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## Senate

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, our hearts are filled with gratitude. You have chosen to be our God and chosen each of us to know You. The most important election of life is Your divine election of us to be Your people. Thank You that we live in a land in which we have the freedom to enjoy living out this awesome calling. We are grateful for our heritage as "one Nation under God."

As this workweek comes to a close, we praise You for Your love that embraces us and gives us security, Your joy that uplifts us and gives us resiliency, Your peace that floods our hearts and gives us serenity, Your spirit that fills us and gives us strength and endurance.

We dedicate this day to You. Help us to realize that it is by Your permission that we breathe our next breath and by Your grace that we are privileged to use all the gifts of intellect and judgment You provide. Give the Senators, and all of us who work with them, a perfect blend of humility and hope so that we will know that You have given us all that we have and are and have chosen to bless us this day. Our choice is to respond and commit ourselves to You. Through our Lord and Saviour. Amen.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, the distinguished Senator from Indiana, is recognized.

### SCHEDULE

Mr. COATS. Mr. President, this morning the Senate will resume con-

sideration of the defense authorization bill with Senator FEINGOLD being recognized to offer an amendment on Air Force tactical jets, with 30 minutes for debate.

I ask the Senator, is that 30 minutes equally divided between opponents and proponents of the amendment?

Mr. FEINGOLD. Mr. President, no, it is not. The agreement is 20 minutes on my side and 10 minutes on the other side.

Mr. COATS. For the information of Senators, Mr. President, the Feingold amendment will have 30 minutes of debate, with 20 minutes allocated to the Senator from Wisconsin and 10 minutes allocated to those opposing the amendment.

Following the debate on the Feingold amendment, the Senate will resume debate on the Bingaman amendment regarding space-based missiles, with 15 minutes of debate remaining on that amendment. A vote will occur on or in relation to the Bingaman amendment at approximately 9:45 a.m., this morning.

Following that vote, the Senate will resume consideration of the remaining amendments to the Defense authorization bill. Therefore, Senators can anticipate rollcall votes throughout the day up to and including final passage of the defense authorization bill.

As indicated last evening by the majority leader, the Senate will complete action on this bill today. And with the cooperation of all Members, the Senate will hopefully finish the Defense authorization bill early this afternoon.

### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order, the Senate will now resume consideration of S. 936, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 936) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Coverdell (for Inhofe-Coverdell-Cleland) amendment No. 423, to define depot-level maintenance and repair, to limit contracting for depot-level maintenance and repair at installations approved for closure or realignment in 1995, and to modify authorities and requirements relating to the performance of core logistics functions.

Wellstone amendment No. 669, to provide funds for the bioassay testing of veterans exposed to ionizing radiation during military service.

Wellstone modified amendment No. 666, to provide for the transfer of funds for Federal Pell Grants.

Murkowski modified amendment No. 753, to require the Secretary of Defense to submit a report to Congress on the options available to the Department of Defense for the disposal of chemical weapons and agents.

Kyl modified amendment No. 607, to impose a limitation on the use of Cooperative Threat Reduction funds for destruction of chemical weapons.

Kyl modified amendment No. 605, to advise the President and Congress regarding the safety, security, and reliability of United States Nuclear weapons stockpile.

Dodd amendment No. 762, to establish a plan to provide appropriate health care to Persian Gulf veterans who suffer from a Gulf War illness.

Dodd amendment No. 763, to express the sense of the Congress in gratitude to Governor Chris Patten for his efforts to develop democracy in Hong Kong.

Reid amendment No. 772, to authorize the Secretary of Defense to make available \$2,000,000 for the development and deployment of counter-landmine technologies.

Bingaman modified amendment No. 799, to increase the funding for Navy and Air Force flying hours, and to offset the increase by reducing the amount authorized to be appropriated for the Space-Based Laser program in excess of the amount requested by the President.

Feingold amendment No. 759, to limit the use of funds for deployment of ground forces

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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of the Armed Forces in Bosnia and Herzegovina after June 30, 1998, or a date fixed by statute, whichever is later.

Levin modified amendment No. 802 (to amendment No. 759), to express the sense of Congress regarding a follow-on force for Bosnia and Herzegovina.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized to offer an amendment relative to Air Force jets on which there shall be 30 minutes of debate.

#### PRIVILEGE OF THE FLOOR

Mr. FEINGOLD. Mr. President. I ask unanimous consent that Susanne Martinez, Andy Kutler, and Linda Rotblatt of my staff be granted privileges of the floor during further consideration of S. 936.

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

Mr. FEINGOLD. 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. FEINGOLD. 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. FEINGOLD. Thank you, Mr. President.

#### AMENDMENT NO. 677

(Purpose: To require the Secretary of Defense to select one of the three new tactical fighter aircraft programs to recommend for termination)

Mr. FEINGOLD. Mr. President, I now call up amendment No. 677, and ask unanimous consent that Senator KOHL, the senior Senator from Wisconsin, be added as an original cosponsor.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself and Mr. KOHL, proposes an amendment numbered 677.

Mr. FEINGOLD. 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 E of title I, add the following:

#### SEC. 144. NEW TACTICAL FIGHTER AIRCRAFT PROGRAMS.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the Secretary's recommendation on which one of the three new tactical fighter aircraft programs should be terminated if only two of such programs were to be funded. The report shall also contain an analysis of how the two remaining new tactical fighter aircraft programs (not including the tactical fighter aircraft program recommended for termination), together with the current tactical aircraft assets of the Armed Forces, will provide the Armed Forces with an effective, affordable tactical fighter force structure that is capable of meeting projected threats well into the twenty-first century.

(b) COVERED AIRCRAFT PROGRAMS.—The three new tactical fighter aircraft programs referred to in subsection (a) are as follows:

(1) The F/A-18 E/F aircraft program.

(2) The F-22 aircraft program.

(3) The Joint Strike Fighter aircraft program.

Mr. FEINGOLD. Mr. President, I rise today to offer an amendment instructing the Pentagon to recommend the cancellation of one of the three aviation programs currently under development to modernize our tactical fighter force. Canceling one of these three programs would save American taxpayers tens of billions of dollars, and by all accounts still provide our Armed Forces with an effective yet affordable state-of-the-art tactical fighter fleet.

This amendment which I am offering on behalf of myself and the senior Senator from Wisconsin, Senator KOHL, focuses on the Pentagon's current acquisition strategy for three new tactical fighter programs: The Air Force's F-22, the Navy's F/A-18E/F, and the multi-service joint strike fighter.

DOD is currently planning on purchasing some 4,400 new fighters from these three programs at a total cost of at least \$350 billion according to the Congressional Budget Office.

Numerous experts, including the CBO and the General Accounting Office have concluded that given our current fiscal constraints and likely future spending parameters, the current acquisition strategy is just plain unrealistic and unwise and untenable.

The recently released Quadrennial Defense Review, a collaborative effort by the Secretary of Defense and the Joint Chiefs of Staff and the individual services to reassess our strategic blueprints for our Armed Forces, as well as to review our inventories and projected needs, has recommended sharp reductions in two of these three jet fighter programs already, the F/A-18E/F and the F-22.

The QDR proposed recommendations are a promising step in the right direction. But the problem is that the QDR still clings to the assumption that somehow we can adequately control a program's cost by simply scaling it back, just having fewer of each of the three kinds of planes rather than taking the tough and more wise step of simply terminating one of them.

Mr. President, to understand just how serious this budget shortfall will be, we have to take a look back for a minute and look at the entire defense procurement budget comprised of a number of weapons systems and technology programs. But it is currently dominated by these three separate fighter programs.

First, the Navy's F/A-18E/F program.

All though the current C/D model of this airplane performed extraordinarily well—very well in the gulf war—and has the capability of achieving most of the Navy's requirements with some retrofitting, the Pentagon is currently still asking for 1,000 of these expensive E/F airplanes, with a cumulative program cost of about \$89 billion, according to the GAO.

The second program is the Air Force's F-22, a stealthy fighter intended to provide air superiority but at an extraordinary cost. This aircraft, which one Navy official has referred to as gold-plated, will cost as much as \$161 million per airplane making it the most expensive plane in our history. In all, the F-22 program, slated to provide 440 airplanes to the Air Force, will cost at least \$70 billion.

The final one of the three fighters is truly still in its infancy. The joint strike fighter, expected to provide common, affordable 21st century strike aircraft for the Air Force, Navy, and Marine Corps, is actually still on the drawing boards with two major contractors dueling for what is expected to be at least—at least—Mr. President, a \$219 billion contract for close to 3,000 airplanes.

Although the amendment I am offering today focuses on tactical fighters, I think to put this in context we should mention a few of the other programs on the Defense Department's wish list.

We have focused on these because these programs will also have to draw on a limited procurement budget over the next few years. And it just seems impossible that all of these programs can go forward without some changes. In fact, it is likely that many of these nontactical fighter programs will receive reduced funding in the coming years as a result of the drain on our limited procurement dollars, particularly due to going forward with all three of these jet fighters.

These programs include the \$47 billion V-22 tilt-rotor aircraft being built primarily for the Marine Corps and Navy. There is the \$25 billion Comanche reconnaissance and attack helicopter program for the Army. There is the Air Force's \$18 billion request for 80 more C-17 cargo and transport airplanes.

Mr. President, in addition to these new aviation programs, we must also factor into account the costs of the necessary replacement of other aging aircraft, such as the KC-135 refueller, the C-5A, the F-117, and the Navy's EA-6B aircraft. These are all important air assets that must be replaced in the next few years, Mr. President.

That, Mr. President, is just the portion of the procurement budget related to aviation spending. The Navy, for example, is looking to increase the procurement of their surface ships, starting with another aircraft carrier, CVN-77, and 17 of the DDG-51 *Arleigh Burke* destroyers, as well as four new attack submarines.

In fiscal year 1999, the Navy would like to begin procurement of the new *San Antonio*-class amphibious landing ships for our Marine expeditionary forces.

Unless, Mr. President, we take immediate action to avert this train wreck, with respect to tactical fighter spending, there simply will not be enough procurement dollars to fund all of these additional aviation and shipping programs.

And a number of experts, Mr. President, in recent months, experts on military spending, have tried to warn the Department of Defense of this impending fiscal disaster.

CBO, GAO, Members of Congress on both sides of the aisle—even high-ranking Pentagon officials—have all forewarned the Defense Department that they will not receive the procurement funding level it has projected and will not be able to sustain these tactical fighter purchases at their planned acquisition levels.

Here, for example, is what the GAO says:

DOD's aircraft investment strategy is a business as usual approach that is wasteful—adding billions of dollars to defense acquisition costs and delaying delivery of weapon systems to the operational forces.

GAO goes on to say:

We found the DOD's aircraft procurement plans will reach unsustainable levels of the procurement budget if the procurement and the total DOD budgets do not increase.

The aircraft procurement plans, if implemented as planned, will require drastic reprioritization of the procurement budget that will require significantly reducing the amount spent on other types of procurement (ships, tracked and wheeled vehicles, missiles, etc.)

Mr. President, I understand that many of my colleagues are either strong proponents or opponents of one or more of these individual fighter programs. That is why, Mr. President, my amendment is careful not to target any one specific program for termination. The language in this amendment merely states the obvious, that the Pentagon's procurement budget over the next several years will not be able to support three costly tactical fighter programs and that the Pentagon must start the process of making the tough decisions.

Let me read exactly what my amendment does. It says:

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing the Secretary's recommendation on which one of the three new tactical fighter programs should be terminated if only two of such programs were to be funded.

The report shall also contain an analysis of how the two remaining new tactical fighter programs (not including the tactical fighter aircraft program recommended for termination), together with the current tactical aircraft assets of the Armed Forces, will provide the Armed Forces with an effective, affordable, tactical fighter force structure that is capable of meeting projected threats well into the 21st century.

That's it, Mr. President. My amendment merely requires the Pentagon to send us a report within 60 days with a recommendation for canceling one of these programs. It also requires the Pentagon to provide an analysis of how our current tactical fighter assets, including the F-15, the F-117, the F/A-18C/D and others might be utilized to continue to provide us with air superiority should one of the costly programs be canceled.

My amendment does not single out any one program. That is the Penta-

gon's responsibility. It does not cancel funding for one single fighter aircraft. It merely calls for a recommendation. Once that recommendation is made, it will be up to Congress to determine if we are going to follow through on that recommendation. It does not lock in the Congress.

That is what my amendment is about, Mr. President, making some tough decisions. We must have an acquisition strategy for tactical aviation that is affordable and tenable and consistent with the goal of Congress to achieve a Federal balanced budget in the coming years. My amendment is an attempt to force the Defense Department to understand the gravity of this situation. I hope we can get back to the path of fiscal responsibility in this area, as well, as we have sought so hard to do in so many other areas.

I reserve the balance of my time, and I yield the floor.

Mr. COATS. Mr. President, I wonder if I could inquire of the Senator from Wisconsin if he has any additional speakers?

Mr. FEINGOLD. Mr. President, not that I know of.

I reserve the balance of my time.

Mr. COATS. How much time remains?

The PRESIDING OFFICER. The Senator from Wisconsin has 9 minutes and 52 seconds.

Mr. COATS. Mr. President, let me yield myself 4 minutes, and then advise me when that 4 minutes is up.

First of all, I want to tell the Senator from Wisconsin that those of us on the Armed Services Committee understand and, in fact, have raised many of the same questions that he has raised. These are legitimate questions to raise in terms of where we are going with our tactical air for the future, what the cost is going to be, what the need is, assessment and so forth. In fact, as chairman of the Airland Forces Subcommittee of the Armed Services Committee, we held two hearings wherein we brought experts from the Department of Defense and outside the Department of Defense to come in and answer some of the very questions—in fact, all of the very questions—that the Senator from Wisconsin proposes here this morning.

Because we share that concern, we know that unless we can intelligently decide on how we budget for the future, if we concentrate too much effort in the tactical air modernization category, we will be shorting other categories, because it looks like we are going to, for some time in the future, have a pretty fixed cost in terms of what we are spending for defense.

Many of the questions that were asked by the Senator from Wisconsin were posited to those who came before our committee, and we have had personal discussions with the Secretary of Defense, Secretary of the Air Force, Secretary of the Navy, and others on this very question.

As the Senator stated, the Department has just concluded a major study

called the Quadrennial Defense Review, and as a result of that, the Secretary of Defense, former Senator Cohen, now Secretary Cohen, recommended very significant changes to the tactical air. He called for a significant reduction in the amount of F-22 buys, from 448 planes to 339. Even more, for the F-18E/F, from 1,000 to 548—about a 50 percent reduction, and then a significant reduction and decrease of the joint strike fighter.

Now, in addition to that, the Secretary acknowledged that a process that was initiated by Senator LIEBERMAN and myself, with the support of Senator MCCAIN and then-Senator Cohen and others, acknowledged that we are waiting for the review of the National Defense Panel, which is an outside group of experts which will give us a separate assessment from the Department of Defense in terms of this question and a number of other questions. It is a look into the future in terms of what we need, all throughout our defense posture and structure, but particularly in relationship to our tactical air needs.

This report for the National Defense Panel will be forthcoming around December 15, and the committee awaits that with great anticipation. We are working hand in hand with the Secretary of Defense, with the Department of Defense, the Joint Chiefs, with the National Defense Panel, through the committee efforts, to try to address the very questions that the Senator from Wisconsin raised.

The reason why we object to this particular amendment at this particular time is that if we do a short-term study on the termination, recommending the termination of one of three programs, we place any one of those three in jeopardy. It may be that the National Defense Panel, the Secretary of Defense, the future analysis will conclude a different kind of a mix or moving forward with a different balance in order to achieve the cost savings.

If we go forward and precipitously cancel one of those programs, we put one of our services in great jeopardy. If we cancel F-22 on a short-term analysis, we leave the Air Force naked in terms of providing for tactical air defenses for the future. If we cancel F/A-18E/F, we leave the Navy—who made a decision not to go forward immediately—we leave them, as we are retiring F-14's, without carrier capability with the F/A-18E/F. If we cancel joint strike fighters, we leave the Marine Corps totally without resources for the future because they are betting their whole future on JSF's.

It would be an egregious mistake at this time to, within a 60-day period of time, require the Secretary to do something that they have spent months and months and months of analysis on, then requiring additional months of analysis to come up with that conclusion.

I yield 3 minutes to the Senator from Missouri.

Mr. BOND. Mr. President, I thank my distinguished friend from Indiana.

I rise to express my opposition to the Feingold amendment. I understand, as the Senator from Indiana does, the need to deal with the fiscal problems the Department of Defense will face in coming years. We are all very much aware of those, and we know that choices have to be made. We know we have to operate within a budget.

Mr. President, the Department of Defense has just completed its Quadrennial Defense Review. Not all of us like what the QDR had to say, but it was a strategy-based plan and decision for the future. This fall and early this winter, as the Senator from Indiana has just pointed out, the National Defense Panel will come out with another review of the Department's future. Just how many strategic essays does the sponsor of this amendment want? We can run around and order more studies conducted. Somehow, conducting studies makes thin soup. We can continue to put more of a paperwork burden on the Department of Defense, but that does not change the need for us to stay within the budget that has already been adopted by this Congress, to put us on a path to balance the budget by the year 2002, or sooner, I hope. We know those numbers. We know the maximum we can allot, and another study does not change the obligation of Congress to make tough choices based on what the Department of Defense has told us.

The Armed Services Committee has held hearings. They have asked these questions. I say for my friends that the Defense Appropriations Subcommittee has also held hearings. We have also gone over all of these items and asked these questions. The sponsor and other Members are interested in where we stand and what the best thinking of the Department of Defense is today. I invite them to review the testimony that has been presented at those hearings and also to review the recommendations of the National Defense Panel.

