United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, TUESDAY, SEPTEMBER 5, 1995 No. 136

House of Representatives

The House was not in session today. Its next meeting will be held on Wednesday, September 6, 1995, at 12 noon.

Senate

TUESDAY, SEPTEMBER 5, 1995

The Senate met at 10 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 God of new beginnings, who makes all things new and fills us with newness of life, we thank You for the fresh start as we begin this fall season of the Senate. We trust You, Lord, to guide and provide. Give us viable hope and vibrant expectancy as we confront old problems and unresolved issues. We need You, Father. Our own strength, ability, experience, and training are inadequate for times like these. Give us a vision of what we could be and do, if, in total trust in You, we receive Your wisdom, knowledge, insight, and inspiration. Fill us with Your spirit and make us courageous leaders in the conflict of these days.

We pray that our trust in You may give us greater trust in one another. Make us trustworthy as we seek Your best for our Nation. Free us of defensiveness and suspicion of those who may not share our party loyalties or political persuasions. Bind us together in the oneness of a shared commitment to You, a passionate patriotism, and a deep dedication to find creative solutions in the concerns that confront us and often divide us.

Bless the women and men of this Senate as they place their ultimate trust in You, and are faithful to the trust placed in them by the people of this Nation. In our Lord's name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, this morning the Senate will immediately resume consideration of the Department of Defense authorization bill under the agreement reached prior to the recess. Senators should be aware that a rollcall vote will occur at 5 p.m. this afternoon on passage of the Department of Defense appropriations bill. That rollcall vote will be the first rollcall vote of the day, but further rollcall votes can be expected this evening because the leader is hopeful that we will be able to complete action on the defense authorization bill before the day is over.

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

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1026, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1026) to authorize appropriations for fiscal year 1996 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:

Brown amendment No. 2125, to clarify restrictions on assistance to Pakistan.

Mr. THURMOND. Mr. President, I want to advise all Senators that the Senate is on the Defense authorization bill, and the unanimous-consent agreement we propounded before adjourning on August 11 requires us to remain on this bill until all debate is completed and we have a final vote. This bill is essential to our national security and must be passed today.

Let me start the discussion by alerting everyone of today's plans.

First, from now until 5 p.m. we plan to debate those amendments that are in order under the unanimous-consent agreement of August 11.

Second, we plan to stack the votes on those amendments and dispose of them immediately after the vote on the Defense appropriations bill scheduled for 5 p.m. today.

Third, after the stacked votes, we plan to proceed to consideration of the bipartisan missile defense amendments. This debate is scheduled for 3 hours. When that debate concludes, we plan to vote on the amendment and then vote on the bill itself.

This means all amendments that are in order under the unanimous-consent agreement should be raised and debated prior to 5 p.m. today to ensure

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

they are given appropriate consideration. If amendments are not offered early, they may have to wait until after 9 p.m. this evening. Keep in mind that the unanimous-consent agreement we are operating under states that we will not adjourn or recess until final vote is taken on the authorization bill.

Mr. President, I ask my colleagues to come forward with their amendments, limit debate, and work toward a timely vote on this bill.

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. BINGAMAN. 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. BINGAMAN. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so that I can offer an amendment.

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

AMENDMENT NO. 2427

(Purpose: To revise the applicability of the Atomic Energy Community Act of 1955 to Los Alamos, NM)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. BINGAMAN), for himself and Mr. DOMENICI, proposes an amendment numbered 2427.

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

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

The amendment is as follows:

On page 570, between lines 10 and 11, insert the following:

SEC. 3168. APPLICABILITY OF ATOMIC ENERGY COMMUNITY ACT OF 1955 TO LOS ALAMOS, NEW MEXICO.

(a) DATE OF TRANSFER OF UTILITIES.—Section 72 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2372) is amended by striking out ''not later than five years after the date it is included within this Act'' and inserting in lieu thereof ''not later than June 30, 1998''.

(b) DATE OF TRANSFER OF MUNICIPAL INSTALLATIONS.—Section 83 of such Act (42 U.S.C. 2383) is amended by striking out ''not later than five years after the date it is included within this Act'' and inserting in lieu thereof ''not later than June 30, 1998''.

(c) RECOMMENDATION FOR FURTHER ASSISTANCE PAYMENTS.—Section 91 of such Act (42 U.S.C. 2391) is amended—

(1) by striking out '', and the Los Alamos School Board;'' and all that follows through ''county of Los Alamos, New Mexico'' and inserting in lieu thereof ''; or not later than June 30, 1996, in the case of the Los Alamos School Board and the county of Los Alamos, New Mexico''; and

(2) by adding at the end the following new sentence: ''If the recommendation under the preceding sentence regarding the Los Alamos School Board or the county of Los Alamos, New Mexico, indicates a need for further assistance for the school board or the county, as the case may be, after June 30, 1997, the recommendation shall include a report and plan describing the actions required to eliminate the need for further assistance for the school board or the county, including a proposal for legislative action to carry out the plan.''.

(d) CONTRACT TO MAKE PAYMENTS.—Section 94 of such Act (42 U.S.C. 2394) is amended—

(1) by striking out ''June 30, 1996'' each place it appears in the proviso in the first sentence and inserting in lieu thereof ''June 30, 1997''; and

(2) by striking out ''July 1, 1996'' in the second sentence and inserting in lieu thereof ''July 1, 1997''.

Mr. BINGAMAN. Mr. President, the amendment that I am offering on behalf of myself and Senator DOMENICI is a modification of the amendment that we originally filed, amendment No. 2159. We have made several modifications in the original amendment to accommodate the desires of the managers on both sides to speed the day that assistance payments to Los Alamos County and its school board can be brought to a mutually agreeable conclusion.

Mr. President, the amendment would extend assistance payments under the Atomic Energy Community Act to Los Alamos County and the Los Alamos School Board for 1 year, until June 30, 1997. It would require a report from the Department of Energy by June 30, 1996 on how and whether a plan could be drawn up to end these payments at that time.

The original amendment would have had a 2-year extension. The pending amendment would also require the utilities and municipal installations now run by Department of Energy be transferred to the county by June 30, 1998, instead of June 30, 2001, as in the original amendment.

Mr. President, the two Los Alamos governmental entities are the last remaining recipients of payments under the Atomic Energy Community Act of 1954. That law originally encompassed the Hanford area and the Oak Ridge area in Tennessee as well. When those communities ceased to receive payments under the act, substantial settlements were reached with the communities to put them on a firm financial footing.

Senator Jackson and Senator Magnuson won approval of an amendment of a settlement for the Hanford communities in the late 1970's. Senator Howard Baker, then the majority leader, spearheaded the Oak Ridge settlement in the early 1980's during the Reagan defense buildup when defense funds were plentiful.

Mr. President, unfortunately, the Los Alamos community and DOE did not reach agreement at that time on a transition plan. The Department of Energy told Congress in a 1986 report that the existing arrangement should be continued. So Senator DOMENICI and I in 1986 offered an amendment extending the payment for 10 years to June 30, 1996.

Mr. President, we do not have the option today of making a substantial one-time payment to the Los Alamos entities. The Department of Energy has been discussing possible land transfers and other arrangements with the county.

These arrangements will involve other Federal agencies and other local entities, and will require time and will probably require that legislation be enacted.

The Department of Energy also must negotiate a new contract with the University of California to run the laboratory in 1996, and there is a possibility that the Department of Energy will decide to compete that contract. The details of that contract could also affect the county and the school board significantly.

For those reasons, Senator DOMENICI and I are proposing to give these processes time to work and have the Congress revisit this issue late next year, or more likely in 1997, with specific Department of Energy proposals in hand.

The provision that we are offering has been worked out between the Department of Energy and the community leaders and has the support of both as an interim step toward a comprehensive solution within the next 2 years.

Mr. President, I understand this is acceptable to both the majority and the Democratic sides, and I urge support of the amendment.

Mr. THURMOND. Mr. President, we have no opposition to this amendment and are willing to accept it. As I understand, the amendment is offered not only by the distinguished Senator who is speaking, Senator BINGAMAN, but also Senator DOMENICI. They are both in favor of the amendment, and we are willing to accept it.

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

So the amendment (No. 2427) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 2157

(Purpose: To require the Secretary of Defense to take such actions as are necessary to reduce the cost of renovation of the Pentagon Reservation to not more than $1,118,000,000)

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the pending

amendment 2125 be temporarily laid aside so that I can offer an amendment.

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

Mr. BINGAMAN. Mr. President, I call up for consideration amendment No. 2157.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. FEINGOLD, Mr. WELLSTONE, and Mr. LOTT, proposes an amendment numbered 2157:

The amendment is as follows:

On page 515, between lines 2 and 3, insert the following:

SEC. 2864. RENOVATION OF THE PENTAGON RESERVATION.

The Secretary of Defense shall take such action as is necessary to reduce the total cost of the renovation of the Pentagon Reservation to not more than $1,118,000,000.

Mr. BINGAMAN. Mr. President, I offer this amendment on behalf of myself, Senator FEINGOLD, Senator WELLSTONE, and Senator LOTT. It is a very simple amendment. The amendment sets a new target for the total cost of renovation of the Pentagon over a multiyear period. The target that we set in here is $1.118 billion. That is $100 million less than the level previously set.

Mr. President, in 1990, Congress took the Pentagon out of the hands of the General Services Administration and put it in the hands of the Department of Defense. The reason was that the GSA was doing nothing to renovate the building, which was in disrepair, and was getting paid a lot more than maintenance costs. The 1990 law set the course for Pentagon renovation. Such renovation is desperately needed. There is no question about that. The building is over 50 years old. Its utilities are totally outmoded. Power outages are routine. Rats roam the basement. There is no question that we need to move ahead, and we are moving ahead.

In recent years, the Appropriations Committee has required the Secretary of Defense to certify that the total cost of Pentagon renovation will not exceed $1.218 billion. Secretary Perry sent the last such certification to Senator BYRD on December 19, 1994.

In March of this year, Secretary Perry appointed a steering committee chaired by Dr. Kaminski to review plans for the Pentagon renovation and to make recommendations on options available for cost reductions, transition of personnel, and ultimate tenancy of the building.

It is my understanding that Deputy Secretary White has now taken over that committee. The March Pentagon news release says that—

This review will include a reexamination of all lower cost options. At a time when the Secretary has initiated efforts to improve housing for our soldiers, sailors, airmen, and marines, we need to do all we can to insure that dollars being spent for other infrastructure projects are not being taken away from the very high priority of improving the lifestyle of our men and women in uniform. It is also prudent at this stage in the project to take a new look to insure that costs are being contained and that we won't end up with more money being spent than initially estimated.

Mr. President, my cosponsors and I agree with that statement from the Pentagon. We are spending $161 million this year for Pentagon renovation. The Secretary is right that it is time to assess where we are. There is evidence that we can get a better price than the $1.218 billion previously estimated for the renovation.

On page 33 of the annual status report on Pentagon renovation submitted March 1, 1995, it is noted that—

Favorable bids on the Basement Phase I renovation were received on August 10 of 1994. The contract was awarded August 30, 1994 to Hyman Construction Company for $48,043,871. The original bid was about 36 percent below the Government estimate.

The amendment we are offering today gives the Pentagon steering committee a target to aim for in their cost reduction efforts, and I for one hope they can do even better than this target. When we are asking Americans in all walks of life to tighten their belts, the Pentagon can do its fair share at the renovation of its headquarters. That is what this amendment attempts to achieve.

Mr. President, as I understand the situation, the majority has agreed to this amendment, and on the Democratic side Senator GLENN has indicated opposition and a desire to speak to the amendment. ÷ Until he comes and has that opportunity, I suggest the absence of a quorum.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. Does the Senator withhold his quorum call request?

Mr. BINGAMAN. Mr. President, I do withhold the quorum call request.

The PRESIDING OFFICER. Who yields time to the Senator from Colorado?

Mr. THURMOND. Mr. President, I will yield such time as the Senator requires.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. I thank the distinguished chairman of the committee.

Mr. President, I will shortly offer an amendment with regard to Fitzsimons Army Hospital located just outside Denver, CO. I thought I would take advantage of the lull here for a moment and just share a few thoughts about Fitzsimons.

It is with some sadness that I offer an amendment with regard to Fitzsimons. This hospital is one that has played an important role in Colorado and in the Rocky Mountain region for many, many years.

It is on the Base Closure Commission's list of facilities to be closed. And thus the community has sought, on a rapid basis, to find another use for this facility. That will be the subject of the amendment that I will offer. But I wanted to share a few thoughts with the Chamber also about Fitzsimons because it is an important faculty for Colorado as well as the entire region.

It was built during World War I in response to a number of casualties that came in from the fronts in Europe and provided treatment for our military personnel. It is an area that I know well. The place where it is built is just east of the city of Denver and is an area where my grandfather fed cattle prior to and during World War I. It is a hospital that has long served the people of the Rocky Mountain region. It is where my great-grandfather passed away. He was a Civil War veteran and received treatment at that facility and then passed away prior to World War II, where my father took his enlistment physical just after Pearl Harbor in 1942. It is where I took my enlistment physical when I entered the Navy in 1962.

It is sad that it is closing. And I say that because our delegation was interested in saving money and has several times——

Mr. THURMOND addressed the Chair.

Mr. BROWN. Mr. President, I yield to the distinguished Senator from South Carolina.

Mr. THURMOND. On the question of time, how does the Senator want his time charged? Is he going to offer an amendment? Does he want time charged to himself?

Mr. BROWN. Yes, Mr. President.

Mr. THURMOND. Mr. President, is that clear now? The time he uses will be charged to him when he offers this amendment and not to the present amendment.

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

Mr. BROWN. What is the pending business of the Senate?

The PRESIDING OFFICER. The pending question is amendment 2157 offered by the Senator from New Mexico.

Mr. BROWN. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may offer an amendment to the bill.

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

AMENDMENT NO. 2428

(Purpose: To urge the Secretary of the Army to move expeditiously to lease the Fitzsimons Army Medical Center, Colorado, slated for closure 1995)

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

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 2428.

Mr. BROWN. 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 appropriate place in the bill, add the following new section:

SEC. . SENSE OF THE CONGRESS REGARDING FITZSIMONS ARMY MEDICAL CENTER, COLORADO.

(a) FINDINGS.—The Congress finds that—

(1) Fitzsimons Army Medical Center in Aurora, Colorado has been recommended for closure in 1995 under the Defense Base Closure and Realignment Act of 1990;

(2) The University of Colorado Health Sciences Center and the University of Colorado Hospital Authority are in urgent need of space to maintain their ability to deliver health care to meet the growing demand for their services;

(3) Reuse of the Fitzsimons facility at the earliest opportunity would provide significant benefit to the cities of Aurora and Denver; and

(4) Reuse of the Fitzsimons facility by the local community ensures that the property is fully utilized by providing a benefit to the community.

(b) SENSE OF CONGRESS.—Therefore, it is the sense of Congress that upon acceptance of the Base Closure list—

(1) The federal screening process for Fitzsimons Army Medical Center should be accomplished at the earliest opportunity;

(2) The Secretary of the Army should consider on an expedited basis transferring Fitzsimons Army Medical Center to the Local Redevelopment Authority while still operational to ensure continuity of use to all parties concerned;

(3) The Secretary should not enter into a lease with the Local Redevelopment Authority until he has established that the lease falls within the categorical exclusions established by the Department of the Army pursuant to the National Environmental Policy Act (42 U.S.C. 4321 et seq.);

(4) This section is in no way intended to circumvent the decisions of the 1995 BRAC;

(c) REPORT.—180 days after the enactment of this Act the Secretary of the Army shall provide a report to the appropriate committees of the Congress on the Fitzsimons Army Medical Center that covers—

(1) The results of the federal screening process for Fitzsimons and any actions that have been taken to expedite the review;

(2) Any impediments raised during the federal screening process to the transfer or lease of Fitzsimons Army Medical Center;

(3) Any actions taken by the Secretary of the Army to lease the Fitzsimons Army Medical Center to the local redevelopment authority;

(4) The results of any environmental reviews under the National Environmental Policy Act in which such a lease would fall into the categorical exclusions established by the Secretary of the Army; and

(5) The results of the environmental baseline survey and a finding of suitability or nonsuitability.

Mr. BROWN. Mr. President, this amendment is one that we have worked with members of the Armed Services Committee to tailor. It is only a sense of the Senate, but it expresses a strong hope that this country will move quickly to develop another use for the Fitzsimons hospital.

Mr. President, I might point out that it was my wish we offer legislation on this bill to transfer the hospital so it could be immediately turned over to another beneficial use. Unfortunately, I am advised that it is the wish of the committee that we not proceed in that fashion. While that alternative use is desirable, both for the Federal Government and for the community, it is the wish of the committee to follow a procedure set forth in law.

The problem with doing so, Mr. President, is that a delay could cause the loss of this alternative use. Fitzsimons Medical Center is a vital and important part of our economy. It will be shut down. It will be closed. It is the thought of the community that it should be immediately put to new use. And, fortunately, the University of Colorado's Health Science Center happens at the moment to be looking for an alternative facility. It is a serendipitous circumstance that this reuse is available just at the time the facility is being shut down.

So, what we had hoped to have is an immediate authorization for it to be used by the University of Colorado Health Science Center. It could provide significant savings because you would not have the long delay and expense of the shutdown and the closedown. It could provide immediate and beneficial use of the facilities, saving not only the University of Colorado money but the Federal Government money as well.

Mr. President, that is not what this amendment does. I wish it did. What this amendment does is simply express the sense of Congress that this alternative has merit and ask for its prompt consideration. My hope is, though, that we will see the Pentagon act expeditiously in developing this as the alternative use. It is of enormous benefit to the community to have this facility reused as a medical center. It not only makes the best use of the facility, but it also helps the community by saving jobs, medical jobs, that had been at Fitzsimons. Many of them can be saved by this alternative use by the University of Colorado.

Mr. President, last, let me close with this thought. The delegation from Colorado did not come in as others have in some areas and said, ''No, do not look at our facility. Do not consider us in trying to save money.'' We said, if closing down Fitzsimons makes sense, it ought to be done. But if it does not, if it is not the most cost-effective alternative to save money, then do not do it. And our delegation itself asked for studies to indicate whether or not it was economically feasible to keep it open.

The objective studies done by the Pentagon independently indicated it was cost effective to keep the facility open. It provides medical services for the entire region.

After that objective study was done, questions were again raised. We again asked for a second objective study. That second objective study came back. Again, it identified that it was cost effective to keep this facility open. Fitzsimons was one of those facilities kept open between World War I and World War II. It was kept open, I believe, because it services an entire region of the country in terms of health care for our veterans and for our service men and women. It was kept open between World War I and between World War II and kept open after World War II and before Korea and kept open after Korea and before Vietnam and kept open after Vietnam.

When it was put on the closure list, we asked one thing of the Commission: to review the independent studies, and if they disagreed with those studies, tell us where they did disagree. Mr. President, they did not do that. All the objective studies that looked at Fitzsimons indicated it was responsible to keep it open and functioning. When the Base Closure Commission looked at it, they did not address those studies.

Mr. President, this is a mistake. It is a mistake to close the facility. It is not a cost-effective move on the part of the military. What is more, the Base Closure Commission has never addressed the independent studies and findings that showed it was cost effective.

Mr. President, I support the Base Closure Commission. I will vote for their report. But, Mr. President, I do not agree with all of their suggestions. It will be a sad day when this facility is closed. I am happy, though, to see that there is a positive, significant, alternative use for it. It has the broad support of the full delegation of Colorado and the broad support of the entire community. But, Mr. President, I continue to feel it is a mistake for the U.S. military to close a facility that is a most cost-effective alternative to health care needs that they are committed to supply.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we would like more time to look into this amendment. We cannot go undermining what the Base Closure Commission has done, but we would like to study this amendment further.

I ask unanimous consent that it be set aside and let us consider it further during the day.

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

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent, since there is a lull on the floor, that I be allowed to speak as in morning business.

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

STOCKPILE STEWARDSHIP PROGRAM

Mr. REID. Mr. President, I first want to say, when I was in the House of Representatives, I supported the nuclear freeze. I also want to say initially, I think the problem in the world today is not nuclear testing, but nuclear weapons.

Having said that, I feel it is appropriate for me to comment on the most

recent issue of the National Journal, the September 2 issue, wherein there was a discussion of a recent debate that occurred on this floor. The debate was on hydronuclear testing and the need for additional funds to support the safety and reliability of our nuclear weapons stockpile. Mr. President, the Senate ultimately voted to sustain those funds, and I am a strong supporter of the decision that the Senate made.

The National Journal noted that the proponents of a strong nuclear deterrent stated that the JASON study team supported some of the experiments that were at issue in the Senate debate.

The article also noted that some of my colleagues and the chairman of the JASON study committee believe its findings had been misrepresented.

I am not a Ph.D. scientist and I may not be a weapons expert, but I can read English, and I read it very well. If the JASON study findings do not reflect the panel's intent, then the authors did not do a very good job of making their views clear. As I said earlier, we need to get on with treaty compliant experiments, not nuclear tests. The JASON study clearly endorsed treaty compliant experiments. I would not generally look to the JASON's for guidance on nuclear testing or stockpile stewardship issues. This is not their area of expertise, and they have not had a credible track record in this area.

I do want to say, however, that since the proponents of hydronuclear experiments or treaty compliant experiments have relied heavily on the JASON's to push their agenda, it seems appropriate to use their experts to challenge their position.

Since the debate, I have looked into this matter more deeply. I now understand the views of some of the experts on the committee and of the experts who provided data to the committee more clearly than I did a month ago. I have found that the JASON report has been used to misrepresent the views of some of the experts and some of the study group members. This is not surprising in a highly political report that is trying to reach consensus. Sometimes the only way to reach consensus is to be unclear, and that lack of clarity can then be used by both sides to press their interpretations.

I assure you that although there are some in the study group that oppose hydronuclear experiments, there are also some who support hydronuclear experiments.

Many of the experts who provided input to the study would disagree with some of its conclusions. I understand that. Nevertheless, the report did clearly support the subcritical experiments with real nuclear material, experiments that some have characterized as hydronuclear experiments, experiments that fall within the range of experiments being debated that day on the floor of the Senate.

Mr. President, for those who still question the issues, let me again quote from the report. I am reading directly verbatim from the report. This is a quote:

> Underground testing of nuclear weapons at any yield level below that required to initiate boosting is of limited value to the United States. However, experiments involving high explosives and fissionable material that do not reach criticality are useful in improving our understanding of the behavior of weapons materials under relevant physical conditions. They should be included among treaty consistent activities that are discussed more fully in the text.

Mr. President, that is as clear as the English language can be. If people on the committee want to disagree with the report as it is written, that is their privilege. But I read from the report a month ago, and I am reading from it again. The language is very clear. In plain English, that clearly supports tests or experiments that opponents were trying to prohibit. More importantly, it should be understood that the JASON study report is a political report, not a technical report. It was created for political reasons, and its conclusions were generally preordained. Using the report as a so-called consensus of nuclear weapons experts is a misrepresentation. There may have been an expert or two on the committee, but that does not mean it represents the expert opinion on the issue.

On the technical level, there is still much for the Senate and the public to evaluate. The technical issues are complex and do not lend themselves easily to public debate. I will, though, Mr. President, do the best I can to make the key issues clear to the Senate and to the American public. Bits and pieces of the issue have been addressed in various studies, and the whole picture has not been laid before the Congress.

In particular, the loss of confidence that will come from the end of testing has not been adequately reviewed. No one who even superficially understands the issue will claim that we can maintain the current level of confidence in our nuclear weapons system without testing. The question is how much confidence do we need.

When that issue is fully understood by the Congress and the American people, we can then properly assess the value of testing and the need for testing. My view is clear. We must have the utmost confidence in the safety and reliability of our nuclear weapons, and anything we can do to achieve that confidence should be done. Second-class confidence is irresponsible and unacceptable in a first-class nation.

In the best case, this means we should continue with nuclear testing. In the case we debated last month, it meant getting on with whatever experiments the President was prepared to allow. We must continue to explore this issue. The debate on testing, stewardship, treaty compliant experiments is not over and should not be over until all the facts are out.

I look forward to the JASON report being finalized and published. That should help us all understand the basis for the conclusions of the study group and perhaps clear up some of the controversy on this issue.

I also, Mr. President, look forward to the weapons laboratory report called for in section 3164 of the Senate version of the National Defense Authorization Act, the matter that is now before this body. I look forward to it being completed and presented to the Congress. This report promises to be a credible technical report, written by real nuclear weapons experts.

In the meantime, I urge the President to get on with the stockpile stewardship plan that he has developed, including the treaty compliant experiments endorsed by the JASON's and called for in the current test ban negotiating positions. The $50 million added by the Senate should allow these experiments to begin without further delay. It is time for action with respect to implementing all elements of our Nation's Stockpile Stewardship Program.

Mr. President, I appreciate very much the managers of this bill allowing me to speak out of order, but certainly this is of relevance to the matter before this body.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 5 minutes as in morning business.

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

UNDERGROUND NUCLEAR TESTING

Mr. BINGAMAN. Mr. President, this afternoon at 5 o'clock, the Senate will vote on final passage of the Defense appropriations bill, which will then go to conference. One of the provisions contained in that bill, which was added by amendment, I think is worthy of note and has not received significant attention, either by Members of the Senate or by the public at large.

