitive by allowing more than one vendor in the pilot.

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

The amendment (No. 748) was agreed to.

Mr. THURMOND. 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. 749

(Purpose: To require the Secretary of Defense to review the command selection process for District Engineers of the Army Corps of Engineers)

Mr. LEVIN. Mr. President, on behalf of Senator GRAHAM of Florida, I offer an amendment that would require the Secretary of Defense to report to Congress concerning the process that the Army Corps of Engineers uses to assign officers as district engineers, and I believe this amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, the amendment has been cleared on our side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. GRAHAM, proposes an amendment numbered 749:

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

SEC. 10 . REPORT ON THE COMMAND SELECTION PROCESS FOR DISTRICT ENGINEERS OF THE ARMY CORPS OF ENGINEERS.

(a) FINDINGS.—Congress finds that—

(1) the Army Corps of Engineers—

(A) has served the United States since the establishment of the Corps in 1802;

(B) has provided unmatched combat engineering services to the Armed Forces and the allies of the United States, both in times of war and in times of peace;

(C) has brilliantly fulfilled its domestic mission of planning, designing, building, and operating civil works and other water resources projects;

(D) must remain constantly ready to carry out its wartime mission while simultaneously carrying out its domestic civil works mission; and

(E) continues to provide the United States with these services in projects of previously unknown complexity and magnitude, such as the Everglades Restoration Project and the Louisiana Wetlands Restoration Project;

(2) the duration and complexity of these projects present unique management and leadership challenges to the Army Corps of Engineers;

(3) the effective management of these projects is the primary responsibility of the District Engineer;

(4) District Engineers serve in that position for a term of 2 years and may have their term extended for a third year on the recommendation of the Chief of Engineers; and

(5) the effectiveness of the leadership and management of major Army Corps of Engineers projects may be enhanced if the timing of District Engineer reassignments were phased to coincide with the major phases of the projects.

(b) REPORT.—Not later than March 31, 1998, the Secretary of Defense shall submit a report to Congress that contains—

(1) an identification of each major Army Corps of Engineers project that—

(A) is being carried out by each District Engineer as of the date of the report; or

(B) is being planned by each District Engineer to be carried out during the 5-year period beginning on the date of the report;

(2) the expected start and completion dates, during that period, for each major phase of each project identified under paragraph (1);

(3) the expected dates for leadership changes in each Army Corps of Engineers District during that period;

(4) a plan for optimizing the timing of leadership changes so that there is minimal disruption to major phases of major Army Corps of Engineers projects; and

(5) a review of the impact on the Army Corps of Engineers, and on the mission of each District, of allowing major command tours of District Engineers to be of 2 to 4 years in duration, with the selection of the exact timing of the change of command to be at the discretion of the Chief of Engineers who shall act with the goal of optimizing the timing of each change so that it has minimal disruption on the mission of the District Engineer.

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

The amendment (No. 749) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 750

(Purpose: To extend by two years the applicability of fulfillment standards developed for purposes of certain defense acquisition workforce training requirements)

Mr. THURMOND. Mr. President, on behalf of Senators SANTORUM and LIEBERMAN, I offer an amendment which would extend for an additional 2 years the requirement under section 812 of the Defense Authorization Act for Fiscal Year 1993 and for the Department of Defense to develop and implement alternative standards for fulfilling training requirements under the Defense Acquisition Work Force Improvement Act.

Mr. President, I believe this amendment has been cleared by the other side, and I urge the Senate to adopt it.

Mr. LEVIN. It has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. THURMOND], for Mr. SANTORUM, for himself and Mr. LIEBERMAN, proposes an amendment numbered 750:

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

SEC. 844. TWO-YEAR EXTENSION OF APPLICABILITY OF FULFILLMENT STANDARDS FOR DEFENSE ACQUISITION WORKFORCE TRAINING REQUIREMENTS.

Section 812(c)(2) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2451; 10 U.S.C. 1723 note) is amended by striking out ''October 1, 1997'' and inserting in lieu thereof ''October 1, 1999''.

Mr. SANTORUM. Mr. President, I rise to offer an amendment for myself and Senator LIEBERMAN that would extend the authority of the Department of Defense to consider alternative approaches to the fulfillment of the education and training requirements in the Defense Acquisition Workforce Improvement Act in chapter 87 of title 10, United States Code. In the report to accompany the Defense Authorization Act for Fiscal Year 1998, the Armed Services Committee noted its continuing concern with ensuring that our defense acquisition workforce has the necessary education and training support for the new environment in Government acquisition.

Section 812 of the Defense Authorization Act for Fiscal Year 1993 directed the Department of Defense to develop alternative standards for the fulfillment of the training requirements for the acquisition workforce under the Defense Acquisition Workforce Improvement Act. These standards will sunset on October 1 of this year. The amendment I am offering would extend the life of these fulfillment standards for an addition 2 years. This extension will allow the DOD to explore alternatives to formal internal training programs, including completion of courses outside of the Department of Defense educational system.

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

The amendment (No. 750) was agreed to.

Mr. THURMOND. 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. 712

Mr. LEVIN. Mr. President, on behalf of Senator CLELAND, I call up amendment No. 712 that would express the sense of Congress to reaffirm the commitment of the United States to provide quality health care for military retirees, and I believe this amendment has been cleared by the other side.

Mr. THURMOND. Mr. President, the amendment has been cleared on our side.

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

The amendment (No. 712) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 751

(Purpose: To require the Secretary of Defense to initiate actions to eliminate or mitigate the need for some military families to subsist at poverty level standards of living)

Mr. LEVIN. Mr. President, on behalf of Senator HARKIN, I offer an amendment that would require the Secretary of Defense to initiate actions to eliminate or mitigate the need for some military families to subsist at poverty level standards of living.

I ask also unanimous consent that Senator KEMPTHORNE be listed as an original cosponsor of this amendment.

I understand it has been cleared on the other side.

Mr. THURMOND. Mr. President, this amendment has been cleared on our side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. HARKIN, for himself and Mr. KEMPTHORNE, proposes an amendment numbered 751:

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

SEC. 664. SUBSISTENCE OF MEMBERS OF THE ARMED FORCES ABOVE THE POVERTY LEVEL.

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

(1) The morale and welfare of members of the Armed Forces and their families are key components of the readiness of the Armed Forces.

(2) Several studies have documented significant instances of members of the Armed Forces and their families relying on various forms of income support under programs of the Federal Government, including assistance under the Food Stamp Act of 1977 (7 U.S.C. 2012(o) and assistance under the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense should strive—

(1) to eliminate the need for members of the Armed Forces and their families to subsist at, near, or below the poverty level; and

(2) to improve the wellbeing and welfare of members of the Armed Forces and their families by implementing, and programming full funding for, programs that have proven effective in elevating the standard of living of members and their families significantly above the poverty level.

(c) STUDY REQUIRED.—(1) The Secretary of Defense shall conduct a study of members of the Armed Forces and their families who subsist at, near, or below the poverty level.

(2) The study shall include the following:

(A) An analysis of potential solutions for mitigating or eliminating the need for members of the Armed Forces and their families to subsist at, near, or below the poverty level, including potential solutions involving changes in the systems and rates of basic allowance for subsistence, basic allowance for quarters, and variable housing allowance.

(B) Identification of the populations most likely to need income support under Federal Government programs, including—

(i) the populations living in areas of the United States where housing costs are notably high;

(ii) the populations living outside the United States; and

(iii) the number of persons in each identified population.

(C) The desirability of increasing rates of basic pay and allowances over a defined period of years by a range of percentages that provides for higher percentage increases for lower ranking personnel that for higher ranking personnel.