Technology moves on. We need to provide our military personnel with the finest equipment available in the present, as well as in the short- and long-term future. Technology is not cheap. But it does save lives. It protects our freedom; it protects our national security and international peace. These goals are worthy objectives. It is worth the cost. If some in this body do not believe it is worth the cost, I strongly disagree with them, and I will fight them on that.

We are currently in the process of procuring the Navy's No. 1 priority. It happens to be tactical aircraft for its carrier fleet. This is a fleet which the Armed Services Committee, and I predict the full Senate, will shortly show its support by advancing \$345 million in this bill in order to bring the ship online and to do it faster and cheaper. This is a commitment to naval aviation. We need the carriers and the airplanes on the deck. Enough strategic studies. Let's get on with the program.

I appreciate the time. I urge my colleagues to defeat this amendment.

Mr. FEINGOLD. Mr. President, let me again remind the body that this does not require the termination of any one of the three jet fighters. It asks for a recommendation from the Department of Defense within 60 days as to which of the three should be terminated, if that became fiscally necessary.

Second, it is simply not the view of everyone who knows a lot about this subject that this would jeopardize our national security or the defense capability of our Armed Forces. Take a look at the GAO reports, the CBO reports, the analysis of a number of military experts—that is just not the case. I hope the folks who have urged me to look at the hearing testimony which I and my staff have looked at with regard to the merits of these airplanes, would give the same kind of attention to the analysis, fiscal analysis and other analysis of others who we often rely on to give us advice about the effectiveness and cost efficiency of various programs, including the GAO and the CBO, as well as military experts.

Look, I don't think anyone thinks these are not good planes. These are great planes that are being proposed. I went down and spent part of a morning seeing the wonderful E/F planes, but what we see here is a credit card mentality that somehow we can just have it all. There is no real plan here to make sure that we don't end up trying to have all of these things and, as a result, not end up being able to truly pay for the ones we most need.

One of the arguments that came out of the QDR that was cited by the Senator from Indiana is that there are ideas about bringing down the cost of each of these by reducing the number of E/F's, reducing the number of F-22's, and reducing the number of joint strike fighters. It is suggested significant savings can be achieved by reducing the size and scope of the fighter programs. I certainly do not question the motives of those who say that. But the idea we can maintain all three of these fighter programs is simply inconsistent with balancing the Federal budgets.

Two months ago, the Senate Armed Services Committee received testimony from CBO with respect to proposals to merely reduce, as has been suggested by QDR, rather than cancel these tactical fighter programs. In that testimony, CBO explained how the Air Force had proposed last year to buy 124 F-22's over the 1998 to 2003 period. This year, the Air Force has revised that estimate and proposed purchasing just 70 F-22's during the 5-year period. That is a reduction in terms of numbers of over 40 percent of the number of airplanes. But despite buying 54 fewer airplanes and reducing the buy by over 40 percent, CBO noted this, and I think it is very significant, that the funding level for this buy remained almost the same, at about \$20.4 billion now compared with \$21.5 billion in last year's esti-

mate. Why? Unit cost. If you don't build more airplanes up to a high level, then you don't get the benefit of the reduced cost. You end up paying almost the same for much fewer airplanes.

CBO pointed out that is a savings of about \$1.1 billion, despite buying 54 fewer planes. In other words, we reduced the F-22 buy by over 42 fewer airplanes, but saved only about 5 percent of the funding.

I ask my colleagues to consider the Pentagon's track record and the countless aviation programs that have promised so much in terms of cost savings and have delivered so little in terms of cost savings. In fact, the GAO estimates that the Pentagon's projections with respect to aircraft procurement typically have cost overruns of 20 to 40 percent.

Clearly, that is not enough—and this may even exacerbate our budget problems—to simply propose reducing any one of these three planes without eliminating one.

Time and time again, the Pentagon has promised an aviation program, promising large quantities of new aircraft at a given price, only to continually scale back the size of such program until we are receiving small quantities of aircraft but paying huge sums of money for those.

The B-2 is a tremendous example. In 1986, the Reagan administration told us we were going to get 132 B-2's at a cost of \$441 million per airplane. In 1990, the Bush administration revised this number and said, let's only have 75 B-2's, but at a cost of \$864 million per airplane.

Of course, by late 1996, we were on track to buy 20 B-2's at a cost of roughly \$2.3 billion per copy. This isn't saving money. Over the course of a decade, Mr. President, we received less than one-sixth of the number of airplanes originally proposed, and we paid more than five times the original price quoted per airplane.

Of the three tactical fighter programs identified in my amendment, the two programs currently under production, the F-22 and E/F, have already experienced this sort of program instability. In 1986, the Air Force originally proposed we buy 750 F-22's. That number was reduced to 648 in 1991, 440 in 1996, and now, in 1997, the QDR proposes purchasing just 339 of these aircraft.

Likewise, the Pentagon claims that the Navy and Marine Corps originally intended to purchase 1,300 Super Hornets. In 1992, with the Marine Corps dropout, this figure went to 1,000, and now the QDR is recommending this number be dropped to as low as 548 of these airplanes.

Again, we are buying fewer and fewer of these airplanes and we are paying more and more for them. That is precisely, Mr. President, why merely reducing the quantities of the tactical fighters, just reducing the numbers, will not avert the fiscal train wreck

that is certain to occur if we continue to fund all three of these programs.

That is why GAO has called this "business as usual," and that is what it is. It completely shirks responsibility for how we are possibly going to afford all three of these programs 5 years from now.

I hope my colleagues will not follow this road to fiscal irresponsibility and instead will support my amendment that simply says: Have the Pentagon tell us, within 60 days, which of these planes you can most do without, how they would go forward without one of these planes, and give us guidance on this so we can make the best decision here. Mr. President, we cannot afford these three fighters, and we have to make a decision at some point in the future about it.

I reserve the remainder of my time.

Mr. COATS. Mr. President, I inquire how much time remains on each side.

The PRESIDING OFFICER. The Senator from Wisconsin has 3 minutes 4 seconds. The Senator from Indiana has 2 minutes.

Mr. COATS. I ask the Senator from Wisconsin if he has any additional speakers. If so, we can let them go ahead and we can both wrap up.

Mr. FEINGOLD. Mr. President, I have no additional speakers.

Mr. COATS. Mr. President, my understanding is that we have 2 minutes left.

The PRESIDING OFFICER. That is correct.

Mr. COATS. Mr. President, let me try to wrap up quickly in 2 minutes here for those Senators who are listening.

The Senator from Wisconsin says that essentially makes the argument that a decision has to be made now regarding the future of tactical air purchases that will provide air defense security for the United States for 15 to 20 years in the future. He said we need a recommendation. He said we need a recommendation now as to what that decision ought to be. He says we are trying to have it all.

Those arguments are based on the situation as it existed before the Quadrennial Defense Review. The QDR was reported and the Secretary of Defense, former Senator Cohen, certified that changes needed to be made along the lines of what the Senator was stating, except instead of saying "cancel one," the Secretary said we need to dramatically reduce the amount. The threat isn't such that we need the same amount as we formerly had. That is going to save a very significant amount of money. But a balanced approach allows us to address the needs of Marine tactical air, Navy tactical air and Air Force tactical air.

If you go forward and cancel one of those, one of those services is going to be left naked, without adequate tactical air. So the balanced approach that dramatically reduces the number of F-18's, the number of F-22's, and the joint strike fighter number, is the approach they want to take.

Second, the final decision hasn't been made. The QDR report is 4 years. The panel will look out into the future and give us more information on that decision. Secretary Cohen has only been there 6 months; give him time to work the process. We are aware of this problem. As chairman of the Air-Land Committee, we have held hearings. We deny that we have put severe cost caps on the F-22. So we have already taken that action.

So I urge our Members to support the efforts of the committee in recognizing the problem and going forward and addressing it, but not in the draconian way the Senator from Wisconsin advocated.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I am just a little puzzled as to how the term "draconian" can be applied to my amendment. What does my amendment actually call for? The Defense Department, on this issue—or at least the advocates—seem so nervous about talking about this problem that we can't afford these three airplanes that they are referring to an amendment as "draconian," which only asks the Defense Department to give us their opinion, tell us what they think. If you had to give up one of these three airplanes, which one would it be and how would you proceed?

I would understand if this was a ridiculous question and why ask it of them. But it isn't. The GAO has said that the E/F is a good airplane, but it is not that much better than the C/D, and it is going to cost \$17 billion more. There are others who are really questioning whether this is a good idea. How can it possibly be termed "draconian" to simply ask the Defense Department to give us their opinion? It doesn't require a decision.

If the crisis that the Senator from Indiana and I both agree may be coming has to be dealt with later, this is the kind of information that would be useful for us to have. We are not required to act on it. The Defense Department is not required to change their mind. How can this be described as draconian? What troubles me about that characterization is, what are we afraid of here as Members of Congress? Openly discussing the fact that there are some questions about whether we can afford this and whether we really need all three of these planes?

This is really a business-as-usual attitude. The Defense Department will be better off and this country will be better off if it starts to join in the fiscal responsibility that all of us have been calling for. So I am very concerned that the Members of the Senate, who will vote on this soon, know that all this does is ask for a report within 60 days. It is asking for an advisory opinion from the Defense Department: If we had to cut one of these three planes, which one would it be? What possible harm would that be? I ask my col-

leagues to support this and help us solve what we all agree is an impending problem with regard to fiscal spending. How much time do I have?

The PRESIDING OFFICER. There are 30 seconds.

Mr. FEINGOLD. Has all time expired except for that 30 seconds?

The PRESIDING OFFICER. Yes.

Mr. FEINGOLD. I yield the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 799, AS MODIFIED

The PRESIDING OFFICER. The question now recurs on amendment No. 799. There are 15 minutes for debate, evenly divided.

Who seeks time?

Mr. BINGAMAN. Mr. President, I yield 5 minutes to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I rise to support the amendment offered by the Senator from New Mexico, Senator BINGAMAN. My hope is that we will approve this amendment and save the \$118 million that has been added to this bill for something called the space-based laser program. In supporting the Senator from New Mexico, I want to point out to my colleagues that the Ballistic Missile Defense Organization has reported to the Defense Appropriations Subcommittee, "There is no validated military requirement for space-based laser."

I will read that again because I think it is critically important. The Ballistic Missile Defense Organization has reported to the appropriations subcommittee, "There is no validated military requirement for space-based laser."

Yet, \$118 million is added to this authorization bill for the space-based laser program. Last year, the Congressional Budget Office reported that the cost of deploying 20 space-based lasers, starting in the year 2006, would be \$24.6 billion. According to Defense Week, however, the Pentagon's Program Analysis and Evaluation Office estimates the cost of the space-based laser at closer to \$45 billion. Neither estimate includes the annual cost of replacing the space-based laser satellites. The Congressional Budget Office pegged those expenses at \$1.6 billion per year.

The question is, do we need it and can we afford it? That is a question we ought to ask about almost everything, I suppose. Do we need it and can we afford it? In answer to the first question—do we need it at this point?—it seems to me that the answer is no.

The experts themselves tell us we don't need it, and the adding of \$118 million continues the incessant desire by the Congress, over many, many years, to throw money at this program. And \$100 billion has been spent on national missile defense in over four decades. The question is, what have we

gotten for the \$100 billion? What would \$100 billion have done invested in other areas of our country or spent for other purposes? Then, what have we gotten for our \$100 billion invested in national missile defense?

In North Dakota, we have the remnants of what was the free world's only antiballistic missile program. It was opened after the Nation spent billions and billions of dollars on it. Then we mothballed it within 30 days of its being declared operational.

America's taxpayers have a right to question and wonder whether this is a wise use of their money? If I felt this program was a critical element of what is necessary for this country's defense, I would be here supporting it. But the Pentagon doesn't feel it is a critically important program, necessary for our country's defense. That is why they didn't ask for the \$118 million. That is why the \$118 million is now being added here in the authorization bill.

The Senator from New Mexico asks that we take this \$118 million out of this bill. I support the Senator from New Mexico on the question of, do we need it and can we afford it? The answer is no on both counts. It is not just an answer that I give; it is an answer that comes from military officials themselves who say there is no validated military requirement for the space-based laser.

Mr. President, I hope that when we vote on this amendment, those who wish to save money, those who wish to stop spending money that we don't have on things we don't need will decide that we will approve the amendment offered by the Senator from New Mexico and cut the \$118 million for this program, which has been added to this program in this defense authorization bill.

Mr. President, I thank the Senator from New Mexico for yielding me time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I yield 2 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I thank the Senator for yielding.

It would be awful difficult to try to express my beliefs on this in 2 minutes. I would only say that this euphoria that we seem to enjoy around here that there is no threat is one that is of more concern to me than anything else we talk about.

When you say, can we afford it, I often wonder can we afford not to do it. The whole argument that has been made on this space-based amendment by the distinguished Senator from New Mexico has been that right now there is nothing targeted at the United States. And I know the President has

said in his State of the Union Message that there is nothing targeted at the United States for the first time in contemporary history when in fact we do not have any way of knowing that.

I suggest you might remember the hearings on Anthony Lake when he was trying to become the Director of Central Intelligence. We made a very conclusive point that right now there is no way of telling. There is no verification. I would suggest you remember what Gen. John Shalikashvili said. He said there is no verification process. Then he went on to say, "But I can tell you we don't have missiles pointed at Russia."

That is really comforting, isn't it, to think it is just kind of a gentleman's agreement that you do not aim at us and we will not aim at you. But let us assume that we could verify today or at the beginning of this debate that there is nothing aimed at the United States. It can be retargeted in a matter of minutes.

I would like to quote from Gen. Igor Sergeyev, the Commander in chief of the Russian Strategic Forces. He said, "Missiles can be retargeted and launched from this war room mostly in a matter of minutes."

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise in opposition to the amendment by the Senator from New Mexico to reduce funding for the space-based laser program. The space-based laser program is one of the most important technology development programs in the Department of Defense. It could provide for global boost phase defense against all types of ballistic missiles from short-range tactical missiles to long-range strategic missiles.

It would be shortsighted for the United States to constantly abandon this development effort at a time when the long-range missile threat is growing. The space-based laser program is the only future oriented program remaining at the Ballistic Missile Defense Organization. With the exception of space-based laser, BMDO is focused almost exclusively on near-term development and deployment efforts.

This is an unbalanced approach which mortgages our future for near-term capability, and in my view we should have a more balanced approach, one which continues to invest in high payoff future systems while deploying near-term capability.

Mr. President, the space-based laser program has been one of the best managed programs in the history of the Department of Defense. Unfortunately, the department has only requested \$30 million for this important program in fiscal year 1998. The Armed Services Committee did the responsible thing by adding additional funds to ensure that this program continues to make technical progress. It would be highly irre-

sponsible to cut this funding at this time.

I strongly urge my colleagues to oppose the amendment by the Senator from New Mexico.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 3 minutes 19 seconds.

Mr. SMITH of New Hampshire. Mr. President, I rise in strong opposition to the Bingaman amendment. It would cut funding that is necessary for the space-based laser program. This program is making tremendous technical progress. DOD acknowledges that additional funds are required for this purpose and is working to identify those additional funds in the outyears.

This has been one of the best managed programs in the history of U.S. ballistic missile defense efforts. You cannot often say that, that the program is on budget, on time, reliable, and even under severe funding constraints it has continued to make remarkable technical progress. It offers the best hope for the future of providing highly effective global boost phase defense against ballistic missiles of all ranges.

There was an independent review team appointed by the director of BMDO to study the future of the SBL Program that has recommended that this program transition to the development of a space technology demonstrator for launch in the year 2005. And the funding contained in this bill supports the recommendation. It does not violate the ABM Treaty, for those who may be concerned. It keeps our options open to deploy this system.

I get very concerned, Mr. President, when year after year—and this the seventh straight year—there has been opposition expressed on the floor in spite of the full support of the committee on this program. This is a tremendously important program, and I think my colleagues need to understand that there is an expansion of the number of countries possessing ballistic missiles, not only nuclear but chemical and biological. These warheads present a serious challenge to the security of the United States. They are all over the world—North Korea, Iran, Iraq, just to name a few—China. They threaten our troops and they threaten our cities, and to take away a technology that can protect those cities, protect those troops in the field is outrageous. It is outrageous. It is immoral. I do not understand the intensity of the effort to do this year after year after year.

As the number of countries with these ballistic missiles continues to increase and as the range of those missiles increases, the expansion in the number of targets to defend will dramatically increase. With this technology, we are able to get these missiles in their boost phase and make the

debris from those missiles fall back on the aggressor or the firer of the missile.

That is what this technology is all about. That is why it is so important, Mr. President. And to come down here year after year, time after time, and arbitrarily try to kill a program that has been on budget, on time, supported by the defense people and protecting our troops, protecting our cities is flat out irresponsible. There is absolutely no justification for it anywhere.

I urge my colleagues to look very, very carefully at what they are doing here because if this vote were to prevail and this amendment were to be passed, it would do serious damage to our security and, frankly, put our cities at risk, our bases at risk and our troops at risk throughout the world.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. BINGAMAN. Mr. President, first I would like unanimous consent to add Senator MOSELEY-BRAUN as a cosponsor of the amendment.

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

Mr. BINGAMAN. Mr. President, let me first just clarify what we are about here. The amendment that Senator DORGAN and Senator MOSELEY-BRAUN and I have offered is not an amendment to cut out the funding that the administration has requested in this area. It is to support the funding that the administration is requesting in this area. The administration in its budget said that it wanted \$28.8 million in the space-based laser program this year, and that is exactly what we are proposing.

Now, at the committee level and the subcommittee level an additional \$118 million, or essentially five times as much funding, was added to the request of the administration. What we are trying to do is say let us go with what the Pentagon requested. That is not an unreasonable position.

Last evening, Senator LOTT spoke in opposition to our amendment, and he said clearly in his view the space-based laser was, and I think this is an exact quote, "the national missile defense option of choice."