So I wanted to call it to the attention of both of my colleagues and of the public and indicate my strong support for it. It is an amendment that Senator AKAKA offered, amendment No. 2406 on behalf of himself and Senator PELL. The amendment was adopted by voice vote and puts the Senate clearly on record with regard to nuclear testing contemplated by the Republic of France. Let me just read the amendment as it was adopted by the Senate before we went out of session earlier in August. It says:

> Sense of the Senate regarding underground nuclear testing.
>
> Findings. The Senate makes the following findings:
>
> (1) The President of France stated on June 13, 1995, that the Republic of France plans to conduct eight nuclear test explosions over the next several months.
>
> (2) The People's Republic of China continues to conduct underground nuclear weapons tests.

(3) The United States, France, Russia, and Great Britain have observed a moratorium on nuclear testing since 1992.

(4) A resumption of testing by the Republic of France could result in the disintegration of the current testing moratorium in the renewal of underground testing by other nuclear weapon states.

(5) A resumption of nuclear testing by the Republic of France raises serious environmental and health concerns.

(6) The United Nations Conference on Disarmament presently is meeting in Geneva, Switzerland, for the purpose of negotiating a Comprehensive Nuclear Test Ban Treaty, which would halt permanently the practice of conducting nuclear test explosions.

(7) Continued underground weapons testing by the Republic of France and the People's Republic of China undermines the efforts of the international community to conclude a CTBT by 1996, a goal endorsed by 175 nations at the recently completed NPT Extension and Review Conference (the conference for the extension and review of the Nuclear Nonproliferation Treaty).

Therefore, ''It is the sense of the Senate that the Republic of France and the People's Republic of China should abide by the current international moratorium on nuclear test explosions and refrain from conducting underground nuclear tests in advance of the Comprehensive Test Ban Treaty.''

That is the end of the resolution adopted here in the Senate before we went out on recess, Mr. President. As I am sure my colleagues know, the People's Republic of China has gone ahead during this last month and conducted one additional underground test in contravention of the sentiments expressed in this resolution. The Republic of France is now contemplating and intending, as I understand it, to proceed with eight additional nuclear test explosions over the next several months.

I believe it is very important that the Senate is on record as being opposed to these nuclear explosions. And I felt it was important to call to the attention of Members of the Senate and the public that this was unanimously agreed to by the Senate as part of this Defense appropriations bill, which will be finally voted by the Senate at 5 this afternoon.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2125 WITHDRAWN

Mr. THURMOND. Mr. President, on behalf of Senator BROWN, I ask unanimous consent that amendment No. 2125, relating to Pakistan, be withdrawn.

The PRESIDING OFFICER (Mr. BURNS). Is there objection?

Without objection, it is so ordered.

So the amendment (No. 2125) was withdrawn.

CRUSADER/LP

Mr. SHELBY. Mr. President, I wish to engage the distinguished Senator from Virginia, the chairman of the Subcommittee on AirLand Forces, in a brief colloquy regarding the Army's Crusader program. Senator WARNER, I note that the committee has fully supported the Army's priority development of the Advanced Field Artillery System, Crusader program and I commend the committee for its action. However, I am concerned by the actions of the House National Security Committee relative to the liquid propellant [LP] gun aspect of the Crusader program. I have been led to believe that the Army recognized the performance advantages of the LP gun and that the Army in recognition of those performance enhancements accepted the risks associated with LP development. Am I correct in that understanding?

Mr. WARNER. The Senator is correct. The range and volume of fire advantages of LP would greatly increase the performance and capabilities of the Army's field artillery.

Mr. SHELBY. I am concerned that the House has written several pages of bill language which would legislate noncontractual performance goals which might add schedule risk and might jeopardize the schedule flexibility critical to the successful management of any development effort. I am also concerned that the House position appears to prejudge the failure of the LP gun while not adequately considering the risk nor providing comparable oversight for the Army's backup technology, unicharge.

Mr. WARNER. The committee staff has reviewed the Army's Crusader program and LP development in detail. LP development is receiving intensive management by both the contractor and the Army. I understand the Senator's concern that the House position legislating performance goals and decision schedules might exceed the oversight needs of this program. I do believe, however, that we should maintain adequate congressional oversight over both LP and unicharge development as it affects this important Army program. I would point out that the Army is just completing the first year of an 8½ year development program for the Crusader. We are pushing the limits of technology in an entirely new area with the research and development of liquid propellant for Crusader. I believe that the potential advantages of LP justify the risks associated with its development. We will continue to watch this program carefully. We expect that the development of LP will be successful and that the Crusader will be produced and fielded on schedule. If, on the other hand, the technology challenges are too difficult, and LP simply doesn't work, then we won't buy it. However, in the meantime, I believe we should allow the Army's developmental efforts to proceed.

Mr. KENNEDY. If the Senator would yield, I would point out that the Navy has a requirement to improve its naval surface fire support and has a cooperative agreement with the Army to monitor and leverage off of the liquid propellant gun development. The successful development of LP offers great opportunities for the Navy in this important area and in as much as the House legislation serves as a detriment to that effort, I would be happy to work to resolve this issue in conference.

Mr. SHELBY. I want to thank the Senator from Virginia and the Senator from Massachusetts for their understanding of this matter and for their commitment to work to resolve this in conference.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. THURMOND. Mr. President, I rise now to urge Senators who have amendments to the Defense authorization bill to come to the floor and take up their amendments. We are supposed to pass this bill today. If they wait until this afternoon, then they are all stacked in at the last minute and it is going to be very difficult to handle.

I urge them to come on out. We have been here all morning starting at 10 o'clock, and we have approved a few things. But there is a lot more to be done. I want them to come and take up the amendments and let us get them acted on one way or the other.

Thank you, 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. EXON. 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. EXON. Mr. President, I would like to say we are making good progress, working back and forth on both sides. I think with a little cooperation here and a little cooperation there, this whole proposition might move much more expeditiously than we had earlier anticipated.

I thank my friend and colleague from South Carolina for his usual good cooperation, and we are going to be working very hard the rest of the day to try to eliminate any and all barriers to cut down the time dramatically and probably come to a resolution, hopefully, on the authorization and the appropriations bills early this evening, and I

emphasize the word ''early'' this evening, which I think would be good news for all.

AMENDMENT NO. 2429

(Purpose: To amend the hydronuclear provisions of S. 1026)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for himself and Mr. BINGAMAN, proposes an amendment numbered 2429.

The amendment is as follows:

Notwithstanding any other provision of the Act, the provision dealing with hydronuclear experiments is qualified in the following respect:

(c) LIMITATIONS.—Nothing in this Act shall be construed as an authorization to conduct hydronuclear tests. Furthermore, nothing in this Act shall be construed as amending or repealing the requirements of Section 507 of Public Law 102–377.

The PRESIDING OFFICER. Without objection, the preceding amendments are set aside.

The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, this is a matter that myself, Senator HATFIELD, and many other Senators have put in a great deal of time and effort on. I think this is a compromise amendment that has a chance of being accepted on both sides. Therefore, we have set aside the hour and a half, if I remember the figures correctly, that we agreed to in the unanimous-consent request. In any event, at the present time I yield such time as is assigned to me in the unanimous-consent agreement for the following remarks.

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

Mr. EXON. Mr. President, before the August recess, a number of amendments to the Defense authorization bill were debated at length. One of these was an amendment proposed by myself, Senator HATFIELD, and nine other Senators to delete the $50 million add-on to the bill for hydronuclear weapons testing. While that amendment failed, I strongly feel that the Senate should revisit the issue in a different form so that it may be clarified in light of President Clinton's recent decision to forgo such tests.

Therefore, Mr. President, I would emphasize that the amendment that I have just offered and has just been read by the clerk is an amendment that I believe goes a long way in clarifying the situation for all concerned. And I firmly believe that it is simply a restatement, a punctuation mark, if you will, with the wording that was agreed to on matters in this regard in the Defense authorization bill as it came out of the Armed Services Committee.

The Defense authorization in its present form contains section 3135, a provision authorizing $50 million for preparation for the commencement of hydronuclear tests. As my colleagues may know, the United States has been negotiating a comprehensive test ban treaty with the world's nuclear powers for the past 2 years. President Clinton's August 11 announcement to push for an international agreement by 1996 that would prohibit these types of nuclear detonations was an important development toward the goal of halting the spread of nuclear weapons around the world.

I was particularly encouraged yet this morning to learn that the French President has now indicated a signal to cut dramatically short the full-scale underground nuclear testing that the French Government had proposed in the South Pacific. Things are coming together perhaps so that we can have a meeting of the minds.

After over 1,100—and I emphasize 1,100—nuclear tests conducted by the United States over 50 years, the U.S. nuclear stockpile is the safest and most reliable on Earth. Computer simulation backed up with the data from these tests, not additional detonations, can maintain this high degree of confidence in the future. But a nonnuclear nation looking to obtain superpower status in the form of a nuclear bomb is unlikely to develop such a capability without the means to test these unproven weapons. A truly comprehensive and verifiable test ban treaty will be an effective tool at closing membership in the nuclear club.

My amendment simply clarifies that the language in section 3135 is for test preparation—that is how it reads now, preparation—and not authority to violate the existing U.S. testing moratorium policy. My amendment reaffirms the congressional review process for new tests required by the 1992 Energy and Water Appropriations Act by adding the following simple and straightforward paragraph to the bill:

I quote:

Nothing in this act shall be construed as an authorization to conduct hydronuclear tests. Furthermore, nothing in this act shall be construed as amending or repealing the requirements of section 507 of Public Law 102–377.

Unlike my previous amendment on hydronuclear testing, this amendment does not affect—I emphasize—does not affect the $50 million authorization in the bill presently. The Department of Energy would be allowed to spend the funds but only for the purpose stated in the bill, that being test preparation. The intent of the bill language would be made clearer by my amendment and brought into line with the administration's stated policy. The funds can be spent on Department of Energy stockpile stewardship activities but the authorization of funds in no way should be construed as a congressional authorization to conduct a test. That prerogative, as I mentioned earlier, is reserved under a reporting requirement contained in the original Hatfield-Exon-Mitchell provision to the 1992 energy and water appropriations bill, wherein the President must report to Congress and seek its approval for any new tests and provide the safety or reliability justification for such tests.

There is no reason why the United States should restart nuclear weapons testing. To do so would be expensive, end up scuttling the comprehensive test ban negotiations, and, in a self-defeating turn, encourage other nations to pursue obtaining a nuclear capability. The preeminent nuclear weapons experts in America—if not the world—issued on August 3 of this year a study on whether we should continue nuclear weapons testing. The study, called the JASON study, was headed by Sidney Drell of Stanford and was written by 14 top scientists, including representatives from each of the national laboratories responsible for the stewardship and maintenance of these weapons. Their conclusion was unequivocal: There is no need to resume testing, including the hydronuclear tests discussed in this bill.

Among the JASON report findings:

The United States can, today, have high confidence in the safety, reliability, and performance margins of the nuclear weapons that are designated to remain in the enduring stockpile:

A further quote from that report:

A pervasive case has not been made for the utility of hydronuclear tests for detecting small changes in the performance margins for current U.S. weapons.

Further quote:

Underground testing of nuclear weapons at any yield below that required to initiate boosting is of limited value to the United States.

Further quote:

[Our] findings . . . are consistent with U.S. agreement to enter into a comprehensive test ban [CTBT] of unending duration, that includes a standard ''supreme national interest clause.''

Mr. President, these are findings of the JASON report authors—the foremost nuclear experts in the United States. They are saying, they are telling and they are advising two things of primary importance: First, that the United States does not need to test this year or the next or into the foreseeable future in order to maintain a safe and reliable nuclear arsenal. Second, they are saying that a comprehensive test ban is in our national security interests.

I find it ironic that proponents of the fast-tracked national missile defense system try to justify the estimated $48 billion project by saying we can never be sure what rogue nation may develop nuclear warheads in the next century and, therefore, we must protect ourselves. A comprehensive test ban is an effective way of stemming this proliferation tide. It is a means by which to limit the have-nots from trying to find superpower status in the form of a nuclear warhead. A nation is unlikely to develop a nuclear capability with any degree of confidence if it cannot test the weapons. By the United States showing leadership and announcing

that all tests should be banned under a comprehensive test ban treaty, the goal of nuclear nonproliferation has been greatly enhanced. Let us keep it that way.

There is another reason why a comprehensive test ban treaty is beneficial for the United States. No nation has tested more than the United States and has more advanced computer technology than we do. A comprehensive test ban will lock in the technological advantages that we possess over the rest of the world.

But this discussion about a comprehensive test ban treaty is all prospective. The negotiations are ongoing and no agreement has been reached as of yet. All the more reason for the Congress not to interject itself capriciously into the question of mandating weapons testing of any kind.

The issue at hand is my amendment and whether the words in section 3135 of the bill mean what they say. My amendment does not touch the $50 million add-on in the bill for test preparation. It simply reiterates that ''preparation'' is different than an actual decision to test.

I urge my colleagues to support this amendment.

Mr. President, I reserve the remainder of my time. I will revisit this issue at a later time.

Mr. President, I ask unanimous consent that Senator BINGAMAN and Senator LIEBERMAN be added as original cosponsors of the Exon amendment.

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

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

Pursuant to a previous discussion I had with my distinguished friend and colleague from South Carolina, the chairman of the Armed Services Committee, I think at this time we may be in a position to proceed with the adoption of a series of amendments that I understand have been cleared on both sides.

Mr. THURMOND. Mr. President, on this particular amendment, I want to say we are looking at the amendment. I ask unanimous consent that it be laid aside until we can go to other things and then reconsider it at a later time during the day. I am pleased to go the matters that have been agreed upon.

Mr. EXON. I agree.

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

Mr. EXON. May I inquire of my colleague from South Carolina if he is prepared, as a manager of the bill, to proceed with the 20-odd amendments that I understand have been offered and have been cleared on both sides. We are prepared to take those matters up now, if it is the will of the chairman.

Mr. THURMOND. Mr. President, of those that have been cleared, it is agreeable for us to take those up at this time. I would like for us to get the staff here to see about that.

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

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

SECTION 551 OF S. 1026—THE DETERMINATION OF WHEREABOUTS AND STATUS OF MISSING PERSONS

Mr. MCCAIN. Mr. President, the fiscal year 1995 National Defense Authorization Act directed the Secretary of Defense to review current law related to missing service personnel and report to Congress on recommended changes. In addition to the recommendations made in the mandated report, the Department of Defense accommodated the committee's concerns by agreeing to several additional provisions, which are included in this bill, that went considerably beyond the scope of the initial recommendations.

In the provisions of this bill, the committee has gone as far as the Congress should on this issue. I believe the committee and the Department of Defense have agreed on a course of action that will improve current procedures without imposing a new and cumbersome bureaucracy on the Department, the Services, and commanders in the field.

However, the report language accompanying the bill does not accurately reflect the intention of the bill language in one key aspect. The recommended provision would not prohibit the Department of Defense from declaring a serviceman dead when there are obvious indications that he is indeed dead, including the passage of time. Contrary to the report language, the bill language does not confer immortality on MIA's. Further, I do not share the editorial characterization of the current accounting system as insensitive and unresponsive. Whereas this may have been true many years ago, the Department of Defense and the Services have since taken extensive measures to make the system sensitive, responsive, and most important, workable.

When the bill before us goes to conference, I will steadfastly support the Senate position and oppose the provisions in the House bill which, in my view, are unwise and unworkable. I encourage my colleagues in the strongest possible terms to do likewise.

Mr. WARNER. Mr. President, my colleague, the distinguished senior Senator from Nebraska, will take up an amendment by Senator HARKIN.

AMENDMENT NO. 2430

(Purpose: To increase the amount provided for the Civil Air Patrol by $5,000,000)

Mr. EXON. Mr. President, on behalf of Senator HARKIN, I offer an amendment which will reduce and refocus the reduction of the bill to the Civil Air Patrol budget from a $5 million reduction to a $2.9 million reduction. This amendment would effectively speed up the ongoing reorganization of the Civil Air Patrol so that the savings plan for 1997 would be achieved by 1996.

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

The PRESIDING OFFICER. Without objection the pending amendments will be set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. HARKIN, for himself, Mr. SHELBY, Mr. CAMPBELL, Mr. ROBB, Mr. HEFLIN, and Mr. BINGAMAN, proposes an amendment numbered 2430.

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

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

The amendment is as follows:

On page 72, between lines 18 and 19, insert the following:

SEC. 305. INCREASE IN FUNDING FOR THE CIVIL AIR PATROL.

(a) INCREASE.—(1) The amount of funds authorized to be appropriated by this Act for operation and maintenance of the Air Force for the Civil Air Patrol Corporation is hereby increased by $5,000,000.

(2) The amount authorized to be appropriated for operation and maintenance for the Civil Air Patrol Corporation under paragraph (1) is in addition to any other funds authorized to be appropriated under this Act for that purpose.

(b) OFFSETTING REDUCTION.—The amount authorized to be appropriated under this Act for Air Force support of the Civil Air Patrol is hereby reduced by $2,900,000. The amount of the reduction shall be allocated among funds authorized to be appropriated for Air Force personnel supporting the Civil Air Patrol and for Air Force operation and maintenance support for the Civil Air Patrol.

Mr. HARKIN. Mr. President, on behalf of my esteemed colleagues Senators SHELBY, CAMPBELL, ROBB, HEFLIN, BINGAMAN, and myself, I offer an amendment to restore the cuts in the Civil Air Patrol budget. The Senate defense authorization bill S. 1026 cuts the Civil Air Patrol [CAP] operations and maintenance by $5 million, from $14.7 million to $9.7 million, a 34 percent reduction. This heavy cut would severely limit the CAP's capability to carry out its search and rescue missions, emergency air transport, counterdrug surveillance, and other important functions.

The Harkin-Shelby-Campbell-Robb-Heflin-Bingaman bipartisan amendment to the fiscal year 1996 defense authorization bill restores the CAP budget to the amount approved by the House, the original $14.7 million.

The Civil Air Patrol is a nonprofit corporation designated as an auxiliary of the Air Force by public law in 1948. It is mostly made up of over 50,000 volunteers who are mainly ex-Air Force personnel, and who often must fly over large areas of country in their missions of mercy. It is to the credit of the CAP that their volunteers relieve the Government of expense such that only 10 percent of the CAP budget need be used to reimburse the volunteers. Furthermore, the CAP is undergoing a reorganization to replace active duty Air

Force personnel with retired fliers who receive only one-half their former pay. This will save taxpayers about $3 million. Additionally, the Air Force active duty personnel are being replaced by civilians at the CAP headquarters, so the CAP budget reflects an increase equivalent to the decrease in the Air Force budget used to pay for headquarters personnel. These reorganizational changes were misinterpreted in a General Accounting Office report to justify cutting the CAP. The Harkin-Shelby-Campbell-Robb-Heflin-Bingaman amendment corrects the well-intentioned but misguided cuts in the CAP. The CAP is invaluable to our country, and performs its missions much more inexpensively than could be done by Government.

Because the Air Force personnel are being replaced by retirees and other civilians, the active duty Air Force personnel and operations and maintenance budget should be reduced by $2.9 million. This reflects the savings to the taxpayer that the recent reorganization attains.

Mr. MCCAIN. Mr. President, I support this amendment to cut the level of support for the Civil Air Patrol in the Air Force operations and maintenance and personnel accounts by $2.9 million and restore $5 million to the Civil Air Patrol Corporation budget. The $2.9 million cut from the administration's request for this program will reduce the amount of military resources unnecessarily dedicated to its overhead and administration.

Furthermore, although I believe that this program is noble, its military benefits are negligible. The primary mission of this program, search and rescue of downed civilian pilots, would more appropriately be funded through the budget of the Department of Transportation or another civilian agency. I urge the administration and the Congress to explore alternative funding for this program in the future to ensure its decreased reliance upon the Department of Defense.

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

Mr. WARNER. Mr. President, the Senator is correct. We support the amendment.

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

The amendment (No. 2430) was agreed to.

Mr. EXON. 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. WARNER. I ask to have my personal view reflected in the RECORD. I had occasion to visit Civil Air Patrol installations in several places in my State and elsewhere. I also had a brief service with them during the early stages of World War II. I think it is a highly useful and productive organization, helping many of our young people in their first introduction to aviation.

I strongly support the Civil Air Patrol.

AMENDMENT NO. 2431

(Purpose: To increase the authorization of appropriations for operation and maintenance for the Air Force Reserve by $10,000,000, and to offset that increase by reducing the authorization of appropriations for operation and maintenance for Defense-wide activities by $10,000,000)

Mr. WARNER. Mr. President, on behalf of the chairman of the Armed Services Committee, Mr. THURMOND, I offer an amendment which would adjust funding for civilian personnel in the Air Force Reserve.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. THURMOND, proposes an amendment numbered 2431.

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

The amendment is as follows:

On page 69, line 25, decrease the amount by $10,000,000.

On page 70, line 5, strike out ''$1,472,947,000'' and insert in lieu thereof ''$1,482,947,000''.

Mr. THURMOND. Mr. President, this amendment would adjust the funding for civilian personnel under strength in the Air Force Reserve.

The Department of Defense made an error in verifying the degree to which various accounts were overfunded. In response to my inquiry, the Department reconsidered its report and determined the figure for the Air Force Reserve should be $3 million in reductions, not $13 million as previously reported. This amendment would restore $10 million of the $13 million to the Air Force Reserve and reduce DOD funding by $10 million.

I thank the Chair, and yield the floor.

Mr. WARNER. This amendment has been cleared by both sides.

Mr. EXON. The amendment has been cleared on both sides.

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

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

The amendment (No. 2431) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2432

(Purpose: To provide $9,500,000 for the Joint Seismic Program and Global Seismic Network)

Mr. EXON. Mr. President, on behalf of Senator GLENN, I offer an amendment to authorize $9.5 million for seismic monitoring to detect nuclear explosions. These funds would be used to continue the operation of global seismographic network operated by the consortium of American University.

I believe this amendment has been cleared on the other side of the aisle.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. GLENN, for himself, Mrs. FEINSTEIN, Mr. PELL, and Mr. MOYNIHAN, proposes an amendment numbered 2432.

Mr. EXON. I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 49, between lines 14 and 15, insert the following:

SEC. 224. JOINT SEISMIC PROGRAM AND GLOBAL SEISMIC NETWORK.

To the extent provided in appropriations Acts, $9,500,000 of the unobligated balance of funds available to the Air Force for research, development, test, and evaluation for fiscal year 1995 shall be available for continuation of the Joint Seismic Program and Global Seismic Network.

Mr. GLENN. Mr. President, the proliferation of nuclear weapons continues to be one of the most serious threats to national security, which underscores the need for the United States to maintain an effective capability to detect and identify clandestine nuclear tests. The challenge for seismic monitoring is the detection and identification of events of small magnitude. To meet this challenge it is necessary to acquire regional data not less than 1,000 kilometers from a test.

For many years, a consortium of universities has operated a multiple-use, global seismographic network that has been supported with funds from the Department of Defense and the National Science Foundation. These facilities represent a small but significant investment by the U.S. Government, offer effective and needed nuclear test monitoring capabilities worldwide, and enhance regional coverage in areas not adequately covered by National Technical Means [NTM].

Data provided by this global seismographic network can be used to locate seismic events, discriminate natural versus explosive sources, and estimate magnitude and/or yield—all of which are critical in detection and identification of clandestine nuclear tests. Enhancing accuracy of event location is particularly important in greatly reducing the area which must be investigated through costly on-site inspections or the use of NTM. The data obtained from this network thus complement, rather than compete with, data obtained from NTM.

This type of information will be invaluable in helping our Government to verify a comprehensive nuclear test ban treaty. We are already well into the evolution of the post-cold-war world, and one unpleasant fact of life about such a world is that professional test ban monitors no longer have the

luxury of simply gathering data about activities at certain fixed, well-characterized sites. Now the problem has gotten more complex: we are increasingly concerned about small, low-yield test explosions, and we are facing a verification challenge that is truly global in scope. Given the global distribution of significant nongovernmental seismic monitoring capabilities, it is only prudent for us to exploit whatever resources are available and appropriate to get the job done.

The network is administered by a consortium which today consists of over 80 research institutions and affiliates around the globe. The National Science and Technology Council [NSTC] is developing a long-term funding plan for the GSN and JSP. Because of delays in the NSTC process funding recommendations were not included in the administration's fiscal year 1996 budget request, but are being incorporated in the fiscal year 1997 budget request. In the meantime, this action is needed to ensure continuation of these important programs.

My amendment specifies that $9,500,000 of prior year funds from the Defense Support Program which are available as a result of the omnibus reprogramming shall be available for continuation of the Global Seismographic Network [GSN] and Joint Seismic Program [JSP]. This is maintained by the Air Force Office of Scientific Research [AFOSR] in PE 601102F, project 2309.

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

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

The amendment (No. 2432) was agreed to.

Mr. EXON. 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.

AMENDMENT NO. 2433

(Purpose: To reconcile authorization of the funds appropriated for the construction of a Special Operations Forces [SOF] Group Headquarters at Fort Bragg, North Carolina with the Senate Appropriations Committee recommendation)

Mr. WARNER. I send to the desk an amendment on behalf of the senior Senator from North Carolina [Mr. HELMS].

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. HELMS, proposes an amendment numbered 2433.

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

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

The amendment is as follows:

On page 422, in the table preceding line 1, in the matter relating to the Special Operations Command at Fort Bragg, North Carolina, strike out ''$8,100,000'' in the amount column and insert in lieu thereof ''$9,400,000''.

On page 424, line 22, increase the amount by $1,300,000.

On page 424, line 25, increase the amount by $1,300,000.

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD.)

Mr. HELMS. Mr. President, this technical amendment is to fix an incorrect authorization level for construction of a mission essential Special Operations Forces Group Headquarters at Fort Bragg, NC.

This project was authorized by the Senate Armed Services Committee at the original, incorrect estimate of $2,600,000.