(d) IMPLEMENTATION OF DEPARTMENT OF DEFENSE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR PERSONNEL OUTSIDE THE UNITED STATES.—(1) Section 1060a(b) of title 10, United States Code, is amended to read as follows:

''(b) FEDERAL PAYMENTS AND COMMODITIES.—For the purpose of obtaining Federal payments and commodities in order to carry out the program referred to in subsection (a), the Secretary of Agriculture shall make available to the Secretary of Defense the same payments and commodities as are made for the special supplemental food program in the United States under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786). Funds available for the Department of Defense may be used for carrying out the program under subsection (a).''.

(2) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report regarding the Secretary's intentions regarding implementation of the program authorized under section 1060a of title 10, United States Code, including any plans to implement the program.

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

The amendment (No. 751) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. THURMOND. 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. GORTON. 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. GORTON. Mr. President, what is the pending business?

The PRESIDING OFFICER. Amendment No. 666 offered by the Senator from Minnesota [Mr. WELLSTONE].

AMENDMENT NO. 424

(Purpose: To require the Secretary of the Navy to set aside the previous selection of a recipient for donation of the USS Missouri and to carry out a fair process for selection of a recipient for the donation)

Mr. GORTON. I ask unanimous consent that the pending amendment be set aside so that I can call up amendment No. 424 and ask for its immediate consideration.

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

The clerk will report.

The bill clerk read as follows:

The Senator from Washington [Mr. GORTON] for himself and Mrs. MURRAY, proposes an amendment numbered 424.

Mr. GORTON. 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:

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

SEC. 1014. SELECTION PROCESS FOR DONATION OF THE USS MISSOURI

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

(1) The USS Missouri is a ship of historical significance that commands considerable public interest.

(2) The Navy has undertaken to donate the USS Missouri to a recipient that would memorialize the ship's historical significance appropriately and has selected a recipient pursuant to that undertaking.

(3) More than one year after the applicants for selection began working on their proposals in accordance with requirements previously specified by the Navy, the Navy imposed two additional requirements and afforded the applicants only two weeks to respond to the new requirements, requirement, never previously used in any previous donation process.

(4) Despite the inadequacy of the opportunity afforded applicants to comply with the two new requirements, and without informing the applicants of the intent to do so, the Navy officials gave three times as much weight to the new requirements than they did to their own original requirements in evaluating the applications.

(5) Moreover, Navy officials revised the evaluation subcriteria for the ''public benefits'' requirements after all applications had been submitted and reviewed, thereby never giving applicants an opportunity to address their applications to the revised subcriteria.

(6) The General Accounting Office criticized the revised process for inadequate notice and causing all applications to include inadequate information.

(7) In spite of the GAO critria, the Navy has refused to reopen its donations process for the Missouri

(b) NEW DONEE SELECTION PROCESS.—(1) the Secretary of the Navy shall—

(A) set aside the selection of a recipient for donation of the USS Missouri;

(B) initiate a new opportunity for application and selection of a recipient for donation of the USS Missouri that opens not later than 30 days after the date of the enactment of this Act; and

(C) in the new application of selection effort—

(i) disregard all applications received, and evaluations made of those applications, before the new opportunity is opened;

(ii) permit any interested party to apply for selection as the donee of the USS Missouri; and

(iii) ensure that all requirements, criteria, and evaluation methods, including the relative importance of each requirement and criterion, are clearly communicated to each applicant.

(2) After the date on which the new opportunity for application and selection for donation of the USS Missouri is opened, the navy may not add to or revise the requirements and evaluation criteria that are applicable in the selection process on that date.

Mr. GORTON. Mr. President, I ask unanimous consent that Senator FEINSTEIN be added as a cosponsor to the amendment.

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

Mr. GORTON. Mr. President, the U.S.S. *Missouri*, the battleship on which the Japanese surrender was signed in 1945, was decommissioned, mothballed and home ported in Bremerton, WA, from 1954 until it was recommissioned in 1986. It was during that period of time, of course, a major and treasured tourist attraction located relatively conveniently in the continental United States.

In 1995, the *Missouri* was decommissioned for a second time and returned to Bremerton. The U.S. Navy then made the *Missouri* available for donation to a community willing and able to transform the ship into a world class maritime museum honoring the men and women who served in World War II.

The Save the Missouri Committee in Bremerton competed with four other applicants in Hawaii and California under the same rules that had been applied to all previous Navy donations.

I want to emphasize that once again, Mr. President. These were general Navy donation rules under which Bremerton and the other four cities competed.

At the last minute, however, when it was likely that Bremerton would be chosen under those rules, the Navy added two new requirements, failing to tell any of the applicants that the two new requirements would count for 75 percent of the ultimate decision and that the earlier rules were only 25 percent.

The applicants had 2 weeks to respond. None of the applicants, according to the Navy's own evaluation team, responded adequately. Nevertheless, the Navy awarded the *Missouri* to Honolulu based exclusively on those new requirements.

The General Accounting Office then reviewed the Navy process. It criticized it on just the grounds that I have outlined. The Navy nevertheless has refused to reopen the process for the four losing applicants, Bremerton and the three in California.

Mr. President, during this entire process, I never interfered and told the Navy what answer it should come up with. I simply assumed that the Navy would do so on an objective and on a nonpolitical basis.

Now, however, I must say that, based on my own experience and the report of the General Accounting Office, I am outraged at the Navy's lack of objectivity and its indifference to fairness.

This amendment, therefore, sponsored by myself, my colleague from Washington, and Senator FEINSTEIN from California, will not decide the question in favor of one of our cities. It simply requires the Navy to reopen the question and to treat all five applicants fairly and under the same rules that were imposed at the beginning of the process rather than being added at the end. It is as simple as that. Mr. President, something that the Navy should have done in the first place it would be required to do by this amendment.

Obviously, the location of the *Missouri*, given its historic nature, is a matter of significance to all of the applicants and, I think, to all Americans and most especially to those who served in World War II.

Obviously, I would prefer the ultimate location to be in my own State. But I have not demanded in the past, nor do I demand now, that the Navy decide in my favor. I simply ask that it make this decision objectively—nothing more and nothing less.

For that reason, I ask for the support of my colleagues for this modest proposal.

Mrs. MURRAY. Mr. President, I am pleased to join my Washington State colleague in offering this amendment to require the Navy to revisit the awarding of the U.S.S. *Missouri*. I have followed closely the Navy's handling of the *Missouri*; working with Senator GORTON, Congressman NORM DICKS, the Washington congressional delegation, and my constituents. I am also pleased that California Senators have joined this effort to question the Navy's *Missouri* decision.

The history of the ''Mighty Mo'' is known all across our country and throughout the world. This is a relic of immense importance and historical significance. It was on the decks of this great battleship that World War II came to a welcome end. The *Missouri* is particularly valued by the residents of my State where she has been berthed for most of the last 40 years in Bremerton. She is a source of great pride to veterans in my State; many of whom served in World War II including in the Pacific theater and aboard the ''Mighty Mo.''

Following the Navy's decision to remove the *Missouri* from the Naval Vessel Register, five proposals were submitted to the Navy from communities interested in taking ownership of the famed battleship. Bremerton, WA was among the five applicants seeking to display and honor the *Missouri*. San Diego, San Francisco and Honolulu all submitted proposals.

Each community vying for the *Missouri* submitted voluminous applications to the Navy responding within a year's time to a set of Navy criteria previously used in the disposition of the U.S.S. *Lexington*. While I cannot speak for the other applicants, I know of the care, the time, and the commitment demonstrated by the Bremerton community in preparing its proposal to the Navy. Bremerton's proposal to permanently display the *Missouri* was delivered to the Navy in October 1995.