That is just flat wrong. The Pentagon has made it very clear that their option of choice is the ground-based interceptor which we are funding through the National Missile Defense Program in this budget. In fact, we are funding it at twice the level that the administration had earlier requested. Instead of the plan of spending \$2.3 billion over the next 5 years, we are going to spend \$4.6 billion on that.

I support that, and our amendment does nothing to interfere with that. So the option of choice is the ground-based program which we have already agreed to go ahead and fund.

The real question here is where is the money coming from? If we are going to

do this space-based laser, where is the money coming from? We would think it totally irresponsible for the administration to come in with this kind of request in 1998 if they could not tell us what they were going to do in future years to follow on in building this so-called demonstrator. But we think nothing of just adding it ourselves and saying, well, we will worry later about how we are going to fund this thing. So that is the issue.

The PRESIDING OFFICER. All time has expired.

Mr. BINGAMAN. Mr. President, I urge my colleagues to support the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Missouri [Ms. MIKULSKI] is necessarily absent.

The result was announced—yeas 43, nays 56, as follows:

[Rollcall Vote No. 171 Leg.]

#### YEAS—43

Akaka	Feingold	Leahy
Baucus	Feinstein	Levin
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Graham	Murray
Breaux	Harkin	Reed
Bryan	Hollings	Reid
Bumpers	Jeffords	Robb
Byrd	Johnson	Rockefeller
Chafee	Kennedy	Sarbanes
Cleland	Kerry	Torricelli
Conrad	Kerry	Wellstone
Daschle	Kohl	Wyden
Dorgan	Landrieu	
Durbin	Lautenberg	

#### NAYS—56

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

#### NOT VOTING—1

Mikulski

The amendment (No. 799), as modified, was rejected.

(Ms. COLLINS assumed the chair.)

Mr. THURMOND. Madam President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

#### AMENDMENT NO. 677

The PRESIDING OFFICER. The question now is on agreeing to amend-

ment No. 677 offered by Senator FEINGOLD. The yeas and nays have been ordered. The clerk will call the roll.

Mr. BYRD. Madam President, is there supposed to be an explanation of this amendment?

The PRESIDING OFFICER. There was no time allowed for further debate on the amendment.

Mr. BYRD. Madam President, I ask unanimous consent that there be 4 minutes equally divided for purposes of explanation.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senate will be in order.

Who yields time?

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 2 minutes.

The Senate will be in order.

The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Madam President.

This amendment asks that the Defense Department, within 60 days, issues a report to tell us which of the three planned jet fighters should be terminated because of the obvious problem that we don't have enough money in the procurement budget to have all three of these—the F-22 of the Air Force, the F-18E/F of the Navy, or the joint strike fighter that is being planned as a commonality plane for three branches of our armed services.

The GAO, CBO, many military experts, and others agree that it is not possible for us to afford all three of these, and it is also not an answer, as the QDR suggests, to simply reduce each of the three, because the problem is that the unit cost of each plane is so high that at the lower number of planes that are produced, you don't get the savings. This is what happened with the B-2 bomber.

We are facing a train wreck with regard to this, and we need some guidance from the Defense Department about which of the three should go, if that is what we have to do in order to continue to balance the budget.

Thank you, Madam President.

The PRESIDING OFFICER. Who yields time?

Mr. COATS addressed the Chair.

The Senator from Indiana is recognized.

Mr. COATS. Madam President, the Senator from Wisconsin has raised legitimate questions about the cost of future tactical air purchases. The Senate Armed Services Committee has raised these questions repeatedly with the Department of Defense, holding hearings, and received a great deal of testimony. The Secretary of Defense, former Senator Bill Cohen, has recommended a balanced approach by dramatically reducing the number of planes purchased for each of the three categories—F-18E/F, joint strike fighter, and the F-22.

No final decision has been made. The committee has put severe cost constraints on engineering, manufacturing and development for the F-22. We are



working on this problem. We have a national defense panel that will report to us in December. To make a precipitous decision, or even a precipitous recommendation, of canceling one of those programs puts one, either the joint strike fighter, F-22, or F-18E/F, in jeopardy. It leaves the services in jeopardy. If you cancel one, you either leave the Navy, Marines, or Air Force naked without tactical air capability they need for the future.

I don't think now is the time to take this approach. I think we will be making these decisions over the next several months, but we need to rely on the Secretary and others and the bipartisan recommendation of the Armed Services Committee before moving on this. So I recommend a vote against the Feingold amendment.

The PRESIDING OFFICER. All time has expired. The question now is on agreeing to amendment No. 677 offered by the Senator from Wisconsin [Mr. FEINGOLD]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 19, nays 79, as follows:

[Rollcall Vote No. 172 Leg.]

#### YEAS—19

Boxer	Harkin	Reid
Bryan	Johnson	Rockefeller
Bumpers	Kerrey	Torricelli
Byrd	Kohl	Wellstone
Durbin	Lautenberg	Wyden
Feingold	Leahy	
Grassley	Moseley-Braun	

#### NAYS—79

Abraham	Enzi	Lugar
Akaka	Faircloth	Mack
Allard	Feinstein	McCain
Ashcroft	Ford	McConnell
Baucus	Frist	Moynihan
Bennett	Glenn	Murkowski
Biden	Gorton	Murray
Bingaman	Graham	Nickles
Bond	Gramm	Reed
Breaux	Grams	Robb
Brownback	Gregg	Roberts
Burns	Hagel	Roth
Campbell	Hatch	Santorum
Chafee	Helms	Sarbanes
Cleland	Hollings	Sessions
Coats	Hutchinson	Shelby
Cochran	Hutchison	Smith (NH)
Collins	Inhofe	Smith (OR)
Conrad	Inouye	Snowe
Coverdell	Jeffords	Specter
Craig	Kempthorne	Stevens
D'Amato	Kennedy	Thomas
Daschle	Kerry	Thompson
DeWine	Kyl	Thurmond
Dodd	Levin	Warner
Domenici	Lieberman	
Dorgan	Lott	

#### NOT VOTING—2

Landrieu	Mikulski
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The amendment (No. 677) was rejected.

Mr. THURMOND. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOMENICI. I ask unanimous consent the pending amendment be set aside.

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

#### AMENDMENT NO. 803

(Purpose: To enable the County of Los Alamos, New Mexico to function without annual assistance payments under the Atomic Energy Communities Act of 1955 through economic development with additional positive impact to the Pueblo of San Ildefonso)

Mr. DOMENICI. Madam President, I have an amendment that I will send to the desk that has been agreed to on both sides. Senator BINGAMAN is my cosponsor. It relates to the County of Los Alamos, NM.

I send the unprinted amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for himself, and Mr. BINGAMAN proposes an amendment numbered 803.

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

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

The amendment is as follows:

#### SEC. . FINAL SETTLEMENT OF DEPARTMENT OF ENERGY COMMUNITY ASSISTANCE PAYMENTS TO LOS ALAMOS COUNTY UNDER AUSPICES OF ATOMIC ENERGY COMMUNITY ACT OF 1955.

(a) The Secretary of Energy on behalf of the federal government shall convey without consideration fee title to government-owned land under the administrative control of the Department of Energy to the Incorporated County of Los Alamos, Los Alamos, New Mexico, or its designee, and to the Secretary of the Interior in trust for the Pueblo of San Ildefonso for purposes of preservation, community self-sufficiency or economic diversification in accordance with this section.

(b) In order to carry out the requirement of subsection (a) the Secretary shall—

(1) no later than 3 months from the date of enactment of this Act, submit to the appropriate committees of Congress a report identifying parcels of land considered suitable for conveyance, taking into account the need to provide lands—

(A) which are not required to meet the national security missions of the Department of Energy;

(B) which are likely to be available for transfer within ten years; and

(C) which have been identified by the Department, the County of Los Alamos, or the Pueblo of San Ildefonso, as being able to meet the purposes stated in subsection (a),

(2) no later than 12 months after the date of enactment of this Act, submit to the appropriate Congressional committees a report containing the results of a title search on all parcels of land identified in paragraph (1), including an analysis of any claims of former owners, or their heirs and assigns, to such parcels. During this period, the Secretary shall engage in concerted efforts to provide claimants with every reasonable opportunity to legally substantiate their claims. The Secretary shall only transfer land for which the United States government holds clear title.

(3) no later than 21 months from the date of enactment of this Act, complete any review required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4375) with respect to anticipated environmental impact of the conveyance of the parcels of land identified in the report to Congress; and

(4) no later than 3 months after the date, which is the later of—

(A) the date of completion of the review required by paragraph (3); or

(B) the date on which the County of Los Alamos and the Pueblo of San Ildefonso submit to the Secretary a binding agreement allocating the parcels of land identified in paragraph (1) to which the government has clear title,

submit to the appropriate Congressional committees a plan for conveying the parcels of land in accordance with the agreement between the County and the Pueblo and the findings of the environmental review in paragraph (3).

(c) The Secretary shall complete the conveyance of all portions of the lands identified in the plan with all due haste, and no later than 9 months, after the date of submission of the plan under paragraph (b)(4).

(d) If the Secretary finds that a parcel of land identified in subsection (b) continues to be necessary for national security purposes for a period of time less than ten years or requires remediation of hazardous substances in accordance with applicable laws that delays the parcel's conveyance beyond the time limits provided in subsection (c), the Secretary shall convey title of that parcel upon completion of the remediation or after that parcel is no longer necessary for national security purposes.

(e) Following transfer of the land pursuant to subsection (c), the Secretary shall make no further assistance payments under section 91 or section 94 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391; 2394) to county or city governments in the vicinity of Los Alamos National Laboratory.

Mr. DOMENICI. Madam President, since the 1950's, the Department of Energy and its predecessors have made assistance payments to the county of Los Alamos, NM. Under the Atomic Energy Act of 1955, this was accomplished in recognition of the dependence of the community on the Atomic Energy Commission's, and later the DOE's, facilities. Their facilities, worth in the hundreds of millions of dollars, paid no taxes to this community. Now only Los Alamos County and schools receive any assistance, and all other communities are off assistance, many via buyouts.

It is very difficult for Los Alamos to reach self-sufficiency and to continue into the next century as a viable community unless something is done about the fact that there is no longer any land within the city and county of Los Alamos that can be developed, for the excess land is all in the hands of the Department of Energy.

Last year, we agreed to end assistance to Los Alamos County through an agreement that coupled a very moderate buyout amount with transfer of excess land to the city. The land considered for transfer now is under the control of the DOE and cannot be used by the city until ownership is transferred.

This amendment will eventually return land to the county that can be used for normal county growth and to the Pueblo of San Ildefonso that has strong historic claims to portions of the land. The amendment also carefully prescribes a study of other claims for these lands that are now largely part of this county but still under the



control of the Department of Energy. The Secretary of Energy is chartered to conduct a record search of all legal claims and to use every reasonable effort to determine whether there are any claims to these pieces of property considered for transfer.

It ends assistance payments to Los Alamos and provides for the future growth of Los Alamos by enabling opportunities for economic diversity. Ultimately, we believe this is in the best interests of the Federal Government and the many thousands of people that live in northern New Mexico. Without this amendment, we continue to have a land-locked city, without opportunity for economic development. And in that environment, there is also no room for housing projects, which leads to some of the highest housing costs in America. Without this amendment, assistance payments would have to continue. This amendment starts the forces of change that allow us to stop the assistance payments.

In summary, Madam President, this amendment is critical to complete the mandate of the last Congress to stop assistance payments to the county of Los Alamos, NM, under the auspices of the Atomic Energy Community Act of 1955.

The Atomic Energy Community Act of 1955 enabled assistance payments for communities impacted by the presence of major atomic energy facilities. These facilities were primarily located in remote areas, to address the security concerns accompanying their missions and none were more remote than the site at Los Alamos. Assistance payments to maintain community services were required in recognition of the nearly complete dependence of these cities on the then-AEC facilities that did not pay local taxes.

Over the ensuing years, most of these communities moved to either attain economic self-sufficiency or were close enough to self-sufficiency that they could accept various buyout provisions to enable their self-sufficiency. As they attained economic self-sufficiency, their assistance payments could stop. But, Los Alamos remained the exception, partly because it had virtually no land suitable for development for any commercial opportunities—virtually all usable land in the county was under the control of the Department of Energy.

Last year, we developed an agreement to end the assistance payments to Los Alamos County. That agreement coupled a buyout payment of \$22.6 million that we appropriated last year along with provision of land to the county to enable commercial and residential development. It was essential to couple both the payment and the land together. Without the land with its potential for economic and housing development, a far larger payout amount would have been essential for the County to achieve self-sufficiency.

This amendment directs the Department of Energy to evaluate the land

under its control to determine what can be released without impacting the national security mission of the Laboratory. Now, some of that land will not be appropriate for economic or housing development, but does represent lands that were part of the San Ildefonso Pueblo at the time of the Manhattan Project. Many sacred sites of the San Ildefonso Pueblo are located on that property. During the Manhattan Project, those San Ildefonso lands became part of Los Alamos County, but no compensation was ever provided to San Ildefonso Pueblo. This current evaluation of DOE's land requirements provides an ideal opportunity to return to the Pueblo some of that land that they previously used.

Our amendment recognizes that other parties have raised claims to some of these lands. Most of these claims result from homesteaded lands that were condemned when the Manhattan Project began, and compensation to the owners should have been provided at that time—but that must be carefully researched. The Department of Energy and the Corps of Engineers have been evaluating the legal basis for these claims over the past months, but this amendment asks that they go still further to provide every reasonable opportunity for these claimants to substantiate their claims. And the amendment precludes transfer of any land for which the U.S. Government does not hold clear title.

This amendment then enables Congress to finish the agreement with Los Alamos County, by coupling land for commercial and residential development to the payout funds. It provides for return of lands to San Ildefonso Pueblo for which no compensation was provided. It further provides for a careful process to evaluate the legality of any outstanding claims on this land. And finally, through this amendment, Congress no longer will be asked to provide assistance payments to the county of Los Alamos.

Madam President, I conclude by saying that there are many people in and around New Mexico that had previously owned lands in Los Alamos that were purchased during the Manhattan Project's location there.

This amendment says, as to the land that may be conveyed, that if there are claimants, their claims will be evaluated and perhaps in some way resolved.

I am delighted to have worked on that. I think it is very important to everybody in our State to know that will occur.

I yield the floor.

Mr. BINGAMAN. Madam President, I am pleased to be a co-sponsor of Senator DOMENICI's amendment to establish a framework for a final settlement of the assistance payments to the county of Los Alamos under the Atomic Energy Community Act of 1955. As Senator DOMENICI has pointed out, the Congress has already implemented the first part of a two-step process to end these payments and to provide the

County with the ability to develop a commercial tax base—last year the Congress appropriated \$22.6 million buyout payment for the county. This amendment implements the second part of the agreement, by transferring excess land from Los Alamos National Laboratory to the county for purposes of economic development. This development will mean jobs for northern New Mexicans and improved economic self-sufficiency for the County.

In crafting the language being offered today, Senator DOMENICI and I have worked to address the concerns of a number of parties in New Mexico who have expressed interest in any land transfer involving the Los Alamos National Laboratory.

The language will ensure that land needed for national security purposes will be retained by the Department.

The language ensures that an environmental review of any transfer will take place, and that land in need of environmental remediation prior to transfer is cleaned up.

The San Ildefonso Pueblo, which was originally supposed to receive lands that subsequently were withdrawn for the use of the Department of Energy, will participate in the process and have some of these lands returned, including sites that are sacred to the Pueblo.

Finally, the language addresses the interests of the Homesteaders Association of the Los Alamos Plateau, which represents former owners and descendants of former owners of land that was condemned by the Federal Government for the Manhattan Project. The homesteaders are now researching their claims to the land that was condemned in the 1940's, and have asked for assistance from the Department of Energy in documenting their case. The language that we are considering today requires the Department of Energy to take several actions with respect to these claims.

First, after the list of parcels of lands that are to be considered for transfer is drawn up, the Department is to submit a report to Congress with the result of a title search on those parcels.

Second, the Department is also required to provide Congress with an analysis of any claims of former owners, or their heirs and assigns, to such parcels.

Third, during the year after passage of this act, the Secretary shall engage in concerted efforts to provide claimants with every reasonable opportunity to legally substantiate their claims. The Department, in the past, has provided assistance to other groups and communities to enable them to fully exercise their rights to participate in departmental decisions affecting their vital interests. It is our intention that, within the bounds of reasonableness and appropriateness, the Department provide assistance to the homesteaders, as well.

Finally, the language states, in two places, that the Department is only to transfer land to which the Government

has clear title. If a former owner has a valid legal claim to a parcel, this land transfer amendment provides the Department with no new authority to extinguish that claim. In such a case, the Department must report back to Congress on the claim and remove the affected parcel from consideration for transfer under this section, unless the Department and the former owner or the descendants of the former owner arrive at a mutually agreeable settlement of the claim.

I believe that this amendment strikes the appropriate balance between the interests of Los Alamos County and the San Ildefonso Pueblo in having access to lands that are no longer needed by the Department and that are not in dispute, and the interests of the former owners of lands on the Los Alamos plateau in having their legal claims fairly examined and respected. I urge my colleagues to accept this amendment.

Mr. THURMOND. Madam President, the amendment is cleared on this side.

Mr. LEVIN. Madam President, the amendment is supported on this side, as well. We support the amendment.

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

The amendment (No. 803) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

#### PRIVILEGE OF THE FLOOR

Mr. LEVIN. Madam President, I ask unanimous consent Michael Prendergast, a congressional fellow on Senator GRAHAM's staff, be granted privileges of the floor during consideration of debate on this.