As background, the U.S. Special Operations Command—or USSOCOM, as it is called—requested in its fiscal year 1996 milcon budget a Group HQ originally estimated to cost $2,600,000.

Based upon that erroneous estimate, the administration requested and the House Appropriations Committee appropriated that amount.

The correct project estimate is $3,900,000. The cost increase is attributable to two key factors; a failure to account for the area cost factor for construction in the Fort Bragg area and the realization that special construction requirements are necessary.

Equipped with the new, accurate estimate, the Senate Military Construction Subcommittee, approved $3,900,000 for the project.

My amendment will fix the discrepancy between the Senate Military Construction Subcommittee's appropriation and the Senate Armed Services Committee's authorization.

Mr. WARNER. Mr. President, this is a technical correction to the funding level of a project included in the President's budget request. I believe this amendment has been cleared.

Mr. EXON. Mr. President, this is a technical amendment that is entirely in order and has been cleared on this side.

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

The amendment (No. 2433) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2434

(Purpose: To state a rule of construction to clarify the supremacy of the Secretary of State's authority to coordinate policy on international military education and training)

Mr. EXON. Mr. President, on behalf of Senator SIMON, I offer an amendment to provide that nothing shall impair the authority and ability of the Secretary of State to coordinate policy regarding the international military education and training program.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. SIMON, proposes an amendment numbered 2434.

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

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

The amendment is as follows:

On page 366, between lines 17 and 18, insert the following:

(d) RELATIONSHIP TO AUTHORITY OF SECRETARY OF STATE.—Nothing in this section or section 462 of title 10, United States Code (as added by subsection (b)(1)), shall impair the authority or ability of the Secretary of State to coordinate policy regarding international military education and training programs.

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

Mr. WARNER. Mr. President, the Senator is correct.

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

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

The amendment (No. 2434) was agreed to.

Mr. EXON. 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.

AMENDMENT NO. 2435

(Purpose: To provide $5,000,000 for continued development of the depressed altitude guided gun round system)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of Senator SMITH.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. SMITH, proposes an amendment numbered 2435.

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

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

The amendment is as follows:

On page 49, between lines 14 and 15, insert the following:

SEC. 224. DEPRESSED ALTITUDE GUIDED GUN ROUND SYSTEM.

Of the amount authorized to be appropriated under section 201(1), $5,000,000 is authorized to be appropriated for continued development of the depressed altitude guided gun round system.

Mr. SMITH. Mr. President, the amendment that I am offering would authorize $5 million from within the Army research, development, test and evaluation account to continue development of the depressed altitude guided gun round [DAGGR] system.

DAGGR is a surface-to-air weapon that could provide an effective defense against low-altitude threats, both in rear areas and for maneuver forces in forward areas. It has an all-weather capability, and could be mounted on either standard trucks or an armored

chassis such as the AGS or M113A. DAGGR would integrate an existing radar guided 60 millimeter gun round, developed by the Navy, with an interferometric radar, developed by the Army.

As currently envisioned, DAGGR could address mortars, short range rockets, unmanned aerial vehicles, cruise missiles, and helicopter delivered air-to-ground missiles. The Army currently has little or no direct capability against these threats

Mr. President, this program is not part of the Army budget. However, the committee was contacted by the Army after markup and apprised of their strong interest in the program. I have been fully briefed on the potential application of this technology and believe that it has merit. It would complement other ongoing efforts to provide 360-degree coverage for our maneuver forces, and enhance the warfighting capabilities of our frontline units.

I believe that this amendment has been cleared on both sides.

Mr. WARNER. Mr. President, this amendment provides $5 million of Army research and development funds which may be used to continue development of the depressed altitude guided gun round system.

It is my understanding. this amendment has been cleared.

Mr. EXON. It has been cleared on this side, and we are prepared to accept the amendment.

Mr. WARNER. I urge adoption of the amendment.

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

The amendment (No. 2435) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2436

(Purpose: To require the Army to provide a report to the Congress on plans to provide T700–701C engine upgrades for Army AH–64D helicopters)

Mr. EXON. Mr. President, on behalf of Senator KENNEDY, I offer an amendment which would require the Secretary of the Army to submit a report on the program upgrade of the engines AH–64D, Apache helicopter fleet. This amendment would make no change in the current funding, but would require the Secretary to submit a detailed plan and estimated funding requirements for the program.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. KENNEDY, proposes an amendment numbered 2436.

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

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

The amendment is as follows:

On page 21, following line 21, insert the following:

SEC. . REPORT ON AH–64D ENGINE UPGRADES.

(a) REPORT.—No later than February 1, 1996, the Secretary of the Army shall submit to Congress a report on plans to procure T700–701C engine upgrade kits for Army AH–64D helicopters.

The report shall include:

(1) a plan to provide for the upgrade of all Army AH–64D helicopters with T700–701C engine kits commencing in FY 1996.

(2) detailed timeline and funding requirements for the engine upgrade program described in (a)(1).

Mr. EXON. Mr. President, I believe this amendment has been cleared.

Mr. WARNER. The Senator is correct.

Mr. EXON. Mr. President, I therefore urge adoption of the amendment.

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

The amendment (No. 2436) was agreed to.

Mr. EXON. 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.

AMENDMENT NO. 2437

(Purpose: To clarify that the $54,968,000 authorized to be appropriated for the Joint Primary Aircraft Training System (JPATS) is for procurement of eight JPATS aircraft)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the distinguished majority leader, Mr. DOLE. It relates to the joint primary aircraft training program (JPATS).

Mr. President, the amendment clarifies that the Air Force is authorized to buy up to eight joint primary aircraft training systems with the $54 million authorized for procurement of these aircraft.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOLE, for himself and Mr. THURMOND, proposes an amendment numbered 2437.

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

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

The amendment is as follows:

On page 31, after line 22, insert the following:

SEC. 133. JOINT PRIMARY AIRCRAFT TRAINING SYSTEM PROGRAM.

Of the amount authorized to be appropriated under section 103(1), $54,968,000 shall be available for the Joint Primary Aircraft Training System program for procurement of up to eight aircraft.

Mr. DOLE. Mr. President, I want to thank the Senator for offering this amendment on my behalf. The amendment is simple. It allows the Air Force to buy up to eight joint primary aircraft trainers [JPATS] in fiscal year 1996.

In its fiscal year 1996 budget submission, the Department of Defense had requested authorization to buy 3 JPATS aircraft for $55 million. However, at the time the budget was submitted, the JPATS competition had not been completed and the contract had not been awarded. Consequently, the Air Force had to plan for the possibility that the contract could be awarded for a much more expensive aircraft than the submission which was actually selected. Let me be clear, this amendment does not increase funding for JPATS procurement—it simply allows the Air Force to procure this new trainer at a more efficient rate. Additionally, my colleagues should know that this change has been coordinated with the Air Force.

Again, I thank Senator THURMOND and my colleagues on the other side of the aisle for their assistance in clearing this amendment.

Mr. WARNER. I urge the adoption of the amendment. It has been cleared on both sides.

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

The amendment (No. 2437) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2438

(Purpose: To provide $15,000,000 (under the line item for the M1 Abrams tank series (MYP)) for procurement of direct support electronic system test sets (DSESTS) test program sets for the M1 Abrams series tanks and the Bradley infantry fighting vehicle)

Mr. EXON. Mr. President, on behalf of Senator HEFLIN and Senator SHELBY, I offer an amendment which would shift some funds within the Army's budget to buy more software for direct support electronic system tests.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. HEFLIN, for himself and Mr. SHELBY, proposes an amendment numbered 2438.

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

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

The amendment is as follows:

On page 16, line 20, strike out ''$1,532,964,000'' and insert in lieu thereof ''$1,547,964,000''.

On page 69, line 25, strike out ''$10,060,162,000'' and insert in lieu thereof ''$10,045,162,000.''

Mr. HEFLIN. Mr. President, this amendment will provide funds for test equipment for the U.S. Army.

The Army plans to field a number of modernized combat vehicles in the years ahead including the M1A2, the upgraded Bradley, the new breacher, and the new light tank. Unfortunately, the Army budget has been reduced to the point where the Army is unable to

fund the development of the test equipment required to support these new vehicles. However, it makes no sense to field new vehicles without simultaneously fielding the required support equipment.

The Army's acquisition decision memorandum dated March 30, 1995, directs the continued use of DSESTS for the ASM fleet. Furthermore, there is a standing Army requirement for new test program sets to support these vehicles. I therefore ask the support of my colleagues in adding $15 million to the ASM budget for the acquisition of DSESTS test program sets needed to support our modern combat systems.

Let me say now that I am not pleased by the source of the funds used to pay for this amendment. I stand firmly against raiding the readiness accounts to fund procurement programs. In fact, I would not offer this amendment if it were not for the fact that not purchasing the equipment will cost the readiness accounts even more. If we do not buy this equipment, the combat units will be forced to send broken equipment back to the depot rather than repairing it in the field. This will add millions in additional maintenance costs each year. Purchasing this equipment will save much needed readiness dollars.

That being said, I hope that in conference the committee will be able to provide an alternative source of funding for this important test equipment.

Mr. EXON. Mr. President, the Army believes this additional software would help save operation and maintenance funds, since testing will be avoided, and shipping equipment to depots, when the action is not necessary.

I believe this is a very worthy amendment. I understand it has been cleared on the other side.

Mr. WARNER. The Senator is correct.

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

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

The amendment (No. 2438) was agreed to.

Mr. EXON. 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.

AMENDMENT NO. 2439

(Purpose: To amend the effective date for the authority to pay transitional compensation for dependents of members of the Armed Forces separated for dependent abuse)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from New Mexico [Mr. DOMENICI] entitled ''Spousal Abuse.''

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOMENICI, proposes an amendment numbered 2439.

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

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

The amendment is as follows:

On page 277, after line 25, insert the following:

(b) EFFECTIVE DATE FOR PROGRAM AUTHORITY.—Section 554(b)(1) of the National Defense Authorization Act for Fiscal Year 1994 (107 Stat. 1666; 10 U.S.C. 1059 note) is amended by striking out ''the date of the enactment of this Act—'' and inserting in lieu thereof ''April 1, 1994—''.

On page 277, beginning on line 21, strike out '': CLARIFICATION OF ENTITLEMENT''.

On page 277, line 23, insert ''(a) CLARIFICATION OF ENTITLEMENT.—before ''Section''.

Mr. DOMENICI. Mr. President, I offer a technical correction to section 1059 of title X, United States Code, which provides the authority to the Secretary of Defense to provide transitional benefits for abused military spouses and their children. I understand that my amendment has been accepted on both sides, and I want to thank the chairman and ranking member for their support.

I would like to take just a few brief moments to refresh my colleagues memories about this issue. Members will recall that in the fiscal year 1993 Defense authorization bill I offered an amendment to provide up to 50 percent of the retirement pay of a military member to his spouse and children if that member were dishonorably discharged from the service for spouse or child abuse. That amendment was accepted by this committee and it had the full support of both the chairman and ranking member. I am very proud of that amendment, Mr. President. Today abused military spouses and their children have a way out.

There was such a recognized need for that amendment that the fiscal year 1994 Defense authorization bill included language that provided the Secretary of Defense with this authority to make transitional benefits for up to 3 years payable on a force-wide basis to any military spouse or child whose member was dishonorably discharged from the service for spouse or child abuse.

By the fiscal year 1995 Defense authorization bill, the Department of Defense had not implemented the language from the fiscal year 1994 bill. When the bill came to the floor, I offered an amendment to make the fiscal year 1994 language mandatory and to provide commissary and other benefits that were not included in the fiscal year 1994 language.

On July 1, 1994, during the consideration of the Defense authorization bill, in a colloquy with Senator NUNN I informed Senators, ''Frankly, I was going to try to make this mandatory in the original amendment, but I am not doing that because I have assurance of the Chairman that he is going to join me here on the floor urging that the military take care of this responsibility.'' Senator NUNN did that.

On July 7, 1994, Assistant Secretary of Defense Dorn, sent a letter to Chairman NUNN stating that the DOD ''intends to implement transitional compensation, authorized by the fiscal year 1994 Defense Authorization Act, on October 1, 1994, with coverage retroactive to April 1, 1994.''

Despite Secretary Dorn's letter, DOD did not implement the fiscal year 1994 language until January 25, 1995, and they only made benefit payments retroactive to October 1994, not April 1994 as they committed.

I wrote to Assistant Secretary Dorn on February 9, 1995, expressing my extreme displeasure and informing him that the only reason we withdrew our amendment to the fiscal year 1995 DOD authorization bill was because the DOD gave the staff of the Senate Armed Services Committee assurance that the transitional benefits would be retroactive to April 1994.

Assistant Secretary Dorn responded on March 6, 1995. Most importantly, he said, ''As you correctly stated in your letter, the DOD made a commitment, and we do plan to take the appropriate actions to rectify the situation. My staff is preparing the request to Congress asking for a technical change in the language that will allow us to make retroactive payments to April 1, 1994.''

Assistant Secretary Dorn submitted the request to both the House National Security Committee and the Senate Armed Services Committee for inclusion in the fiscal year 1996 Defense authorization bill. The House National Security Committee included the technical correction in section 556 of their bill. My amendment achieves the same objective.

Mr. President, I have been working on this issue for 4 years. Every year it seems that there is always something else standing in the way. It took a few years to convince the DOD to acknowledge the problems they face in this area, and they were very reluctant to follow the Congress' leadership and direction.

Last year, I was informed that the DOD was poised to implement the program. A letter was sent to then Chairman NUNN on July 7, 1994, stating the program would be implemented and that it would be retroactive to April 1, 1994. It took the DOD a half year to implement the program after I withdrew my amendment, and that was already after a 1-year delay. When they did implement the program, it was only retroactive until October 1, 1994; a full half-year later than the date committed on me and to the Senate Armed Services Committee in the July 7, 1994 letter from Assistant Secretary Dorn to then Chairman NUNN.

For whatever reason, the DOD did not honor their commitment to the committee, and my amendment makes sure that the commitment is honored. I appreciate the support of my colleagues. Mr. President, I yield the floor.

Mr. WARNER. Mr. President, this amendment establishes the effective

date of the transitional spouse abuse payments as April 1, 1994. This amendment, it is my understanding, has been accepted on both sides.

Mr. EXON. Mr. President, I think this is a very worthy amendment offered by Senator DOMENICI. We have accepted this on this side and I urge its adoption.

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

The amendment (No. 2439) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2440

(Purpose: To require the Secretary of Defense to submit a report on the feasibility of using private sources for performance of certain functions currently performed by military aircraft)

Mr. EXON. Mr. President, on behalf of Senator ROBB, I offer an amendment which would require the Secretary of Defense to submit a report on the feasibility of using private sources for performance of certain functions currently performed by military aircraft.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. ROBB, proposes an amendment numbered 2440.

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

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

The amendment is as follows:

On page 137, after line 24, insert the following:

SEC. 389. REPORT ON PRIVATE PERFORMANCE OF CERTAIN FUNCTIONS PERFORMED BY MILITARY AIRCRAFT.

(a) REPORT REQUIRED.—Not later than May 1, 1996, the Secretary of Defense shall submit to Congress a report on the feasibility, including the costs and benefits, of using private sources for satisfying, in whole or in part, the requirements of the Department of Defense for VIP transportation by air, airlift for other personnel and for cargo, in-flight refueling of aircraft, and performance of such other military aircraft functions as the Secretary considers appropriate to discuss in the report.

(b) CONTENT OF REPORT.—The report shall include a discussion of the following:

(1) Contracting for the performance of the functions referred to in subsection (a).

(2) Converting to private ownership and operation the Department of Defense VIP air fleets, personnel and cargo aircraft, and inflight refueling aircraft, and other Department of Defense aircraft.

(3) The wartime requirements for the various VIP and transport fleets.

(4) The assumptions used in the cost-benefit analysis.

(5) The effect on military personnel and facilities of using private sources, as described in paragraphs (1) and (2), for the purposes described in subsection (a).

Mr. EXON. Mr. President, these functions would include personnel and cargo transport, in-flight refueling, and such other military aircraft functions as the Secretary considers appropriate to discuss.

I believe, also, this amendment has been cleared on the other side of the aisle.

Mr. WARNER. The Senator is correct. This is a very worthy amendment. It has my full support and the support of all of our Senators.

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

The amendment (No. 2440) was agreed to.

Mr. EXON. 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.

AMENDMENT NO. 2441

(Purpose: To require the Department of Defense to conduct a study to assess the risks associated with transportation of the unitary stockpile within the continental United States and of the assistance available to communities in the vicinity of chemical weapons stockpile installations that are affected by base closures and realignments)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the Senator from Colorado [Mr. BROWN], and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. BROWN, proposes an amendment numbered 2441.

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

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

The amendment is as follows:

At the appropriate place in the bill add the following:

SEC. . STUDY ON CHEMICAL WEAPONS STOCKPILE.

(a) STUDY.—(1) The Secretary of Defense shall conduct a study to assess the risk associated with transportation of the unitary stockpile, any portion of the stockpile to include drained agent from munitions and the munitions from one location to another within the continental United States. Also, the Secretary shall include a study of the assistance available to communities in the vicinity if the Department of Defense facilities co-located with continuing chemical stockpile and chemical demilitarization operations which facilities are subject to closure, realignment, or reutilization.

(2) The review shall include an analysis of—

(A) the results of the physical and chemical integrity report conducted by the Army on existing stockpile;

(B) a determination of the viability of transportation of any portion of the stockpile, to include drained agent from munitions and the munitions;

(C) the safety, cost-effectiveness, and public acceptability of transporting the stockpile, in its current configuration, or in alternative configurations;

(D) the economic effects of closure, realignment, or reutilization of the facilities referred to in paragraph (1) on the communities referred to in that paragraph; and

(E) the unique problems that such communities face with respect to the reuse of such facilities as a result of the operations referred to in paragraph (1).

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study carried out under subsection (a). The report shall include recommendations of the Secretary on methods for ensuring the expeditious and cost-effective transfer or lease of facilities referred to in paragraph (1) of subsection (a) to communities referred to in paragraph (1) for reuse by such communities.

Mr. BROWN. Mr. President, as you know, several communities have been affected by the recent base closures and base realignments. I have been working with these communities in my State, trying to assist them to make these transitions as smooth as possible.

For nearly 50 years the Pueblo Depot Activity [PDA] in Pueblo, CO, was an integral part of the U.S. Army's system of supply and storage depots. In 1988, however, the Pueblo Depot Activity was designated for realignment. Since this base currently stores chemical weapons, the Army does not plan to transfer ownership of any of the unused lands or buildings at the Pueblo Depot Activity until the destruction of chemical weapons is complete. According to the Army, this would occur at the earliest in 9 years, fully 16 years after it wad designated for realignment and eventual closure.

Despite the fact that the PDA was slated under the law for realignment, it was not planned for closure. Consequently, many programs available to other communities whose bases are to be closed are not available to communities like Pueblo. Under the study required by the amendment, the Secretary of Defense must study the assistance available to communities in the vicinity of Department of Defense facilities co-located with continuing chemical stockpile and chemical demilitarization operations where the facility is subject to closure, realignment or reutilization. My hope is that this study will continue the efforts of the Army and the city of Pueblo to work together to find the best possible solutions for reuse of the Pueblo Depot Activity.

Current plans call for new incineration plants to be built at each chemical weapons storage site at a cost of billions of dollars to U.S. taxpayers. In my view, it makes sense to study first the cost effectiveness of the transportation of neutralized and unneutralized chemical weapons to a few centrally located chemical weapons destruction facilities. The amendment I offer today directs the Secretary of Defense to conduct a study to assess the risk associated with transportation of the unitary stockpile, both neutralized and unneutralized, within the continental United States.

I especially would like to recognize the work of Mel Takaki and Chuck Finley of the Pueblo Depot Activity

Development Authority. They have worked hard for the community of Pueblo during this realignment process.

Mr. President, the study proposed in this amendment offered by Senator CAMPBELL and myself will make an important contribution to the resolution of a number of problems faced by communities in the vicinity of Defense Department facilities co-located with continuing chemical stockpile and chemical demilitarization operations.

Mr. CAMPBELL. Mr. President, I would like to thank my Colorado colleague, Senator BROWN, for proposing this amendment of which I am a cosponsor.

The city of Pueblo faces a dual burden from the chemical weapons stockpile at the Pueblo Depot. First, Pueblo's citizens must cope with a controversial and complicated chemical demilitarization effort. Second, as the depot was realigned in 1988, Pueblo must deal with finding ways to profitably reuse excess facilities.

Unfortunately, despite years of effort by the depot's reuse commission, the reuse process is still blocked. People like Mel Takaki, Chuck Finley, and many others worked hard to find users who would be willing to pay for space at the depot's buildings, and they have some takers. They still cannot come to a satisfactory agreement with the Army on leasing the depot's facilities—it seems mostly because of uncertainty about the needs of the demilitarization process.

There are not many communities that face this type of situation. There are only eight chemical weapons stockpile sties in the United States. All this amendment does is require the Defense Secretary to let us know that he understands the unique problems faced by Pueblo and other communities in the vicinity of chemical weapons stockpile sites. For those sites that, like Pueblo, also involve closed or realigned military installations, the Secretary would also give citizens in those communities some ideas on how to move forward with reusing those facilities.

This is a simple amendment, and it should not require much work at the Defense Department, but it will go a long way toward addressing issues that concern citizens living near stockpile facilities. I hope that the Senate and the conferees will accept this amendment.

Mr. WARNER. Mr. President, the amendment would require the Department of Defense to conduct a study on the risks of transporting the unitary chemical stockpile within the United States, and assistance that would be available to the communities surrounding the chemical weapons stockpiles that will be closed when destruction of the stockpile is completed.

I understand this amendment has been cleared.

Mr. EXON. It has been cleared on this side of the aisle, Mr. President.

Mr. WARNER. I urge adoption of the amendment.

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

The amendment (No. 2441) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2442

(Purpose: To provide for the disposal of property and facilities at Fort Holabird, MD, as a result of the closure of the installation under the 1995 round of the base closure process)

Mr. EXON. Mr. President, on behalf of Senator MIKULSKI, I offer an amendment and send it to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Ms. MIKULSKI, for herself and Mr. SARBANES, proposes an amendment numbered 2442.

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

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

The amendment is as follows:

On page 468, below line 24, add the following:

SEC. 2825. CONSOLIDATION OF DISPOSAL OF PROPERTY AND FACILITIES AT FORT HOLABIRD, MARYLAND.

(a) CONSOLIDATION.—Notwithstanding any other provision of law, the Secretary of Defense shall dispose of the property and facilities at Fort Holabird, Maryland, described in subsection (b) in accordance with subparagraph (2)(e) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (P.L. 103–421), treating the property described in (b) as if the CEO of the state had submitted a timely request to the Secretary of Defense under subparagraph (2)(e)(1)(B)(ii) of the Base Closure Redevelopment and Homeless Assistance Act of 1994 (P.L. 103–421).

(b) COVERED PROPERTY AND FACILITIES.—Subsection (a) applies to the following property and facilities at Fort Holabird, Maryland:

(1) Property and facilities that were approved for closure or realignment under the 1988 base closure law that are not disposed of as of the date of the enactment of this Act, including buildings 305 and 306 and the parking lots and other property associated with such buildings.

(2) Property and facilities that are approved for closure or realignment under the 1990 base closure law in 1995.

(c) USE OF SURVEYS AND OTHER EVALUATIONS OF PROPERTY.—In carrying out the disposal of the property and facilities referred to in subsection (b)(1), the Secretary shall utilize any surveys and other evaluations of such property and facilities that are prepared by the Corps of Engineers before the date of the enactment of this Act as part of the process for the disposal of such property and facilities under the 1988 base closure law.

(d) DEFINITIONS.—In this section:

(1) The term ''1988 base closure law'' means title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(2) The term ''1990 base closure law'' means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

SEC. 2826. LAND CONVEYANCE, PROPERTY UNDERLYING CUMMINS APARTMENT COMPLEX, FORT HOLABIRD, MARYLAND.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary of the Army may convey to the existing owner of the improvements thereon all right, title, and interest of the United States in and to a parcel of real property underlying the Cummins Apartment Complex at Fort Holabird, Maryland, consisting of approximately 6 acres and any interest the U.S. may have in the improvements thereon.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the owner of the improvements referred to in that subsection shall provide compensation to the United States in an amount equal to the fair market value (as determined by the Secretary) of the property interest to be conveyed.

(3) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

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

Mr. EXON. Mr. President, this amendment by Senator MIKULSKI first would allow for all base closure affected property at Fort Holabird, MD, to be disposed of in the 1994 base closure disposal process and, second, would authorize the Secretary of the Army to convey, for fair market value, 6 acres of real property at Fort Holabird to the owner of the apartment complex that is situated on the real property.

I believe this is a noncontroversial amendment that has been cleared on the other side.

Mr. WARNER. The Senator is correct.

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

The amendment (No. 2442) was agreed to.

Mr. EXON. 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.

AMENDMENT NO. 2443

(Purpose: To designate the NAUTICUS building in Norfolk, VA, as the ''National Maritime Center'')

Mr. WARNER. I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 2443.

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

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

The amendment is as follows:

On page 403, between lines 16 and 17, insert the following:

SEC. 1095. DESIGNATION OF NATIONAL MARITIME CENTER.

(a) DESIGNATION OF NATIONAL MARITIME CENTER.—The NAUTICUS building, located at one Waterside Drive, Norfolk, Virginia, shall be known and designated as the ''National Maritime Center''.

(b) REFERENCE TO NATIONAL MARITIME CENTER.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ''National Maritime Center''.