Last August, the Secretary of the Navy announced the decision to award the *Missouri* to Honolulu, HI. Following the Navy's decision, significant questions were raised regarding the Navy's process in awarding the battleship. Congressman NORM DICKS in his capacity as a senior member of the House Appropriations Committee requested a General Accounting Office study on the Navy's donation process of the *Missouri*.

It is the results of this GAO study that bring us here today. Since coming to the Congress, I have sought to let the Sun shine on the political process—to share with the public the great decisions before this body. The GAO study demonstrates that the Navy also needs a little sunshine.

Here's what the GAO found in reviewing the Navy process. Following the review of applications, the Navy added new and previously unused criteria to the selection process. And, according to the GAO, the Navy did not do a good job communicating the relative importance of the new evaluation criteria. According to the GAO, several of the applicants reported that the Navy gave them the mistaken impression that the additional requirements were not that significant.

Shockingly, these new criteria were actually given 75 percent of the donation award weight. After more than 1 year of discussion among the interested communities, the Navy changed the rules and failed to explain the importance of the new rules. Then the Navy gave the competing communities 12 days to respond to the new rules which turned out to be decisive in awarding the battleship.

Clearly, the Navy bungled the process—either innocently or with other motives in mind. I am not here to accuse either the Navy or another applicant of behaving inappropriately. Rather, I do believe the facts of the case as established by the GAO argue for our amendment.

Let me state clearly what our amendment seeks to accomplish today. We simply seek the Senate's support to instruct the Navy to conduct a new donee selection process. We do not seek to influence or prejudge that selection process. We only want a fair competition, administered by the Navy in a manner worthy of this great battleship.

Like all of my colleagues interested in displaying the *Missouri*, I have every confidence in the proposal from my home State. Bremerton continues to host the *Missouri* today and the community is devoted to remaining the steward of this unique historic monument. The *Missouri* is a passion for the residents of Bremerton, Kitsap County, and indeed all of Washington State.

I recognize that the interests of Washington State may not be enough to sway the Senate to overturn the Navy's decision. However, I do want my colleagues to know that this is not a small, regional competition. Veterans all across this country care about the *Missouri*. Those who served aboard this great battleship live in every State in the country; many are now elderly and incapable of traveling great distances to commemorate their service. It is for our veterans and particularly for those that served aboard the ''Mighty Mo'' that we must ensure that the process is fair to all.

All World War II vets recognize and revere the ''Mighty Mo.'' Just recently, Bremerton hosted a group of 110 families and survivors from the Death March of Bataan and Corregidor. These veterans, many in poor health, could travel to Bremerton. And they wanted to see the ''Mighty Mo.'' This reverence for the battleship demands that the Senate stand for a process fair to all.

I urge my colleagues to support the Gorton-Murray amendment.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER [Ms. SNOWE]. The Senator from Hawaii.

Mr. INOUYE. Madam President, briefly, it displeases me to be standing here speaking in opposition to my distinguished friend from Washington. But I think it should be remembered by all of us that under current law, the law that is in place, the Secretary of the Navy is authorized to donate any stricken vessel to any organization which can demonstrate its financial means to support it.

The Navy is not required to hold a competition nor is it required to select a winning proposal. However, as my

friend from Washington noted, when it became apparent that there were several cities vying for the *Missouri,* such as San Francisco, Bremerton, and Pearl Harbor, the Secretary determined that he would very carefully examine how he would dispose of the ship.

In a lengthy competition, the Navy kept all participants equally informed. Nowhere in the GAO report does it say that any city got favorable treatment. They were equally informed of how it would judge the applicants.

It determined that in the unique situation at hand it should ensure that this historic ship should be located where it would best serve the Navy and the Nation. Those were the two additional criteria.

I think that even without stating that, that should be the first criteria: How best can the interests of this Nation be served? How will the Navy's interests be served?

The Secretary issued these new requirements to all of the applicants. According to the GAO, no one received favorable or preferential treatment. The Navy Secretary then had his staff evaluate the criteria. He chose the best proposal as the winning location. Under the current law the Secretary could have selected the losing proposal, but he did not. He chose the winning proposal. And the winner was Pearl Harbor.

Now, those that lost say that is not fair. If one would objectively look at the GAO report, it does not suggest that it was not fair. All applicants operated under the same rules. We did not know that the Navy would change the interests which best served their interests.

They argue that the competition should be reopened. What is the basis of this argument? The GAO did not recommend that the competition be reopened, nor did the Secretary recommend that the competition be reopened. Instead, they believe, since none of the parties had enough time to consider how their location was the best location for the ship, that we should go back and redo the competition.

Madam President, I believe that is completely unfair to the winning team. We have made countless—hundreds—of decisions of this nature. Did we go back to MacDonnell Douglas and say we are going to reopen the competition for the joint strike fighter because they lost to Boeing? No. Did the Navy reopen the competition of the sealift ship contracts when Newport News and Ingalls lost to Avondale? No.

Madam President, the amendment by the Senator from Washington, I believe, is unfair and it is bad for all of us. Each of us has had constituents which won and also lost competitions. If we are to go back and reconsider awards even when the GAO does not recommend reopening matters, then I believe we will be in very serious trouble.

I believe that the Pearl Harbor applicants won the contest and competition for one simple reason: The Pearl Harbor applicants did not look upon the *Missouri* as a mere tourist attraction. We have a very sacred ship in Pearl Harbor at this moment, the *Arizona*. There are over 1,700 men who are still in the ship. It is a memorial. And it happens that more tourists visit the *Arizona* than they do the Tomb of the Unknown Soldier. But it was not built, Madam President, as a tourist attraction. It was built as a memorial to remind all of us that on this dark morning of December 7, 1941, we were suddenly thrust into a bloody and terrible war.

The battleship *Missouri* is a ship upon which the surrender terms were signed by the representatives of the Imperial Government of Japan. The most logical spot for the location is Pearl Harbor. On one hand, you will see the *Arizona* where the war began, and down Battleship Row you will see the U.S.S. *Missouri* where the war ended. It would constantly remind us of the many sacrifices that men and women of the United States were called upon to make during that terrible war.

I have visited Bremerton. It is a nice place. But I am certain that my colleagues realize that Bremerton is also looked upon by Navy personnel, and others, as the graveyard of ships, where dozens upon dozens of destroyers and cruisers are parked and put in cover hoping that someday they can be used.

The *Missouri* deserves much more than a graveyard, Madam President. The *Missouri* should be respected with dignity; it should be revered as a memorial.

So, Madam President, I hope that my colleagues will follow the suggestions of the GAO. The GAO said it should stand as is. The Secretary of the Navy said his decision stands. Why go through the misery again of spending countless dollars to come up with the same result?

I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Madam President, with almost all of the factual statements about how the selection process was made, I agree with my friend and colleague from Hawaii. With his unwarranted characterization of Bremerton and, by implication, of San Francisco and of the California applicants, I most decidedly do not.

Pearl Harbor is in fact a memorial to World War II and to its beginning. But Pearl Harbor, no more than Bremerton or San Francisco, was the location of the surrender of the Japanese on board the *Missouri* at the end of the war.

Under the logic of the Senator from Hawaii, the *Missouri* should be sent to Tokyo Bay and be a memorial and a reminder there. Obviously, that is not going to be the case. But from the point of view of its availability to primarily American tourists, it is obviously more conveniently located in one of the west coast ports than it is Honolulu.

But, Madam President, the true difference between the Senator from Hawaii and myself is not that. The Senator from Hawaii, as apparently he did to the Navy himself, is making the case for his location. I simply depended on the Navy to make that decision objectively.