#### AMENDMENT NO. 764

(Purpose: To establish the position of Senior Representative of the National Guard Bureau as a member of the Joint Chiefs of Staff)

Mr. STEVENS. Madam President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for himself, Mr. WYDEN, Mr. TORRICELLI, Mr. SMITH of Oregon, Mr. SHELBY, Mr. SARBANES, Mr. REID, Mr. MURKOWSKI, Ms. MIKULSKI, Mr. LEAHY, Ms. LANDRIEU, Mr. JOHNSON, Mr. JEFFORDS, Mr. INOUE, Mr. HOLLINGS, Mr. FORD, Mrs. FEINSTEIN, Mr. ENZI, Mr. DOMENICI, Mr. DEWINE, Mr. D'AMATO, Mr. CONRAD, Mr. COCHRAN, Mr. BYRD, Mr. BURNS, Mr. BUMPERS, Mr. BRYAN, Mr. BREAUX, Mr. BOND, Mr. BINGAMAN, Mr. AKAKA, Mr. BENNETT, and Mr. FRIST, proposes an amendment numbered 764.

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

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

The amendment is as follows:

At the end of title IX, add the following:

#### SEC. 905. SENIOR REPRESENTATIVE OF THE NATIONAL GUARD BUREAU.

(a) ESTABLISHMENT.—(1) Chapter 1011 of title 10, United States Code, is amended by adding at the end the following:

#### "§ 10509. Senior Representative of the National Guard Bureau

"(a) APPOINTMENT.—There is a Senior Representative of the National Guard Bureau who is appointed by the President, by and with the advise and consent of the Senate. Subject to subsection (b), the appointment shall be made from officers of the Army National Guard of the United States or the Air National Guard of the United States who—

"(1) are recommended for such appointment by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard; and

"(2) meet the same eligibility requirements that are set forth for the Chief of the National Guard Bureau in paragraphs (2) and (3) of section 10502(a) of this title.

"(b) ROTATION OF OFFICE.—An officer of the Army National Guard may be succeeded as Senior Representative of the National Guard Bureau only by an officer of the Air National Guard, and an officer of the Air National Guard may be succeeded as Senior Representative of the National Guard Bureau only by an officer of the Army National Guard. An officer may not be reappointed to a consecutive term as Senior Representative of the National Guard Bureau.

"(c) TERM OF OFFICE.—An officer appointed as Senior Representative of the National Guard Bureau serves at the pleasure of the President for a term of four years. An officer may not hold that office after becoming 64 years of age. While holding the office, the Senior Representative of the National Guard Bureau may not be removed from the reserve active-status list, or from an active status, under any provision of law that otherwise would require such removal due to completion of a specified number of years of service or a specified number of years of service in grade.

"(d) GRADE.—The Senior Representative of the National Guard Bureau shall be appointed to serve in the grade of general."

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"10509. Senior Representative of the National Guard Bureau."

(b) MEMBER OF JOINT CHIEFS OF STAFF.—Section 151(a) of title 10, United States Code, is amended by adding at the end the following:

"(7) The Senior Representative of the National Guard Bureau."

"(c) ADJUSTMENT OF RESPONSIBILITIES OF CHIEF OF THE NATIONAL GUARD BUREAU.—(1) Section 10502 of title 10, United States Code, is amended by inserting "and to the Senior Representative of the National Guard Bureau," after "Chief of Staff of the Air Force,".

(2) Section 10504(a) of such title is amended in the second sentence by inserting "and in consultation with the Senior Representative of the National Guard Bureau," after "Secretary of the Air Force".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 1998.

Mr. STEVENS. Madam President, today, I offer this amendment for myself and currently 46 Members of the Senate. This amendment will change the status of the Chief of the National Guard. Our amendment promotes the Chief of the National Guard Bureau to a 4-star general and will include that

position as a member of the Joint Chiefs of Staff. Now, the Joint Chiefs are the senior leadership within our military. This position for the Guard would rotate between the Army National Guard and the Air National Guard.

I know this will become controversial with the members of the Armed Services Committee and members of the committee here in the Senate.

Madam President, I ask unanimous consent Senators GREGG, ROBERTS, CAMPBELL, MCCONNELL, FAIRCLOTH, BOXER, MURRAY, CRAIG, BAUCUS, HUTCHISON, DASCHLE, DORGAN, SESSIONS, LAUTENBERG, and any other Senator who wishes to become sponsor, be listed as original cosponsors of this amendment.

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

Mr. STEVENS. Mr. President, the basis of this amendment is our belief that members of the National Guard are an essential part of our national security team. They are active participants now in the full spectrum of operations from the very smallest contingencies to the major actions we have been involved in. Theater wars, such as the Persian Gulf, no major military operation can be successful today without the National Guard.

There are now 474,673 men and women in the National Guard. They are approximately 20 percent of our total Armed Forces and they represent participants from all 50 States and the 4 territories. These guardsmen truly embody our forefather's vision of the American citizen soldier. Guardsmen in uniform come in contact with the members of their community on a daily basis. As part of their community they attend their church, they serve on the PTA, they are actively involved in community and regional and State activities, they have civilian jobs in their communities. But they are citizen soldiers and they report for duty immediately.

As a matter of fact, in my State, we now have an Air National Guard refueling unit that serves as the refueling unit for the whole Pacific theater. It is a National Guard unit. It is now fulfilling the complete functions of its predecessor, which was an active duty unit.

Many Americans form their impressions about our people in military, particularly those in uniform, from their contact with members of the Guard. As we continue to downsize the active forces, I believe it is critical we maintain this strong communities-based military presence in every community. That citizen soldier is our link to the future, as far as support of military activities in this country, Mr. President.

Mr. President, I have served now for many years on the Defense Appropriations Committee. One of my great privileges was to serve with Senator John Stennis who, at that time, was chairman of the Armed Services Committee and chairman of the Appropriations Committee. That can't happen

again under our changed rules in the Senate.

But in those days, we talked very long and often about the National Guard and the way we might integrate the National Guard into the active forces so that they would get, during peacetime, the type of exposure they need to be very proficient and efficient members of our team when we are at war. We pioneered the concept of sending to Europe, to NATO, and to our forces in Europe, guardsmen who actively performed the roles of our military in that theater, even though they were National Guardsmen on temporary duty. That is a few years back now, but that proved to be very cost-effective, Mr. President. At a cost of about 25 percent, we can maintain a person who is able and ready to perform military duties as a guardsman, compared to the active duty force. I am not saying they can ever replace them; that is not the idea. But the purpose of our amendment is to assure that there is recognition now of the role, on a constant basis, of the citizen soldier in the formulation of military policy in this Nation.

The National Guard is not consulted now on a regular basis on major force structure decisions, or on matters concerning resource allocation and priorities. During the Quadrennial Defense Review, it is my judgment that the National Guard was not fully considered, as far as the deliberations concerning defense strategy, force readiness, and the allocation of funding. There were important decisions made concerning the future of the Guard within the military structure, without the Guard having any participant there.

I think the Guard represents such a significant portion of our forces that the rank now held by the highest member in the National Guard, a three-star general, should become a four-star general, and that person representing, at times, the Army National Guard, and at other names the Air National Guard, rotating, as I said, should have a seat at the table where the decisions are made that vitally affect the future of the participants in the National Guard.

Now, these Joint Chiefs—and I have a high regard for them—are the senior military advisers to the President, and they are the decisionmaking body of military strategy, as far as our system is concerned. Within the Department of Defense, they speak for those in uniform. But the National Guard, who constitutes 20 percent of our total military and one-fifth of the people who could be called into any crisis to come forward and participate in the defense of our Nation, are not represented at that table.

It is my strong view that they should be part of that Joint Chiefs of Staff. The National Guard Bureau has no access to the chain of command directly to that staff, or to the Secretary of Defense, or to the Chairman of the Joint Chiefs. I believe our amendment would correct that situation. And if it is not

corrected, it could impair our future readiness and the survival of the Guard itself.

Now, I want to state very clearly, I know that Secretary Cohen, who is not only a great Secretary, but he is a personal friend, and General Shalikashvili, Chairman of the Joint Chiefs of Staff, are not particularly pleased with this suggestion. Their counsel, I am sure, will come to the Congress with regard to this. But I remember that at the time we suggested that the Guard start performing regular duty functions, the Secretary and Chairman of the Joint Chiefs were opposed to that, too. Yet, when it came to the Persian Gulf, Mr. President, when we had to send our forces there to restrain the forces of Saddam Hussein, the call was answered by almost 75,000 National Guardsmen. Almost, as I understand it, about 25 percent of the thousands and thousands that were on active duty there were National Guardsmen.

Now, it is high time, I believe, that the Guard forces who were called upon to serve our Nation have their interests fully considered on a day-to-day basis when the decisions are made that affect their future. That is what this amendment is all about.

I believe this is an amendment that must become law. It will take some time to work it out. I am not saying this will happen overnight. But I do believe it is our role, as members of the Appropriations Committee, to raise this issue. A cost-effective military for this country in the 21st century requires the participation of the National Guard.

We are constantly faced with decisions to reduce our force structure. The way to increase our force structure is to bring more citizen soldiers into the Department of Defense structure now. We will do that if they realize that we are going to emphasize their participation, we are going to emphasize their role, and we are going to do that by having a member of the Joint Chiefs be a representative of the National Guard of the United States. I consider this to be one of the major changes that must be made in the realignment of our forces and the command of our forces in this country. And I am hopeful that others will speak very forcefully on it. I might add, Mr. President, I see that the cochairmen of the National Guard Caucus are here. I am delighted that they support this proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, let me thank my good friend from Alaska. As he says, this will not be an easy decision, but he is not one that backs off when he thinks it is right. So, Mr. President, as cochairman of the Senate National Guard Caucus, I rise to ask my colleagues to support the amendment of the senior Senator from Alaska, elevating the National Guard Bureau to a four-star general and includ-

ing that position as a member of the Joint Chiefs of Staff.

Just a few weeks ago, I pointed out to my colleagues the Army's refusal to consult with the leadership of the National Guard Bureau or the leadership of the Army Guard during the consideration of the QDR. When asked about this oversight by the press, the Army spokesman responded, "There is an Army Reserve colonel and a Guard colonel here in our offices. They get to weigh in on the issues."

You do not need extensive knowledge of military affairs to realize that a colonel does not pull much weight against a group of active duty Army generals protecting their turf. Mr. President, there is no excuse for the poor working relationship between the active Army and the Army National Guard. However, I believe the leadership of the active Army does not consider members of the Army National Guard as soldiers on equal footing. Instead, they treat the men and women of the Army National Guard with indifference. The active duty generals seem to forget that the men and women of the Army Guard have undergone the same—I repeat, the same—training as their counterparts. The situation is even more ridiculous when you consider that 50 percent of the entire Army National Guard are men and women coming off active duty with the Army.

I also believe that, if this amendment becomes law, there would not be a constant need for offsite agreements between the Army and the National Guard. Just recently, I was briefed by the Army on the latest offsite meeting between the Army and the Guard—an off-site meeting that was held after it was brought to Secretary Cohen's attention by Senator BOND and I that the Guard had been left out of the QDR process. In that briefing, I was told the Army and the Guard had reached an agreement. But I pointed out to the Vice Chief of Staff of the Army, who briefed me, "I have little faith in the outcome of such an agreement when the Army still hasn't lived up to the 1993 off-site agreement." Of course, that point may be moot, as I now have been informed that the Chief of Staff of the Army is unhappy with the agreement and, to date, has refused to sign off.

So, Mr. President, this kind of run-around is exactly why we need Senator STEVENS' amendment. The Army National Guard currently—I want my colleagues to listen to this—provides more than 55 percent of the ground combat forces, 45 percent of the combat support forces, 25 percent of the Army's combat supply units, while receiving—guess what?—only 2 percent of the Department of Defense budget. Now, let me repeat that. The Army National Guard currently provides more than 55 percent of the ground combat forces, 45 percent of the combat support forces, and 25 percent of the Army's combat supply units, while receiving only 2

percent of the Department of Defense budget.

You will hear from some of our colleagues that the Army National Guard divisions have no fighting missions. They will be telling the truth, but they won't be telling all the truth. That is because the active duty Army leadership has simply refused to give the Guard a war fighting mission. They have refused to do so despite the fact that the active Army's attrition rate—get this—is 36 percent. About half of those are joining the National Guard. They have been trained. The attrition rate in the Army Guard is somewhere around 15 percent. The question my colleagues should be asking is, How many active duty Army divisions are at full strength versus the Army Guard divisions?

So, Mr. President, this amendment will ensure that the National Guard and all its attendant forces will have a voice in the Department of Defense's senior decisionmaking process when it comes to defense strategy, force readiness, and allocation of resources. In the end, I hope that when my colleagues hear arguments like, "there are two colonels here in our offices that weigh in on issues," they will remember that their simply being in the room isn't enough. You have to have a seat at the table and a voice that carries some weight. That is exactly what this amendment we have before us today does.

So I hope my colleagues will support the amendment and help us pull up a chair for the National Guard Bureau and give them a voice that can be heard loud and clear at the Defense Department's decisionmaking table.

I want to underscore one other thing. Already 47 Senators have cosponsored this amendment, and many more will come on board. I hope that we understand that the overwhelming sentiment of this body is to support Senator STEVENS' amendment.

I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I am very proud to join my cochair of the National Guard Caucus, the distinguished Senator from Kentucky, in support of a very long overdue and very important provision offered by the chairman of our Defense Appropriations Subcommittee and the full committee.

I am pleased to be a cosponsor of this measure to elevate the Chief of the National Guard Bureau to a rank of four-star general and to give that general a seat at the table as a member of the Joint Chiefs of Staff.

As has already been pointed out, the National Guard has been increasingly called upon to perform overseas deployments and other operational tasks in its role as a national defense component. The National Guard is unique from all other services in that it has a State-oriented mission as well as a national mission. The National Guard

maintains a force of over 350,000 soldiers and airmen and women, fully 20 percent of our total fighting force. It is a force greater, almost double that of another military component already represented on the JCS.

The current administrative chain of command for the National Guard at the highest levels is confusing, to say the least. Component Air Force personnel of the National Guard, who are integrated into the Air Force structure in an enlightened and seamless way, fall under the umbrella of the Chief of the Guard Bureau, specifically to address the unique requirements faced by the National Guard personnel, but the Chief of the National Guard Bureau is responsible to the Chief of the Army.

By placing the Chief of the Guard Bureau on the Joint Chiefs of Staff, this convoluted chain of command will be rationalized. By placing the Chief of the Guard Bureau on the JCS, the unique characteristics of the Guard will receive their just due.

As former Governors, my cochairman and I recognize as much as anyone can the truly vital State mission that the Guard provides. I have come to know and appreciate what the Guard must do in its civilian mission and its State militia role. This is a unique mission, unlike any of the missions of the other branches of the service, and for this reason as well it commends a seat at the table with the Joint Chiefs of Staff for the head of the Guard Bureau.

My colleagues from Alaska and Kentucky have already pointed out how the Guard gets short shrift when major decisions are made. We have a couple of colonels in the room when the generals are making the decision. That does not carry a lot of weight. We have seen time and time again where agreements are reached, supposedly taking account of and recognizing the role the Guard plays, only to have the higher-ups, those people who have a membership on the Joint Chiefs of Staff, overturn or ignore those agreements.

The President, who is advised by the Joint Chiefs of Staff, gets, in my view, a biased view, and as a result the Office of the President traditionally has habitually disregarded the legitimate procurement needs of the Guard, and the recommendations that come to us from the President do not reflect what we in this body have continually recognized as the important role of the Guard. Rather than having us try to fight that battle every time, it makes sense, in my view, to have a four-star general as head of the Guard and have that person represented on the Joint Chiefs of Staff. This will force the Defense Department to recognize the needs and the unique mission of the Guard in its budget requests and incorporate them into its financial plans as well as incorporating the Guard in its utilization plans. This action will go a long way to making sure that we have a fully integrated and effectively utilized civilian militia as we meet the changing needs with tight budgets for the future.

As well, there are those of my colleagues who have had concerns about the politicization of National Guard requirements and resources. The administration has yet to recognize the legitimate procurement needs of the National Guard. Not once has one penny been requested for the National Guard's procurement requirements. The Department of Defense has relied upon the largess of the Congress to support it. So, to my colleagues who will use the argument in the coming days during discussions on the Defense authorization and appropriation bills, that "the Pentagon has not even asked for so many dollars," the Pentagon, doesn't do the asking, it is the President, and he has seen fit to disregard habitually, the legitimate procurement needs of the Guard. By having the Guard represented on the JCS, the Defense Department will be forced to recognize these needs in its budget and incorporate them into its financial plan. And this action will relieve a lot of that politicization we keep hearing about.

This amendment will not increase the size of the National Guard, nor increase the administrative staffs. The rules and requirements met by the other Joint Chiefs will have to be met by the National Guard Chief.

This is an amendment whose time has come. It is forward thinking, it recognizes the changing world situation and the subsequent change to our Nation's military force structure and requirements. It is an important step in the right direction of modernizing the military paradigms we have lived with through the cold war and goes a long way to addressing QDR concerns for the direction of our Nation's military force.

I say again, I urge Members who have not yet cosponsored it—and there are only 53 left—to join us in cosponsoring this measure because this is an idea whose time has come.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the matter that is before us is of importance, and I know we all want to continue the discussion on our defense authorization bill, but there is another matter that is also under consideration as we are meeting here this morning, and that is the reconciliation, the proposal to bring together those elements of the House and Senate bills that will relate to the economy and relate to child health, education, Medicare, and other matters that really define where we are going as a country over the period of the next 5 years. And as we are getting into that particular issue, I want to address one other item that is not unrelated to that and is related to the issues of fairness in our economy and fairness in our society. I will speak briefly to that and then introduce legislation and yield the floor.

Mr. STEVENS. Mr. President, a point of order. Will the Senator yield for a point of order?

Mr. KENNEDY. I yield for a point of order.