Mr. WARNER. Mr. President, the amendment designates a building in Norfolk, VA, as the ''National Maritime Center.'' It is a name change.

Mr. President, I urge my colleagues to support the designation of the NAUTICUS building in Norfolk, VA, as the ''National Maritime Center.''

Designation as the ''National Maritime Center'' is indeed a special honor and should only be bestowed upon a center of the highest caliber in an area with a rich history of maritime excellence. I believe that NAUTICUS, located in the city of Norfolk, VA, more than qualifies for this honor and deserves to receive this special recognition. NAUTICUS is a comprehensive maritime center that includes an interactive aegis and ship design theater, exhibits, and presentations on a variety of subjects including marine environmental issues, marine research, and ocean exploration. Additionally, the Hampton Roads areas is where our world trade began hundreds of years ago. The area is home to the world's most powerful Navy, the world's largest natural harbor, the country's largest and oldest shipyard, and a center of marine engineering unequaled anywhere in the world.

A national maritime center in this region could aid immeasurably in educating the public about maritime issues and the importance of the maritime industry in our Nation's history. Indeed, in the era of our All Volunteer Military, this center will help to maintain the ties between our naval forces and the public through education and understanding.

Designation as a ''National Maritime Center'' need not be exclusively reserved to NAUTICUS but could also be granted to other institutions of similar statute and function upon nomination and consideration by Congress. Also, the designation carries with it no operational support funds nor any positive prejudice for future support of operational deficits by any Federal agency.

Mr. EXON. Mr. President, this matter has been cleared on this side. This amendment as written would be under the Commerce Committee. But it has been cleared by the Commerce Committee. We have no objection on this side. I urge its adoption.

Mr. WARNER. Mr. President, I am thankful for the personal consideration of my colleague, who serves on the Commerce Committee.

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

The amendment (No. 2443) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2444

(Purpose: To require a report on the disposal of certain property at the former Ford Ord Military Complex, CA)

Mr. EXON. Mr. President, I send an amendment to the desk in behalf of Senator BOXER and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mrs. BOXER, proposes an amendment numbered 2444.

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

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

The amendment is as follows:

On page 487, after line 24, add the following:

SEC. 2838. REPORT ON DISPOSAL OF PROPERTY, FORT ORD MILITARY COMPLEX, CALIFORNIA.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the plans of the Secretary for the disposal of a parcel of real property consisting of approximately 477 acres at the former Fort Ord Military Complex, California, including the Black Horse Golf Course, the Bayonet Golf Course, and a portion of the Hayes Housing Facility.

Mrs. BOXER. Mr. President, as passed by the House of Representatives, the fiscal year 1996 Department of Defense authorization bill included a provision authorizing the Secretary of Defense to sell at fair market value to the city of Seaside, CA, two golf courses and neighboring property at Fort Ord. It was my hope to offer an amendment adding a similar provision during Senate consideration of the bill.

We had made significant progress toward agreement on such an amendment. Unfortunately, several important issues still remain unresolved. Because of the managers' strong desire to complete action on the bill, I have agreed not to offer my original proposal at this time. Instead, I have offered this amendment, which requires the Secretary of the Defense to submit a report to the Congress describing his plans for disposal of the property.

Final resolution of this issue now falls to the conference committee. It is my hope that the conferees will seriously consider adopting the House provision, or will modify it in a way that results in the prompt conveyance of this property.

Mr. NUNN. I can assure the Senator from California that the conferees will look very closely at the House provision. I understand the importance of this issue to the people of Monterey County and thank the Senator for her amendment.

Mr. EXON. Mr. President, this amendment that I have offered on behalf of Senator BOXER is an amendment which requires the Secretary of Defense to report to the Congress on the disposal plans of 477 acres of real property located at Fort Ord, CA.

Mr. President, I believe this is a noncontroversial amendment also that has been cleared on the other side of the aisle.

Mr. WARNER. Mr. President, the Senator is correct.

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

The amendment (No. 2444) was agreed to.

Mr. EXON. 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.

AMENDMENT NO. 2445

(Purpose: To continue until May 1, 1996, the application of certain laws with respect to the ocean transportation of commercial items by the Federal Government)

Mr. WARNER. Mr. President, on behalf of the senior Senator from Alaska, Senator STEVENS, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. STEVENS, proposes an amendment numbered 2445.

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

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

The amendment is as follows:

On page 305, beginning on line 1, strike all through line 10 and insert in lieu thereof the following:

SEC. 802. PROCUREMENT NOTICE POSTING THRESHOLDS AND SUBCONTRACTS FOR OCEAN TRANSPORTATION SERVICES.

(a) PROCUREMENT NOTICE POSTING THRESHOLDS.—Section 18(a)(1)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(1)(B)) is amended—

(1) by striking out ''subsection (f)—'' and all that follows through the end of the subparagraph and inserting in lieu thereof ''subsection (b); and''; and

(2) by inserting after ''property or services'' the following: ''for a price expected to exceed $10,000, but not to exceed $25,000,''.

(b) SUBCONTRACTS FOR OCEAN TRANSPORTATION SERVICES.—Notwithstanding any other provision of law, neither section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1241(b)) nor section 2631 of title 10, United States Code, shall be included prior to May 1, 1996 on any list promulgated under section 34(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 430(b)).

Mr. EXON. Mr. President, I have just been advised that Senator BREAUX has asked to be a cosponsor of amendment

2445—as introduced and which was agreed to a few moments ago—by Senator STEVENS.

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

Mr. WARNER. Mr. President, this amendment would delay the implementation of regulations waiving the application of the Cargo Preference Act to subcontracts for commercial items.

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

Mr. EXON. Mr. President, the amendment has been cleared on this side of the aisle.

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

The amendment (No. 2445) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2446

(Purpose: To require that the fiscal year 1997 report on budget submissions regarding reserve components include a listing of specific amounts for specific purposes on the basis of an assumption of funding of the reserve components in the same total amount as the funding provided for fiscal year 1996)

Mr. EXON. Mr. President, in behalf of Senator ROBB, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. ROBB, proposes an amendment numbered 2446.

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

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

The amendment is as follows:

On page 331, between lines 19 and 20, insert the following:

(3) If the total amount reported in accordance with paragraph (2) is less than $1,080,000,000, an additional separate listing described in paragraph (2) in a total amount equal to $1,080,000,000.

Mr. ROBB. Mr. President, I rise to offer an amendment to fix, in part, a longstanding procedural contest between the executive and legislative branches. Each year, the administration sends over a budget request for the Department of Defense which includes funding for the National Guard and Reserves. Typically this budget includes a robust request for reserve personnel and O&M funding. But two accounts are invariably unfunded, or underfunded. They are the procurement account, which ensures our reserve forces have modern weaponry and equipment, and military construction, which provides the buildings and other infrastructure needed by the Reserves.

With one exception in the last 10 years, the administration's request has failed to include any funding for National Guard and Reserve weapons or equipment. In the last 5 years, Reserve construction has been underfunded in the request, typically by several hundred million dollars each year. The result is that the Congress must add the necessary funding and this leads to several complications., First, the Congress must add back funding that must be taken out of other requested defense programs, or increase the total defense authorization level above the request to accommodate the Reserves. Second, the Congress must determine specifically what the Reserves need in terms of equipment and construction, and how much these additions will cost. In the last several years, the Congress has in fact not specified exactly what equipment should be procured, but rather authorized a generic pot of money for each of the Reserve components and left the decision on how specifically to spend the money to the Department of Defense and the Guard and Reserves. This begs the question as to how the Congress came up with its reserve equipment dollar allocations.

This year, the Armed Services Committee decided to specify what equipment to procure, rather than leaving it up to the Department of Defense. Although this process involved extensive collaboration with the Guard and Reserves and the Department of Defense, it makes little sense that the Congress must initiate this process absent an administration recommendation. Without initial Department of Defense guidance, the Congress becomes vulnerable to catering to Member-interest items. More fundamentally, it is imprudent for the Department of Defense to ignore all Reserve equipment and many Reserve construction requirements during its regular budget preparations. How can our military be optimally structured if the Guard and Reserves are treated as mere afterthoughts in the budgeting process?

Since the Congress cannot require the executive to submit a Reserve budget recommendation at a set level, the bill before us has a useful provision requiring the Secretary of Defense to submit a report, concurrently with the fiscal year 1997 defense authorization request, that details actions taken by the Department of Defense to enhance the Guard and Reserves during the previous fiscal year. The provision also requires the Secretary to submit a details listing on how the department will spend its fiscal year 1997 Reserve equipment and construction requests. Because the administration can still choose to make a request of zero—or one that is far too low—this provision still will not necessarily fix the problem.

The amendment I offer today will do much to alleviate this problem, Mr. President. It requires the Secretary of Defense to include a listing or report, in addition to the one already required in the bill, that assumes a serious equipment and construction request level. In my amendment, the fiscal year 1996 Armed Services Committee authorization request level for Reserve equipment and construction of $1,080,000,000 is used, but any comparable sum will do the job. In other words, if the fiscal year 1997 Reserve equipment and construction requests are lower than $1,080,000,000, the Secretary of Defense must provide the Congress with a report detailing how it specifically would allocate funding for equipment and construction assuming that it would have this amount to spend.

The amendment accomplishes several things. It gives the Congress a foundation to work from in determining a rational topline for the Reserves. The Congress could decide on a significantly lower or higher amount, but at least it would have guidance from the Department of Defense on the Department's Reserve priorities should the Department again decide to deliberately underfund the Guard and Reserve. It forces the Department of Defense to fully address Guard and Reserve funding while Active Force budgets are under preparation. It reduces temptations by Congress to distort Reserve accounts with Member-interest items. Finally, it helps put the Reserves on equal footing with the Active Forces, rather than giving them the leftovers from budgeting for the active components.

Mr. President, it is my understanding that this amendment is acceptable on both sides, and I urge its adoption.

Mr. EXON. Mr. President, this amendment would modify section 1007 to require DOD to provide Congress with a prioritized list of modernization and investment priorities, at least for large amounts, amounts that will be funded by Congress this year. This will ensure that the Congress gets DOD's best advice on priorities for reasonably sized funding packages.

Mr. President, I believe this amendment has been agreed to by those on the other side of the aisle.

Mr. WARNER. The Senator is correct.

Mr. EXON. I urge adoption of the amendment.

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

The amendment (No. 2446) was agreed to.

Mr. EXON. 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.

AMENDMENT NO. 2447

(Purpose: Relating to interim leases of property approved for closure or realignment)

Mr. EXON. Mr. President, I send an amendment to the desk on behalf of Senators PRYOR, FEINSTEIN, and BOXER, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. PRYOR, for himself, Mrs. FEINSTEIN, and Mrs. BOXER, proposes an amendment numbered 2447.

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

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

The amendment is as follows:

On page 468, after line 24, add the following:

SEC. 2825. INTERIM LEASES OF PROPERTY APPROVED FOR CLOSURE OR REALIGNMENT.

Section 2667(f) of title 10, United States Code, is amended by adding at the end the following:

''(4)(A) Notwithstanding the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the scope of any environmental impact analysis necessary to support an interim lease of property under this subsection shall be limited to the environmental consequences of activities authorized under the proposed lease and the cumulative impacts of other past, present, and reasonably foreseeable future actions during the period of the proposed lease.

''(B) Interim leases entered into under this subsection shall be deemed not to prejudice the final property disposal decision, even if final property disposal may be delayed until completion of the interim lease term. An interim lease under this subsection shall not be entered into without prior consultation with the redevelopment authority concerned.

''(C) The provisions of subparagraphs (A) and (B) shall not apply to an interim lease under this subsection if authorized activities under the lease would—

''(i) significantly effect the quality of the human environment; or

''(ii) irreversibly alter the environment in a way that would preclude any reasonable disposal alternative of the property concerned.''.

Mr. PRYOR. Mr. President, I rise to offer an amendment to help eliminate a current obstacle to the quick redevelopment of closing military bases.

My amendment will give the military service greater flexibility to negotiate longer interim leases for the reuse of base property where the military is preparing for its departure. It will do so in a responsible way that does not eliminate vital environmental safeguards.

This amendment will hopefully solve many interim leasing problems that are occurring at closing bases nationwise.

At Eaker Air Force Base in Blytheville, AR, Cotton Growers, Inc., approached the local redevelopment authority about storing cotton in an old B–52 hanger until cotton prices improved. Upon learning from the Air Force that they could receive only a 1 year lease with a 30 day cancellation clause, Cotton Growers Inc. decided not to locate at Eaker.

At Alameda naval base in Alameda, CA, AEG Transportation is seeking a 10-year lease to obtain use of base property to refurbish rail cars for the San Francisco-based BART public transit company. The BART contract is for 10 years, and AEG desires a 10 year commitment before spending millions of dollars on capital improvements to Alameda property. Unfortunately, the Department of the Navy is thus far unwilling to enter into a lease agreement longer than 5 years. This stalemate could result in the loss of an attractive tenant for Alameda.

The military services have informed my office that the inability to offer longer interim leases is due primarily to their fear of a lawsuit over requirements from the National Environmental Protection Act of 1969, the so-called NEPA. This amendment attempts to address this problem without degrading the environment or fully exempting interim leases from NEPA.

In recent years, Congress and the Clinton administration have made substantial progress in removing the obstacles that have blocked past efforts to redevelop bases. This amendment will help remove yet another barrier.

It will give the military services greater flexibility to negotiate with interested tenants. It also ensures that our effort to create jobs and economic activity on base does not come at the expense of the environment.

I thank the distinguished chairman and the ranking member for accepting this amendment.

I also thank the Department of Defense, the Departments of Army, Navy, and Air Force, the Council on Environmental Quality, the Environmental Protection Agency, Senators CHAFEE, BAUCUS, LAUTENBERG, and BOXER from the Senate Environment and Public Works Committee and Senators NUNN and THURMOND from the Senate Armed Services Committee who contributed greatly to the passage of this amendment.

Mr. EXON. Mr. President, this amendment provides the military services greater flexibility to negotiate longer interim leases for the reuse of property at a closing of a military installation. This amendment allows for flexibility without eliminating important environmental protections.

Mr. President, I believe this amendment has been agreed to on the other side.

Mr. WARNER. Mr. President, the Senator is correct.

Mr. EXON. I urge adoption of the amendment.

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

The amendment (No. 2447) was agreed to.

Mr. EXON. 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.

AMENDMENT NO. 2448

(Purpose: Relating to the operational support airlift aircraft fleet)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. GRASSLEY, proposes an amendment numbered 2448.

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

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

The amendment is as follows:

On page 403, between lines 16 and 17, insert the following:

SEC. 1095. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT FLEET.

(a) SUBMITTAL OF JCS REPORT ON AIRCRAFT.—Not later than February 1, 1996, the Secretary of Defense shall submit to Congress the report on aircraft designated as Operational Support Airlift Aircraft that is currently in preparation by the Joint Chiefs of Staff.

(b) CONTENT OF REPORT.—(1) The report shall contain findings and recommendations regarding the following:

(A) Modernization and safety requirements for the Operational Support Airlift Aircraft fleet.

(B) Standardization plans and requirements of that fleet.

(C) The disposition of aircraft considered excess to that fleet in light of the requirements set forth under subparagraph (A).

(D) The need for helicopter support in the National Capital Region.

(E) The acceptable uses of helicopter support in the National Capital Region.

(2) In preparing the report, the Joint Chiefs of Staff shall take into account the recommendation of the Commission on Roles and Missions of the Armed Forces to reduce the size of the Operational Support Airlift Aircraft fleet.

(c) REGULATIONS.—(1) Upon completion of the report referred to in subsection (a), the Secretary shall prescribe regulations, consistent with the findings and recommendations set forth in the report, for the operation, maintenance, disposition, and use of aircraft designated as Operational Support Airlift Aircraft.

(2) The regulations shall, to the maximum extent practicable, provide for, and encourage the use of, commercial airlines in lieu of the use of aircraft designated as Operational Support Airlift Aircraft.

(3) The regulations shall apply uniformly throughout the Department of Defense.

(4) The regulations should not require exclusive use of the aircraft designated as Operational Support Airlift Aircraft for any particular class of government personnel.

(d) REDUCTIONS IN FLYING HOURS.—(1)(a) The Secretary shall ensure that the number of hours flown in fiscal year 1996 by aircraft designated as Operational Support Airlift Aircraft does not exceed the number equal to 85 percent of the number of hours flown in fiscal year 1995 by such aircraft.

(2)(a) The Secretary should ensure that the number of hours flown in fiscal year 1996 for helicopter support in the National Capital Region does not exceed the number equal to 85 percent of the number of hours flown in fiscal year 1995 for such helicopter support.

(e) RESTRICTION ON AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated under title III for the operation and use of aircraft designated as Operational Support Airlift Aircraft, not more than 50 percent of such funds shall be available for that purpose until the submittal of the report referred to in subsection (a).

Mr. GRASSLEY. Mr. President, I would like to thank the chairman of

the committee, Senator THURMOND, and the ranking minority member, Senator NUNN, for their assistance and cooperation in developing this compromise agreement on the operational support airlift [OSA] aircraft issue.

This amendment deals with the 600 executive aircraft and VIP helicopters operated by the Department of Defense [DOD]. These are called OSA aircraft.

I think we have succeeded in working out a reasonable compromise on the OSA issue.

When I first began discussing the issue, I was recommending a 50-percent cut in the OSA fleet.

But from day 1, I never claimed to have the magic solution. The 50 percent figure was nothing more than a starting point.

I just wanted to see us take a significant first step down the road toward downsizing the OSA fleet.

Mr. President, the idea of downsizing the OSA fleet was not dreamed up by CHUCK GRASSLEY.

My thinking on this issue is based on a mountain of studies and analyses—all prepared by the DOD.

All the studies point in one direction: cut the OSA fleet.

In February 1993, the Chairman of the Joint Chiefs of Staff, Gen. Colin Powell, recommended that the OSA fleet be cut.

In September 1994, the Chief of Staff of the Air Force, General McPeak, recommended that the OSA fleet be cut.

Then in May 1995, the DOD Commission on Roles and Missions recommended that the OSA fleet be cut.

Well, the Roles and Missions Commission was chaired by Mr. John P. White.

Right after Mr. White made those recommendations, he became the Deputy Secretary of Defense.

So cutting the OSA fleet is not CHUCK GRASSLEY's idea.

The idea of cutting the OSA fleet is coming directly from the top at the Pentagon.

CHUCK GRASSLEY is just trying to do what these top DOD officials say must be done. That's it.

Mr. President, this issue has been studied to death.

It's time to make some cuts.

This is where the rubber meets the road.

The only question is this: How do we do it?

How should the cuts be made?

The compromise agreement embodied in this amendment starts us down the road toward downsizing the OSA fleet.

It gets us headed in the right direction.

It directs DOD to develop a plan to carry out the recommendations of the Commission on Roles and Missions.

It directs DOD to identify excess OSA aircraft and to develop a plan for disposing of those aircraft.

It directs DOD to prescribe regulations that would require the use of commercial airlines for routine official travel.

And those regulations must not require the use of OSA aircraft by any particular class of personnel.

The compromise agreement would curtail OSA flight operations by 15 percent in fiscal year 1996.

The reduction in operations would also apply to helicopter flights in the National Capital region.

The amendment contains a device to encourage DOD to submit its plan for downsizing the OSA fleet in a timely manner.

Fifty percent of all OSA funds in the bill are fenced until the plan is submitted to Congress.

Again, Mr. President, I thank the chairman and ranking minority member for their help in crafting this compromise agreement.

I would also like to thank a member of the committee staff, Mr. Steve Madey, for his persistence and determination. His efforts were instrumental in shaping the final agreement.

We can revisit the issue next year after we have had an opportunity to assess how well the DOD plan is working.

Mr. WARNER. Mr. President, this amendment would reduce the Flying Hour Program for operational support aircraft and require a review of regulations and a study. I understand it has been accepted on both sides.

Mr. EXON. This represents the responsible role for the operation of support aircraft and responds to the recommendations by management of these aircraft by the Chairman of the Joint Chiefs and the Commission on Rules and Missions of the armed services.

We strongly support the amendment and urge its adoption.

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

The PRESIDING OFFICER (Mr. FRIST). If there is no further debate, the question is on agreeing to the amendment of the Senator from Iowa.

The amendment (No. 2448) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2449

(Purpose: To transfer funds for procurement of communications equipment for Army echelons above corps)

Mr. WARNER. Mr. President, on behalf of the senior Senator from New Mexico, [Mr. DOMENICI], and the Senator from Hawaii, [Mr. INOUYE], I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOMENICI, for himself and Mr. INOUYE, proposes an amendment numbered 2449.

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

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

The amendment is as follows:

On page 49, between lines 14 and 15, insert the following:

SEC. . ARMY ECHELON ABOVE CORPS COMMUNICATIONS.

Of the amount authorized to be appropriated under section 201(3), $40,000,000 is hereby transferred to the authorization of appropriations under section 101(5) for procurement of communications equipment for Army echelons above corps.

Mr. DOMENICI. Mr. President, I understand that my amendment on the Army's EAC communications system has been accepted on both sides. I want to thank the Senators THURMOND, WARNER, and NUNN for their cooperation in this effort. My amendment will fund modernization of the Army's vital command, control, and communication systems. It will allow the Army to move more of its communications equipment, including switches, multiplexer assemblies, message controllers, network assemblies, and other equipment, into combat areas quickly during combat and contingency operations.

This program has allowed the Army to downsize its combat communications equipment to the point that it can now transport more critical combat information systems into a fire zone in less time and at significantly less cost than before.

For example, the benefits of this program save $1 million in air transportation costs every time the Army move a single communications battalion from Fort Gordon, GA to a major center in the Middle or Far East. Consequently, if the Army moves a minimum of 25 communications battalions this year during exercises, it will save $25 million in operational costs.

Furthermore, this new equipment permits the Army combat personnel to communicate more frequently, under severely adverse conditions, with greater success than ever before. The new systems are faster, more secure, vastly more dependable, and of significantly smaller size than their predecessors. They also provide more interoperability than has ever been possible.

The new downsized configurations of this equipment fit neatly into the Army's latest heavy HMMWV. Sizeable numbers of these vehicles can be transported into combat zones on C–141 and C–5 aircraft, providing significantly more communications capability in world hot spots sooner than was previously possible.

Maj. Gen. Edward Anderson, Deputy Chief of Staff, Operations and Planning for Force Development, strongly support this program. Nevertheless, the Army has been limited in its budget submissions due to modernization and weapons systems requests. I believe this amendment addresses the critical communications needs of the Army, and I thank the Senate Armed Services Committee for its support.

Mr. WARNER. Mr. President, this amendment adds $40 million for the

procurement of certain communications programs for the Army.

Mr. EXON. Mr. President, this amendment would allow the Army to continue its program to make theater-level communications units more capable, lighter and more easily deployable in emergencies.

We think it is a very good amendment. We urge its adoption.

Mr. WARNER. Mr. President, I thank my distinguished colleague, and I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment of the Senator from New Mexico.

The amendment (No. 2449) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2450

(Purpose: To authorize the conveyance of certain parcels of real property at Fort Sheridan, IL)

Mr. EXON. Mr. President, I send an amendment to the desk in behalf of Senator SIMON, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON], for Mr. SIMON, proposes an amendment numbered 2450.

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

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

The amendment is as follows:

On page 487, below line 24, add the following new sections:

SEC. 2838. LAND CONVEYANCE, NAVY PROPERTY, FORT SHERIDAN, ILLINOIS.

(a) AUTHORITY TO CONVEY.—Subject to subsections (b) and (l), the Secretary of the Navy may convey to any transferee selected under subsection (i) all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) at Fort Sheridan, Illinois, consisting of approximately 182 acres and comprising the Navy housing areas at Fort Sheridan.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the transferee selected under subsection (i) shall—

(A) convey to the United States a parcel of real property that meets the requirements of subsection (d);

(B) design for and construct on the property conveyed under subparagraph (A) such housing facilities (including support facilities and infrastructure) to replace the housing facilities conveyed pursuant to the authority in subsection (a) as the Secretary considers appropriate;

(C) pay the cost of relocating Navy personnel residing in the housing facilities located on the real property conveyed pursuant to the authority in subsection (a) to the housing facilities constructed under subparagraph (B);

(D) provide for the education of dependents of such personnel under subsection (e); and

(E) carry out such activities for the maintenance and improvement of the facilities constructed under subparagraph (B) as the Secretary and the transferee jointly determine appropriate.

(2) The Secretary shall ensure that the fair market value of the consideration provided by the transferee under paragraph (1) is not less than the fair market value of the property interest conveyed by the Secretary under subsection (a).

(d) REQUIREMENTS RELATING TO PROPERTY TO BE CONVEYED TO UNITED STATES.—The property interest conveyed to the United States under subsection (c)(1)(A) by the transferee selected under subsection (i) shall—

(1) be located not more than 25 miles from the Great Lakes Naval Training Center, Illinois;

(2) be located in a neighborhood or area having social and economic conditions similar to the social and economic conditions of the area in which Fort Sheridan is located; and

(3) be acceptable to the Secretary.

(e) EDUCATION OF DEPENDENTS OF NAVY PERSONNEL.—(2) In providing for the education of dependents of Navy personnel under subsection (c)(1)(D), the transferee selected under subsection (i) shall ensure that such dependents may enroll at the schools of one or more school districts in the vicinity of the real property conveyed to the United States under subsection (c)(1)(A) which schools and districts—

(A) meet such standards for schools and school districts as the Secretary shall establish; and

(B) will continue to meet such standards after the enrollment of such dependents regardless of the receipt by such school districts of Federal impact aid.