The Navy, of course, can set up whatever criteria it wishes for making a donation of a ship or any other artifact to a community, but the Navy, like every other American institution, should do so fairly and on the basis of rules that are not changed at the beginning of the game without telling the participants in the game what the new rules mean or what weight they will be given. Had the Navy followed its original rules, the rules it applied itself to all previous donations, Bremerton was the most likely winner by reason of the deep concern on the part of the community for what had been a part of its history for more than 40 years. But at the very end, the Navy comes up with two other criteria, informs no one of their importance, gives them 75 percent of the weight in making its decision, and comes out, I presume, where someone in the Navy wanted to come out in the first place but could not without changing those rules.

My amendment does not even require that those rules be changed, though I think they should be, Madam President. It simply requires the Navy to treat the citizens of the five communities that applied to be the permanent home of the *Missouri* on the basis of the same rules at the end of the process that it had at the beginning of the process and to inform those communities of what the rules are and what their relative weight is. That is asking for the most minimal fairness, Madam President, the most minimal fairness in the world.

The General Accounting Office did not take a position one way or the other on whether or not the process should be reopened, said that none of the communities were adequately informed about the nature and the weight of the new criteria. That is the fundamental answer that should have caused the Navy to reopen this process on its own.

Madam President, it is interesting to note that the fairness of this request, the request I am making in this amendment, is recognized even by the Honolulu Advertiser. Now, the Honolulu newspaper, a month ago tomorrow, wrote an editorial on the subject which, of course, takes Senator INOUYE's position on the merits, that Pearl Harbor is practically the only logical place and certainly the most logical place for the location of the *Missouri*. But it does say, in part,

Officials from Bremerton, WA, cite a General Accounting Office report that says there were a number of last minute changes in the Navy's selection process that skewed it in

favor of Honolulu. They want the selection process reopened. Hawaii Senator DAN INOUYE, whose enthusiasm was very obvious in the effort to get the *Missouri* at Pearl Harbor, says the GAO report in itself is skewed. He promises the great battleship will come to Pearl. Let's hope so. But if the proposed Pearl Harbor resting place makes so much sense, as we believe, then there should be no problem in reopening the selection process so that all questions are answered.

It concludes, ''And no one can claim Hawaii stole it. We can proudly say we earned the right to host the *Missouri*.''

I am not sure that would be the result. I hope that would not be the result. The very newspaper in Honolulu itself acknowledges that this competition should be a fair one and carries the implication that it was an unfair one. We ask no more than that. This is not a tremendously complicated process. It will not take a long time to do justice. But justice has not been done, Madam President, and it can only be done by the acceptance of this amendment.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays have been ordered.

Mr. INOUYE. Madam President, I suggest that to call upon the Navy as being unfair and not objective is not fair. There is nothing in the record to suggest that they have been less than objective or less than fair.

I think it should be pointed out that the GAO report stated that no one received preferential treatment, no one received advance notice. It was objective, it was fair to all, and the Secretary of the Navy just recently stated he stands by his decision, and the GAO report itself says the decision should be left where it is. It should not be reopened.

So I hope my colleagues will defeat this amendment.

Mr. GORTON. Madam President, one correction. The GAO makes no recommendation with respect to whether or not this question should be reopened whatever. It does say the Navy should change its donation procedures in the future, but it does not say that the selection should stand.

Mr. LEVIN. Madam President, I oppose the amendment to reopen the Navy's decision to donate the U.S.S. *Missouri* to Pearl Harbor.

These are obviously very difficult decisions for all of us to make because of the friendships with the Senators from the States involved. I do believe, under these circumstances, the GAO found that the Navy's donation process was impartially applied, to use their words. They are critical of some aspects of the process and many of these processes are not perfect in their application. But to me, the key words of the GAO report are that the Navy's donation process appears to have been impartially applied, and the GAO's statement on page 10 where they say that on June 5, 1996, each of the five applicants was notified for the first time that ''In addition to the financial and technical information that you've provided, your application will also be evaluated in terms of its overall public benefit to the Navy and to the historical significance associated with each location to include the manner in which the ship will be used as a naval museum or memorial.'' Notification was made in writing, with telephone confirmation.

The GAO also reports on page 12 that none of the applicants requested clarification of the June 5 letter or expressed concern about the additional requirements at the time, and all responded to the letter.

That, to me, is a very critical fact, that when the additional requirements were spelled out in that June 5 notification, that all the applicants responded to the letter with the additional requirements and none requested clarification or expressed concern.

Was this a perfect process? It was not. The GAO acknowledges that, and indeed, the Navy acknowledges that. Was this process sufficiently fair so that we should not reopen the Navy's decision to donate the *Missouri* to Pearl Harbor? It seems to me that it does meet that test.

I will oppose the amendment and vote against reopening the Navy's selection process.

I yield the floor.

Mr. INOUYE. Madam President, I ask unanimous consent that a letter dated June 10, 1997, from the Secretary of the Navy to the Honorable NORMAN D. DICKS, a Member of the House of Representatives, be printed in the RECORD.

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

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, DC, 10 June 1997.

Hon. NORMAN D. DICKS,
House of Representatives,
Washington, DC.

DEAR MR. DICKS: Thank you for your letter of June 3, 1997, regarding the General Accounting Office report concerning the Navy's donation selection process for the battleship ex-MISSOURI.

I have reviewed the General Accounting Office report you enclosed, and I find that it contains nothing that would warrant reopening the process. The General Accounting Office stated that the Navy ''impartially applied'' the donation selection process, and that all applicants received the same information at the same time. The report's chronology documents that scoring for the financial, technical, historical and public affairs evaluation of each application did not begin until after all criteria weighting was established and all information was received from the applicants. The initial evaluation scores developed by each of the three independent scoring teams were maintained throughout the process. I remain confident that my selection of Pearl Harbor was in the best interest of the Navy and our Nation, based on the impartial review of the relative merits of the four acceptable applications.

The General Accounting Office found the initial phase of the donation selection process was well-handled, but that the Navy could have done a better job of communicating information about the two additional evaluation criteria of Public Affairs Benefit and Historical Significance. The General Accounting Office also noted, however, that none of the applicants requested clarification on any aspect of these two criteria. When the General Accounting Office forwards their report to me, I will consider and provide a written response to any specific recommendations they make regarding how to improve the process for future competitive donation selections.

I am sensitive to the concerns of those American veterans who have expressed their desire to keep ex-MISSOURI on the mainland. Others, including the American Legion's Department of Missouri, have endorsed the Pearl Harbor site. I regret that it is not possible to accommodate all groups who are interested in the location of the ex-MISSOURI display. As I said at the time my selection was announced last summer, this was a very tough decision since all the proposals were so impressive. I hope that other groups interested in displaying a Navy ship will consider that there are several other ships currently available for donation.

As always, if I can be of any further assistance, please let me know.

Sincerely,

JOHN H. DALTON,
Secretary of the Navy.

Mr. AKAKA. Madam President, I rise in opposition to the amendment offered by Senator GORTON.

The ''*Mighty Mo*'' is a historical icon of World War II in the Pacific. It began its service in World War II by providing gunfire support during the battles of Iwo Jima and Okinawa. The U.S.S. *Missouri* took its place in world history when it became the site for the formal signing of Japan's surrender.

Continuing its auspicious beginnings, the *Missouri* participated in the Korean war, was decommissioned, then recommissioned, and saw its final battles during the Persian Gulf conflict. She was finally decommissioned on March 31, 1992.

In January 1995, the Department of the Navy declared *Iowa* class battleships in excess to its requirements. The people of Hawaii have always believed that the *Missouri*'s home is Hawaii. We supported having her homeported in Hawaii before she was decommissioned in 1992. Since then, our community has been diligently working to bring the *Missouri* to Hawaii to fulfill its final mission—as a memorial museum in the Pacific. It is a fitting tribute to those we honor at the *Arizona* Memorial to have the *Missouri* become a part of our memorial in the Pacific.