Mr. STEVENS. Mr. President, I have great respect for the Senator from Massachusetts. I would like to finish our amendment. It is my understanding that the rule established by the late Senator Pastore prevents introduction or speaking of nongermane matters during this period of consideration of this bill.

I would like to finish this amendment. It is going to be accepted, I might say to the Senator from Massachusetts. I would like to finish the business. Will the Senator permit us to finish at this time so I would not have to make that point of order?

Mr. KENNEDY. As I understand, the Pastore rule goes for a 2-hour period from the time we come in, which would be another 6 minutes, I guess. I am glad to accommodate if you think it is not going to go further. I would like to be able to speak. I will speak 5 minutes.

Mr. STEVENS. I withdraw it.

The PRESIDING OFFICER. The Pastore rule will be in order until 12:04.

Mr. STEVENS. I withdraw the point of order. The Senator is not going to take long.

Mr. KENNEDY. I will ask to speak for 5 minutes, Mr. President.

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

Mr. KENNEDY. I thank the Senator. (The remarks of Mr. KENNEDY pertaining to the introduction of S. 1009 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. KENNEDY. I thank the Senator from Alaska.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The able Senator from South Carolina.

Mr. THURMOND. Mr. President, I am very concerned about this amendment. I realize that the amendment has nearly 50 cosponsors. I have been in the Senate long enough to know that any provision with that many cosponsors will pass. However, that does not make the amendment advisable or good government.

While the amendment is very attractive from a political perspective, it is not good policy. The amendment would create a new position, the Senior Representative of the National Guard. The incumbent of this position would be a four-star general and would be a member of the Joint Chiefs of Staff.

The amendment does not eliminate the current three-star Chief of the National Guard Bureau nor does it shift any of the duties and responsibilities of the Chief of the National Guard Bureau to the newly created Senior Representative of the National Guard. This is pure and simple an additional layer of bureaucracy. A new four-star position is created but the incumbent is not a commander. He has no directive authority over any forces. The National Guard is under the control of the Governors during peacetime and under the

control of the war fighting CINC's during wartime. This new Senior Representative has no real function.

This position was not created as the result of studies and analysis. There have not been any hearings to determine whether such a position will actually meet any need or to identify any military requirement for an additional general. This Senior Representative does not enhance the representation of the Reserve forces. He is a National Guardsman and would only concentrate on National Guard issues. I suspect creating such a position will do more to disrupt jointness than to enhance it.

Currently in the statute, the Chief of the National Guard reports directly to the Secretary of Defense and serves as the principal adviser to the Secretaries of the Army and the Air Force. The Chief of the National Guard Bureau is authorized to coordinate directly with the Chairman of the Joint Chiefs.

Giving the Senior Representative of the National Guard membership in the Joint Chiefs is contrary to the tenets of Goldwater-Nichols which we worked so hard to develop and enact in 1986. In Goldwater-Nichols we established the membership of the Joint Chiefs of Staff as the Chairman and the four Service Chiefs. The Vice-Chairman was not made a member of the Joint Chiefs until 1992. This reflects the extensive study and analysis conducted by the JCS, the Department of Defense and the Congress before increasing the size of the Joint Chiefs. This Senior Representative position has not been vetted by anyone. I hope the Senator from Alaska would agree to let the Armed Services Committee hold hearings on this idea and determine whether and how to best meet the need the amendment is trying to address.

In closing, Mr. President, I know this amendment will be adopted by the Senate. I want my colleagues to know that they are making national security policy by passing a politically appealing proposal. I prefer principle over politics.

Mr. President, I ask unanimous consent that a letter addressed to me by the Secretary of Defense, William Cohen, be printed in the RECORD.

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

SECRETARY OF DEFENSE,  
Washington, DC, July 10, 1997.

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

DEAR MR. CHAIRMAN: As the Senate continues consideration of the FY 1998 National Defense Authorization Bill, I want to express my strong opposition, which is shared by the Chairman and the Joint Chiefs of Staff, to legislation that would make the Chief of the National Guard Bureau (NGB) a four star general and a member of the Joint Chiefs of Staff.

The Army National Guard, the Air National Guard, and the Army, Navy, Air Force, and Marine Corps Reserves are full partners in the first line of defense of the United States of America. Under the Total

Force Policy, they are fully represented in the deliberations of the Joint Chiefs of Staff by their respective Service Chiefs. Moreover, the Total Force Policy—which prescribes fully integrated active and reserve forces—is also central to the National Military Strategy.

Placing the Chief of the National Guard Bureau on the Joint Chiefs of Staff would not accomplish the proposed legislation's objective of fuller representation of the six reserve components of the four Services. In addition, such a step would run counter to the direction set for the Joint Chiefs by the Goldwater-Nichols Act.

The National Guard is a critical and highly valued part of our national defense. I am committed to achieving even greater unity among the various components of the Armed Forces. I am concerned that creating this additional four star position on the Joint Chiefs of Staff would be divisive and counterproductive to the goal of greater unity.

I will continue to examine the representation of the various service components and the allocation of resources to ensure equality and fairness in accordance with the needs of our national defense. I strongly request your support to maintain the existing JCS structure and the current representation of the Reserve Components in the JCS by their respective Service Chiefs.

Sincerely,

BILL COHEN.

Mr. THURMOND. Mr. President, we agree to accept the amendment on this side.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I want to note my concerns with this amendment, which has close to 50 cosponsors. It would establish the position of Senior Representative of the National Guard Bureau and would add that position as the seventh member of the Joint Chiefs of Staff.

Mr. President, the composition of the Joint Chiefs of Staff is a very serious matter. The Joint Chiefs function as an advisory body to the Secretary of Defense, the National Security Council, and the President. Changes in the composition or functions of the Joint Chiefs should only be effected after long and careful consideration.

Mr. President, of all the issues we considered during the committee process that led up to reporting the landmark Goldwater-Nichols bill to the Senate, one issue was more contentious than any other and took more committee time than all others. That issue was the establishment of the position of the Vice Chairman of the Joint Chiefs of Staff. The committee eventually decided to create that position by a one-vote margin. Moreover, although the committee decided to create the position, it decided not to make the Vice Chairman a member of the Joint Chiefs of Staff. As a matter of fact, the Vice Chairman was not made a member of the Joint Chiefs of Staff until 1992, some 6 years after the position was created. In contrast, the Stevens amendment would add a new member to the Joint Chiefs of Staff, and the Armed Services Committee has not held one hearing on the matter. I would also note that Secretary Cohen and General Shalikashvili oppose this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment. Without objection, the amendment is agreed to.

The amendment (No. 764) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. On behalf of Senator DODD, I ask unanimous consent to add Senator HELMS as a cosponsor to amendment No. 763.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that David Todd, of the staff of the current Presiding Officer, be granted access to the floor during consideration of this measure.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BIDEN. Mr. President, what is the business before the Senate?

AMENDMENT NO. 802

The PRESIDING OFFICER. The pending question is on amendment No. 802 offered by the Senator from Michigan and others.

Mr. BIDEN. Mr. President, I would like to speak in a generic sense to this issue and then briefly to the amendment, if the managers do not mind my doing that at this moment.

Mr. President, we are going to have several amendments that call for cutting off of funds, that call for withdrawal of American forces from Bosnia by a date certain, and so on, amendments like the amendment No. 759 of the Senator from Wisconsin and the substitute amendment No. 802 of the Senator from Michigan. I understand this may be a work in progress here, since I know there are very bright people of all our staffs sitting down right now trying to figure out whether or not we can cobble together a reasonable compromise in this area. That is why I am not going to speak to the detail of any amendment, but I would like to speak to the issue because the issue does not change regardless of how the amendment is crafted.

In reviewing the history of our policy in Bosnia, I feel like an odd variant of a worker on a decision tree who, instead of taking the best choice available to him, was forced to take the sec-

ond best one in almost every instance where he had a choice to make. It's like that old joke, you know, from Yogi Berra, "When you come to a fork in the road, take it."

Forks in the road that we have been presented with have usually involved two bad choices. For most of the duration of the conflict in the former Yugoslavia, over the last 4 years I have found myself taking a minority position and sometimes being a minority of one or two or three here in the Senate. As early as September 1992, on the floor of the Senate, I called for lifting of the immoral and illegal arms embargo against Bosnia. I also called for conducting airstrikes against the genocidal Serbian aggressors.

I went to Bosnia during that period, came back, wrote a lengthy report, which was characterized as "lift and strike," and engaged the President on that policy. We had significant debates here on the floor of the Senate about whether or not that policy was a sound one. I was told by very knowledgeable people on the floor of the Senate that, "Obviously, airstrikes didn't work," and, "What was I talking about?" and, "The Serbs would just be more emboldened," all of which turned out to be dead wrong—dead, flat wrong. Three years and a quarter of a million dead later, we finally conducted airstrikes, which led to the Dayton accords and lifting of the arms embargo.

What is done is done, Mr. President. After Dayton, we committed our troops to a multinational peace implementation force. But I remind my colleagues that had we followed the lift-and-strike policy when first advocated, we would not have needed to send American troops to Bosnia, either in IFOR or in SFOR. But now our forces are there.

So, to review the bidding, my original preference was lift and strike. There were European forces on the ground. We would lift the embargo, use our air power to supplement those ground forces that were there, and therefore, there would be no need to have American forces there. But we ended up with a situation that was the next best, but still not good. We waited. We dillyed around for 3 years and then finally conducted airstrikes. We finally got the Dayton accords. Since we were now part of the deal, we had to provide ground forces as well. So that was the second-best alternative. Going back to that decision tree I spoke of, we took a route over here that was better than not being on the tree, but it was not what it should have been in the first place.

So I find myself in the strange position of having argued, initially, 4 years ago, 5 years ago, that there was no need for American ground troops in Bosnia, to now being on the floor defending the presence of our ground troops there. But again I want to emphasize that we made the wrong decision at the outset. We finally made the right decision 3 years later, but by that time we had fewer options once we made the right decision.

Now our forces are there, and they have been the principal reason for the successes that have been achieved by SFOR. Although many of the provisions of the Dayton peace accords remain to be carried out, absolutely nothing would have been accomplished had it not been for the job that SFOR has done, and its predecessor, IFOR. These men and women from NATO member states and many non-NATO states, led by an American contingent, have successfully separated the warring factions, the Muslims, the Serbs, and the Croats, and have ended at least temporarily the blatant, planned genocide of the Muslims by the Serbs and the direct, immediate involvement of the country of Serbia, led by a war criminal named Milosevic. They have succeeded in putting a substantial amount of heavy weaponry in storage sites. And the carnage—though not the damage—in Bosnia has stopped.

Yet much remains to be accomplished. There are still incidents of beatings and house burnings, which are inexcusable and must be halted. Most refugees are still not able to return to their homes. And if their homes lie in territory controlled by another of the three main religious groups, in almost every instance they have not been able to return. Most of the indicted war criminals remain at large.

I have been very critical of the British conduct in Bosnia, but let me say publicly that I compliment them for doing yesterday what all of SFOR should be doing with indicted war criminals.

These are people who engaged in genocide, and they should be taken to court, an international tribunal, which exists. If they resist, all force necessary should be used to apprehend them.

Yesterday the British SFOR troops acted. One indicted Bosnian Serb war criminal was taken into custody. Another who resisted was shot and killed. So, hurrah for the British. I hope we are emboldened enough to act in the same way. So, again, most of the war criminals still remain at large, institutions of government, both at the national level and in the Muslim-Croat federation, need to be fleshed out and developed, notwithstanding the progress we have made.

So now, once again I find myself in the minority. I think it was a mistake for the Clinton administration to have set a deadline of the end of June 1998 for the withdrawal of American ground forces from Bosnia, before we were sure that all the tasks enumerated in the Dayton accords will have been accomplished.

Moreover, as I have repeatedly said over the last half year, I think our West European allies, particularly Great Britain and France, are making a serious mistake by not accepting our offer of United States air, sea, communications, and intelligence assets, plus an American ready reserve force, as they say, over the horizon, in Hungary

or Italy, if they would keep their ground forces in Bosnia when ours withdraw.

I recently attended the NATO summit meeting in Madrid with President Clinton and my colleague, BILL ROTH and several others. At that meeting I suggested exactly that course of action. I hope the administration will push our European allies very hard on that point.

But, once again I find myself in the minority, suggesting that it was a bad idea to set a date of withdrawal once we had put troops on the ground. It would be even worse idea if we mandated that they leave or cut off funds. And it would be a still worse idea, if we do withdraw, if the Europeans withdraw. As I have stated repeatedly over the last half year, I think our European allies, particularly France and Great Britain, would be making a major mistake.

Our allies talk ceaselessly in Brussels about a European security and defense identity and a European pillar within NATO, but when they get a chance to put their troops where their mouths are, they somehow change their tune.

Now, once more, we face a Hobson's choice. I wish we had not set a date certain for withdrawal from Bosnia. I want the Europeans to play the military role to which they declare they aspire. But I do not want to give hope to the sordid opponents of Dayton, like Milosevic and Tudjman, who would like to carve up Bosnia after international troops leave. So, I am reluctantly forced, in Mr. Hobson's terms, to take the horse nearest the door; that is to give the Clinton administration the freedom of action to come up with a better plan within the next 12 months.

Could all the Bosnian horrors of ethnic cleansing, rape camps, and shelling of innocent civilians and children re-emerge? You bet they could. In fact, if the international force withdraws before the tasks enumerated in Dayton have been accomplished, you can be sure they all will return—ethnic cleansing, rape camps, shelling of innocent women and children. By locking us into a specific withdrawal date without providing a viable alternative, we will guarantee that all we have accomplished in Bosnia will quickly fall apart and that what remains to be accomplished will never get off the drawing board. It will guarantee that a tin-horn dictator like Milosevic in Serbia, and an authoritarian thug like Tudjman in Croatia, will be able to proceed with their ill-conceived plans to torpedo Dayton and do what they have intended all along—since 1992, I have been saying this—to carve up Bosnia and Herzegovina, with part going to Serbia and the rest to Croatia.

We have accomplished a great deal in Bosnia and Herzegovina. We have made a commitment to the people of that tragic land and to our allies, and to other cooperating partners in SFOR. Largely, though, because of congress-

sional pressure, it is not an open-ended commitment. Some of my colleagues suspect that the President will come back to us with a request for another extension of funding for our troop commitment to SFOR. Fine. If he does, we will have a thorough debate and then decide whether or not to support his request. But to say now, as is being contemplated by some, that we should cut off any funds in the future, to say that now we will dictate what the outcome will be a year from now, is the ultimate in stupidity, in my view. We are micromanaging. We are sending every wrong message we possibly can throughout Bosnia and the rest of Europe.

What do we accomplish by doing that? Well, we accomplish, I guess, satisfying ourselves and telling people we are withdrawing troops. We have the authority to do that if the President does not withdraw troops by the end of June of next year. That is the operative date.

So let's give the President an opportunity to jawbone with our European colleagues, to come up with a follow-on plan for what will occur after we withdraw our ground forces from Bosnia a year from now. But let's not do it now. Again, my friend from Michigan is trying very hard to come up with a proposal that basically says the same thing: look, Europeans, stay. We get out but we provide support.

That is a reasonable approach. But, again, let's not, further on this decision tree, make another bad choice that leads us down the road further to less opportunity and fewer options for peace and security in Europe.

As I said, I just had the great honor of being in Madrid, Spain, with the leaders of more than 16 European nations. I was playing what was very much a bit role, along for the ride, but there. I find it somewhat ironic that at the very moment some of us are supporting the enlargement of NATO to spread the zone of stability eastward within Europe so we do not end up in a circumstance like we did between World War I and World War II, when several smaller states unable to be part of the West were forced to seek their own bilateral military arrangements and their own attempts to provide their collective security—we, on the floor of the U.S. Senate, are contemplating voting to increase the instability in the most insecure part of Europe.

To conclude, my hope is that we will not lock the President into a policy straitjacket while the situation remains so unstable. To those who have a philosophic disagreement with me that we should not be involved, that Bosnia is not so important, I say to them: you are not giving up any option, by opposing an attempt to determine the outcome a year before it is required, because there will be American forces there for the next year unless there is a foolhardy amendment that suggests we withdraw all American forces right now from SFOR.

Mr. President, I thank my colleagues for their time, and I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise to support what the distinguished Senator from Wisconsin is trying to do, because I think it is most important that the U.S. Senate speak at this very crucial time to say, let's set a mission, let's set a timetable, let's be very clear with our allies about what that is going to be and, Mr. President, let's keep our word. Let's keep our word when we say this is our mission, this is our role, this is our responsibility, we are going to be there for you and we are going to leave June 30, 1998.

The chronology is very clear. We have been trying to help the people of the former Yugoslavia for years. Many of us believed that they had the right to have a fair fight, but they didn't have a fair fight because part of that country was held to an arms embargo that did not allow them to fight for their lives, their families, their land and their sovereignty. We put amendment upon amendment on the floor to give those people a chance to have a fair fight: Lift the arms embargo on the Muslims, let them have a fair fight. But we could never adopt that—actually, we did adopt it, but we could never get the attention of the President.

In 1995, we saw the horror of horrors, the massacre at Srebrenica 2 years ago where we believe, and are not even sure yet how many, but we believe as many as 10,000 Bosnians were systematically murdered.

At the end of 1995, we sent in troops to keep the warring parties apart and try to have a peace which was put together at Dayton. We said that we would be there for a year at the end of 1995. At the end of 1996, the President said that it would be June 1998, and the Secretary of Defense was very clear that we would set the mission and we would set the timetable.

What the distinguished Senator from Wisconsin is now trying to do is say, once again, we expect that timetable to be fair warning to everyone of what our intentions are. I think it is very necessary for the Senate to speak on this, Mr. President, because we are seeing an alarming mission creep happening in that country as we speak.