(f) INTERIM RELOCATION OF NAVY PERSONNEL.—Pending completion of the construction of all the housing facilities proposed to be constructed under subsection (c)(1)(B) by the transferee selected under subsection (i), the Secretary may relocate Navy personnel residing in housing facilities located on the property to be conveyed pursuant to the authority in subsection (a) to the housing facilities that have been constructed by the transferee under such subsection (c)(1)(B).

(g) APPLICABILITY OF CERTAIN AGREEMENTS.—The property conveyed by the Secretary pursuant to the authority in subsection (a) shall be subject to the Memorandum of Understanding concerning the Transfer of Certain Properties at Fort Sheridan, Illinois, dated August 8, 1991, between the Department of the Army and the Department of the Navy.

(h) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property interest to be conveyed under subsection (a) and of the consideration to be provided under subsection (c)(1). Such determination shall be final.

(i) SELECTION OF TRANSFEREE.—(1) The Secretary shall use competitive procedures for the selection of a transferee under subsection (a).

(2) In evaluating the offers of prospective transferees, the Secretary shall—

(A) consider the technical sufficiency of the offers and the adequacy of the offers in meeting the requirements for consideration set forth in subsection (c)(1); and

(B) consult with the communities and jurisdictions in the vicinity of Fort Sheridan (including the City of Lake Forest, the City of Highwood, and the City of Highland Park and the County of Lake) in order to determine the most appropriate use of the property to be conveyed.

(j) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the real property to be conveyed by the Secretary under subsection (a) and the real property to be conveyed under subsection (c)(1)(A) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the transferee selected under subsection (i).

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

SEC. 2839. LAND CONVEYANCE, ARMY RESERVE PROPERTY, FORT SHERIDAN, ILLINOIS.

(a) AUTHORITY TO CONVEY.—Subject to subsection (b), the Secretary of the Army may convey to any transferee selected under subsection (g) all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) at Fort Sheridan, Illinois, consisting of approximately 114 acres and comprising an Army Reserve area.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the transferee selected under subsection (g) shall—

(A) convey to the United States a parcel of real property that meets the requirements of subsection (d);

(B) design for and construct on the property conveyed under subparagraph (A) such facilities (including support facilities and infrastructure) to replace the facilities conveyed pursuant to the authority in subsection (a) as the Secretary considers appropriate; and

(C) pay the cost of relocating Army personnel in the facilities located on the real property conveyed pursuant to the authority in subsection (a) to the facilities constructed under subparagraph (B).

(2) The Secretary shall ensure that the fair market value of the consideration provided by the transferee under paragraph (1) is not less than the fair market value of the real property conveyed by the Secretary under subsection (a).

(d) REQUIREMENTS RELATING TO PROPERTY TO BE CONVEYED TO UNITED STATES.—The real property conveyed to the United States under subsection (c)(1)(A) by the transferee selected under subsection (g) shall—

(1) be located not more than 25 miles from Fort Sheridan;

(2) be located in a neighborhood or area having social and economic conditions similar to the social and economic conditions of the area in which Fort Sheridan is located; and

(3) be acceptable to the Secretary.

(e) INTERIM RELOCATION OF ARMY PERSONNEL.—Pending completion of the construction of all the facilities proposed to be constructed under subsection (c)(1)(B) by the transferee selected under subsection (g), the Secretary may relocate Army personnel in the facilities located on the property to be conveyed pursuant to the authority in subsection (a) to the facilities that have been

constructed by the transferee under such subsection (c)(1)(B).

(f) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the consideration to be provided under subsection (c)(1). Such determination shall be final.

(g) SELECTION OF TRANSFEREE.—(1) The Secretary shall use competitive procedures for the selection of a transferee under subsection (a).

(2) In evaluating the offers of prospective transferees, the Secretary shall—

(A) consider the technical sufficiency of the offers and the adequacy of the offers in meeting the requirements for consideration set forth in subsection (c)(1); and

(B) consult with the communities and jurisdictions in the vicinity of Fort Sheridan (including the City of Lake Forest, the City of Highwood, and the City of Highland Park and the County of Lake) in order to determine the most appropriate use of the property to be conveyed.

(h) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the real property to be conveyed by the Secretary under subsection (a) and the real property to be conveyed under subsection (c)(1)(A) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the transferee selected under subsection (g).

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

Mr. EXON. Mr. President, on behalf of Senator SIMON, I offer this amendment which would authorize the Secretary of the Navy to convey real property and military family housing at the former Fort Sheridan, IL, to a competitive bidder in exchange for a parcel of real property and a newly constructed Navy neighborhood of excellence; and, two, authorize the Secretary of the Army to convey real property at former Fort Sheridan, IL, to a competitive bidder in exchange for a parcel of real property and newly constructed Army Reserve facilities. These property changes are at fair market value.

Mr. President, I believe this amendment has been cleared on both sides.

Mr. WARNER. Mr. President, it has been cleared. I wish to thank my distinguished colleague. This is an issue that has been before the committee on which the Senator from Nebraska and I serve. We would note that Senator Dixon tried to lay foundations for this many years ago. It has been considered by the committee through the years, and I strongly support the amendment.

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

So the amendment (No. 2450) was agreed to.

Mr. EXON. 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.

MISSING SERVICE PERSONNEL

Mr. DOLE. Mr. President, before we conclude consideration of the fiscal year 1996 Defense authorization bill, I would like to make a few comments regarding section 551, which addresses the determination of whereabouts and the status of missing persons. Section 551 is the direct result of S. 256, the Missing Service Personnel Act of 1995, which I introduced on January 20 of this year. I want to thank Senator COATS, the Personnel Subcommittee chairman, for his efforts to include as much of the original bill in the Defense authorization bill as was possible. It wasn't easy. DOD had its objections, as did a number of our colleagues.

The original intent of S. 256 was to reform the Department of Defense's procedures for determining the status and location of missing personnel of the Armed Forces. Legislation concerning those missing in action has not changed in the past 50 years. Since the Vietnam war, the Department of Defense and the United States Government have been criticized for their handling of the POW/MIA issue. Some of that criticism is justified. The Government's own actions—or inaction—has provoked legitimate criticism. S. 256 was an attempt to correct these problems and establish a fair and equitable procedure for determining the exact status of missing personnel. At the same time, it was my hope that we might restore some of the Department's credibility on this issue and renew the trust between the public and the Federal Government.

I realize that some who supported S. 256 are concerned that section 551 is not identical. I agree, it is not everything we had hoped to achieve. However, I do believe that section 551 represents the best language we could pass in the Senate. There are reforms we had hoped to achieve but which are not reflected in the Defense authorization bill. But our colleagues in the House have included this matter in their version of the Defense authorization bill. In my view, some of the House language better reflects our original bill. When the Senate goes to conference, it is my hope that all of the essential provisions of the original bill will be included in the conference report.

So, again, I would like to thank Senator COATS for his efforts. Section 551 centralizes oversight and responsibility for accounting for missing persons, it establishes new procedures for reviewing cases of missing persons, and it protects the missing service member from being declared dead solely based on the passage of time. I look forward to working with my colleagues to ensure that the conference report includes all of the necessary reforms outlined in S. 256.

Mr. WARNER. Mr. President, the chairman of the Armed Services Committee, Mr. THURMOND, again has asked that I urge Senators to come forward with their amendments. We are making some steady progress this morning. I believe we are about to receive instructions from the majority leader that the Senate will stand in recess.

Mr. EXON. Mr. President, just before we recess, if I may make a brief statement, I thank once again the chairman of the committee for his cooperation.

I thank my friend from Virginia. For the last few minutes we have worked together to pass a whole series of amendments that were not controversial. I simply say that we are making remarkable progress, and I understand that when we reconvene at 2:15, following the statement the Senator from Virginia is about to make, we will be moving forward and tentatively have unanimous consent on an agreement that is going to collapse about an hour and a half of time which would otherwise be required, followed by another amendment the Senator from Nebraska had intended to offer if this amendment does not pass, which I understand will now.

So I am overjoyed to announce to Senators that we are making remarkable progress under the bipartisan cooperation of both sides. It would appear to me that if we can continue this remarkable speed, we could have a chance of passing both the defense authorization and appropriations bills at a very fair and early hour this evening. I thank my friend from Virginia and those on that side of the aisle for their cooperation.

Mr. WARNER. Mr. President, I thank my distinguished friend and colleague. It is always a pleasure to work with him as we have now 17½-plus years.

RECESS

Mr. WARNER. Mr. President, in accordance with the usual schedule of the Senate on Tuesday, there will be the caucus luncheons, and therefore I ask unanimous consent that the Senate stand in recess until the hour of 2:15.

There being no objection, the Senate, at 12:42 p.m., recessed until 2:15 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. DEWINE).

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 2429

The PRESIDING OFFICER. The question occurs on the Exon amendment No. 2429.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise to clarify the intent of section 3135 of the Senate's 1996 National Defense Authorization Act which provides $50 million for the preparation of hydronuclear experiments below a 4 pound TNT explosive equivalent at the Nevada test site. This provision does

not authorize hydronuclear experiments. So there is no problem with this part of Senator EXON's amendment.

Furthermore, this provision does not amend or repeal the requirements of section 507 of Public Law 102–377, which is also known as the Hatfield-Exon-Mitchell amendment on nuclear weapon testing.

The amendment proposed by Senator EXON basically invokes the restrictions of the 1992 Hatfield-Exon-Mitchell amendment on U.S. nuclear weapons testing. It is my understanding that the Hatfield amendment was not meant to encompass hydronuclear experiments under 4 pounds.

Therefore, as long as the proposed Exon amendment is not construed to make low yield hydronuclear experiments subject to the Hatfield amendment's ban on all nuclear weapons testing after September 30, 1996, I would have no problem with the second portion of Senator EXON's amendment.

I would like to make some further remarks pertaining to section 3135. The Senate passed this provision as an element of the Thurmond-Domenici amendment to the 1996 National Defense Authorization Act on August 4, 1995. On that same day, after vigorous debate, the Senate rejected an attempt to remove this provision from the bill by a vote of 56 to 44. I maintained then, and I maintain now, that this was a prudent decision. I do so in spite of the fact that 1 week after the Senate vote on this subject, the President called for a zero yield comprehensive test ban treaty. I say this because hydronuclear experiments are the single remaining tool available to the United States that is relevant to assessing potential safety problems which may arise in the fission trigger, or primary stage, of our nuclear weapons as they approach and exceed their original design lifetimes. These are not tests of nuclear weapons output. These are not tests aimed at development of new weapons. They are experiments aimed at primarily assessing the safety of he unboosted implosion of the fissle core assembly from a nuclear weapon.

Now, during our debate on this subject, the executive summary of a report of hydronuclear experiments by the JASON committee came up and was reported into the RECORD. This report has been represented to be a purely scientific study, but a careful reading shows that its conclusions are based on preconceived politics and policy. The report concludes that we don't need to do hydronuclear experiments under 4 pounds. Although the JASON report says that low yield hydronuclears were useful for safety assessments, it concludes that we don't need to do hydronuclears because the JASON's don't anticipate safety problems with the current stockpile. This is simply an unsupported assertion.

We found out some other interesting things about the JASON report after the debate. First, we asked DOE for the full classified JASON report. We were told that it was not finished and that it would be available in 3 or 4 weeks. Evidently, the nuclear weapons laboratory officials with the ultimate responsibility for the stockpile were not given an opportunity to review the JASON report before the President's announcement on a zero yield comprehensive test ban treaty. Second, we found out that the individuals selected for this JASON committee were not experts in nuclear weapons and that they called on the services of four current and former nuclear weapons laboratory experts to serve as consultants to the JASON members. Why did DOE not go to its own experts to begin with? So we talked to the two lab experts who dealt with the JASON's. They both agreed that tests in the 500 ton range would be of greatest value to the U.S. nuclear weapons program. On hydronuclear experiments below 4 pounds, these two had a genuine technical disagreement. The expert who found hydronuclear experiments to be of value told us that his material was dropped from the report by the JASON's chairman. He told us that his material ''wound up on the cutting room floor.''

Upon further inquiry we found that the chairman of this particular JASON committee is an expert in high energy physics. His resume also says that he is an arms control specialist. In fact, he has been a Director of the Arms Control Association in Washington, DC. He is a close adviser to Secretary O'Leary. Why should the nuclear weapons experts from our Government-owned laboratories have to have their work filtered through individuals with a clear track record in the arms control arena? This has not been the case in the 50-year history of the U.S. nuclear weapons program. Last year I alerted this body to my concerns about the fact that the Secretary of Energy had surrounded herself with many career antinuclear advocates. Nothing seems to have changed.

Mr. President, this Senator does not believe that this is an objective way to form a committee nor to elucidate expert opinions on a subject of such import to national security.

We then asked DOE for the results of the DOE stockpile confidence meeting that took place at STRATCOM in Omaha from the 1st to the 3d of June of this year with the nuclear weapons laboratories participating. It turns out that the position of the nuclear weapons laboratories at this meeting concluded that good confidence in the safety and reliability of the enduring stockpile could be maintained with a combination of 500-ton tests and the science based stockpile stewardship and management program. If 500-ton tests were excluded, then we could retain good confidence in weapon safety with hydronuclear experiments and the science based stockpile stewardship and management program. Without 500-ton tests and hydronuclears, the laboratories concluded that there would be a period of vulnerability in our stockpile confidence between the end of testing and the realization of the goals of the science based stewardship and management program . You will not see these conclusions discussed publicly by the administration.

I caution my colleagues to watch this situation closely and not to allow the administration to trade real declines in stockpile confidence for potential gains on the arms control area. This concludes my remarks.

Mr. President, I now ask unanimous consent that this amendment be adopted.

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

The amendment (No. 2429) was agreed to.

Mr. THURMOND. I move to reconsider the vote.

The PRESIDING OFFICER. Will the Senator suspend for a moment? Was the Senator referring to Exon amendment No. 2429?

Mr. THURMOND. Yes.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. 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. BROWN. Mr. President, what is the item before the Senate at this point? What is the business of the Senate at this point?

The PRESIDING OFFICER. The business before the Senate now is Brown amendment No. 2428.

AMENDMENT NO. 2428, AS MODIFIED

Mr. BROWN. Mr. President, I have been in conversation with both Members of our side of the aisle and the Democratic side of the aisle. Senator GLENN has had some positive suggestions for my amendment.

At this point, I send a modification of my amendment to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 2428), as modified, is as follows:

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

SEC. . SENSE OF THE CONGRESS REGARDING FITZSIMONS ARMY MEDICAL CENTER, COLORADO.

(a) FINDINGS.—The Congress finds that—

(1) Fitzsimons Army Medical Center in Aurora, Colorado has been recommended for closure in 1995 under the Defense Base Closure and Realignment Act of 1990;

(2) The University of Colorado Health Sciences Center and the University of Colorado Hospital Authority are in urgent need of space to maintain their ability to deliver health care to meet the growing demand for their services;

(3) Reuse of the Fitzsimons facility at the earliest opportunity would provide significant benefit to the cities of Aurora and Denver; and

(4) Reuse of the Fitzsimons facility by the local community ensures that the property is fully utilized by providing a benefit to the community.

(b) SENSE OF CONGRESS.—Therefore, it is the sense of Congress that upon acceptance of the Base Closure list—

(1) The federal screening process for all military installations, including Fitzsimons Army Medical Center should be accomplished at the earliest opportunity;

(2) To the extent possible, the Secretary of the military departments should consider on an expedited basis transferring appropriate facilities to Local Redevelopment Authorities while still operational to ensure continuity of use to all parties concerned, in particular, the Secretary of the Army should consider an expedited transfer of Fitzsimons Army Medical Center because of significant preparations underway by the Local Redevelopment Authority;

(3) The Secretaries should not enter into leases with Local Redevelopment Authorities until the Secretary concerned has established that the lease falls within the categorical exclusions established by the Military Departments pursuant to the National Environmental Policy Act (42 U.S.C. 4321 et seq.);

(4) This section is in no way intended to circumvent the decisions of the 1995 BRAC or other applicable laws;

(c) REPORT.—180 days after the enactment of this Act the Secretary of the Army shall provide a report to the appropriate committees of the Congress on the Fitzsimons Army Medical Center that covers—

(1) The results of the federal screening process for Fitzsimons and any actions that have been taken to expedite the review;

(2) Any impediments raised during the federal screening process to the transfer or lease of Fitzsimons Army Medical Center;

(3) Any actions taken by the Secretary of the Army to lease the Fitzsimons Army Medical Center to the local redevelopment authority;

(4) The results of any environmental reviews under the National Environmental Policy Act in which such a lease would fall into the categorical exclusions established by the Secretary of the Army; and

(5) The results of the environmental baseline survey and a finding of suitability or nonsuitability.

Mr. BROWN. Mr. President, this modification incorporates the suggestions of the distinguished Senator from Ohio, Senator GLENN. It clarifies some of the aspects of the sense of the Congress relating to Fitzsimons and broadens some of the sense of the Congress measures included therein, including a wish that the procedures involved in disposing of facilities be expedited for not just Fitzsimons, but other facilities as well, when it is appropriate.

Mr. President, it is my understanding that this amendment has the approval of both sides. I ask at this time for its adoption.

Mr. THURMOND. Mr. President, I understand it is acceptable on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 2428), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. THURMOND. Mr. President, again, I urge all Senators who have amendments to the defense authorization bill to come to the floor and offer those amendments. We want to finish this bill today. We do not want to stay here until 12, 1, or 2 o'clock tonight. I urge all Senators—and I hope the staffs will tell them if they are here, and I hope the offices will listen and let the Senators know—to come and offer their amendments, if they have any.

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. DORGAN. 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. DORGAN. Mr. President, I compliment the work of Senator THURMOND. I have great respect for him, as well as the work of Senator NUNN, the ranking member. I agree with much of what they do in their work in the Senate. I think both of them have a good grasp of defense issues.

Therefore, it is with reluctance I take the floor today to say I am going to be voting against both the Defense authorization bill and the Defense appropriations bill.

Again, let me say that I think much of the work they do is work that is extraordinarily important for our country and for the defense of our country, but there are some things in this legislation that give me some real pause, one of which I simply cannot overcome. That is the issue of star wars. I call it star wars; I know others will call it the antiballistic missile system or other names.

No matter what you call it—an ABM system; star wars; or SDI, space defense initiative—it is in this legislation, an initiative at this time when we are up to our neck in debt in this country, when we have very serious fiscal policy problems, and when we are tightening our belt and cutting back on job training, saying we will make it more expensive for people to send their kids to college because we will cut back on student loans, we will make deep cuts in Medicare and Medicaid. We are told we do not have the money. At that very moment we now say, by the way, all of that concern about spending, do not pay much attention to what we were saying there. In this legislation, the authorization and appropriations for defense, we say we want to spend more. We want to spend more money than the Secretary of Defense asks for. In fact, this legislation says we say we want to buy more trucks than the Secretary of Defense says he needs. We want to buy more jet fighters than the Secretary of Defense says he wants. We want to buy more submarines than the Secretary of Defense says are necessary—more than are necessary for the defense of this country. This bill says we want to spend $7 billion more than the Secretary of Defense has asked for. It also says we want to commit ourselves to a star wars program, or ABM program, that, according to the Congressional Budget Office, will cost between $40 and $48 billion.

So this legislation says let us initiate a star wars program and spend $300 million more just this year for this program to require an early deployment—an initial deployment by 1999 and full deployment by the year 2003 of a multiple-site national missile defense program.

This, after the Soviet Union has largely vanished. There is no Soviet Union. This, at a time when Russia and others are now destroying warheads and missiles as part of our arms control agreement. In fact, START I and START II, which, when fully ratified, will mean there will be 6,000 fewer warheads in the Russian arsenal, warheads that used to be aimed at America—American cities, American population centers—6,000 fewer warheads because they will be destroyed under START I and START II.

However, this legislation says, even while all this is going on, let us begin a new weapons program. Let us begin a new arms race. Let us spend $48 billion we do not have on something this country does not need.

The so-called bipartisan agreement is an agreement that changes a few words that create, for me, a distinction without any difference at all. It says in this agreement,

> It is the policy of the United States to deploy, as soon as possible, affordable and operationally effective theater missile defenses capable of countering existing and emerging theater ballistic missiles and developing for deployment a multiple site national missile defense system.

Then it says, ''initiate negotiations with the Russian Federation as necessary to provide for this national missile defense system,'' because they acknowledge the so-called star wars program would violate the ABM Treaty so they would have to negotiate with the Russians to change the treaty so we can build a multiple-site system, ''and to consider,'' they say, ''if these negotiations with Russia fail, the option of withdrawing from the ABM Treaty.''

The ABM Treaty is the foundation on which all of the arms control agreements we have are based. We sat for years with a policy in which we had a nuclear triad with nuclear warheads aimed at our adversary—in this case the Soviet Union—and they with their nuclear triad with nuclear weapons aimed at us. The beginning of the end

of the cold war was the agreements by which, with ABM and START I and START II, we now have circumstances where missiles and warheads are being dismantled and destroyed, warheads and missiles that previously were in silos aimed at the United States are now being destroyed and dismantled.

This legislation says that the very agreement upon which those reductions in missiles and warheads is based will be renegotiated and changed and destroyed, effectively, because we say we are not satisfied. We now want to build a national missile defense system. Against whom are we going to deploy a national missile defense system? And for what?

As always seems to be the case when you debate defense spending issues on the Senate floor—when you are talking, on the one hand, about spending for a hot lunch program, for a feeding program, for a nutrition program, for college education help, for financial aid, for Medicare, for Medicaid—what we have is a bunch of arm wavers in this Chamber who shout and wave their arms and say that those on this side of the Chamber are a bunch of big spenders, wild-eyed big spenders on some drunken spending spree; every day in every way all they want to do is spend the taxpayers' money.

Now things have changed. This is not about milk. It is not about nutrition for kids. This is not about health care. This is about building a brand new star wars program. Now the big spenders are on the other side of the room. They say: We do not care what the Secretary of Defense says, we want to build it. We do not care what the Department of Defense says, we need it. We do not care what the intelligence experts claim, we think it is necessary. So they say: Let us build a brand new, gold-plated boondoggle called the star wars program at the very time that we have spent months trying to figure out how to balance the Federal budget.

I do not know all the answers on how you balance the Federal budget. But I do know this. You do not start by continuing digging. You know the old southern expression, when you find yourself in a hole, stop digging. Apparently, some in this Chamber think the solution is you start passing out shovels. You do not solve the deficit problems by deciding to embark on these kinds of weapons programs. If I felt the security needs of the country required this be built, it would not matter to me what it cost, then we ought to build it. If it were essential to the security of this country that the star wars program be built in order to defend America, then there is not any logical question left; this country would have to proceed. But there is no credible evidence, not a shred of evidence anywhere that I have seen that justifies this project.

People say, ''It is Saddam Hussein. It is North Korea. It is some ayatollah in Iran.'' Does anybody seriously believe that the risk from Saddam Hussein, or a terrorist country, is a risk that they will get hold of an intercontinental ballistic missile with which they will launch a nuclear warhead against the United States? Does not everyone here, in a thoughtful moment, at least, understand the far more credible threat is with a truck bomb, as was evidenced by a couple of nut cases who built a bomb, put it in a rental truck, and parked it in front of a Federal building?

Is it not more likely that we will see nuclear terrorism by a suitcase nuclear bomb, by a nuclear bomb placed in the trunk of a rusty car parked by a dock in New York City? Is that not the far more likely threat of nuclear terrorism? Everyone understands that. It is even more unlikely that you would see a terrorist nation, if it were inclined to launch a nuclear attack against the United States, as ill-advised as that would be to do, to do so with an intercontinental ballistic missile. It would be with a cruise missile, which would be easier to obtain; certainly easier to build. This star wars program is not a defense against cruise missiles. No one here, I think, would stand and claim it is.

No, this is, unclothed, a jobs program. It is like every single other weapons program I have ever seen here in Congress. It gets life because somebody believes it is important to their State and it will create jobs.

The fact is, the first site under this will be built in North Dakota, likely, although I think there is also a potential that those who want multiple sites, probably, down the road foresee changing the ABM system so they will not have to build a site in North Dakota. But the fact is, whether it is built in North Dakota or not, I do not think we ought to have it, I do not think the country needs it. I do not think the country can afford it. I think it is preposterous for us, at this point, to be debating, in a defense authorization bill, whether we ought to build a $48 billion star wars program.

The time has passed. This was a 1983 proposal by President Reagan at the height of the cold war when the Soviet Union represented our arch enemy. The cold war is over. The Soviet Union does not exist. Russia now, by agreement with us, is reducing its nuclear arsenal by the thousands, destroying and dismantling. Now we have this proposal? It is completely out of step with reality, in my judgment. But it is not alone. It is simply the biggest and, I think, the most serious problem in this bill.

As I said, this bill builds trucks which the Defense Department did not ask for. It builds planes which the Defense Department does not need. It builds submarines which the Defense Department does not want. In fact, the authorization bill on page 125 says the committee recommends $60 million to begin the development of an airship and missions system that is militarily significant in scope which is operationally capable of developing a counter-cruise-missile capability. What this does not quite say—because legislative language is always artfully drafted so you cannot understand exactly what they are talking about—is on page 125, the $60 million is actually intended to buy blimps. Yes, blimps.

So there is more than one focus of hot air in Washington. Some say it is only in the Chamber of the U.S. Senate. It is on page 125. Lighter-than-air air service—$60 million for blimps. With no hearings, no discussion, let us just spend $60 million on blimps. It is, in my judgment, the hood ornament on bad judgment: star wars, blimps, trucks, planes, and ships that were not asked for and were not needed.