The Senator from Washington believes that the Navy's evaluation process was unfair because the criteria were changed during the evaluation stage. However, the General Accounting Office found that the Navy provided all applicants the same information on the additional criteria at the same time. Although all interested parties were provided the same information, none of the applicants requested clarification of the additional requirement.

The Navy conducted an impartial and fair review in determining the site location for the *Missouri*. There is no reason to reopen the selection process. I

urge my colleagues to reject the amendment offered by the Senator from Washington, and let us move forward in establishing a memorial to those who so gallantly fought in the Pacific.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the pending amendment be temporarily set aside.

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

AMENDMENT NO. 753

(Purpose: To require a report on options for the disposal of chemical weapons and agents)

Mr. MURKOWSKI. Madam 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 Alaska [Mr. MURKOWSKI] proposes an amendment numbered 753.

Mr. MURKOWSKI. 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:

At an appropriate place in title III, insert the following:

SEC. . REPORT ON OPTIONS FOR THE DISPOSAL OF CHEMICAL WEAPONS AND AGENTS.

(a) REQUIREMENT.—Not later than March 15, 1998, the Secretary of Defense shall submit to Congress a report on the options available to the Department of Defense for the disposal of chemical weapons and agents in order to facilitate the disposal of such weapons and agents without the construction of additional chemical weapons disposal facilities in the continental United States.

(b) ELEMENTS.—The report shall include the following:

(1) a description of each option evaluated;

(2) an assessment of the lifecycle costs and risks associated with each option evaluated;

(3) a statement of any technical, regulatory, or other requirements or obstacles with respect to each option, including with respect to any transportation of weapons or agents that is required for the option;

(4) an assessment of incentives required for sites to accept munitions or agents from outside their own locales, as well as incentives to enable transportation of these items across state lines;

(5) an assessment of the cost savings that could be achieved through either the application of uniform federal transportation or safety requirements and any other initiatives consistent with the transportation and safe disposal of stockpile and nonstockpile chemical weapons and agents; and

(6) proposed legislative language necessary to implement options determined by the Secretary to be worthy of consideration by the Congress.

Mr. MURKOWSKI. Madam President, let me explain very briefly the amendment that I put before the Senate. This amendment would direct the Department of Defense to conduct a study of alternatives to our present approach to chemical weapons disposal. Depending on the conclusion of this study and its evaluation, there is a potential savings to the taxpayer, somewhere in the area of $3 billion to $5 billion, and perhaps much more, in the costs of disposing of these weapons.

The Chair might wonder why the chairman of the Energy and Natural Resources Committee is interested and involved with this issue, and to what degree does he have expertise in this area that falls under the auspices of the Department of Defense and under the Defense authorization bill. The Chairman would respond, Madam President, by noting that, as chairman of the Energy and Natural Resources Committee, I spend a great deal of time and energy in the area of nuclear waste and nuclear waste disposal and the transportation of nuclear waste.

I might add that there has been moved globally about 25,000 tons of high-level nuclear waste throughout the world. We have, currently, in some 80 reactors in 31 sites in the United States, high-level nuclear waste that we are contemplating at some time moving to Yucca Mountain in Nevada. So I think the qualifications for a contribution to the area of disposing of chemical weapons is appropriate in the body of the amendment. This amendment simply calls for a study. It does not mandate changes in the program at this time, but will provide the Congress with an important and needed opportunity to responsibly evaluate alternatives to our chemical weapons disposal program in the future.

Surprisingly enough, there is no authority to evaluate alternatives at this time for the Department of Defense. It was my hope this amendment would be accepted by the floor managers.

I think it is noteworthy, Madam President, that prior to the Senate's ratification of the Chemical Weapons Treaty, the United States did adopt the policy that we would dispose of our chemical weapons in a safe and environmentally responsible manner. As most of my colleagues know, the disposal process is now underway, but it is becoming clear that we cannot afford to continue this program as it is currently constructed because of the costs.

According to the General Accounting Office, the costs of the stockpile disposal program have escalated sevenfold, from an initial estimate of $1.7 billion to a current estimate of $12.4 billion. The costs of the nonstockpile program, which consists of the location and destruction of chemical weapons ordinance that was disposed of through burial or other means in the past, could cost an additional $15.1 billion and take up to 40 years to complete.

Well, that is a total of about $27.5 billion to dispose of our chemical weapons. However, the GAO indicates that both the costs and the disposal schedules are highly uncertain and that it will likely take more time and likely take more money to get this job done.

Well, as a consequence of that dilemma, Madam President, I think the program needs a fresh look, a new comprehensive evaluation by the program managers in the Department of Defense.

Today, we have stockpiled chemical weapons stored at 9 locations. On the chart on my right, one can see that we start out with the Johnston Atoll, an island in the Pacific, roughly 700 miles southwest of Hawaii. We have another in Tooele, UT. Umatilla, OR; Pueblo, CO; Pine Bluff, AR; Anniston, AL; Blue Grass, KY; Aberdeen, MD, and Newport, IN.

The chemical consistencies of the weapons stored there are abbreviated here by GB, which is a sarin nerve agent, and HD, which is a mustard blister agent, and VX, which is a nerve gas agent.

Now, I have had the opportunity to visit the facility at Johnston Island on two occasions in the last 3 years. The chemical weapons are stored in capsules that look like hundred pound bombs. And within the bomb itself, or the casing, we have two components. One is an agent that is separate and distinct from the other nerve gas agents, and there is a triggering mechanism. Of course, the chemical reaction takes place when the two are mixed, or the exterior shell is punctured or broken. It is rather revealing to contemplate the terrible consequences of this type of weaponry, Madam President. It was explained that these can be fired from a Howitzer in ground activity, exploding perhaps 300 or 400 feet in the air, and the mist of the vapors, upon contact with the skin, will take a life within 30 seconds. Now, when you see this stored, you come to grips with the reality of the devastation of this type of weaponry and the necessity of proper disposal.

It is also important to recognize how it got there because this stuff wasn't made at Johnston Island. It was shipped there from Europe, and some was shipped from some of our bases in the Pacific. It was shipped under the observation of the Army Corps of Engineers. It was shipped safely and met the criteria for shipment, which was evaluated to ensure its safety.

So it is important to keep in mind in this discussion that these weapons we are now disposing of at Johnston Island, for the most part, were weapons that were part of the NATO capability, shipped from Germany, and have been safely transported to Johnston Island and are under the process of being destroyed.

Now, at Johnston island, we have this capability for weapons demilitarization and incineration. This complies, as it must, with all applicable environmental laws, including the Resource Conservation and Recovery Act, the Clean Air Act, the Clean Water Act, and the Toxic Substances Control Act. It is a superbly safe, state-of-the-art facility. It is also very expensive. This plant cost approximately $1 billion.

What they have there are chambers where they take these things that look like bombs with the chemical in them and they actually take, in parts, the Chamber—that is, the inner Chamber,

remove that, and put it in an area where they are able to dispose, through heat, of the volatility of the particular chemical agent. The other part goes in another Chamber and is burned at a very high temperature in an enclosed cycle process. So there is nothing that gets into the atmosphere.

Now, we have recently opened another $1 billion facility in Tooele, UT. The theory is that we are going to have to build some seven more of these plants, capable of disposing of this chemical waste at each of the locations where stockpiled chemical weapons are stored. So while we have operational facilities at Johnston Atoll and Tooele, UT, we are prepared to put in seven more at a billion dollars each, simply because we are prohibited from even considering shipping this to safe disposal sites already on line.

As I said, we have a perfectly functioning facility on Johnston Island, which has been operational for a number of years. Should we move or even consider moving chemical weapons to Johnston Island and dispose of all of them in that plant we have already built? The answer clearly is no. There are objections from California and objections from Hawaii. Nobody wants this to happen in their own backyard. These States that have the chemical weapons stored are in kind of a catch-22. They don't want them there anymore. If they want to get rid of them, they have to build a plant at a cost of over a billion dollars, as opposed to the alternative of shipping them to one or two sites.