I think our allies in NATO have every right to go forward with the missions which they have laid out. The mission of the United States has been made very clear, that if a war criminal is there in front of us, of course, we would capture that person. But we committed, and it has been said as late as this week by both General Joulwan and Wes Clark, who is the incoming head of NATO, that our mission would not be to go out and capture the war criminals, not because we don't think they should be captured—of course they should—and the responsibility



under Dayton for that is with the parties, it is with the Bosnian Government. I think we should do everything we can to help provide a framework for the capturing of these people, but American troops should not be part of that kind of effort, because we are the targets. We are the superpower. I want us to be helpful, to bring peace to Bosnia, and I want those people who committed those atrocities to be brought to justice. It is unthinkable that within the last 2 years we would have seen the kind of atrocities that were perpetrated by those indicted at The Hague who were representing the Bosnian Serbs. So I want those people to be captured. I think it is important that they be brought to justice.

But, Mr. President, if we are going to be part of any such operation, it is incumbent on this administration to come back to Congress and change the mission rather than having a mission creep, such as we saw in Somalia where we were not aware that we had changed the mission from feeding starving children to capturing a warlord, and it cost us 18 Rangers, because we are different. Our people who came back from Somalia said that when our troops would go with others down the streets of Somalia, the people would not be hostile to the Turkish troops, they would not be hostile to other troops, but when the Americans came forward, the hostilities would erupt.

We are a major superpower in the world. We are the only superpower probably that has a history of not being aggressive toward trying to take over other governments. We want to be a beacon for what is good in the world. So I think it is important that we are helpful to our allies without being in every firefight. I hope that we can set a standard and a mission that will uphold those principles, that we are the beacon of the world for what is good. I hope we can come to a bipartisan agreement that will assure that our mission is clear. That is why I hope that we can work with the Senator from Wisconsin, Senator FEINGOLD, in his mission to be very clear in speaking as a United States Senate that we are going to keep our word in Bosnia, that we want to help the people there, we want to help them build their infrastructure, we want them to have new factories, we want them to have a peace that is based on economic security. I think the money that we are spending there is very important and perhaps if we are clear in our mission and our timetable, we will be able to show that economic stability will produce a lasting peace, perhaps better than just keeping warring parties apart.

I think we have to be very careful as we move forward. I think we have to be clear in our mission, and we have to keep our word. We have to do what we say we are going to do, and our mission has been reiterated by our Department of Defense and our military leaders. I don't want the Senate to go forward

without speaking on this issue. I hope that we can work with Senator FEINGOLD, Senator WARNER, Senator MCCAIN, Senator LEVIN, Senator THURMOND, Senator INHOFE, and myself to make sure that our mission is clear and our timetable is set.

Senator LOTT, our majority leader, has been very clear with all of our allies and with us and to the press that the June 30, 1998, timetable is real, and if we don't speak forcefully, then by inches, we could change a mission that would be dangerous to our troops and, most important, dangerous to the steps we have taken in the Dayton peace accords, because if we have a flareup because of a change in mission, it could result in tearing down everything we have done so far in that country. It could decimate the Dayton peace accords if we allow a mission creep to go forward, a timetable to get fuzzy that we have not approved and have been clear that is what the United States commitment is.

I hope that we will come to terms on Senator FEINGOLD's amendment. I hope that we will come to terms on the mission that are very clear with regard to war criminals and what our role will be, such as the amendment that Senator WARNER and I and others are working on with the help from Senator LOTT and Senator MCCAIN, Senator INHOFE.

It is very clear that when a superpower speaks, our allies, as well as our adversaries, should be able to count on our word being good. Our word on when we will leave Bosnia should be good. It is June 30, 1998. The President has said so; the Secretary of Defense has said so.

So let's make sure we support that and we do everything to prepare that country for peace. Ratcheting up the hostilities is a perilous course. I hope this Senate will speak for America so that we can remain the beacon of the superpower that does not have a personal interest but wants the world to do what is right. That is our mission, and I hope the Senate will speak.

Thank you, Mr. President.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I agree wholeheartedly with the distinguished junior Senator from Texas. I would like, for a moment, to put this in historic perspective, because it was Senator HUTCHISON and I who had a resolution of disapproval in November 1995. We lost that by four votes. I remember so well why we lost that by four votes. We lost it because there were several Members who said, "Well, the President and the Secretary of Defense have promised that we are going to be out of Bosnia in 12 months, that will be Christmas of 1996." So a few of them said, "I guess that it's all right to go over if we can accomplish whatever mission we thought we were going to accomplish by that time."

In preparation for that, I went over to Bosnia in the northeast sector. I can remember so well going into the Tuzla area when no Americans were up there, no Americans had been up there, and those who would go ahead to see what we were getting into had not been there yet. I talked with General Haukland from Norway who was in charge of the northeast sector for the United Nations in Bosnia. That was the area we were assuming responsibility for.

When I told them we were going to be out in 12 months, they all started laughing. They said we were not going to be out in 12 months. He said, "You must mean 12 years." That is the situation we are in now. It is like putting your hand in water and leaving it in there for 12 months, taking it out and nothing has changed, it is the same as it was.

We have made that commitment. We went in there and didn't come out as we promised. This was not just a projection by saying by December 1996, things should be done and we should be out. It wasn't that at all. The President said we will be out. In fact, I have statements from our Senate Armed Services Committee where the Secretary of Defense said it is an absolute. General Shalikashvili said it was an absolute, we will be out of Bosnia by Christmas 1996. Now we are debating about whether to be out, not in 12 months, but 2½ years after this thing started.

The one thing that the distinguished Senator from Delaware did not mention is, what are our national security interests that we are there for? It would be nice, it would be wonderful, and it would be compassionate of us if we had the money and the resources to go around the world and go to Ethiopia and go to all these places where they would like to have our help, but we do not have those resources.

Now, the problem we have is this. We have a political problem—I recognize that—that anyone who is opposed to getting out on June 30, 1998, is going to say, "If we pull out, they're going to start fighting again." You know what? They are right. But the same argument could be used, Mr. President, if it is 10 years from now. So how long is this commitment going to go on?

You know what they said in November 1995? They said the cost is going to be between \$1.5 billion and \$2 billion. Now it is passing through \$6.5 billion. Where is the money going to come from? The money is going to come from the defense budget, a defense budget that right now, while our distinguished chairman of the Senate Armed Services Committee has put together a very good authorization bill that we have to pass, it is still inadequate, still does not adequately arm America for the threats that face us out there.

People who say the cold war is over and there is no threat anymore, I can assure you the threat is much greater

than it was then during the cold war when we could identify who the enemy was and our intelligence knew something about that enemy.

So here we are now making a commitment. And how long is it going to take? I can tell you right now, if we do not adhere to the June 30, 1998 deadline, we are not going to get out until something very bad happens. I suspect that we would still be in Somalia today if it were not for the fact that 18 of our Rangers were brutally murdered and their nude corpses dragged through the streets in Mogadishu. I do not want that to happen anywhere in the streets of Bosnia.

So it was not long ago I was in Brussels. I found there were many Members of Congress that were going around whispering to our NATO allies, "Don't worry about it. We won't leave at that time." That is the most dangerous thing we could do at this time. We need to draw that line and say we are going to be out by that time.

We made a mistake. We should have been out by December 1996, as we promised, as the President promised, as the Secretary of Defense promised, as we promised the American people. We have to keep the promise this time and make it June 30. What we do in terms of a commitment for June 30, 1998, right now I am not real sure. But I can tell you right now, with every fiber of my being I will fight to make sure that our troops are home after June 30 of 1998.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

#### INVESTIGATING MILITARY CRASHES

Mr. WYDEN. I ask unanimous consent to speak for 15 minutes on an amendment that I offer today with my colleague, Senator GORDON SMITH, dealing with the tragic crash last November of a C-130 Oregon Air Force Reserve plane.

It is our understanding that the amendment has been cleared with the managers on both sides of the aisle and will be included in a package that will be offered later today.

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

Mr. WYDEN. Mr. President, and colleagues, last November our Nation was shocked by the terrible news that an Air Force Reserve C-130 had crashed off the California coast, killing 10 Oregon reservists. All of the people of our State grieved and rallied to the support of the surviving family members, providing what comfort could be offered at a time of tragedy.

Mr. President, when these tragedies occur, the first question must be: What can be done for the families of the victims, and how can it be possible to make sure that these tragedies do not happen in the future to the sons and daughters of other Americans?

What we found in our situation is that the Air Force, when they stepped in, was able to offer only limited assistance to the families. The families

had extreme difficulty in learning even the most basic facts about the crash and about the subsequent investigation.

How would you feel if anxiously awaiting the news you were to first learn important details from television news stories? This is what happened in our home State of Oregon. And it is completely unacceptable.

What our amendment does, Mr. President, is really two things.

It directs the Federal Government to look into the question of using a different notification process for informing the families in these tragedies.

As a member of the aviation committee here in the Senate, I have seen that there have been improvements in terms of dealing with these tragedies on the civilian side. And I believe it is time to bring more accountability, more compassion, and more openness in terms of how the families are notified in the instance of tragedies such as the C-130 that took the lives of our constituents.

So the first part of our amendment directs the Federal Government to looking into using the process used on the civilian side with respect to these crashes such as we had in Oregon.

The second part of our amendment directs the Federal Government to look into the way investigations of these accidents are followed up on.

Right now, there is a dual-track system. There is one top secret investigation of a crash that cannot be seen. There is another separate investigation for public dissemination. And I am of the view that given what has come to light about the C-130 in the last few weeks, that this dual-track investigation, this dual-track process is eroding public confidence in our system of handling these inquiries.

I believe that it is time to look at this in a comprehensive way, to lift the cloak of secrecy with respect to these investigations, unless it involves national security.

Under the second part of the amendment that Senator SMITH and I offer together here today, there would be an effort to look into ending the dual-track system. Right now, the dual-track system, given all that has come to light about similar problems in the last few weeks, in my view erodes public confidence, and it is time for the Federal Government to look at a different kind of system and, in my view, lift the cloak of secrecy unless an investigation does involve national security.

Mr. President, I want to thank the managers of the legislation, particularly the chairman of the committee, Senator THURMOND, and the ranking Democrat, Senator LEVIN. They have been extremely helpful to Senator SMITH and I in going forward on this matter. The people of our State are grieving about this, and they want answers. We thank them.

I yield the remainder of my time to Senator SMITH, who has been working with me on this. We have pursued this

every step of the way on a bipartisan basis. I yield to my colleague.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH of Oregon. Thank you, Mr. President.

I thank Senator WYDEN for his remarks and diligence on this issue.

Mr. President, on November 27, 1996, as Senator WYDEN has related, a Portland-based HC-130 airplane of the 304th Rescue Squadron, with the call sign of "King 56," crashed off the coast of California, killing 10 of 11 people on board.

I read the account of this tragedy, as related by the sole survivor of this accident, T. Sgt. Robert Vogel, and I was both moved and proud knowing that under extreme stress and knowing of their peril, this Oregon-based crew performed exactly as trained, and followed procedures and worked together until the very end.

Almost 8 months has passed since this accident, and still the Department of Defense officials are unsure of the cause of the accident. Never learning the cause of this accident and the risk of having a similar accident occurring to another C-130 crew is simply unacceptable to Senator WYDEN and myself. That is why we have asked experts from the National Transportation Safety Board to perform an additional review of the accident investigation and the accident procedures conducted by the Air Force. This review is still in progress.

Although the cause of the accident is unknown, what we have learned is that there were very unfortunate shortcomings in the way the Department of Defense dealt with the families of the "King 56" crash victims.

The shortcomings relate both to the way the Department manages accident investigations and the way the Department performs casualty notifications. That is what this amendment by Senator WYDEN and myself has intended to address. We are simply asking the Department to evaluate its procedures against models used by the Federal Aviation Administration and to report to Congress whether these procedures would be beneficial and should be adopted also for military use.

I thank Senator WYDEN again for our work together in trying to correct the shortcomings in the Department of Defense accident process and to do a better job assisting the families generally, but specifically those families associated with "King 56."

I urge the Air Force to continue to question this accident so that none of us in any State has to experience a similar tragedy as Oregon has. Our volunteer men and women in the Armed Services deserve no less.

Thank you, Mr. President.

I yield back the balance of my time.

The PRESIDING OFFICER. Who seeks time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. While the two Senators from Oregon are on the floor, let me

commend them for their amendment and for their sensitivity to families that have to face tragedy which is reflected in this amendment. Senators WYDEN and SMITH are to be strongly commended and, I hope, supported in this amendment. I think we are doing everything we can to try to clear that amendment and see that it is, in fact, adopted, as it deservedly should be.

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. BUMPERS. 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. BUMPERS. Mr. President, I ask unanimous consent that the present amendment be temporarily laid aside.

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

#### AMENDMENT NO. 804

(Purpose: To cap the cost of the F-22 fighter production program)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 804.

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

The PRESIDING OFFICER. Without objection, it is ordered.

The amendment is as follows:

At the end of line 21 on page 32, insert the following new subsection:

( ) LIMITATION ON TOTAL COST OF PRODUCTION.—The total amount obligated or expended for the F-22 production program may not exceed \$43,000,000,000.

Mr. BUMPERS. Mr. President, this is an amendment that Senator COATS and I have been talking to other Senators about. I think it is agreed to by both sides now.

It simply says, regarding the F-22 fighter plane, the day before yesterday the Air Force said they would build the F-22 fighter, 339 planes, for \$43 billion. We have spent so far a little over \$18 billion in research and development of that plane.

Senator COATS, in the Armed Services Committee, got a provision put in that \$18 billion—they have not spent that much yet but that is what is anticipated to be spent on research and development. Senator COATS put an amendment in the bill to make that a cap, \$18 billion. This amendment would put a \$43 billion cap on the production of 339 airplanes.

As I say, that simply says exactly what the Air Force says it would take to do it. I think it is a very healthy amendment. I think it is one that serves the taxpayers well, will serve us well and the contractors well. It is a commitment they are making and we are simply codifying that in this bill.

I yield the floor.

Mr. COATS. Mr. President, as the Senator from Arkansas has mentioned, we have been discussing this not only with each other but with other Members who have an interest in this particular subject. We think it makes a lot of sense on our side.

The Air Force has specified in testimony before us and in a public statement that they believe, with the adjustments that Senator Cohen has made and the QDR has made in terms of the total number of planes to be built, they can meet the cost projection. It makes a great deal of sense, I think, for the Congress to say we encourage you very, very strongly—in fact, we will put language in to give that encouragement—to meet that cost.

If we are going to have a viable tactical modernization program in the future, given the realities of the budget that we have to deal with our entire defense structure, we have to set realistic cost caps on how much we will spend. If we don't do that, we will run into problems that we have run into before, as in B-2 and other modernization programs, and we jeopardize the entire tactical air modernization program as well as funding for other aspects of our national security.

I think this makes perfect sense because we have something here that simply ratifies what the Air Force has said they can already do. They have assessed this. They said they can do it. They are working with a contractor to work out an agreement to do this. We are saying, "Amen. This is what you need to do and we will urge you and support you in this effort."

I commend the Senator from Arkansas for his amendment. We have worked together, and I believe there is agreement across the aisle that we ought to go forward with this. I think we should do just that.

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

The amendment (No. 804) was agreed to.

Mr. COATS. I move to reconsider the vote.

Mr. BUMPERS. I move to lay that on the table.

The motion to lay on the table was agreed to.

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

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

Mr. WARNER. Mr. President, the distinguished chairman, Mr. THURMOND, and I, and the distinguished ranking member, together with others, have been working to resolve a draft that I hope will be an amendment in the second degree to the underlying amend-

ment by the distinguished Senator from Wisconsin, which, as I understand it, from the distinguished ranking member, is now acceptable in form and, therefore, I will entertain the remarks of the distinguished ranking member.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

#### AMENDMENT NO. 802, AS MODIFIED FURTHER

Mr. LEVIN. Mr. President, I send a modification of my second-degree amendment to the desk.

The PRESIDING OFFICER. The Senator has a right to modify the amendment, and the amendment is so modified.

The amendment (No. 802), as modified further, is as follows:

#### SEC. . SENSE OF THE SENATE REGARDING A FOLLOW-ON FORCE FOR BOSNIA

The Senate finds the following:

(1) U.S. military forces were deployed to Bosnia as members of the North Atlantic Treaty Organization (NATO) Implementation Forces (IFOR) to implement the military aspects of the Dayton Agreement.

(2) The military aspects of the Dayton Agreement were being successfully implemented.

(3) Following the recommendation of the Secretary General of the North Atlantic Treaty Organization on December 11, 1996, to extend the presence of NATO forces in Bosnia until June 1998 so that progress could be achieved in implementing the civil aspects of the Dayton Agreement, the President announced his decision to extend the presence of United States forces in Bosnia to participate in the NATO Stabilization Force (SFOR) until June 1998.

(4) The cost of U.S. participation in operations in Bosnia from 1992 through June 1998 is estimated to exceed \$7 billion.

(5) The President and the Secretary of Defense have stated that United States forces are to be withdrawn from Bosnia by June 1998.

It is the sense of Congress that—

(1) United States ground combat forces should not participate in a follow-on force in Bosnia and Herzegovina after June 1998;

(2) the European Security and Defense Identity, which, as facilitated by the Combined Joint Task Forces concept, enables the Western European Union, with the consent of the North Atlantic Alliance, to assume political control and strategic direction of NATO assets made available by the Alliance, is an ideal instrument for a follow-on force for Bosnia and Herzegovina;

(3) if the European Security and Defense Identity is not sufficiently developed or is otherwise deemed inappropriate for such a mission, a NATO-led force without the participation of United States ground combat forces in Bosnia, may be suitable for a follow-on force for Bosnia and Herzegovina;

(4) the United States may decide to appropriately provide support to a Western European Union-led or NATO-led follow-on force, including command and control, intelligence, logistics, and, if necessary, a ready reserve force in the region

(5) the President should inform our European NATO allies of this expression of the sense of Congress and should strongly urge them to undertake preparations for a Western European Union-led or NATO-led force as a follow-on force to the NATO-led Stabilization Force if needed to maintain peace and stability in Bosnia and Herzegovina; and

(6) The President should consult with the Congress with respect to any support to be

provided to a Western European Union-led, or NATO-led follow-on force in Bosnia after June 1998.