I would be happy to vote for the bulk of this legislation to provide for the defense needs of this country, to provide the kind of equipment and to provide for the salaries and benefits of the men and women in the Armed Forces that we need to make sure America is strong and free. But I will not be part of an effort to decide we should write another $7 billion in to buy equipment the Secretary of Defense says he does not need. And I certainly will not be a part of those who now decide they want to abrogate the ABM Treaty and they reach a compromise in language that is a distinction without a difference in which they talk about developing for deployment.

You see, the bill's original language said we are going to deploy star wars. So we have a bunch of meetings and people exhaust themselves. And after hours and days and weeks, they come up with their master compromise. Do you know what the master compromise is? They say, ''Well, instead of saying we are going to deploy a multiple-site national missile system,'' they say, ''We are going to develop for deployment a national multiple-site missile system.''

I am sorry, I went to a school that was small. I graduated from a high school class in which I was in the top five. But, you know, it was a small school. I guess I have never quite understood with that education the niceties or the subtleties of legislative language that allows someone to believe after they have negotiated an agreement to say, ''Well, it used to say we are deploying it now,'' and in which they simply have said, ''We are developing for deployment.'' And there is a difference. There is no difference. They are still talking about initial development in 1999. They are still talking about full deployment in the year 2003 and still requiring that the ABM Treaty be renegotiated with the Russians. There is no difference here. A distinction maybe. Yes. But a distinction, in my judgment, without a difference.

So I regret to, in a longer fashion than I had intended, say again today that I will not be voting for the appropriations or the authorization bill. I hope that one of these days when we have another discussion about who the wild-eyed spenders are, who the big

spenders are in the Congress, that we can discuss who really wants to spend billions that were not asked for, who wants to spend billions writing in special projects, who wants to start a star wars program.

I also hope maybe we can ask them, ''Where are you going to get the money? Who are you going to ask to pay for these, or is this going to be charged to the taxpayers' credit card like so much of the spending is?

Mr. President, I, if no one else is seeking the floor, ask to be allowed to speak for 5 minutes in morning business on a subject unrelated to the bill.

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

THE TRADE DEFICIT

Mr. DORGAN. In 5 minutes, Mr. President—because I suspect at the end of that time some others will want to move on some additional defense issues—I wanted to comment on something that happened during the Senate's recess. About two weeks ago we received notice about America's trade deficit for the first 6 months of this year, and the report was met with a giant yawn because nobody cares much about the trade deficit. Nobody writes about it. The major press does not treat it seriously in this country.

The trade deficit is largely a function of the trade policy that allows big American corporations to profit for their stockholders by accessing cheap labor in Sri Lanka, Bangladesh, Malaysia, or Indonesia, and selling the products of that cheap labor in Pittsburgh and Fargo and Devils Lake and Denver. All of that might make sense for stockholders and profits, but it means a wholesale exodus of jobs out of this country.

The trade figures showed that in the first 6 months of this year, we have the largest trade deficit in America's history, and that by the end of this year we will have a merchandise trade deficit approaching $200 billion. Let me say that again. By the end of this year, our merchandise trade deficit will approach $200 billion. By contrast, the Federal budget deficit will be $160 billion in this year.

Let me give you some examples of where we are. Japan: At a time when we have a weak dollar, you would expect our trade situation with Japan would be improving. It is not. Japan has a $65 billion annual trade surplus with the United States; China, over $30 billion.

We just entered into NAFTA with Mexico and Canada in January of 1994. Prior to that, we had a surplus with Mexico, a $2 billion trade surplus. Guess what? It is going to be an $18 billion deficit this year.

I would like just one of those folks, one of those apostles for change, that came here and preached the virtues of the free trade agreement with Mexico, to come and stand in this Chamber and tell me how this makes sense for America, how it makes sense for American workers, how it makes sense for the people who want good jobs and good income in this country.

We went from a $2 billion trade surplus with Mexico before NAFTA to an $18 billion trade deficit projected for 1995. Mexico, China, Japan—our trade strategy is a disaster, one that requires, in my judgment, emergency action in this country to stop the hemorrhaging.

You can make the point—I do not, but you could make the point—on fiscal deficits in this country, that the deficit is money we owe to ourselves, and even though it probably is disproportionately owed you can make the point that it is not a significant deficit. However, the trade deficit must be and will be repaid eventually in this country with a lower standard of living in America.

We have to take emergency action to stop this hemorrhaging. The hemorrhaging is the loss of good jobs moving outside of our country with the enormous trade imbalances.

Some people say, ''Well, but the trade deficits relate to the fiscal deficits. If we did not have a fiscal deficit, we would not have trade deficits.'' The fiscal deficit came down $280 billion to $160 billion. The trade policy deficit is going up sharply at exactly the same time.

I would like the company economists to answer that. The fact is, this is a disconnected reality. International corporations, many of them Americans, have devised a strategy by which they say, ''We have a plan. Our plan is to maximize profits.'' We want to maximize profits by producing overseas and selling here. The dilemma with that is it means you are losing good manufacturing jobs, which is the genesis of good jobs and good income and good security in our country, all for the sake of profits. Profits are fine for stockholders. But the fact is, jobs are important for the American wage earner.

We must somehow in some way decide that there is something called free trade, but there is something more important called fair trade. Should we continue to allow producers to decide to produce in countries where they can hire 12-year-old kids to work 12 hours a day and pay them 12 cents an hour and then ship the product to be sold in North Dakota or Wyoming or New York? Should we allow producers to produce in countries where there is no worker safety standard, no child labor standards, no minimum living wage standard, and then ship the product to be sold in Pittsburgh or Wyoming or North Dakota? I do not think so. I think it hurts our country, and I am not a protectionist. I am not someone who believes we ought to build walls around our country. But I believe this country ought to stand up and insist on fair trade and stop the hemorrhaging of trade deficits that injure and weaken America's economic system.

I very much would like one day in some way to see the press and the corporate structures and others in our country, especially Congress, take seriously what I think is an emergency in this country; and that is a failed trade strategy that is a bipartisan failure. It has been a failure for 20 years.

Our trade policies have not essentially changed since the end of the Second World War. During the first 25 years after World War II it was almost totally a foreign policy, foreign aid strategy. In those first 25 years it did not matter because we were so big and so strong that we just won the world economic race by waking up in the morning.

However, in the last 25 years that same trade policy has been a disaster. Sixty percent of the American families now have less income than they did 20 years ago, and less jobs and less opportunities.

That is why this is an important issue that this country must begin to address and begin to address on a bipartisan basis and do it soon.

Mr. President, thank you for the time.

Mr. President, I yield the floor.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 2157

Mr. GLENN. Mr. President, I rise today in opposition to the amendment offered this morning by the Senator from New Mexico, Senator BINGAMAN.

The PRESIDING OFFICER. If the Senator will suspend for a moment, technically the Senator will have to have someone yield him time at this point.

Who yields time?

Mr. THURMOND. Mr. President, I yield such time as the Senator may need.

Mr. GLENN. I am opposing the amendment. I guess I am ranking on the bill, so I will yield myself time.

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

Mr. GLENN. Mr. President, I rise in opposition to the amendment offered by the Senator from New Mexico, Senator BINGAMAN, to reduce by $100 million the $1.2 billion cap on the costs of renovating the Pentagon.

Mr. President, I do not plan to seek a rollcall vote on the amendment, but I do ask that when the vote on this amendment occurs, I be recorded as being opposed to this amendment.

My principal objection to the amendment is its timing.

Mr. President, I support every attempt to make prudent cuts to the cost of this enormous 15-year renovation project, but I believe that lowering the

cap right now is premature. I do not believe it is the intent of the Senator from New Mexico to put in question the need for renovation of the Pentagon. As anyone who has visited the Pentagon recently can attest, the building is in desperate need of renovation.

The Pentagon is over 50 years old. It was built in 1943, and fundamental structural work is necessary. In fact, that portion of the Pentagon closest to the Potomac River has sunk close to 11 inches because the original pilings on which it was constructed were inadequate.

In addition to being old, the Pentagon has received minimal maintenance over the years and its heating, ventilation, electrical, and plumbing systems are breaking down. I am told that the Pentagon averages 30 power outages a day due to the poor condition of the electrical systems.

Moreover, the Pentagon simply was not constructed with the kind of electrical system needed to accommodate the sophisticated electronic and communication systems required today.

Rather, when the Pentagon was built in 1943, at a cost of $83 million, the Pentagon's office of automation systems today consisted of plain old manual typewriters and telephones. Today, however, the Pentagon relies on 11 major computer centers that form the network of communications, command centers, and administrative support systems on which the Pentagon must rely for day-to-day operations.

As I have indicated, I do not believe there is much doubt that we need to renovate the Pentagon. The question at hand turns on just how much the renovation will cost and what is the best approach to keep those costs down.

We are in the 5th year of renovation. Secretary Perry certified to the Defense Appropriations Committee last year that the remaining 10 years of renovation will not exceed a congressionally imposed cap of $1.2 billion. That is the effective cap right now.

Moreover, the senior leadership at the Pentagon recognizes that this huge and complex 15-year project needs to be examined to validate the basic requirements of a post-cold-war Pentagon which now houses a much smaller work force.

Secretary Perry established a Pentagon renovation steering committee in March of this year to do exactly that. The steering committee is chaired by the Under Secretary of Defense for Acquisition and Technology. Its other members include the comptroller, the Assistant Secretaries of Defense for Force Management Policy, Economic Security, and C ''cubed'' I, the Under Secretaries of the military services and representatives from the Joint Staff. An essential part of the steering committee's charter is to consider cost reduction options for the renovation project.

Let there be no mistake about it. I support every effort to keep the costs of Pentagon renovation as low as possible. I understand that the amendment of the Senator from New Mexico is designed in part to force a serious and thorough examination of the costs involved in renovation.

I simply disagree with the approach and believe it is premature to impose what is, with all due respect, an arbitrary cut of $100 million before we have the benefit of the steering committee's recommendations. I discussed this issue with the Deputy Secretary of Defense this morning. He indicated that DOD is opposed to the Bingaman amendment because the steering committee's work is still underway and there is no basis to support a $100 million cut at this time.

So to the extent that the steering committee's recommendations do not result in at least $100 million in savings, the effect of the amendment of my colleague will be that necessary renovations will go uncompleted.

Without sounding melodramatic, it is important to remember that the Pentagon is not your average office building. It is our central military command center. Forcing an arbitrary cut of close to 10 percent of current cost estimates could have an unintended disruptive impact on the Pentagon's ability to carry out critical military functions.

We need to ask ourselves some questions: Was the original estimate wrong? We do not know that it was. Was the original cap of $1.2 billion too high? No, we do not know that it was too high. If so, in what areas was it too high? What programs were overfunded? How much should be cut out? These are things the steering committee should determine. In other words, if this amendment is adopted, what is proposed to be cut in order to achieve $100 million savings? We have no basis right now on which to say that the $100 million savings is excess. In fact, I doubt whether this whole project can be completed for the remaining amount that the Secretary of Defense has pledged he will adhere to.

So, Mr. President, I will not seek a rollcall vote on this amendment, but I do wish to be recorded in opposition to the amendment for the reasons I have just outlined.

Mr. President, in December 1994, the Secretary certified to the Defense Appropriations Committee that the 10-year renovation will not exceed $1.218 billion. I know of no reason now to cut the $100 million to comply with that requirement of law if this amendment is passed. Therefore, I wish to be recorded in opposition to the Bingaman amendment.

I yield the floor.

Mr. THURMOND. Mr. President, as I understand, the Senator does not want a vote?

Mr. GLENN. Mr. President, what I said was I do not require a rollcall vote. If there is a voice vote on this, I wish to be recorded against the amendment.

Mr. THURMOND. The Senator just wants to be recorded.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment? Is all time yielded back?

Mr. THURMOND. Mr. President, we will yield back our time. I understand the other side is willing to yield back its time.

Mr. LEVIN. We yield back the remainder of our time.

The PRESIDING OFFICER. All time has been yielded back.

The question is on agreeing to the amendment.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. THURMOND. Mr. President, I understand the Senator from Ohio wished to be recorded on the amendment, and I believe the Senator from Ohio is not in favor of the amendment, if the Chair will put that question again.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent that the Chair put the question again.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. Without objection, the Chair will put the question again.

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

So the amendment (No. 2157) was agreed to.

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

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

The motion to lay on the table was agreed to.

NATIONAL DEFENSE FEATURES PROGRAM

Mr. COHEN. Mr. President, I rise to describe for my colleagues an important element of the bill that will help preserve our shipbuilding sector and the jobs of skilled mariners. At my urging, the committee authorized $50 million for the national defense features [NDF] program. I am gratified to report that the Appropriations Committee has since agreed to appropriate $50 million to jump-start this worthy program. Given its importance to our national security, I thought it would be helpful to expand on the committee's report.

At my urging, the Secretary of Defense earlier this year provided to Congress a study of the costs and benefits of an active Ready Reserve Force [RRF] program employing privately owned commercial ships equipped with national defense features as an alternative to government-owned strategic sealift. Although submitted 14 months late, the report was welcomed by the committee because it confirmed that the program offered important benefits to the Nation.

Unfortunately, the Pentagon's fiscal year 1996 budget request contained $70 million to purchase existing, foreign-built RO/RO ships for the RRF, but nothing to fund the NDF program. The committee believed the $70 million requested to purchase these foreign-built and -owned RO/RO ships is not in the national security interest, is not cost-effective, and would weaken our national defense shipbuilding industrial base. Accordingly, the Committee recommended authorizing $50 million to procure and install national defense features on vessels built in, and documented under the laws of, the United States. This program will provide substantially superior ships, help preserve rapidly dwindling seafaring manpower and skills, save or create a significant number of jobs in the shipbuilding and supplier industrial base, and assist U.S. shipyards in reentering the commercial shipbuilding market.

The DOD report demonstrates that an active RRF program, comprised of newly U.S.-built commercial vehicle carriers equipped with national defense features, would have important benefits. The report finds that procuring these vessels would be a cost-effective means of recapitalizing the aging, lower readiness RRF fleet at the end of the decade. The DOD report noted, however, that securing entry into the commercial market will be a critical element for the success of the program.

As my colleagues may know, the principal car carrying trade is with Japan. Remarkably, only 3 of the 50 vessels operating in it today fly the American flag. In my view, the entry of new U.S.-built commercial car carriers equipped with national defense features in this trade would be in the national interest. Under one proposal now on the drawing board, for example, a fleet of ten refrigerated car carriers would be constructed in the United States to carry vehicles from Japan to the United States and produce and other refrigerated products to Japan at commercially competitive rates. Equipped with hoistable strengthened decks, these vessels would be well-adapted for carrying both heavy equipment and ammunition. Designed to move at speeds and with loading and unloading capabilities that far exceed those of used, foreign-built vessels, a fleet of this size would appear to be large enough to ensure vessels would be available for loading at designated ports of embarkation within the time demands contemplated in an emergency.

I am particularly interested in this type of proposal because it would lead to the construction of new ships in U.S. shipyards. As my colleagues no doubt appreciate, we must do something to help our shipyards supplement their military work with commercial orders. the President of the American Shipbuilding Association, for example, recently pointed out in a letter to members of Congress that ''[c]onstruction of military sealift ships is critical to the Nation's defense, to sustaining the Navy's shipbuilding base, and to our industry's efforts to supplement declining orders with commercial work.'' By encouraging the entry of new U.S.-built vessels equipped with national defense features in this trade, Congress and the Administration can advance the national interest.

I, therefore, would again urge the Department of Defense and our trade negotiators to emphasize to the Government of Japan the importance of augmenting American participation in this trade as a means of advancing the mutual defense and security interests of our two nations. And I would urge my colleagues not only to support this provision of the bill, but also to support the provision of the fiscal year 1996 appropriations measure that would allocate $50 million to get this program underway.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S. 1026, the pending bill.

Mr. LEVIN. Is it open to amendment at this point?

The PRESIDING OFFICER. The Senator can call up an amendment.

Mr. LEVIN. I thank the Chair.

AMENDMENT NO. 2451

(Purpose: To encourage swift ratification of the START II Treaty and Chemical Weapons Convention)

Mr. LEVIN. I now send to the desk an amendment which is listed and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2451.

The amendment is as follows:

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

SEC. . SENSE OF THE SENATE ON CHEMICAL WEAPONS CONVENTION AND START II TREATY RATIFICATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) Proliferation of chemical or nuclear weapons materials poses a danger to United States national security, and the threat or use of such materials by terrorists would directly threaten U.S. citizens at home and abroad.

(2) The Chemical Weapons Convention negotiated and signed by President Bush would make it more difficult for would-be proliferators, including terrorists, to acquire or use chemical weapons.

(3) The START II Treaty negotiated and signed by President Bush would help reduce the danger of potential proliferators, including terrorists, acquiring nuclear warheads and materials, and would contribute to U.S.-Russian bilateral efforts to secure and dismantle nuclear warheads.

(4) It is in the national security interest of the United States to take effective steps to make it harder for proliferators or would-be terrorists to obtain chemical or nuclear materials for use in weapons.

(5) The President has urged prompt Senate action on, and advice and consent to ratification of, the START II Treaty and the Chemical Weapons Convention.

(6) The Chairman of the Joint Chiefs of Staff has testified to Congress that ratification of both treaties is in the U.S. national interest, and has strongly urged prompt Senate advice and consent to their ratification.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should promptly consider giving its advice and consent to ratification of the START II Treaty and the Chemical Weapons Convention.

The PRESIDING OFFICER. The Chair advises the Senator has 15 minutes.

Mr. LEVIN. I thank the Chair, and I yield myself 10 minutes.

Mr. President, the amendment is a simple and straightforward sense-of-the-Senate amendment. The operative language in the sense of the Senate is that it should promptly consider giving its advice and consent to the ratification of the START II treaty and the Chemical Weapons Convention.

Now, these treaties have been before us for some time. There have been lengthy hearings on these treaties, and it is important that they come to the Senate for our consideration.

These treaties are, just very simply, in our national security interest. It will make Americans safer and the world a less dangerous place. They are going to help reduce the threat, not just of attack from another country on the United States and our citizens, but of terrorist attack involving weapons of mass destruction.

First, the START II treaty, the second strategic arms reduction treaty known as START II, was signed by President Bush and Russian President Yeltsin in January 1993. This treaty is a follow on to the START I agreement, which has already been ratified and is being implemented. The START I agreement has led to significant reductions in the number of nuclear warheads that Russia has deployed, warheads that were targeted on the United States but which are now moving to storage and dismantlement as the START I agreement forces retirement of the delivery systems that they were on.

By ratifying START II, we would continue that process and achieve further reductions in the thousands of remaining Russian nuclear warheads. We would further reduce the threat of nuclear war and advance the nonproliferation interest of the United States. By ratifying START II promptly, we could help encourage the Russian federation to also complete ratification.

If START II is ratified, it can be fully implemented, as originally scheduled, by the year 2003, after which the United States will still maintain a robust deterrent of about 3,500 nuclear warheads and the Russians will have about 3,000 nuclear warheads.

START II builds on the progress of START I by restructuring nuclear arsenals away from instability. START II eliminates all land-based missiles with MIRV's, multiple independently targeted reentry vehicles, as well as the last of the land-based heavy ICBM's, the Russian SS–18.

As General Shalikashvili testified for the Joint Chiefs of Staff—and here I am quoting the Chairman:

Eliminating these systems makes both of our nuclear forces more stable deterrents . . . . This, beyond even the considerable reductions to our nuclear forces, is the beneficial hallmark of this treaty—a security gain that is as positive for the Russians as it is for the Americans. The other members of the joint chiefs of staff and I have no reservations towards this treaty, about the strategic force reductions it entails, or about our ability to properly verify that the Russians are complying with its provisions. I thus encourage you [General Shalikashvili said] to promptly give your advice and consent to the ratification of the START II Treaty.

Now, that is the advice of our highest military adviser. Promptly ratify the START II Treaty. Mr. President, because START II will get more Russian warheads off of missiles and off of submarines and move them into secure storage and eventual dismantlement, it will greatly consolidate, control and improve the security of those warheads and reduce opportunities for unauthorized access or theft. That is clearly in the national security interest of the United States to have thousands more Russian missiles and warheads retired and dismantled.

Getting that significant reduction in the nuclear forces of both countries will also produce real cost savings for our military over time. The military's enthusiastic support for the START II treaty in testimony before the Congress was underscored by Secretary of Defense Perry, who noted that:

. . . it's very important to lock in the gains that have been made since the ending of the Cold War with formal arrangements, of which START II is a primary example.

Now, relative to chemical weapons, Mr. President, the convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction known as the Chemical Weapons Convention, or the CWC, was signed in January 1993 by President Bush and President Yeltsin after years of negotiations. And there is also strong bipartisan congressional support for this agreement as well.

The Chemical Weapons Convention would establish a comprehensive ban on chemical weapons, prohibiting their development, production, possession, acquisition, retention, and transfer. It would require participating states to destroy their chemical arsenals and production facilities under international supervision, an important step toward actual disarmament of chemical weapons stockpiles in those states which possess them. States that refuse to join the convention will be automatically penalized, prohibited from gaining access to dual-use chemicals.

The CWC will make it possible to monitor illegal diversions of materials used to make chemical weapons.

While 159 countries have signed the CWC, 65 must ratify the agreement for it to enter into force, but only 27 have done so. Most countries are waiting to see what the United States is going to do. Russia has signed the convention but has not yet ratified it, and there have been some reports of continued Russian testing and production of chemical weapons, which is permitted until it is ratified.

If the CWC were in place, it would impose a legally binding obligation on Russia, and other nations that possess chemical weapons, to seize offensive chemical weapons activities and to destroy their chemical weapons stockpiles and production facilities.

Over a year ago, in August 1994, the Chairman of the Joint Chiefs, General Shalikashvili, testified as follows:

From a military perspective, the chemical weapons convention is clearly in our national interest. The nonproliferation aspects of the convention will retard the spread of chemical weapons and, in so doing, reduce the probability that U.S. forces may encounter chemical weapons in a regional conflict. Finally—

General Shalikashvili said:

while forgoing the ability to retaliate in kind, the U.S. military retains the wherewithal to deter and defend against a chemical weapons attack.

And he concluded:

I strongly support this convention and respectfully request your consent to ratification.

That is our top-level military official over a year ago urging us to consent to the ratification of the Chemical Weapons Convention.

The U.S. intelligence agencies have testified that the Chemical Weapons Convention will provide new and important sources of information to assess the status of chemical weapons stockpiles and production in countries of concern through regular data exchanges in both routine and challenged inspections. The CWC requires declaration by a state of existing chemical weapons, production facilities, development laboratories, test sites and other related facilities, as well as declaration of transfers of chemical weapons and production equipment to others. The CWC is going to improve the ability of the United States to know the nature of the chemical weapons threat so that we can defend against it.

The CWC has a historic verification protocol, and it was, in fact, crafted with the direct help of the chemical industry of the United States, which views the protocol as effective and which testified in support of the convention's ratification.

Mr. President, the Foreign Relations and the Armed Services Committees have both done thorough work on these two treaties since they were submitted a couple of years ago for ratification. Between the committees, there have been no fewer than 18 hearings over the past 2 years, with officials of the State Department, Defense Department, Joint Chiefs, CIA, and other intelligence agencies, Arms Control and Disarmament Agency, chemical manufacturers and outside experts. So the issues——

The PRESIDING OFFICER. The Chair advises the Senator from Michigan his 10 minutes have expired.

Mr. LEVIN. I thank the Chair and yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEVIN. The issues, Mr. President, have been fully explored by our committees, and it is time now for the full Senate to consider these treaties and to debate a resolution of ratification. We should not be seen as being the ones to drag our feet, especially if we want Russia and other nations to ratify and begin implementing these important security measures.

We talked a great deal about the threats of proliferation and terrorism which are growing as the cold war thaws and we build a productive, cooperative relationship with our former superpower adversary. But now we have an opportunity through these two treaties to do something to stem proliferation of nuclear and chemical materials, not just to talk about it but to do something to make it harder for terrorists to get their hands on these weapons of mass destruction or the means of their production. And that is why in May of this year General Shalikashvili said that START II would contribute to our counterterrorism efforts and that the chemicals convention would make it more difficult for nonsignatories or terrorists to obtain or create chemical weapons.

I hope that this sense-of-the-Senate resolution will be adopted by voice vote, or otherwise. It simply urges as a sense of the Senate prompt consideration by the Senate of these two agreements.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 2451, AS MODIFIED

Mr. LEVIN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

The amendment (No. 2451), as modified, is as follows:

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

SEC. . SENSE OF THE SENATE ON CHEMICAL WEAPONS CONVENTION AND START II TREATY RATIFICATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) Proliferation of chemical nuclear weapons materials poses a danger to United

States national security, and the threat or use of such materials by terrorists would directly threaten U.S. citizens at home and abroad.

(2) The Chemical Weapons Convention negotiated and signed by President Bush would make it more difficult for would-be proliferators, including terrorists, to acquire or use chemical weapons, if ratified and fully implemented as signed, by all signatories.

(3) The START II Treaty negotiated and signed by President Bush would help reduce the danger of potential proliferators, including terrorists, acquiring nuclear warheads and materials, and would contribute to U.S.-Russian bilateral efforts to secure and dismantle nuclear warheads, if ratified and fully implemented as signed by both parties.

(4) It is in the national security interest of the United States to take effective steps to make it harder for proliferators or would-be terrorists to obtain chemical or nuclear materials for use in weapons.

(5) The President has urged prompt Senate action on, and advice and consent to ratification of, the STATE II Treaty and the Chemical Weapons Convention.