Well, the answer to this $5 billion question is simple. Under current law, the Department of Defense cannot move chemical weapons across State lines. In fact, they can't even study the concept of transporting the munitions to an existing plant and thus build fewer plants. So if you look at the practicality of where we are, we are of one mind set. Reality: If we want to get rid of this stuff, we have to build seven plants rather than move the stuff because we have a law that prohibits us from moving these agents across State lines for disposal at one or two plants.

In other words, the Department of Defense can't even think about saving money by having this process occur in just a couple of plants instead of—well, it would be a total of nine. My amendment is designed to allow the Department of Defense to study the transportation issue, as well as whatever other approaches might be available to help bring down program costs consistent with the safe disposal of these chemical weapons.

My amendment does not repeal the provision in the 1995 defense authorization bill that prohibits the movement of chemical weapons munitions across the State lines.

At this time, we are only seeking a study to identify and evaluate options. This study will assess lifecycle costs as well as risks. We are not moving beyond the study phase because I, for one, will await the results of the study before reaching any firm conclusions.

But I have a hunch—and it is more than a hunch—that we can save money by reassessing this process. I am not suggesting it should go to any one place. But the reality is that we are designing a framework here for disposal in seven new additional sites which still need to be built. Given that we have two state of the art, fully operational facilities at Johnston Island and Tooele, UT, is it really necessary that we need to build seven additional sites? Or can we consolidate this process, perhaps with one site on the east coast and one site in the middle of the country? Our technical people have proven the competency of disposing of this, as we have had this process underway at Johnston Island and Tooele for some time. We seem to be so paranoid over the fact that we have this stuff and we are caught, if you will, in a dilemma of, well, if we want to get rid of it, we have to build a plant where it is stationed because nobody wants to see it moved across to someplace else where it can be disposed of. But nobody addresses what the experts tell us relative to the ability to move this stuff safely. We moved it safely from Germany to Johnston Island, it can be done and has been done. To suggest that we can't move it 400 or 500 miles by putting it in the type of containers that will alleviate virtually any exposure associated with an accident, I think, sells American technology and ingenuity short. We can move chemical weapons in a safe and environmentally responsible manner, and we can save a lot of money by reducing the number of facilities that we are committed to build.

So I urge the Senate to adopt my amendment. Again, I urge my colleagues to reflect on the reality that this amendment does not mandate any changes in the program. It will not mandate the movement of any chemical weapons from one place to another or remove the prohibitions to move weapons across State lines. It would merely allow the Department of Defense to study alternatives and report back to Congress by March 15, 1998. I know of the sensitivity of Members whose States are affected. But I ask them to consider the merits of a study to evaluate, indeed, whether we can move some of this to some places and reduce the number of facilities that we are going to build at a billion dollars a crack. What are we going to do with these facilities when the weapons have been deactivated and destroyed? We are going to destroy the facilities. I urge adoption of the amendment.

Madam President, if I may, it is my intention to ask for the yeas and nays on my amendment at the appropriate time. The floor managers can address it at their convenience.

Mr. LEVIN. Will the Senator withhold on that for a moment?

Mr. MURKOWSKI. Yes.

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

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

Mr. MURKOWSKI. Madam President, I am not sure whether the Parliamentarian recorded my request for the yeas and nays. I would like to withdraw asking for the yeas and nays on my amendment at this time.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. MURKOWSKI. I thank the Chair.

AMENDMENT NO. 753, AS MODIFIED

Mr. MURKOWSKI. Madam President, I ask unanimous consent that I be allowed to modify my amendment which is pending at the desk at this time.

The PRESIDING OFFICER. The Senator has the right to modify his amendment at this time.

Mr. MURKOWSKI. I thank the Chair.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 753), as modified, is as follows:

At an appropriate place in title III, insert the following:

SEC. . REPORT ON OPTIONS FOR THE DISPOSAL OF CHEMICAL WEAPONS AND AGENTS.

Notwithstanding any provision of law:

(a) REQUIREMENT.—Not later than March 15, 1998, the Secretary of Defense shall submit to Congress a report on the options available to the Department of Defense for the disposal of chemical weapons and agents in order to facilitate the disposal of such weapons and agents without the construction of additional chemical weapons disposal facilities in the continental United States.

(b) ELEMENTS.—The report shall include the following:

(1) a description of each option evaluated;

(2) an assessment of the lifecycle costs and risks associated with each option evaluated;

(3) a statement of any technical, regulatory, or other requirements or obstacles with respect to each option, including with respect to any transportation of weapons or agents that is required for the option;

(4) an assessment of incentives required for sites to accept munitions or agents from outside their own locales, as well as incentives to enable transportation of these items across state lines;

(5) an assessment of the cost savings that could be achieved through either the application of uniform federal transportation or safety requirements and any other initiatives consistent with the transportation and safe disposal of stockpile and nonstockpile chemical weapons and agents; and

(6) proposed legislative language necessary to implement options determined by the Secretary to be worthy of consideration by the Congress.

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

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

MODIFICATIONS TO AMENDMENTS NOS. 666, 667, 668, AND 670, EN BLOC

Mr. LEVIN. Mr. President, on behalf of Senator WELLSTONE, I ask unanimous consent that it be in order to modify his amendments numbered 666, 667, 668, and 670, en bloc.

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

Mr. LEVIN. I thank the Chair. Mr. President, on behalf of Senator WELLSTONE, I send his modifications to the desk.

The PRESIDING OFFICER. The amendments are so modified.

The modifications are as follows:

MODIFICATION TO AMENDMENT NO. 666

On page 1, line 5, strike ''shall'' and insert in lieu thereof ''is authorized to''.

MODIFICATION TO AMENDMENT NO. 667

On page 7, line 13, strike ''shall'' and insert in lieu thereof ''is authorized to''.

AMENDMENT NO. 668, AS MODIFIED

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

SEC. . TRANSFER FOR VETERANS' HEALTH CARE AND OTHER PURPOSES.

(a) TRANSFER REQUIRED.—The Secretary of Defense is authorized to transfer to the Secretary of Veterans' Affairs $400,000,000 of the funds appropriated for the Department of Defense for fiscal year 1998.

(b) USE OF TRANSFERRED FUNDS.—Funds transferred to the Secretary of Veterans' Affairs shall be for the purpose of providing benefits under the laws administered by the Secretary of Veterans' Affairs, other than compensation and pension benefits provided under Chapters 11 and 13 of title 38, United States Code.

MODIFICATION TO AMENDMENT NO. 670

On page 1, line 6, strike ''shall'' and insert in lieu thereof ''is authorized to''.

Mr. LEVIN. I thank the Chair and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. 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. KYL. Mr. President, I have two amendments that I would like to lay down. Both are at the desk.

AMENDMENT NO. 607

(Purpose: To impose a limitation on the use of Cooperative Threat Reduction funds for destruction of chemical weapons)

Mr. KYL. Mr. President, the first amendment at the desk is amendment No. 607.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 607.

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

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

The amendment is as follows:

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

SEC. 1075. LIMITATION ON USE OF COOPERATIVE THREAT REDUCTION FUNDS FOR DESTRUCTION OF CHEMICAL WEAPONS.

(a) LIMITATION.—No funds authorized to be appropriated under this or any other Act for fiscal year 1998 for Cooperative Threat Reduction programs may be obligated or expended for chemical weapons destruction activities, including for the planning, design, or construction of a chemical weapons destruction facility or for the dismantlement of an existing chemical weapons production facility, until the date that is 15 days after a certification is made under subsection (b).