Mr. LEVIN. Mr. President, this amendment is offered on behalf of myself, Senators REED, MCCAIN, THURMOND, BYRD, and INHOFE.

The PRESIDING OFFICER. Is there further debate?

Mr. LEVIN. Mr. President—

Mr. WARNER. Mr. President, if I might interject, perhaps it could be voted on and then the Senator can make his remarks.

Mr. LEVIN. I would be happy to have the amendment adopted first.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 802), as modified further, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, this amendment has the same language as the original second-degree amendment in almost all respects but a few relatively minor ones. It is a sense-of-the-Congress resolution. It is not a funding cutoff. It is a sense-of-the-Congress resolution that our ground forces should be out of Bosnia in June 1998. It has the same language as last night relative to the possible support for a European follow-on force, either through the European Security and Defense Identity, which is part of NATO, or in some other kind of a NATO-led force, but without the participation of the U.S. ground combat forces.

It adds a provision at the end that the President should consult with the Congress with respect to any support to be provided to such a Western European Union-led or NATO-led follow-on force in Bosnia after June 1998. And then there are some findings in front that are factual findings before the sense-of-the-Congress language that is the heart of last night's and this second-degree amendment.

Mr. President, very briefly, we should send a message that our troops on the ground in Bosnia will be out by next June. That is the policy of the administration. We should support that mission description. We should do so in a way that will not undermine the goals of Dayton, or undermine the flexibility of our commanders in the field. The funding cutoff was too rigid, too inflexible, and too far in advance. So this approach was adopted.

General Shalikashvili and Secretary Cohen sent us a letter on July 9 that, in two sentences, reflects the spirit and heart of my second-degree amendment.

Part of that letter reads as follows: "We remain committed to a June 1998 withdrawal date." That is Secretary Cohen and General Shalikashvili speaking. The next line also is re-

flected in this sense-of-the-Congress resolution: "However, we strongly oppose a statutorily mandated withdrawal of the United States forces from the NATO-led Stabilization Force by that date or, indeed, any specific date." It points out that, our forces must be able to proceed with a minimum risk to U.S. personnel: legislating their redeployment schedule would completely change the dynamic on the ground and could undercut troop safety.

I ask unanimous consent that the entire letter from General Shalikashvili and Secretary Cohen be printed into the RECORD at this time.

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

JULY 9, 1997.

Hon. THOMAS DASCHLE,  
Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DASCHLE: Eighteen months ago the bloodiest conflict Europe had seen since World War II raged in Bosnia. With United States leadership, the Parties to that conflict agreed in December 1995 to cease hostilities. Today, NATO is helping to maintain this U.S.-brokered peace, a peace that provides a secure environment for political reconciliation and economic reconstruction. The four-year long cycle of violence has been broken, the warring factions have been separated and an enforceable boundary between them has been established. These successes have reinvigorated the NATO Alliance and have reestablished America's leadership.

Notwithstanding these successes, legislation setting a fixed date for withdrawal of U.S. forces is expected to be considered by the Senate. We urge the Senate to reject this legislation and we request your support. We remain committed to a June 1998 withdrawal date. However, we strongly oppose a statutorily mandated withdrawal of the United States forces from the NATO-led Stabilization Force (SFOR) by that date or, indeed, any specific date. A fixed withdrawal date will constrict U.S. commander's flexibility, encourage our opponents and undermine the important psychological advantage U.S. troops enjoy. Our forces must be able to proceed with a minimum of risk to U.S. personnel; legislating their redeployment schedule would completely change the dynamic on the ground and could undercut troop safety. Finally, legislative action of this nature on a matter of European security could very well undermine the cohesion of the NATO Alliance.

We are committed to full consultation with the Congress on our deployment in Bosnia. We urge the Senate to reject attempts to legislate any mandatory date for withdrawal from Bosnia.

Sincerely,

JOHN M. SHALIKASHVILI,  
Chairman of the Joint  
Chiefs of Staff.

WILLIAM S. COHEN,  
Secretary of Defense.

Mr. LEVIN. Finally, Mr. President, I want to thank Senator FEINGOLD, whose initiative it was that put us on the path to making a statement to sending a message about congressional intent, which this amendment reflects. Even though there is no funding cutoff, as I believe there should not be, there should be a strong statement as to what congressional intent is at this time and under these circumstances. And this second-degree amendment

that I offered last night, and have slightly modified again, which has now been adopted, is a bipartisan amendment; it always has been.

Senator MCCAIN has been active in this. Senator REED from Rhode Island, my first cosponsor, has been a very, very strong active person in the debate of this issue. I want to also express my particular gratitude to Senator REED of Rhode Island for his constant involvement and participation and help in drafting this language.

With that, I thank Senator WARNER, as always, for his work in trying to bring people together. My good chairman, Senator THURMOND, as always, is helpful in trying to resolve these issues. And the two leaders have been very active as well.

With that, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank my distinguished colleague for his remarks.

I was simply acting on behalf of the distinguished chairman in putting this matter together and reconciling the differences. But I wish the RECORD to reflect that the Senator from Virginia, on the voice vote, voted in the negative.

Mr. President, I have consistently opposed the deployment of United States ground troops to Bosnia. In December 1995, prior to the initial deployment of U.S. ground troops, I voted against the deployment on three separate occasions. I have stated repeatedly that, in my view, there is no vital United States national security interest at stake in Bosnia that justifies putting United States ground troops in harm's way.

Having said that, I do not believe that the Bosnia amendments that we are voting on this afternoon are the right way to send the message to the administration that we do not support its Bosnia policy.

As a general matter, I do not believe it is a good idea to set deadlines for a military operation. I have criticized the administration for setting Bosnia deadlines, and I do not believe the Congress should now validate that approach.

I also feel very strongly that it is the President's constitutional right and duty to decide when U.S. troops should be deployed on a military operation, and when those troops should be withdrawn.

Although I do not support the President's Bosnia policy, and I remain of the opinion that that part of the world is not in the United States vital national interest, we have made a \$7 billion dollar investment in Bosnia. A precipitous withdrawal could jeopardize that investment.

Mr. President, last evening I had the opportunity to engage in a colloquy with the Senator from Michigan on this issue. I wanted to take this opportunity this afternoon to further explain the reasons for my votes on these Bosnia amendments.

I urge other Senators who are anxious to speak, if we could be brief. I believe I am authorized to say on behalf of the distinguished chairman of the committee and the majority leader, indeed, the ranking member, that we are very close to final passage. It is our hope and expectation with the resolution of one matter, which the leadership of the Senate is now addressing, that we might be able to proceed to final passage within maybe 30 minutes.

The PRESIDING OFFICER. Who seeks time?

The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, very briefly, I commend the Senator from Michigan and the Senator from Virginia and my colleagues who have proposed the second-degree amendment. I also commend the Senator from Wisconsin, Senator FEINGOLD, for focusing our attention on this very critical issue.

The danger for an immediate cutoff of funds, I think, is threefold.

First, essentially demoralizing our troops. It would be very difficult for them to understand that we have cut off funds now for an operation that is extending into June 1998. In effect, it would be like the difference between knowing that your lease expires in June 1998 and getting the eviction notice. Cutting off of funds is very close to being evicted. I don't think our troops will understand that.

Second, it would paralyze our efforts to construct a follow-on force by our European allies, a force that would not contain American troops but a force that would be necessary to maintain the peace in Bosnia. If we were to announce today a cutoff of funds, I believe we would have no chance to construct this follow-on force by our European allies.

Finally, I think we embolden those force elements who are resisting within Bosnia. This would be the message, that we are leaving, categorically, that there will be nothing to replace it, and that idea can only lead to further violence.

So I believe the best approach is the one that has been adopted in the second-degree amendment. And that is to, once again, reiterate our strong commitment to a withdrawal date by June 1998, but to give the time—and also to give the impetus—to develop a follow-on force, a non-American follow-on force, and support that force, and to continue to build on the structure of peace that is emerging today and that we hope will continue in the former Yugoslavia.

I commend again all of my colleagues who are working on this effort.

I yield my time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, thank you.

Mr. President, I am very pleased that the proponents of the modified Bosnia amendment have managed to work out

a compromise, and I think, in fact, the changes that were made on the modification strengthened the second-degree amendment, made it stronger and tougher, which, I think, is very appropriate here.

While my original amendment would have prohibited the use of funds for the deployment of ground troops in Bosnia, I was willing to accept the sense-of-the-Congress language because I think it is vitally important that the Congress send a signal about our views on this mission during consideration of this bill, the Department of Defense authorization bill.

I introduced this amendment in the first place because I felt it was critical that we debate this issue at this time. Frankly, I think it would have been somewhat irresponsible not to have any debate about the Bosnian involvement in the context of the Department of Defense authorization bill.

As I indicate by my underlying amendment, I would greatly prefer a hard statutory requirement that the administration stick to its stated end date of June 30, 1998. That is, in fact, what the other body did. That is what the House has already done. The House voted 278 to 148 to limit the use of funds after that date. The House version and the modification to my amendment speak to the same goal. The Congress wants to see this mission end. Our main differences lay in the mechanism to achieve that goal. But when these two versions get to conference later this year, the conferees will have to resolve these differences.

Mr. President, it is my hope that the conference will include the strongest possible language with regard to this issue. We have taken an important step today toward terminating the Bosnian mission and bringing home our men and women.

I am delighted to have the support from so many Members on both sides of the aisle for my efforts in this area. I want to especially thank the Senators from Michigan and Rhode Island for their work, and the strong and consistent support of the Senator from Texas, Senator HUTCHISON, who has been working with me on this important matter all along.

Thank you, Mr. President.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I want to commend the Senator from Wisconsin for his courage in pursuing this matter. I want to thank the Senators from Michigan, from Arizona, from South Carolina, from Rhode Island, and from Oklahoma who are working on this to make sure that we have something that everyone can support. I think it is a very strong message to the administration that sets out the concerns of the Senate. I think with what the House did on this issue, it is going to be very clear that Con-

gress expects a June 30 exit date for the United States. I think, certainly, if something occurs, that we should be able to discuss after that time, but I think if we plan from today, we are giving plenty of notice to everyone what our intentions are.

I think the most important issue that we must address in the next year is the issue that was promised to Senator Dole and Senator MCCAIN by the President. That is that there would be arming and training of the police force, of the Bosnians, so that they would be able to have a sense of order in their country when the NATO forces would withdraw. I am concerned that that training and arming is not taking place, and that we may come upon the June 30 deadline for our exit and they won't be fully supplied with policemen and with the armed services that will be able to keep the peace. We have a year to correct that. I hope that the administration will make sure that our word is kept, that we would have a good solid police force that would be able to keep the peace in Bosnia after June 30, 1998.

But I think the sense of the Senate provides for other options, other alternatives, as we have stated in the sense of the Senate, that if, in fact, it is not finally a peaceful situation, that the United States could leave and perhaps a NATO force without the United States could stay. And we are going to be there in a support role. We have always been there in a support role for peacekeeping.

But I think we must keep our word. The Senate has spoken. The House has spoken, and now is the time for the administration to hear the message and get along with the business of getting an exit strategy, putting these people in control of their government, giving them the training that they need to be able to sustain that peace themselves.

I appreciate very much the very bipartisan support for this sense of the Senate. I hope that the administration will hear our words and begin the strategy for the June 1998 exit of U.S. troops.

Thank you, Mr. President.

Mr. BYRD. Mr. President, one of the most difficult and intractable problems facing the United States and the North Atlantic Treaty Organization [NATO] is the civil war in the Republic of Bosnia and Herzegovina. In recent years, we have witnessed mass murder and genocide on a scale not seen in Europe since the Holocaust. We have also been concerned that this conflict could spill over into neighboring countries, which would force NATO to intervene under much worse circumstances.

The U.S. provided the crucial leadership to negotiate the Dayton peace accords, which called for NATO forces to separate the warring factions, and for democratic elections to be held, as a basis for a permanent peace in Bosnia. As a result of our efforts, fighting has ended, and the first tentative steps towards peace have been taken.

We have just started down this path to peace, however, after more than five years of war. Our early efforts have not erased the memories of concentration camps and mass murder. Building democratic institutions in such an environment is fraught with road blocks. It is easy for the foes of peace to beat the drum beat of war, and plunge Bosnia back into a renewed cycle of fighting and genocide.

The United States has clearly stated our intention to withdraw in June of 1998. The Administration is fully aware that a long-term and open-minded commitment will not be supported by Congress.

Nonetheless, if the amendment offered by Senator FEINGOLD were adopted by the Senate, it would send a loud and unmistakable signal to the worst elements of the Bosnian factions to begin to prepare for war. Senator Feingold's amendment would terminate funding for U.S. participation in Bosnia on June 30, 1998, with no discussion of what would follow in the vacuum left after our withdrawal. Indeed, a Senate vote in favor of Senator Feingold's amendment would make it more difficult for the best elements in Bosnia—those who legitimately desire to work for peace—to continue to advance their efforts. The pressures to prepare for war will likely overtake and silence any factions which wish to work for a peaceful resolution of the conflict. At the present time, the various factions have eleven more months to hold elections and prepare for the gradual end of the direct involvement of NATO troops. These efforts will, for all intents and purposes, rapidly come to an end if the Senate openly votes to completely get out of Bosnia on June 30, 1998.

The second degree amendment offered by Senator LEVIN, of which I am a cosponsor, recognizes that it is likely that a NATO follow-on force will have to remain in Bosnia after June 1998, while stating that U.S. ground combat forces should not participate in such a force. This involves the replacement of U.S. ground combat forces with those of our European partners in NATO. The Administration should exercise very strenuous efforts to convince our allies to take up the ground combat role by next June. It calls upon the President to urge our European allies to step up to the plate, and undertake preparations for a Western European Union-led or NATO-led force, to assume responsibility for the ground situation in Bosnia after June 1998. The second degree amendments supports a U.S. provision of needed American command and control, intelligence, and logistics support for such a follow-on NATO operation. This will allow NATO to continue to build democratic institutions within Bosnia to continue, and hopefully prevent an arbitrary return to bloodshed and war. It is a wiser course and one which provides a logical conclusion to U.S. efforts in the region.

Mrs. FEINSTEIN. Mr. President, I appreciate the concerns of my col-

leagues on this issue. I think we all agree that there are few more important foreign policy issues facing the United States than ensuring that the Bosnian peace process succeeds.

I am pleased with the effort has been made by Senators on both sides of this issue to see that we did not need to vote on a cut-off of funds for our ground forces in Bosnia.

However, it is precisely because I want to see the peace process succeed that I feel that I must nevertheless voice my concerns about this amendment.

It is my belief that our presence in Bosnia must be one without any preconditions as to time. We must stay long enough to make sure that the job we started gets done, and gets done right.

Any effort to set a date to cut off funds, as Senator FEINGOLD proposed in his amendment, or which suggests a firm date for the withdrawal of all U.S. ground combat troops, as Senator LEVIN's second degree amendment to Senator FEINGOLD's amendment does, telegraphs U.S. policy to those who would oppose us, and to those who oppose the implementation of the Dayton Accords.

I do not think that there is a single Member of this Chamber that does not wish that 1 year had been sufficient time for the Dayton Accords to be implemented, and that U.S. troops were not still needed in the Balkans.

But the simple fact of the matter is that there are aspects of the Dayton Accords which have not yet been fully implemented—aspects which require a little more time if they are going to have a chance to take root.

Earlier this year voter registration began for the municipal elections scheduled for Bosnia this September. True, I wish that conditions existed to hold these elections last year when they were originally planned. But those conditions did not exist then; they do now.

What sort of signal will we send to those who support peace and democracy in Bosnia if, even as they are preparing for municipal elections, we are telling them that the troops who safeguard the peace process and democracy are on the way out?

Bosnian President Alija Izetbegovic and his Party of Democratic Action have formed a coalition with a number of opposition parties to seek broad-minded support in the municipal elections. This amendment will cut his legs out from under him, and give strength to those who would like to see Bosnia destroyed.

This fall Serbia will hold a presidential election. It will be a difficult campaign for Milosevic's opponents, but not an impossible one. That Milosevic's grip on power might be lessened would have been inconceivable a year ago. It is not inconceivable now.

But setting a date for cutting off funds for U.S. forces or for the withdrawal of all U.S. ground combat

troops without giving the President flexibility will all but guarantee Milosevic's re-election.

I do not believe that supporters of this amendment intend it as a boost to Milosevic's campaign, but that is exactly what it will do.

Right now in the Republika Srpska there is a power struggle going on between President Plavsic and pro-Karadzic hardliners based in Pale.

How this struggle will play out, and whether the more moderate supporters of President Plavsic can retain control, or whether the pro-Karadzic forces will seize control of the Republic Srpska has profound implications for the future of peace and stability in the Balkans.

The pro-Karadzic forces, the Pale hardliners, the war criminals, have adopted a wait it out strategy. They think that the United States will be withdrawing next year without any follow-on force to SFOR. If they just bide their time, they believe, come next summer they will be able to overturn Dayton and destroy any hope for Bosnia.

This amendment will tell them that they have won.

I do not think that giving support to the Pale hardliners is the intent of the supporters of this amendment, but that is exactly what this amendment does.

It will tell them that they are right; all they have to do is wait, and that the United States will leave without fully implementing Dayton, without following through on our commitment to create a secure and stable Bosnia.

After we have done so much we cannot abandon Bosnia now.