(6) The Chairman of the Joint Chiefs of Staff has testified to Congress that ratification and full implementation of both treaties by all parties is in the U.S. national interest, and has strongly urged prompt Senate advice and consent to their ratification.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States and all other parties to the START II and Chemical Weapons Convention should promptly ratify and fully implement, as negotiated, both treaties.

Mr. THURMOND. Mr. President, we accept the amendment as modified, and urge the Senate to adopt this amendment.

I state for the RECORD that this amendment offered by the Senator from Michigan has been modified, and in accepting the amendment as modified, it is not the intention of the committee to predetermine the outcome of the Senate debate that will take place on advice and consent to ratification of these two treaties. The committee is merely stating that overall, if the treaties were to be ratified by all parties and fully implemented by all parties, it would be in the national security interests of all the signatories.

The Senate Foreign Relations Committee has not yet reported either the START II nor the Chemical Weapons Convention to the Senate. As a result, a full debate and examination of the treaties on the floor has not taken place. A number of concerns need to be fully aired with regard to ratification and implementation of these treaties when the Senate determines that it is time to provide its advice and consent to ratification.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the chairman for his support of this amendment. It is important that the Senate promptly take up these treaties. The world is waiting for us to act, and that is the thrust of this amendment. I am glad it has been accepted by the majority.

The PRESIDING OFFICER. Is all time yielded back?

Mr. LEVIN. Yes, we yield our time.

Mr. THURMOND. Yes, we also yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 2451), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2440

Mr. ROBB. Mr. President, I have submitted an amendment No. 2440 to the DOD authorization bill which has been accepted as part of the managers' package. I want to thank the managers, and in particular, my distinguished senior colleague from Virginia, Senator WARNER, for his effort in clearing that on his side of the aisle.

I will take just a moment, if I may, during the time that no other amendments are pending or about to be offered, to describe the amendment.

I believe that this amendment can play an important role in reshaping and improving the efficiency of our military infrastructure.

We all agree that Congress must continue to maintain the highest degree of military readiness in order to fulfill the constitutional direction to provide for our national security.

But, Mr. President, we need to be much smarter in the way in which we fund the establishment that supports our national defense.

This year's Defense authorization process has shown us, once again, that the forces and weapons we require are rapidly becoming unaffordable.

We have to seek new and innovative ways to conduct our defense business.

We must give visionary and far-reaching tools to the military and civilian leaders in DOD to let them continue to transform and remake a military for the next century.

The recently completed BRAC Commission, the White Commission and numerous GAO and other studies have consistently shown that our military infrastructure is simply too large.

We have completed three exhausting BRAC rounds and have accomplished much—but our work is not yet complete.

Both the 1995 BRAC Report to the President and the recently completed White Commission on Roles and Missions in the Military concluded that further efforts in privatization can achieve significant savings and should be aggressively pursued.

Mr. President, I strongly agree with these conclusions and am firmly convinced that a key element in reshaping our military establishment must be the active exploration of further privatization opportunities for appropriate defense functions.

In the near future, I intend to introduce legislation which will provide the Department of Defense with the tools it will require to implement the proposals made by the White Commission.

In the meantime, my amendment will give us an opportunity to move forward in exploring privatization opportunities now.

Mr. President, it seems to me that a detailed examination of the operation of our various, non-combat military air fleets offers the quickest and most efficient way to begin the exploration of using private sources to reduce unnecessary infrastructure and associated costs.

We maintain a variety of military aircraft for diverse functions, including: VIP airlift, transport, logistics, aerial refueling, target services, and scientific research.

Several recent studies have reported that, in many cases, these air capabilities exist well above and beyond that required to meet realistic ''wartime needs.''

In the gulf war, for example, the existing size of the operational support aircraft fleet was 10 times the amount actually used.

My amendment directs the Secretary of Defense to conduct a comprehensive and detailed study to examine ''privatizing options'' with respect to the specialized, non-combat military air fleets.

I want the DOD to focus on the feasibility of using private sources to replace many of the administrative or support functions now being performed, mostly within the continental United States, by military versions of commercial aircraft models.

The distinguished Senator from Iowa, Senator GRASSLEY, has highlighted the tremendous potential for the foolish and unnecessary use of OSA aircraft for purposes which could and should have been accomplished, at a much lower cost, using commercial means.

I support his efforts to reduce unneeded capability in this area of military aircraft.

Mr. President, the OSA fleet represents only part of the many functions now being performed by ''military'' aircraft.

I believe many of these functions can be done cheaper, through private means, while at the same time increasing overall military efficiency.

Paying for air services on a ''per flight hour'' basis (only when requirements exist that cannot be met by commercial airlines) gives us an opportunity to capture tremendous savings by cutting the personnel, maintenance, and infrastructure required to support these specialized fleets.

Additionally, I believe that the privatization of these functions, (especially with respect to VIP aircraft) will dramatically reduce instances of abuse of the system.

Naturally, we must ensure that we do not inadvertently cut a capability which could adversely affect our ability to conduct wartime or other emergent operations.

We must also maintain the ability to retain training opportunities for the

aircrews who will be required to provide support in ''combat operations.''

On the other hand, we will never know exactly how much we can cut until we conduct an in-depth study of the ''non combat air operations'' presently conducted by the military.

My amendment will require examination of the realistic wartime requirements economic assumptions in conducting a cost benefit analysis, and the impact on force structure and personnel which ''privatization'' would produce.

Mr. President, as I mentioned earlier, I intend to introduce legislation which would form a Privatization and Cross-Servicing Commission which will look at options for using private sources in several areas of existing military operations.

This legislation will also examine improving efficiencies by combining like functions within the individual services.

By aggressively pursuing the recommendations made in recent studies, we can save billions in defense dollars without the massive unemployment that creates economic hardship for loyal Federal employees and service personnel.

My amendment can give us many of the answers we in Congress need to craft the tools to further improve efficiency in the military services.

Mr. President, I again thank the managers of this particular bill for accepting this amendment on both sides. I look forward to working with them on this and other amendments as we continue to try to provide ways to meet our defense needs and defense obligations in ways that respect the limited resources of the taxpayers.

With that, Mr. President, I thank the Chair and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, prior to the recess I agreed with the distinguished chairman of the committee on an amendment relative to residual value. This is not listed in the unanimous consent because it was an amendment that was cleared on both sides. I will send the amendment to the desk in a moment.

This requires that the Secretary of Defense, in coordination with the Director of the Office of Management and Budget, submit to the congressional defense committees status reports on the results of residual value negotiations between the United States and Germany.

This is a very important issue. It is an important issue for our budget because we are turning over to Germany properties that have great value. There are values that are attributed to these properties on our books. We should get at least that value when we turn over properties that we have approved to Germany.

What this amendment provides is that the reports that it refers to will include the following information:

(1) The estimated residual value of U.S. capital value and improvements to facilities in Germany that the U.S. has turned over to Germany;

(2) The actual value obtained by the U.S. for each facility or installation turned over to the government of Germany;

(3) The reason(s) for any difference between the estimated and actual value obtained.

A number of us on the committee on both sides of the aisle have been very actively engaged in the residual value issue because of the amount of money that has been invested in these properties in Germany, and this amendment will help us track very carefully what we are agreeing to when we turn over those properties to the Government of Germany.

AMENDMENT NO. 2216

(Purpose: To require the Defense Department to report to the congressional defense committees on residual value negotiations between the United States and Germany)

Mr. LEVIN. Mr. President, I believe this amendment has been cleared on the other side and I therefore call up amendment No. 2216.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 2216.

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 appropriate place in the bill, insert the following:

SEC. . RESIDUAL VALUE REPORT.

The Secretary of Defense, in coordination with the Director of the Office of Management and Budget (OMB), shall submit to the Congressional defense committees status reports on the results of residual value negotiations between the United States and Germany, within 30 days of the receipt of such reports to the OMB.

The reports shall include the following information:

(1) The estimated residual value of U.S. capital value and improvements to facilities in Germany that the U.S. has turned over to Germany.

(2) The actual value obtained by the U.S. for each facility or installation turned over to the government of Germany.

(3) The reason(s) for any difference between the estimated and actual value obtained.

Mr. LEVIN. Mr. President, Congress in recent years has attempted to exercise responsible oversight over negotiations between the U.S. military and foreign governments, primarily Germany, on how much compensation our government will receive for the residual value of improvements we made to military bases we are closing and returning to those governments. In some cases, there are very valuable facilities we built on those bases, paid for by U.S. taxpayers, that still have some reuse value to the governments to which they are being returned.

For each facility, the Defense Department has determined the remaining value of those improvements, and negotiations ensue with the host government over how much compensation we will actually receive. The vast majority of these facilities are in Germany, which was the front line of efforts to deter Soviet expansion during the cold war.

To show the Germans that we were serious about being fairly compensated for the improvements we made at military facilities on their soil, and to give our own negotiators maximum leverage, Congress has passed a series of measures over the last few years. One of these was section 1432 of Public Law 103–160, which prevented the United States from spending funds to move our embassy from Bonn to Berlin, a high priority for the German Government, until we had recovered at least 50 percent of the remaining residual value from these negotiations. According to State and Defense Department officials, that provision has helped to provide some leverage for our negotiators, although talks have not yet been completed on most of the facilities.

But now that the United States has negotiated a favorable land deal for an embassy in Berlin, the administration argues that section 1432 presents a potential liability that would delay construction of that new embassy and force us to incur costs from that delay. So the administration has requested repeal of section 1432 and the committee has concurred with the repeal provision in this bill.

Mr. President, we need to keep the pressure on the governments we are negotiating with, especially Germany, and also on our own negotiators to recover as much value as possible. Congress needs to continue to oversee that process if we are to maximize the amount we recover.

My amendment continues that oversight by requiring reports from the Secretary of Defense and Office of Management and Budget, explaining the reason for any difference between the estimated residual value of U.S. capital improvements to facilities, and the actual value being obtained in negotiations. If a settlement is providing the United States with less than the full value we invested, we need to know why.

We need at least that level of congressional scrutiny. Our negotiators and the German negotiators should know going into a negotiation that a settlement will be seen and reviewed by Congress.

Mr. President, of course the greatest payoff for our investment in improvements to installations abroad, especially in Europe, has been the peace they helped keep during years of high

East-West tension. But where those improvements that still have value are being returned to the host government, we are entitled to compensation in the form of direct payments or in-kind payments. This amendment should help improve the chances of success in that effort.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we have no objections to this amendment. We believe the American people should have a full accounting of the property that our Armed Forces turn over to Germany and should receive a fair return on 50 years of improvements made to these properties. I congratulate Senator LEVIN on his amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. THURMOND. We yield our time.

Mr. LEVIN. I yield back the remainder of our time.

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

The amendment (No. 2216) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. 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. LEVIN. Mr. President, I ask unanimous consent that Senator LAUTENBERG of New Jersey be added as an original cosponsor to the residual value amendment which we just agreed to, No. 2216.

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

DISPOSAL OF BONAIRE HOUSING

Mr. COHEN. I would like to bring to the manager's attention a problem with the disposal of surplus property in Presque Isle, ME, from the former Loring Air Force Base. The designated local reuse authority is having difficulty with the Department of Interior in the disposal of the Federal property known as the BonAire Housing Complex. I understand that it is the intention of the chairman to assist the Maine delegation in resolving this matter.

Mr. THURMOND. The Senator from Maine is correct. I will be pleased to work to address this issue in an appropriate manner.

Mr. COHEN. I thank the distinguished Chairman for his assistance on this matter.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the call the roll.

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

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

Mr. EXON. Mr. President, per the arrangement that I have made with the manager of the bill, Senator STROM THURMOND, I would like to ask unanimous consent at this time that the Senator from Rhode Island be allowed to continue as if in morning business for as much time as he may need, and that following the conclusion of his remarks we return to the regular order.

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

The Senator from Rhode Island.

Mr. PELL. Mr. President, I thank my friend and colleague very much.

ANNOUNCEMENT OF RETIREMENT

Mr. PELL. Mr. President, I wish to state that this morning in Providence I announced my decision not to seek reelection to the Senate next year.

This afternoon, I wanted to formally make that decision known to my colleagues, and to share with you all the thoughts I conveyed to my Rhode Island constituents.

This was not an easy decision for me. I regret that it is fashionable today to malign the Congress, to malign the Federal Government, and to malign those of us who serve the public in elective office.

I, however, consider this U.S. Senate a marvelous institution full of talented and committed men and women who, contrary to public belief, are dedicated to serving our constituents and to improving the quality of our national life.

And I continue to believe that government—and the Federal Government in particular—can, should, and does make a positive impact on the lives of most Americans. Federal programs and agencies do not always work perfectly, and many need reform. But they were conceived to help people, and I believe most continue to do so.

When you believe as strongly as I do in the value of good government and see some of its virtues under attack, there is a great temptation to continue to serve and to fight for those values and those programs that we consider vital.

As to my health, I have been assured that there is no medical barrier to my seeking reelection and serving another 6-year term. I feel strong and healthy and continue my 2-mile runs.

However, I decided not to be a candidate for reelection.

There is a natural time for all life's adventures to come to an end, and this period of 36 years would seem to me about the right time for my service in the Senate to end.

I know I will miss more than anything else the people of Rhode Island which it has been my pleasure to serve these years. They are fine, caring people who put their trust in me all these years, tolerated my eccentricities, and gave me great affection. And I only pray that I repaid their trust and served them faithfully.

And I will particularly miss this wonderful Senate and you, the men and women who serve here. Let me say again, almost without exception, each of us believes he or she can make a positive difference to our Nation's well-being.

This Senate seat from my State has been held for six decades by a forward-thinking Democrat, first by Theodore Francis Green, and then by me. And I want to make it clear today that I am intent on doing all I can to ensure that another progressive Democrat is elected to fill this seat.

And I also plan to do what I can to assist in the reelection of President Clinton, whom I consider a sadly underrated and really quite successful President. He has served our country with intelligence and vision and passion, and I firmly believe he deserves another term.

Beyond that, I have no concrete plans. I will stay active, stay engaged in some kind of public service and will continue to cherish my association with Rhode Island and its wonderful people.

I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, I ask unanimous consent that morning business be continued for whatever time is necessary for any Senator who wishes to make remarks with regard to the announcement that we have just heard from the distinguished Senator from Rhode Island.

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

RETIREMENT OF SENATOR CLAIBORNE PELL

Mr. EXON. Mr. President, we have just heard the announcement in the typical style of the great Senator from the State of Rhode Island. Certainly, he has left his mark. I will not be here to miss him at the conclusion of his term but others will miss him. The institution of the Senate will miss him because I can say that I know of no one who has been more forthright in demonstrating to his colleagues in the Senate and the folks that he has so ably represented back home in Rhode Island what a U.S. Senator should be, what a U.S. Senator is all about.

CLAIBORNE PELL has been a man of outstanding character, a very hard-working, dedicated soldier for the Senate and for the United States of America and, of course, for Rhode Island.

Certainly, he has distinguished himself in many areas during his term of service. Most distinguished, I suspect, has been the steady hand he has provided as a very senior member of the

Foreign Relations Committee. He is the former chairman of the Foreign Relations Committee. The people of the world will miss the steady hand that CLAIBORNE PELL has always provided.

During my terms in the Senate, I have considered him a model of consistency, thoughtfulness, a true gentleman of the Senate, the likes of which we may never have seen before, probably the likes of which we will never see again.

CLAIBORNE, congratulations on your outstanding statement. I wish you well. The most exciting part of your speech to me was you indicated you still would be active, you still would be around, you still would be fighting the principles that have been your hallmark all during the time you have been a Member of this body. Thank you so much for your contribution of a personal nature. Thank you so very much for your friendship over the years.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, we just heard the announcement by the Senator from Rhode Island [Mr. PELL], that he is not going to run again. Senator PELL is a man of integrity. He is a man of ability. He is a man of dedication. We have all enjoyed serving with him. He served ably as the Foreign Relations Committee chairman some years ago and did a good job. We are going to feel a void in the Senate when Senator PELL leaves.

I wish to say to you that your colleagues here in the Senate feel most kindly toward you. They think highly of you. They wish you well. We hope you enjoy good health. Good luck. God bless you and God bless all you have stood for while you were here.

Mr. LIEBERMAN. Mr. President, the announcement that Senator PELL has made today that he will retire from the Senate at the end of this term obviously in one sense fills us with sadness because we will no longer have the benefit of his service and the pleasure of his company. In another sense, I would say it is not just sadness; it is a time to celebrate and express respect for an extraordinary career of service in the Senate. CLAIBORNE PELL has run the race well and has an awful lot to be proud of. He leaves a legacy of great accomplishment.

I think we will not only think first but quite significantly of the Pell grants. I do not know how many recipients of those Pell grants, whose lives have been changed by the opportunity Senator PELL's legislative leadership gave them as poor people to receive an education, know exactly who CLAIBORNE PELL is, but they ought to know.

He is a man who came to the Senate with a proud tradition of service in his family which he carried forward. He is a man who has measured himself by his accomplishments and by the principles which his service has reflected. The Pell grants may be the most visible of them because of the extent to which his name is attached to them, but that is only the beginning of his service.

I think also of not only the other work he has done to support public education and broadening opportunity in this country but the pioneering work—and often the lonely work—he has done on behalf of the rule of law in international relations. He carries around in his pocket the charter of the United Nations. I do not know of another Member of Congress—there it is—who does that.

CLAIBORNE PELL was there when the charter was put together and ratified, and his service in this Chamber has been a service that respected and attempted to give meaning and life to the great hopes and principles for international law expressed in that charter. He has pursued individually and as chairman of the Senate Foreign Relations Committee ratification of treaties that would have sat dormant, treaties that expressed hopes, offered the opportunity to realize and create some rule of law and morality in international affairs where they might not otherwise exist.

This is an extraordinary legacy, a legacy of substantial accomplishment. But I wish to say at this time—and it is not all that one wants to say, but I do want to say in the midst of a time in our politics when people have become all too vicious and partisan, where people strive too often for political advantage as opposed to public service, CLAIBORNE PELL has established a very high standard of public service and public civility.

Earlier this year, the Speaker of the House, Mr. GINGRICH, talked about the need to renew American civilization—a worthy goal.

But it strikes me that we will not ever get to renewing American civilization unless we can renew American civility in our public and private lives. And by private lives I mean in the life of our community and in the basic interaction that we bring to our families, to our neighborhoods, to our communities and that CLAIBORNE PELL has brought to service in this body. This is as a fellow New Englander, neighbor in Connecticut. I am very proud to think that CLAIBORNE represents the best of our long history in his steadfast and deep commitment to the best interests of our country, in his wider vision of service to the best interests of our world, of humankind, and in the extremely decent, thoughtful way he has gone about arguing for principles and causes without ever being contentious or disagreeable.

He has a wonderful family. His wife and children and grandchildren bring him the greatest pleasures I have seen when I have been with him.

As to this question of his physical condition, I can offer this personal testimony. My wife and I often jog on a small track at Georgetown University right across the street from Georgetown Hospital. And many a morning as we have jogged, we have seen, usually ahead of us, a solitary figure out there, sometimes uniquely wearing a tweed coat while jogging—we do not see this often on the track—none other than our beloved Senator CLAIBORNE PELL.

So at this moment I consider myself fortunate that by a twist of fate I should be on the floor to express my great admiration for Senator PELL, my thanks to him for the model, the standard he set up for so many of the rest of us who serve here and my best wishes to him that he and his wonderful family have good luck and all of God's blessings in the many years that I know he has ahead.

[Applause, Senators rising.]

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

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

HONORING SENATOR CLAIBORNE PELL

Mr. CHAFEE. I wish to make a few comments about my colleague from Rhode Island, Senator PELL, who today announced that after 36 years in this Chamber he will be retiring.

This decision obviously cannot escape the reflection of the Senate whose Chamber has been given such dignity, such courtesy, such statesmanship through the dedicated service of CLAIBORNE PELL. Nor can this announcement be taken lightly by our State, our joint State of Rhode Island. Our small State, as you can expect, makes big demands on its Senate delegation. We all know that the Senate was created in the Constitution in order to protect the smaller States from the will of the larger, more powerful, more prosperous States over the smaller ones. And over the years, different events have created special needs in our State that only the Federal Government has been able to adequately address.

Now, there is no doubt, Mr. President, that the Senate and the State of Rhode Island will miss Senator PELL. Over 35 years—and 36 when he finishes—he has served our Nation and his State with great distinction. He not only lived up to the demands of his office, but, indeed, he left his handiwork on some of the most important areas and policy that our Nation has encountered. Let us just briefly take a look at them.

First, I believe Senator PELL will be most remembered for his work in education, particularly providing for education for lower- and middle-income families in this Nation of ours. Now, many of the younger people today, even the younger Members of the Senate refer kind of casually to Pell grants, as though they have always been there. But they have not. The principle behind that program was not as widely accepted as today when they were started by Senator PELL.

In recognition for the great accomplishment as the primary sponsor of the legislation creating these grants, as I recall, it was a Republican, Senator Javits, who proposed they be

named the Pell grants. It was that, I think, that was a reflection of the bipartisanship that existed in the Foreign Relations Committee and in the Labor Committee among Senator PELL and his colleagues. And, indeed, it seems to me, as chairman of the Foreign Relations Committee, one of the things that Senator PELL had always strived for was bipartisanship, to reach a consensus, to have matters reported out unilaterally. That has been one of his goals. He certainly has achieved it.

Now, another example has been Senator PELL's longstanding commitment to protection of the oceans and the coastal resources of our country. He has been a champion, originator of the Sea Grant Program, which is part of the National Oceanic and Atmospheric Administration. And he has been the leading Federal sponsor of the University of Rhode Island's School of Oceanography, which is the crown jewel of one of our State's fine institutions of higher education.

Senator PELL has demonstrated his expertise in foreign affairs. He has been chairman of the Committee on Foreign Relations for several years. He distinguished himself as a man of peace. His active work to achieve agreements with other nations to limit chemical weapons, for example, and nuclear weapons nonproliferation are matters that he has worked on constantly ever since he has been in this Chamber.

In addition, Senator PELL has been the leading advocate, the leading advocate in the Senate, for the betterment of our Nation's cultural life, primarily through his sponsorship and initiation of the National Endowment for the Arts. And I think he will long be remembered for that likewise. No question about it.

Beyond these overarching policy concerns, Senator PELL has been a strong advocate for our State. And it is a pleasure that I have had in working with him since the years that I have been here on things like the preservation of historic Cliff Walk in Newport and the South East Light on Block Island or retaining the submarine construction industry in our State.

And when one out of every three Rhode Islanders found themselves without access to deposits through failed credit unions—one out of every three Rhode Islanders, 33 percent of our State, had some money tied up in credit unions when they failed—Senator PELL greatly helped in crafting Federal assistance for that.

Above all, I wish to emphasize those personal qualities that Senator PELL has brought to this Chamber as an example for all of us. At some point we have all been tired and contentious in debate with the sense that we will never finish some of this complicated legislation. But Senator PELL has never lost his pleasant disposition, his calmness, his sense of objectivity, his striving to achieve a consensus that I mentioned before. This is particularly important, his honesty coming through.

And that is important in our State where we have had a series of mismanagement and scandals and outright failures. And, indeed, many people of our State have gotten very, very cynical about their elected officials, but not about Senator PELL, who has stayed on the high road ever since he came into public life.

So, Senator PELL will leave the Senate a better place for his having been here. My father used to say, ''Try to leave, wherever you have been, your work station a better place than when you got there.'' And certainly Senator PELL has followed that admonition. His work station, this work station, the Senate of the United States, is a better place for his having been here.

He has left an example for all of us to aspire to. So it is with regret and affection that I wish him well in the years to come and that he may enjoy the best of health and the pleasantries and good times that come with his family and with good health that I so hope that he will enjoy.

I thank the Chair.

I thank the distinguished Senator from New York for letting me proceed.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

HONORING SENATOR CLAIBORNE PELL

Mr. MOYNIHAN. Mr. President, this Chamber has been graced with many a fine and wondrous person. Rarely has a State sent two such. In the remarks of the junior Senator from Rhode Island concerning his senior colleague, we have an example the Republic would do well to consider.

I would think, sir, of two moments. The first—and I see the senior Senator from Massachusetts on the floor—first would be in 1960, November, the Presidential election of that year. They were in a store front on Salina Street in Syracuse, NY. And my wife Elizabeth had persuaded Robert F. Kennedy that if his brother, then Senator Kennedy, could carry Syracuse, carry Onondaga County and carry New York, and accordingly become President of the United States, not the worst calculation, as a properly Democratic city had not voted Democratic since 1936. At 9:12 that evening, a phone call came from the compound, as I believe it was called, and it was Robert F. Kennedy calling for my wife, and the exchange went very quickly. It said: ''Did we?'' ''Yes.'' Click, and we had done it.

Then President Kennedy had come to office, or would do, and within about 5 or 10 minutes, young Robin Pell, who had been working with the Kennedy campaign in upstate New York, came in, was there and put down the phone and said, ''Cousin Claiborne has been elected as well.''

That is the beginning of a third of a century in this Senate, but a career already well begun because I said, Mr. President, I would speak of two moments. The other took place in San Francisco not hours ago, if you would like. President Clinton was speaking in that city on the occasion of the 50th anniversary of the agreement to the U.N. Charter. It was in a great hall, the music, the opera where the ratification had taken place, and the delegates in what would have been, I dare not ask the Senator, I believe 56 countries. The President looked up into the boxes and said: ''And CLAIBORNE PELL was present.''

Indeed, he was on assignment from the military, the Coast Guard, his beloved Coast Guard in which he served valiantly in the Second World War. He carries that charter with him today, reminding a Senate and certainly an administration that sometimes seems to have forgot that we made promises in those days in the aftermath, not yet finished, of that extraordinary world conflagration.