(b) PRESIDENTIAL CERTIFICATION.—A certification under this subsection is a certification by the President to Congress that—

(1) Russia is making reasonable progress toward the implementation of the Bilateral Destruction Agreement;

(2) the United States and Russia have resolved, to the satisfaction of the United States, outstanding compliance issues under the Wyoming Memorandum of Understanding and the Bilateral Destruction Agreement;

(3) Russia has fully and accurately declared all information regarding its unitary and binary chemical weapons, chemical weapons facilities, and other facilities associated with chemical weapons;

(4) Russia has deposited its instrument of ratification of the Chemical Weapons Convention; and

(5) Russia and the United States have concluded an agreement that—

(A) provides for a limitation on the United States financial contribution for the chemical weapons destruction activities; and

(B) commits Russia to pay a portion of the cost for a chemical weapons destruction facility in an amount that demonstrates that Russia has a substantial stake in financing the implementation of both the Bilateral Destruction Agreement and the Chemical Weapons Convention, as called for in the condition provided in section 2(14) of the Senate Resolution entitled ''A resolution to advise and consent to the ratification of the Chemical Weapons Convention, subject to certain conditions'', agreed to by the Senate on April 24, 1997.

(c) DEFINITIONS.—In this section:

(1) The term ''Bilateral Destruction Agreement'' means the Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Nonproduction of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons, signed on June 1, 1990.

(2) The term ''Chemical Weapons Convention'' means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(3) The term ''Cooperative Threat Reduction program'' means a program specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201: 110 Stat. 2731; 50 U.S.C. 2362 note).

(4) The term ''Wyoming Memorandum of Understanding'' means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

Mr. KYL. Mr. President, let me briefly describe what this amendment does. Then I will discuss it in further detail later.

In summary, this amendment establishes five conditions for the assistance that is to be provided to Russia for destruction of its chemical weapons, the so-called Nunn-Lugar funding. Very briefly, this resolution is called for because the funding that we have provided to Russia to date does not appear to be adequately supported by the Government of Russia for its part of its own chemical weapons destruction program. If one could view this in the nature of matching funds, I think it is easy to understand. We have provided a great deal of money, of Nunn-Lugar funding, to Russia, much of it for destruction of their chemical weapons. They have not reciprocated by allocating or spending any of their own money for the destruction of their chemical weapons.

In addition, they have not ratified the Chemical Weapons Convention. They have not complied with the terms of the so-called Wyoming Memoranda, which is one of the methods by which we exchange information about our chemical stocks in furtherance of an agreement to destroy them. They have backed out of the bilateral destruction agreement, which was our bilateral agreement to destroy our mutual stocks of chemical weapons. They have not advanced a penny toward the development of the facilities for the destruction of their weapons that are currently being designed with U.S. Government money. In effect, they have not shown any willingness to join us in the destruction of those weapons which pose the most threat to the United States and other people around the world.

As a result, partially in conformance with the terms of the chemical weapons treaty, which was earlier adopted, and in conformance with S. 495, which had other specific requirements, and consistent with requirements that the House of Representatives placed on the House-passed version of the defense authorization bill, we provide five specific requirements that the Russian Government will have to meet in order to receive this funding.

First, that they show reasonable progress toward implementation of the 1990 Bilateral Destruction Agreement; second, that resolution of outstanding compliance issues related to the Wyoming Memorandum of Understanding and the BDA, that be resolved—at least that there be progress toward that; third, a full and accurate Russian accounting of its own CW program, as required by those previously mentioned agreements; fourth, Russian ratification of the Chemical Weapons Convention; and, fifth, bilateral agreement to cap the United States CW destruction assistance and Russian commitment to pay for a portion of their part of their own CW destruction costs.

As I said, these are reasonable requirements to be attached to U.S. taxpayer dollars going to the country of Russia for the destruction of their chemical weapons. I will discuss it in

further detail later, but it seems to me to be more than reasonable for us to attach these conditions. If we do not, then additional taxpayer money is going to be sent to Russia with no indication whatsoever that Russia will ever support the program funded with U.S. taxpayer dollars to support their chemical weapons destruction program.

Perhaps most important, the most that it appears right now that Russia is inclined to do is to destroy those old chemical weapons that pose an environmental concern to Russia with United States dollars at the same time that they are using Russian dollars to continue a covert development and production program of new chemical weapons. So it makes no sense for us to be spending U.S. taxpayer dollars to help them destroy the stocks of the old environmentally unsafe weapons that they would like to get rid of anyway, at the same time they are using their money to develop new chemical weapons and produce those new chemical weapons that could someday be used against the United States—all in violation of the chemical weapons treaty, I might add.

So that is the nature of the first amendment.

AMENDMENT NO. 605

(Purpose: To ensure the President and Congress receive unencumbered advice from the directors of the national laboratories, the members of the Nuclear Weapons Council, and the commander of the United States Strategic Command regarding the safety, security, and reliability of the United States nuclear weapons stockpile)

Mr. KYL. If there is no objection, the second amendment is amendment No. 605. I call up that amendment at this time.

The PRESIDING OFFICER. If there is no objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 605.

Mr. KYL. 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 347, between lines 15 and 16, insert the following:

SEC. 1075. ADVICE TO THE PRESIDENT AND CONGRESS REGARDING THE SAFETY, SECURITY, AND RELIABILITY OF UNITED STATES NUCLEAR WEAPONS STOCKPILE.

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

(1) Nuclear weapons are the most destructive weapons on earth. The United States and its allies continue to rely on nuclear weapons to deter potential adversaries from using weapons of mass destruction. The safety and reliability of the nuclear stockpile are essential to ensure its credibility as a deterrent.

(2) On September 24, 1996, President Clinton signed the Comprehensive Test Ban Treaty.

(3) Effective as of September 30, 1996, the United States is prohibited by relevant provisions of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–377) from conducting underground nuclear tests ''unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted''.

(4) Section 1436(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100–456; 42 U.S.C. 2121 note) requires the Secretary of Energy to ''establish and support a program to assure that the United States is in a position to maintain the reliability, safety, and continued deterrent effect of its stockpile of existing nuclear weapons designs in the event that a low-threshold or comprehensive test ban on nuclear explosive testing is negotiated and ratified.''.

(5) Section 3138(d) of the National Defense Authorization Act for Fiscal Year 1994 requires the President to submit an annual report to Congress which sets forth ''any concerns with respect to the safety, security, effectiveness, or reliability of existing United States nuclear weapons raised by the Stockpile Stewardship Program of the Department of Energy''.

(6) President Clinton declared in July 1993 that ''to assure that our nuclear deterrent remains unquestioned under a test ban, we will explore other means of maintaining our confidence in the safety, reliability, and the performance of our weapons''. This decision was codified in a Presidential Directive.

(7) Section 3138 of the National Defense Authorization Act for Fiscal Year 1994 also requires that the Secretary of Energy establish a ''stewardship program to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons''.

(8) The plan of the Department of Energy to maintain the safety and reliability of the United States nuclear stockpile is known as the Stockpile Stewardship and Management Program. This approach is yet unproven. The ability of the United States to maintain warheads without testing will require development of new and sophisticated diagnostic technologies, methods, and procedures. Current diagnostic technologies and laboratory testing techniques are insufficient to certify the future safety and reliability of the United States nuclear stockpile. In the past these laboratory and diagnostic tools were used in conjunction with nuclear testing.

(9) On August 11, 1995, President Clinton directed ''the establishment of a new annual reporting and certification requirement [to] ensure that our nuclear weapons remain safe and reliable under a comprehensive test ban''.

(10) On the same day, the President noted that the Secretary of Defense and the Secretary of Energy have the responsibility, after being ''advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories, and the Commander of United States Strategic Command'', to provide the President with the information to make the certification referred to in paragraph (9).