It is true there are still unsettled issues with refugees, with reconstruction, and with indicted war criminals in the former Yugoslavia. And again, I would not argue that we did not want or hope that these matters would have been taken care of by now.

But having said that, setting a date for a troop pullout will not help us to resettle refugees, to speed economic reconstruction, or to apprehend indicted war criminals.

Instead, it will send a message to refugees that they cannot hope to be safely resettled; to those trying to rebuild their businesses that they should not bother; and to war criminals that they only have to remain in hiding a little bit longer, and then they will be free to commit their ghastly crimes once again.

The continued presence of U.S. forces is critical in keeping the peace process on track. And the fact of the matter is that the United States-led peacekeeping force is the glue that holds peace process in the former Yugoslavia together.

Those who suggest we set a date certain for a troop pullout argue that we have already spent a lot of money pursuing peace in the Balkans, and that to continue to stay will cost us even more.

But to set a date to pull out now will all but guarantee that the peace process will break down, and that all that

we have invested in Bosnia in the past year and a half will be wasted.

Establishing a date certain for a United States pullout will set in motion a clock whereby the forces of nationalism and ethnic hatred in the former Yugoslavia will begin to plan for renewed war.

And, if war breaks out again in the Balkans and spreads elsewhere in the region, it will be far more costly for the U.S. to have to intervene once again than if we retain the flexibility to maintain our presence.

Those who suggest we need to set a date for a United States pullout from Bosnia also argue that without this clear end-date there is danger of mission creep, and of Bosnia becoming a quagmire.

Just the opposite. Anyone who has paid attention to what has happened with the NATO peacekeeping force in Bosnia for the past year and a half can only come to one conclusion: SFOR has a clear mandate. There has been no mission creep and there is not going to be any mission creep.

In fact, concern for the safety of our troops would dictate that we allow the military to continue with planning based on their current mission and deployment, and to pull out on a schedule dictated by the military facts on the ground without having the Senate dangerously compromise their position by telegraphing our plans and intentions.

In addition, this abrupt U.S. departure will almost certainly doom any effort to create some follow-on force or mechanism to insure the peace process continues. Again, I wish it were not the case. I wish that our European allies would act in a more decisive way without United States having to take the lead—but we are dealing with reality here.

I fully support the spirit of Senator LEVIN's amendment: I too believe that Europe should take greater responsibility for Europe, and that a SFOR follow-on force led by Europe in the context of the European Security and Defense Identity should be the next phase of peacekeeping in Bosnia.

But if the United States precipitously pulls out of Bosnia our European NATO allies may be unable to lead a follow-on force. What if United States ground combat troops are required in Bosnia until August 1, 1998, or even December 1, 1998, to effect a smooth, safe, transition?

Indeed, under the dynamic set in motion by this amendment, if Europe wanted to lead such a follow-on mission in Bosnia with United States support it would be reasonable of them to question whether or not we would be there to support them.

Do we really want to set a precedent here of giving our friends and allies reason to question whether the United States will be there to support them when they need our assistance? To send that sort of message would have tremendous implications—and none of them good—for U.S. interests throughout the globe.

It is my hope, and I think that of many of my colleagues, that a European-led follow-on force to SFOR will take the lead in maintaining the peace in Bosnia come next June. But that follow-on force may require some United States military support and assistance, on the ground, in Bosnia.

This amendment, by preventing the United States from supporting our European allies, will destroy any chance that such a European-led force could come into being.

Both the President and the Secretary of Defense have suggested that United States forces will be able to pull out of Bosnia by June 30, 1998. There is no reason to doubt their word or intention.

But, as my colleagues surely know, the unexpected may occur. There may be good reason to keep some or even a substantial United States force in Bosnia past next June. Or, there may be reason to pull our forces out sooner. The bottom line here is that we cannot and should not put our military in a disadvantageous position by setting a date certain for a pull out.

It is my belief that if we continue to work the peace process, and give the President the discretion that, as Commander in Chief, he deserves, by the time United States forces prepare to leave Bosnia and Herzegovina, the peace process will have been given sufficient time to develop deep, sustainable, roots.

To adopt this amendment will risk killing the peace process and all but condemns Bosnia to further bloodshed.

Again, I would like to extend my appreciation to my colleagues on all sides of this issue who have worked hard to find a compromise. Nevertheless, I feel that I must oppose this amendment and would urge my colleagues to oppose it as well.

Mr. BIDEN. Mr. President, I would like to state for the record that although I voted for the Levin substitute amendment, I did so as one of the second choices that I described in my statement earlier today.

The Levin substitute amendment, in my opinion, was an improvement over the Feingold amendment in that rather than cutting off funds for United States ground forces in Bosnia after June 30, 1998, it puts our NATO European Allies on notice that we expect them to provide the post-SFOR ground forces, while we provide command and control, intelligence, logistics, and if necessary a ready reserve force in the region.

My first choice, as I said earlier, would have been to give President Clinton freedom of movement for the next 12 months to carry out the unfulfilled portions of the Dayton accords and to negotiate appropriate international security arrangements for Bosnia and Herzegovina after June 30, 1998.

I thank the Chair and yield the floor.

AMENDMENT NO. 759, AS AMENDED

The PRESIDING OFFICER. The Chair would observe that amendment

759, as amended, has not been agreed to.

Is there objection to the amendment? Hearing none, the amendment is agreed to.

The amendment (No. 759), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Who seeks time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, what is the pending amendment, if I could ask?

The PRESIDING OFFICER. The pending amendment is the REED amendment No. 772.

Mr. LEVIN. Mr. President, I ask unanimous consent to set aside the pending amendment temporarily.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

#### AMENDMENT NO. 805

(Purpose: To achieve savings in the cost of the CVN-77 nuclear aircraft carrier program)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 805.

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 section 122, add the following:

(C) LIMITATION OF COSTS.—(1) The Secretary of the Navy shall structure the procurement of CVN-77 nuclear aircraft carrier and manage the program so that the CVN-77 may be acquired for an amount not to exceed \$4,600,000,000.

(2) The Secretary of the Navy may adjust the amount set forth in paragraph (1) for the program by the following amounts:

(A) The amounts of outfitting costs and post-delivery costs incurred for the program.

(B) The amounts of increases or decrease in costs attributable to economic inflation after September 30, 1997.

(C) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 1997.

(D) The amounts of increases or decreases in costs of the program that are attributable to new technology built into the CVN-77 aircraft carrier, as compared to the technology built into the baseline design of the CVN-76 aircraft carrier.

(E) The amounts of increases or decreases in costs resulting from changes the Secretary proposes in the funding plan of the Smart Buy proposal on which the projected savings are based.

(3) The Secretary of the Navy shall submit to the congressional defense committees annually, at the same time as the submission of the budget under section 105(a) of title 31,



United States Code, any changes in the amount set forth in paragraph (1) that he has determined to be associated with costs referred to in paragraph (2).

Mr. LEVIN. Mr. President, my amendment would establish a cost cap on the cost of the next nuclear aircraft carrier, and ensure that we achieve the savings that we expect from beginning to fund the ship next year, which is a number of years earlier than planned.

Mr. President, the committee bill authorizes \$345 million in fiscal year 1998 to begin incrementally funding construction of the next *Nimitz* class nuclear aircraft carrier, CVN-77, based on claims of cost savings by the shipbuilder. The Committee did not adopt safeguards to ensure that the taxpayers actually receive the savings on which this unusual action is based. Those are the safeguards which are contained in this amendment.

Let me just review the bidding. The Navy budget projects a total cost of \$5.2 billion for CVN-77, funded normally—that is, with advance procurement of \$695 million in fiscal year 2000 and the remaining \$4.5 billion of full funding in fiscal year 2002.

The shipbuilder—Newport News Shipbuilding—has come forward with a proposal to save \$600 million by having the Government provide funding for CVN-77 earlier than the Navy budget proposes it. This claim has been repeated over the last 2 months in a highly visible media campaign.

The shipbuilder claims that we could buy the CVN-77 under their alternative for \$4.6 billion—a savings of \$600 million—if we provide incremental funding over the next 5 years, starting with \$345 million in fiscal year 1998.

I have been very skeptical in the past of providing phased or incremental funding for defense programs. The normal method of funding major defense procurement programs is to provide full funding in one lump sum in the year in which the program is started, with the exception of certain limited long-lead items which are funded through advance procurement. As a general rule, incrementally funding major weapons programs reduces visibility over total program costs, and can lead to a “buy in” situation in which it becomes more difficult to control total program costs and future cost growth.

Mr. President, I believe that we should try to achieve savings in Defense modernization wherever we can, particularly savings of the magnitude of \$600 million. Meeting our modernization goals for the military services over the next 10 years within a stable defense budget is going to be a significant challenge. We need to look for innovative ways to save money, and this approach to funding the CVN-77 looks like something we should do if—and this is the critical if—we really save money. At the same time, I feel strongly that we must protect the interests of the taxpayer, if we are to take full advantage of the opportunity for savings.

It will disadvantage the tax payer if we incrementally fund CVN-77 without the assurances that the reason for doing it—saving dollars—is in fact achieved.

That's why we should adopt this amendment putting a ceiling on the total cost of this ship that is in line with what the shipbuilder promised.

If we don't, we will be in a terrible bargaining position.

The amendment puts a limit on the total cost of the next carrier, using the cost cap language that was developed for the *Seawolf* submarine as a model. The amendment establishes a cost cap of \$4.6 billion for CVN-77, \$600 million below the Navy's budget estimate fully funding this ship in the usual manner; it excludes outfitting and post delivery costs; and it adjusts the cost cap automatically to reflect changes in inflation or costs attributable to compliance with changes in Federal, State, or local laws.

This amendment adds three important additional provisions:

It includes a proviso that allows the Navy to change the cost cap for the ship based on changes in costs that are incurred by inserting new technology—compared to the previous carrier, CVN-76.

It includes a proviso that allows the Navy to change the cost cap for the ship if the funding is changed in later fiscal years from the plan on which the shipbuilder based his proposed savings.

And it includes an annual reporting requirement on changes in the end cost of the CVN-77, so there will be visibility into the technology improvement program that will allow the Navy to demonstrate how technology insertion is causing any substantive changes in the end cost of the ship.

My bottom line is that, despite my overall concerns about incremental or phased funding, I am willing to support this funding approach for the next aircraft carrier, because I believe we can achieve the savings under the phased funding approach. We must, however, have a vehicle to guarantee that the Government will achieve the promised savings, which is the driving argument for phased funding.

Mr. President, this amendment will help guarantee those savings, while providing room to adjust the price of CVN-77 for the legitimate factors indicated.

I urge my colleagues to support this amendment.

Mr. WARNER. Mr. President, the Chief of Naval Operations has described the smart buy proposal as a proposal which has great merit. Both the Navy and the Rand Corp. have verified that the savings claimed by the contractor under this plan can indeed be achieved.

However, these savings will not be achieved unless the funding profile outlined in the smart buy proposal is carried out, as follows: fiscal year 1998, \$345 million; fiscal year 1999, \$170 million; fiscal year 2000, \$875 million; fiscal year 2001, \$135 million; and fiscal year

192002, \$3,075 million. Therefore, the Levin amendment before us is based on the strong expectation that the administration will provide funding in its annual budget submissions to fully fund CVN-77 in accordance with the smart buy proposal, and that the Congress will support those budget submissions with annual appropriations.

Without a firm commitment to this program by the Navy—as evidenced by including funding for this program in the SCN account for each year from fiscal year 1999 to 2002—the \$600 million in savings to the American taxpayer could well be lost. We expect the Navy to follow through on its commitment and to achieve the savings it has represented to be possible.

Likewise, I know my colleague agrees with me that the savings cannot be achieved if the Congress does not authorize and appropriate the amounts set forth in the smart buy proposal. Although the amendment before us contains a mechanism to deal with the failure of the Navy to provide the appropriate funding, there is nothing to address problems caused if a future Congress fails to provide adequate funding for this program. If at some point the Congress does not provide the necessary funding, we will have to revisit the limitation contained in this amendment and adjust it accordingly. Does the Senator agree that this is the course we will follow?

Mr. LEVIN. I agree with the Senator from Virginia. The \$600 million savings that we all expect to achieve are based upon the funding profile set forth in the smart buy proposal. I will work with the Senator from Virginia to ensure that we maintain that funding profile and achieve these savings, and I expect the Navy to do the same.

If for any reason the Navy fails to include the funding profile in its budget request, the amendment that we are offering provides a specific remedy: the funding limitation would remain in place, but would be adjusted to address the impact of the changed funding profile. Paragraph (2)(E) of the amendment specifies that the limitation will be revised to reflect any adjustments needed to accommodate a change in funding. Would the Senator from Virginia agree that this is the effect of this amendment?

Mr. WARNER. I am in complete agreement with the Senator from Michigan.

Mr. President, this is a matter on which my distinguished colleague and I have worked for some time. I do not feel that it is necessary to place these financial constraints, because this contract, unlike others, has built-in checks and balances. Nevertheless, we have reconciled our differences, and to that extent I will go ahead and accept his amendment.

I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? The question is on agreeing to the amendment of the Senator from Michigan.

The amendment (No. 805) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, we are working—the chairman, the ranking member, and others. I anticipate momentarily a statement from two other Senators that could well be the last items other than the adoption of a series of agreed-upon amendments. Pending that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, at this time the distinguished Senator from Massachusetts, together with Senator SMITH of New Hampshire, will address the Senate on another matter.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the order at this point?

The PRESIDING OFFICER. The Senator needs consent to call up his amendment.

#### AMENDMENT NO. 680, AS MODIFIED

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to call up amendment No. 680.

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

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to modify the amendment at this time, and I send such a modification to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment will be so modified.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY] proposes an amendment numbered 680, as modified.

Mr. KERRY. 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 (No. 680), as modified, is as follows:

Beginning on page 336, line 20, strike all after "SEC. 1067." through "(50 U.S.C. 401a)." on line 3 of page 338 and insert in lieu thereof the following:

#### POW/MIA INTELLIGENCE ANALYSIS

(a) The Director of Central Intelligence in consultation with the Secretary of Defense, shall provide analytical support on POW/MIA matters to all Departments and agencies of the Federal Government involved in such matters. The Secretary of Defense shall en-

sure that all intelligence regarding POW/MIA matters is taken into full account in the analysis of POW/MIA cases by DPMO.

Mr. KERRY. Mr. President, this is a modification mutually arrived at together with Senator SMITH of New Hampshire and Senator MCCAIN in an effort to try to improve the intelligence-gathering process with respect to POW/MIA matters, and I thank Senator SMITH of New Hampshire for his cooperation and Senator MCCAIN. I think we have strengthened the ability of the process to guarantee that intelligence is going to be properly and fully vetted in the process but at the same time be able to continue the cooperative effort that we have achieved over these last years in that process.

I think the compromise we have arrived at is a thoughtful one and an appropriate one with respect to the best intelligence gathering and control. So I think we have served the process well. I yield the floor.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I appreciate the help of the Senator from Massachusetts on this matter. We have reached agreement. The intent here is to see to it that those who are collecting intelligence on POW/MIA matters both now and in the future would have the opportunity to vet that through the intelligence community, and we have accomplished that with the compromise language, and we accept that language on this side.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, we had here a problem between the Intelligence Committee and the Armed Services Committee. It was resolved through intense negotiations in the last few minutes. I thank Senator SMITH of New Hampshire, who we all know is the leader on this issue. His commitment to getting a full resolution not only in the past but in the case of conflicts in the future is well known. I thank Senator KERRY for his willingness, obviously, to move forward and comprise.

Again, I thank Senator SMITH of New Hampshire because I believe that this achieves the goal that he sought and at the same time allows us to come to an agreement here without further acrimony or dissent on this issue.

I yield the floor.

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

Mr. WARNER. Mr. President, I wish to compliment the distinguished Senator from Arizona, Senator SMITH of New Hampshire, and Senator KERRY and urge we proceed to finish this off.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I do not think there is any further debate. We are ready to proceed to a vote.

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

The amendment (No. 680), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

#### COOPERATIVE THREAT REDUCTION FUNDS FOR CHEMICAL WEAPONS DESTRUCTION

Mr. KYL. Mr. President, I urge my colleagues to support an amendment I have offered to the national Defense authorization for fiscal year 1998 that sets conditions for continued United States assistance to Russia for the purpose of chemical weapons [CW] dismantlement and destruction. I offer this amendment because I am disturbed that—despite the fact that the United States has already provided \$150 million in CW destruction aid to Russia through the Cooperative Threat Reduction [CTR] Program—we appear no closer today than when we started this endeavor to meeting our core objective of eliminating Russia's offensive chemical weapons capability.

Instead, Russia has to date failed to demonstrate a commitment—either political or financial—to destroying its chemical weapons capability. Russia has not lived up to CW agreements it has signed. It has failed to implement obligations undertaken in the 1990 Bilateral Destruction Agreement [BDA], which calls for United States verification of the destruction of Russian chemical stocks. And Russia is not working with us to resolve outstanding compliance issues associated with the 1989 bilateral Wyoming Memorandum of Understanding, which requires both sides to fully and accurately account for their respective chemical weapons stockpile. Moreover, Russian ratification of the Chemical Weapons Convention [CWC] remains a distant prospect, despite the fact that one of the principal arguments made in favor of United States ratification was that it would induce the Russians to do the same.

In the meantime, Mr. President, as we continue to pour into Russia more and more chemical weapons destruction aid, the Russians continue to pour more and more rubles into developing ever more deadly chemical weapons. According to press reports, Russia has developed three new nerve agents made from chemicals—used for industrial and agricultural purposes—which are not covered by the CWC. This development program has been confirmed by a prominent Russian scientist who was jailed for revealing Moscow's continuation of covert chemical weapons production. In addition, Russia continues to modernize its strategic offensive forces. According to a recent Hoover Institution study, Russian spending on research and development for strategic