(11) The Joint Nuclear Weapons Council established by section 179 of title 10, United States Code, is responsible for providing advice to the Secretary of Energy and Secretary of Defense regarding nuclear weapons issues, including ''considering safety, security, and control issues for existing weapons''. The Council plays a critical role in advising Congress in matters relating to nuclear weapons.

(12) It is essential that the President receive well-informed, objective, and honest opinions from his advisors and technical experts regarding the safety, security, and reliability of the nuclear weapons stockpile.

(b) POLICY.—

(1) IN GENERAL.—It is the policy of the United States—

(A) to maintain a safe, secure, and reliable nuclear weapons stockpile; and

(B) as long as other nations covet or control nuclear weapons or other weapons of mass destruction, to retain a credible nuclear deterrent.

(2) NUCLEAR WEAPONS STOCKPILE.—It is in the security interest of the United States to sustain the United States nuclear weapons stockpile through programs relating to stockpile stewardship, subcritical experiments, maintenance of the weapons laboratories, and protection of the infrastructure of the weapons complex.

(3) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the United States should retain a triad of strategic nuclear forces sufficient to deter any future hostile foreign leadership with access to strategic nuclear forces from acting against our vital interests;

(B) the United States should continue to maintain nuclear forces of sufficient size and capability to hold at risk a broad range of assets valued by such political and military leaders; and

(C) the advice of the persons required to provide the President and Congress with assurances of the safety, security and reliability of the nuclear weapons force should be scientifically based, without regard for politics, and of the highest quality and integrity.

(c) ADVICE AND OPINIONS REGARDING NUCLEAR WEAPONS STOCKPILE.—Any director of a nuclear weapons laboratory or member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command, may submit to the President or Congress advice or opinion in disagreement with, or in addition to, the advice presented by the Secretary of Energy or Secretary of Defense to the President, the National Security Council, or Congress, as the case may be, regarding the safety, security, and reliability of the nuclear weapons stockpile.

(d) EXPRESSION OF INDIVIDUAL VIEWS.—No representative of a government agency or managing contractor for a nuclear weapons laboratory may in any way constrain a director of a nuclear weapons laboratory, a member of the Joint Nuclear Weapons Council, or the Commander of United States Strategic Command from presenting individual views to the President, the National Security Council, or Congress regarding the safety, security, and reliability of the nuclear weapons stockpile.

(e) PROHIBITED PERSONNEL ACTIONS.—No representative of a government agency or managing contractor may take any administrative or personnel action against a director of a nuclear weapons laboratory, a member of the Joint Nuclear Weapons Council, or the Commander of the United States Strategic Command, in order to prevent such individual from expressing views under subsection (c) or (d) or as retribution for expressing such views.

(f) DEFINITIONS.—

(1) REPRESENTATIVE OF A GOVERNMENT AGENCY.—The term ''representative of a government agency'' means any person employed by, or receiving compensation from, any department or agency of the Federal Government.

(2) MANAGING CONTRACTOR.—The term ''managing contractor'' means the non-government entity specified by contract to carry out the administrative functions of a nuclear weapons laboratory.

(3) NUCLEAR WEAPONS LABORATORY.—The term ''nuclear weapons laboratory'' means any of the following:

(A) Los Alamos National Laboratory.

(B) Livermore National Laboratory.

(C) Sandia National Laboratories.

Mr. KYL. Mr. President, the purpose of this amendment—and this is really a very simple amendment that I think specific language will be worked out on with members of the committee and hopefully could be included as part of the managers' amendment—is simply to ensure that the President of the United States receives direct and objective and unencumbered advice regarding the safety and reliability and security of the U.S. nuclear force from the directors of the national laboratories and the members of the Nuclear Weapons Council.

Just one bit of background here. Both the national laboratories and the Nuclear Weapons Council are supposed to give the President advice about the safety, reliability, and security of our nuclear force. For them to be able to do that in an objective way, they obviously need to tell it as it is, ''tell it like it is,'' without any fear that they are not adhering to any party line with respect to those issues.

This, in effect, extends the Goldwater-Nichols-like protection that has previously been provided to members of the armed services, the Joint Chiefs, for example, to the lab directors and the members of the Nuclear Weapons Council so they can give the President unvarnished, objective, accurate information, and that information can also come to the Congress, all for the purpose of enabling us to set proper national policy with respect to our nuclear weapons.

Mr. President, I will have more to say about this later. As I said, I hope the amendment can be worked on and included as part of the managers' amendment. We will discuss this amendment further later.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 9 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRASSLEY. I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 996 and S. 997 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. Who seeks time?

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

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

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 88, S. 936, the National Defense Authorization Act for fiscal year 1998:

Trent Lott, Strom Thurmond, Jesse Helms, Pete V. Domenici, R.F. Bennett, Dan Coats, John Warner, Spencer Abraham, Thad Cochran, Larry E. Craig, Ted Stevens, Tim Hutchinson, Jon Kyl, Rick Santorum, Mike DeWine, Phil Gramm.

Mr. LEVIN. Would the majority leader yield?

Mr. LOTT. Mr. President, I yield to the distinguished manager of the bill on that side of the aisle.

Mr. LEVIN. I want to thank the majority leader for yielding. I have had a brief conversation with the majority leader because we are in a rather unusual situation where there will be no rollcall votes, further rollcall votes, until late tomorrow, and that we will be then having a whole series of rollcall votes that could occur I believe as early as 5 o'clock tomorrow afternoon, or whatever the UC reads.

But in my conversation with the majority leader, I was led to believe—and I think this would be very helpful—that if we are making good progress on getting rollcall votes late tomorrow and the next day, that there is a possibility at least that there will be no need to proceed with the cloture vote on Thursday. And I want to thank him for that.

Mr. LOTT. Mr. President, if I could respond.

Of course you always have the option of vitiating a cloture vote. My only goal is trying to get this very important legislation moved through to completion this week. I know that that is the desire on both sides of the aisle. I am concerned about the number of amendments that have been suggested, as many as 150 first-degree amendments. I know a lot of those will fall very quickly once we start moving through the process and getting to the end of the week. But I certainly will consult with the Democratic leader, with the Senator from Michigan, and Senator THURMOND, to see how we are doing. And we can take that into consideration when we get to Thursday and see what the prospects are at that time.

Mr. LEVIN. I thank the majority leader.

Mr. LOTT. This cloture vote will occur sometime Thursday unless it is vitiated. I will consult with the Democratic leader for the exact time of the vote.

I do ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

MORNING BUSINESS

Mr. LOTT. Mr. President, I now ask unanimous consent that there be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting treaties and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2390. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled ''Tuberculosis in Cattle and Bison'', received on June 30, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2391. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Annual Report for fiscal year 1996 under the Youth Conservation Corps Act; to the Committee on Energy and Natural Resources.

EC–2392. A communication from the Railroad Retirement Board, transmitting, a draft of proposed legislation entitled ''Railroad Retirement and Railroad Unemployment Insurance Amendments Act of 1997''; to the Committee on Labor and Human Resources.

EC–2393. A communication from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule entitled ''Medical Devices; Reclassification of the Infant Radiant Warmer'', received on June 27, 1997; to the Committee on Labor and Human Resources.

EC–2394. A communication from the Deputy Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule entitled ''Indirect Food Additives: Adhesives and Components of Coatings; and Adjuvants, Production Aids, and Sanitizers'', received on June 27, 1997; to the Committee on Labor and Human Services.

EC–2395. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, a report of the Federal Home Loan Banks and the Financing Corporation for calendar year 1996 under the Chief Financial Officers Act; to the Committee on Governmental Affairs.

EC–2396. A communication from the Director Morale, Welfare and Recreation Support