He carried that forward as chairman of the Senate Committee on Foreign Relations, by all understanding, the senior committee of the Senate, with its solemn responsibilities in peace and war. He has done so with a civility, a civility of which the Senator from Connecticut spoke, that could only come from someone so deeply committed to peace, having known war and having known the effort in the aftermath to create peace.

He served behind the Iron Curtain in the Department of State. No other Member of this Chamber has ever done that. He did in what is now Slovakia in times that were difficult, tenuous and, in the case of his mission, dangerous.

He brought to the Senate floor two of the most important treaties for the control of nuclear weapons in our history. And if we may think that at last we may have achieved a measure of control, CLAIBORNE PELL will be remembered as the person who brought them forth as a common understanding of this body, not a contentious, not a ragged, not a narrow, but a firm commitment that the other nation involved could accept because of that unanimity.

Other Senators wish to speak. I will only say, and I hope I can claim, I hope the junior Senator will not be amiss, that by rights, he is a New Yorker. His father represented Manhattan, a district in Manhattan, in the House of Representatives. His father was chairman of the New York County Democratic Committee, a most honored and, at times, advantage not of which some of us still admire and respect and hope to do.

It is typical, as the junior Senator said, that when the Pell Grants, that great beneficence, came to the moment when it was to be enacted, it was the Senator from New York, my revered former colleague, Senator Jacob K. Javits, who said they ought to be named for the Senator who has made them possible—CLAIBORNE PELL of Rhode Island.

It is much too early to say we will miss him. He is still very much among

us. He will not for a moment leave public service. In this time to speak to the extraordinary achievement of this Senator, I would not be amiss, I hope, and I am sure I will not, to mention Nuala, without whom it could not possibly have taken place.

Mr. President, with great respect to my colleague who sits right before me now, I thank him for all those things, and yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

HONORED TO SERVE THE PEOPLE

Mr. KENNEDY. Mr. President, just a few hours ago, in his very typical manner, CLAIBORNE PELL addressed the people of the State that he has served so nobly and so well to announce his decision not to seek further election opportunity to represent the people of Rhode Island. And then just a few moments ago, he talked to this institution and its representatives and to the people of the country about his sense of the meaning of the institution of the U.S. Senate and about how he has been honored to serve the people of Rhode Island for these past years in advancing not just their causes but the causes of our Nation.

It is a powerful example, Mr. President. All of us should take just a few moments to reflect on the career of this extraordinary Senator and his life of public service in a world where very often the idea of serving the public is dismissed or disdained or ridiculed or condemned.

We marvel at this extraordinary man and the totality of his lifetime, his service in wartime in the Coast Guard, his years in the Foreign Service with great distinction, which have been commented on so well by our friend and colleague from New York and others, and his extraordinary service in the U.S. Senate.

As one who has shared his party label, I would be quick to join with those on the other side of the aisle who always found CLAIBORNE PELL was committed to advancing the causes of the people he represented in Rhode Island and all Americans, and did it in a way that brought us together and achieved the greatest support.

Mr. President, today we honor the people of his State as well, the people of Rhode Island, because for these many years, they have sent this extraordinary man to the U.S. Senate. His service is a powerful reflection of their values, of the causes which they hold dear, of the high ideals by which they are motivated and what this institution is really about. We honor the people of Rhode Island for the man they have selected to serve them so well in the U.S. Senate.

I join with others who commend Senator PELL for his extraordinary contributions and his innovations in so many different areas of public policy. I think if I asked the Senator right now on this important day if he had in his pocket a small notebook that would indicate the number of days that the children of America spend in school versus the number of days that the children of Japan spend in school versus the number of days that the people of Germany spend in school, he would have it. I take note now, as I am looking over at my very good, valued, and dear friend, that I think he has just pulled that notebook out of his pocket.

Does the Senator care to respond so that we can put into the RECORD one more time just what those figures are? I think it is useful information, and there is nobody who displays it with such commitment as the Senator from Rhode Island.

Mr. PELL. Mr. President, in the United States, we have 180 days a year school; in Sweden, there are 200; in the Soviet Union, 210; in Canada, 200; in Thailand, 220; in Japan, 240; in Italy, 213. We are way down the list.

Thank you.

Mr. KENNEDY. Mr. President, I do not have to recite the Senator's commitment in the area of the education of the young people of this country. I think all of us can see here, all of us who have been honored to serve on the Education Subcommittee which he has championed and led over these many years, that this is not just a public policy issue for him. This is a commitment, a deep commitment, one that continues with him every single hour of every single day.

I will just address the Senate for a moment about the value the Senator has placed on education, and about some of the innovative initiatives he has taken over his extraordinary life.

Mr. President, today in Rhode Island, in my State, and in all of our States represented here, there are millions of young people whose hopes and dreams will be achieved because of the work in education by Senator PELL as chairman of the Education Subcommittee for so many years, because of his dedication and his commitment, and because of his tenacity and his willingness to bring various groups together, from the youngest of children in the early Head Start programs, to pupils in the high schools of this country, to students in the colleges throughout this land. Millions of Americans perhaps do not know the name of CLAIBORNE PELL, but their lives have been forever changed because of his service and commitment in the field of education.

So I think I speak for all the parents of Massachusetts when I say: Thank you, Senator PELL, for the work that you have done in education.

I also had the good fortune to serve on the Labor and Human Resources Committee when Senator PELL—again, in a bipartisan way with Senator Javits—began the initiative that has continued on and enhanced and enriched the lives of so many of our citizens through the creation of the National Endowments for the Arts and the Humanities. He understood that the greatest days of any civilization are recognized over history by respect and support for the arts and humanities, more than through the use of force and weaponry.

He has made that case so well and so eloquently and provided such leadership in those areas. I can remember being here as a young Member of the Senate when the Senate took up the Seabed Treaty, to try to prevent nuclear weapon from being planted in the ocean bottoms. Even though the Soviet Union and United States had not done so, we were moving technologically to the point where each nation could have done so. The Senator was ahead of his time. Even in the height of the cold war, he was able to achieve accomplishments and agreements in anticipation of new types of technology. What a difference that has made.

Mr. President, reference has been made here about Nuala Pell, and I want to join in saying that I know that Claiborne and Nuala are such a strong team for Rhode Island and such wonderful, loving, caring friends to President Kennedy, to my brother Bob, and to all the members of our family. I commend their four children—Herbert, Christopher, Dallas, and Julia—and their five grandchildren, who have brought so much joy to their family, and who will always be proud of Senator PELL's extraordinary service to the country. He has been the kind of Senator that all of us hope to be able to be compared to.

So, CLAIBORNE, we admire your service. We know that you will continue to be involved in public life in the years ahead, and we are grateful for all that you have done—not just for your State but for the Nation, which I know you have loved and continue to love, and that you have served so well.

TRIBUTE TO SENATOR CLAIBORNE PELL

Mr. SIMON. Mr. President, I want to join the others who are paying tribute to our colleague, who has announced today that he will not seek reelection. I heard Senator CHAFEE say the Senate today is a better place because of Senator PELL. I do not know that the Senate is a better place than the day CLAIBORNE PELL arrived, but it is true that he has improved the quality of life around here by his conduct. And what is unquestionably true is that the Nation is a better place because of CLAIBORNE PELL's service.

We use the term ''public servant'' rather freely around here, more freely than sometimes we should. We apply it to anyone who holds public office. A man who died just a few weeks ago, who succeeded Averell Harriman as head of the Marshall plan in Western Europe, Milton Katz, told me one time that there are two kinds of politicians: Those who seek office because they want to be whatever it is—Senator, Governor, President, whatever the office—and those who seek office because of what the office can do. There is a little bit of both in all of us. But CLAIBORNE PELL is there because he wants to serve the public. It is evident in everything he does.

Someone—I forget who—used the word ''civility.'' We hear that a great deal these days. But we do not hear much genuine civility. There is excessive partisanship. I think one of the changes that I have seen—and I am sure Senator PELL would agree—in the 21 years that I have served in either the House or the Senate, is that we have become more partisan. I think, frankly, we serve the Nation less well when we become excessively partisan. That has not been CLAY PELL's style. As has already been referred to, because of his contributions and what he has done in the field of education, millions of Americans are better off.

The National Endowment for the Arts and the National Endowment for the Humanities are somewhat controversial today, but some day we are going to be remembered not for the aircraft carriers we build or the highways we build, but we are going to be remembered for our symphonies, for our works of art, for other things like that.

In the international field, the Arms Control Disarmament Agency, CLAY PELL is one of the authors. The United Nations, he was one of the alternate delegates to San Francisco. He has been a strong supporter of the theory that we have to work collectively with a community of nations. If we do not want to be the policemen of the world, to use the overworked phrase, we have to work with other countries. CLAY PELL has recognized that. There is a whole host of things.

The great tribute we can pay to CLAY PELL is not these words that we use on the floor here, inadequate as they are. It is by seeing that we really do in the field of education what we ought to do, that we get the communities of nations to work together, whether it is Bosnia or the Middle East, or wherever it is, that we work together. I hope we will pay the real tribute to CLAY PELL that he would like, and that is to see that educational opportunity is here and that the communities of nations work together.

Mr. President, before I yield the floor, my colleague from Iowa, Senator HARKIN, handed me a note, indicating he would like me to yield 1 minute to him so he can lay down an amendment before 5 o'clock. I yield to the Senator from Iowa.

Mr. HARKIN. Mr. President——

Mr. SIMON. I do not yield the floor. I yield 1 minute to the Senator from Iowa, then I will yield the floor.

The PRESIDING OFFICER. The Senator needs to obtain unanimous consent if he wishes to hold the floor.

Mr. SIMON. Mr. President, I ask unanimous consent to yield the floor for 1 minute to the Senator from Iowa.

Mr. THURMOND. Mr. President, I reserve the right to object. I would like to hear what the amendment is. I understand it is irrelevant and does not concern what we are doing here and is not germane and should not be considered on this bill. I would like to hear what the amendment is.

Mr. HARKIN. I just want to lay it down before 5 o'clock. I will do it after 5 o'clock, if that is the case. I had a position under the unanimous-consent agreement to offer an amendment to the DOD bill. I was going to offer the amendment. I will do it after.

Mr. THURMOND. Mr. President, the amendment has to be relevant. If it is on welfare, which I understand, it is not relevant.

Mr. HARKIN. Mr. President, I did not mean to interrupt the proceedings. I thank the Senator from Illinois. I did not know there would be an objection. I will offer the amendment later.

Mr. SIMON. Mr. President, I do not know anything about the amendment. I was just trying to accommodate a colleague. I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

PRAISE FOR SENATOR PELL

Mr. JEFFORDS. Mr. President, I want to join those who are here today to speak their praises and feelings for the senior Senator from Rhode Island. Many eloquent speakers have preceded me. I do not intend to try to compete with them or make remarks of that nature.

I have served some 24 years and perhaps the only one that served with the Senator across the table from the other side during this period of time. There is no person that I have come more to admire, respect, or feel affection for.

There are many who have admiration for many others and there are those we have great respect for. There are some, sometimes too few, for whom we feel true friendship and compassion as an individual, someone who we know is in love with life and in love with his job and in love with the people that are around him. Senator PELL has all those characteristics. I know he has moved all Members in some way or another in that respect.

In the House, he served with the senior Senator from Vermont, Senator Stafford. He and Senator PELL were a remarkable combination. I had the ability for a time to be able to serve, too brief a time, in this Senate with him. During that period of time, I again took the admiration and respect and affection that Senator Stafford held for him and carried it on in my own feelings.

What he and I and others have done in the many areas that are critical to myself as well as to him, whether it be in education or the Endowment for the Arts, but most poignantly I will remember our recent trip to Africa where he and his wife Nuala and I and my wife went to nations far away from here. The love and affection that the people of those countries have for them demonstrates that his knowledge and his work is not only appreciated here in this country but throughout the world.

It is with some sadness I am here to speak in this kind of praise in a way, but I will miss him and will miss his service. I wish him all possible good health in the days ahead and look forward to working with him as our monitor from afar.

I yield the floor.

PRAISE FOR SENATOR PELL

Mr. DODD. Mr. President, I realize the hour is getting late and the hour of 5 o'clock will quickly come. We have unanimous-consent requests, so I ask that at a later time I will be able to extend my remarks about our colleague from Rhode Island and his decision today to not seek a seventh term in the U.S. Senate.

Let me in 1 minute or so, because others are seeking recognition before 5 o'clock I presume, join the voices of others who have already expressed what I described to my colleague the bittersweet sentiments I feel at this moment.

On the one hand, joy for my colleague and friend who is looking forward to new opportunities and new horizons after the term ends in January 1997, but also, just as quickly, the sadness that we will not have the pleasure of his company here in this body.

Let me just say, Mr. President, I know a lot is talked about —his background and record—and I will get into that at a later time. I commend my colleague from Rhode Island for what he said on the floor of the Senate. It has become almost predictable as people announce retirement, to somehow simultaneously renounce the political process one way or another.

I commend our colleague from Rhode Island for talking positively about this process. This institution struggles every day to improve the quality of lives of people in this country, and I certainly do not have any quarrel with the people who make a decision to do something else with their lives, but I wish many times they might think about doing so not at the expense of the very institution that they spent years serving.

My colleague from Rhode Island has made that point in his remarks today about his pride of service in this institution, about his pride of service in the public sector, trying to help people out.

Mr. President, I will extend these remarks later. To my friend and colleague for many years from Rhode Island, I congratulate him, wish him well, and look forward to many years of close association with him.

Mr. STEVENS. Mr. President, as the manager of the bill, the vote is scheduled for 5 o'clock. I want to say that I have come to speak about my friend from Rhode Island. I ask unanimous consent that we postpone that vote until 5:30. We have a period for the conducting of routine morning business so we all might make our expressions while our friend is on the floor. I have cleared this with the leadership on our side. I assume there is no objection.

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

Mr. STEVENS. If the Senator from Connecticut wishes to continue.

Mr. DODD. Mr. President, I thank my colleague from Alaska. I wish I had

known this yesterday. I might have delayed coming back a little bit later. I still would have had some remarks about my colleague from Rhode Island.

I will not take a great deal of time because others want to speak, and I will reserve more detailed remarks until later. It was noted by our colleague from Illinois, about our friend from Rhode Island, that he has conducted his public career and life in a way that many would like to see more people in public life serve, and that is with a note of civility.

I think it is of record that the Senator from Rhode Island, in seven elections to the U.S. Senate, has never once—never once—attacked a political opponent that he has run against in an ad or a speech.

I suspect that may be a record in this place, at least by today's standards where many of us spend half of our budgets going after our opponents. It is a worthwhile to note that he never lost an election, the Senator from Rhode Island, but always won them by talking about himself, what he believed in, his vision for his State and the country. My hope is maybe that time will return again in this Nation, where politics may be conducted on a more civil basis.

Mr. President, any one of four or five accomplishments of the Senator from Rhode Island could be tantamount to a career for any single Member. As has been noted already, the Senator from Rhode Island, of course, is responsible for the Pell grant program. If you did nothing else in your service but establish the Pell grant program, you could call your career a success. Thousands, hundreds of thousands of young people in this country who never would have ever been able to have had a higher education have done so because of the Pell grant program.

Had you merely been responsible for the establishment of the National Endowment for the Arts, the National Endowment for Humanities, that in itself would have been, I think, a significant contribution to this country.

Had you done nothing else but establish the Northeast corridor, had you done nothing else but develop the ban on the testing of nuclear weapons on the sea beds, that could have been a significant accomplishment and a record of tremendous achievement. But our colleague from Rhode Island has done all of those things and much more.

On environmental issues he was way ahead of his time. On the first environmental conference ever held internationally, only one U.S. Senator showed up at it. That was the Senator from Rhode Island. That was years and years ago. Before anybody was even talking about these issues, the Senator from Rhode Island understood the value and importance of protecting our natural resources.

So, Mr. President, on a host of issues, CLAIBORNE PELL of Rhode Island has fulfilled, I think, the description of what a U.S. Senator ought to be—a person who not only represents his State and constituents but also represents the national interest and the interests of mankind. In over 36 years he has done that with great distinction and with a degree of calm, never raising his voice, a person who always sought out the better nature of people in debate and discussion. It is a role of U.S. Senator that ought to be a model for all who serve in this body, to bring to this Chamber a degree of elegance and sophistication, a degree of great concern for his fellow man.

My relationship with CLAIBORNE PELL goes back two generations. He served with my father, as the distinguished Senator from South Carolina and a few others who remain in this body have done. That is more than some people should have to tolerate, is two generations of my family, I suppose one might say. But not only that, I also point out my brother-in-law was the finance chairman in the last campaign of the Senator from Rhode Island, Bernard Buonanno, from Providence, RI. So our family relationships go back not just to service in this Chamber but also through a political relationship as well.

I am quite confident, Mr. President, CLAIBORNE PELL will serve this country in many different ways in the years to come. I know I could ask him at this very moment whether he is carrying the U.N. Charter with him, and I suspect he can reach in his pocket and produce that U.N. Charter. I am watching and, as I see him, he is reaching in his pocket and there it is. I know I can ask him to do that any day of the week, any day of the year. CLAIBORNE PELL carries the U.N. Charter with him every single day because of his deep affection and understanding of the value of an international body to try to bring people together to resolve their difficulties.

So I am confident we will hear more from CLAIBORNE PELL in the years to come. Sadly, it will not be in this Chamber once this term has ended. But I join with others in commending him for more than three decades of remarkable service and to thank the people of Rhode Island, our neighboring State, fellow New England State, for having the good sense and wisdom to send him back to the Senate over and over again over the years, and to wish him and his lovely wife Luala well in the coming years. I look forward to a longstanding relationship with him.

I congratulate him. He is truly a Senate man.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Iowa.

CLAIBORNE PELL

Mr. HARKIN. Mr. President, I join with those paying tribute to our esteemed colleague and friend, CLAIBORNE PELL. I do not think there is a stronger argument against term limits than the personage of CLAIBORNE PELL. I know it is fashionable to talk about term limits these days, limits to the amount of time people can spend here. I have always been opposed to that, and I think, looking at the contributions that CLAIBORNE PELL has made to this country and to the Senate over the last 35 years, it is once again a reminder of why the people of the United States ought to have the right to return people to office if they so desire and not to have some artificial kind of time limit put upon service to our country and to this institution.

Certainly CLAIBORNE PELL's first 12 years were marked by successes here, but so were his second 12 years and his third 12 years. Much has been said about CLAIBORNE PELL's contributions to education: The National Endowment of the Arts, the National Endowment for the Humanities, so many other things he has sponsored, promoted, pushed through the Congress, got signed into law, which have in so many ways advanced the concept of American civilization.

It has been my privilege to have served for the last 11 years with CLAIBORNE PELL here in the Senate, 9 of those years on the Human Resources Committee. To watch Senator PELL work is, indeed, I think a real lesson, as I think the Senator from Connecticut just alluded to, a real lesson in gentility, civility, refinement, and purpose.

We can have purpose here in the Senate. We can advance our concepts and our causes resolutely and forthrightly. But we can do it with the greatest degree of civility and respect for the views and the opinions of others. No one exemplifies that kind of procedure and process in debate more than CLAIBORNE PELL. Resolute he has been, all his life, in advancing those issues so dear to him—in education, in the arts, humanities, foreign relations. He has been resolute. And, if he did not win the first time, he came back the second time. If he did not win, then he came back the third and the fourth time. But never with any degree of rancor or bitterness, never with any degree of pity or trying to second guess what might have been. CLAIBORNE PELL picked up the ball, and if he did not win he moved it forward until the next time.

It is that kind of resoluteness that I admire so much in the personage of CLAIBORNE PELL. He is truly one of the giants in the history of the U.S. Senate and one of the giants in the history of the development, as I said earlier, of our concept of American civilization.

Much has been said about CLAIBORNE'S promotion of education in this country. How many people in this country have been educated who came from meager circumstances, whose parents may have been impoverished, born on the wrong side of the tracks, had everything going against them, but because of a Pell grant were able to get an education and to go on and make something of their lives? We run into

them every day. I daresay, probably they all know about Pell grants. Maybe not too many of them know who PELL was.

I think the best legacy we can leave to our friend and our colleague is to make sure that our country never forgets the contributions of this very quiet, distinguished, resolute, compassionate, and concerned American citizen, CLAIBORNE PELL, to make sure that, as we commit ourselves to the remainder of this century, this millennium, and as we move into the next millennium, that education in this country takes its place first and foremost in our deliberations here in this body and that we continue to ensure that education in this country follows the leadership and the guidance set down by CLAIBORNE PELL.

Lastly, Mr. President, I also have been privileged to work with Senator PELL on something other than education. And I will make note of it here because I think it is vitally important. It is an issue of whether or not we will open up our medical system and medical research to new concepts and new ideas, perhaps even to go back in time and recapture some of the practices in medical arts that we have forgotten.

CLAIBORNE PELL has been a leader in what maybe now has become known as complementary medicine, alternative medicine, but new approaches in trying to discern or fathom the illnesses that beset mankind. I have spent many times and many hours talking with Senator PELL about this issue. I have learned a lot from him about it. He has given me reams of material to read about it, and for which I thank him. And he has advanced my whole thinking on this issue of perhaps looking at medicine in a different light, thinking about it in different ways. And only now, today, are we seeing the fruits of his years of involvement in that endeavor.

When new approaches are being talked about, when new forms of medicine, new approaches in holistic medicine, when the conjunction between mind and body health are now being thought of as a legitimate approach to the healing process, CLAIBORNE PELL was way ahead of his time. But now he can take solace and a measure of pride in what he has done in education.

In some other fields, I must say, Mr. President, CLAIBORNE PELL can now take a great measure of pride in what he has done to move the concepts of healing and the healing process in medicine forward in this country. It is something that not too many people recognize CLAIBORNE PELL for. I would not want this moment to pass on the Senate floor or this time to pass without making note of that for the record.

I just want to assure Senator PELL that those of us who have been involved with him in this endeavor will do all we can to continue that legacy that he started so many years ago in the field of healing in this country.

I guess I would just sum it up by saying that really has been his whole life's work here, and that has been one of healing, of bringing people together, of understanding. Whether it has been the League of Nations or the United Nations, which he was an alternate delegate to, or education, humanities, arts, it has been a healing process, bringing people together, understanding, advancing the concept of American civilization.

Mr. President, when you talk about a civilized America, you can sum it up by just saying two words, ''CLAIBORNE PELL.''

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, thank you, I thank Senator PELL, for affording us a few moments to be able to speak about our colleague.

Mr. President, what a pleasure and what a privilege it has been to serve with CLAIBORNE PELL. About 2 months ago, after one of our late-night sessions, I had a chance to give him a lift home. And in the course of that we had a chat about the incipient decision that he was facing. And I was struck as he sort of chatted through the options and the choices available to him how totally compelled he was by the notion that there was work left undone and this incredible sense of responsibility that he felt to the country, to Rhode Island. That is what weighed on him in the decision, not a lot of the other considerations that many people tally up on a yellow legal pad and weigh. But it is characteristic of CLAIBORNE PELL that it was, above all, his sense of duty, the sense of personal responsibility that compelled him to enter public life in the first place and that has guided these remarkable 36 years that he has served as a U.S. Senator.

I daresay to my colleagues that if there were 59 other CLAIBORNE PELLs in the Senate, and perhaps even 99, as a wishful thought, we would not have half the conflict, a quarter of the conflict, maybe any conflict. We would certainly not be looking toward confrontation in the days ahead, perhaps even the train wreck everybody talks about, because above all CLAIBORNE PELL is guided by a sense of decency and by common sense, by good old New England common sense, that says you can work it out. And I think that example I hope is something that will rub off on the Senate in the days ahead.

Others have spoken about his many accomplishments, and there are many a lot of the people do not know that much about because, again, uncharacteristically, compared to the norms of modern American politics, he is self-effacing beyond anybody else's capacity in the Senate. He is somebody who believes simply in doing what is right and doing it in the sense of responsibility and decency that guides him.

Senator HARKIN wondered out loud about those who have been educated by Senator PELL. Millions of Americans have been educated on Pell grants. One-fifth of the population of this country has gone to school because of this U.S. Senator. Sixty-three billion dollars has been invested in the future of the country in educating people and helping to churn the engine of our economy and create the remarkable technological and research and development capacity of this great Nation. Most people, if they thought of the engine of America, probably will not immediately associate it with the Pell grant or with his efforts. But that is, in and of itself, an extraordinary accomplishment.

In addition to that, he has been the principal Senate sponsor of the National Endowment for the Arts and Humanities, recognizing the extraordinary linkage between a nation and a civilization in its support for the arts and its literacy. He was the author of the National Sea Grant College Program, and a founding member who served for years as the Senate cochairman of the Helsinki Commission. He has been one of the strongest proponents of arms control in the U.S. Senate, and as a member of the Senate observer group and as chairman of the Foreign Relations Committee, has played a principal role in helping to move this country to a reasonable arms control policy.

He can take credit, though he personally never does, for bringing to the Senate for approval the INF Treaty, the CFE Treaty, the Threshold Test Ban Treaty, and he took the lead in Senate action in favor of the Sea Ban Armaments Control Treaty and Environmental Modification Convention. He also authored legislation in 1994 that revitalized and strengthened that, and he has been the principal author of legislation imposing sanctions against the development and use of chemical and biological weapons.

In 1994, he authored legislation to place tough sanctions on countries and individuals involved in nuclear weapons proliferation.

Mr. President, I have been privileged in the 11 years that I have served here to serve with Senator PELL both as ranking member and as chairman of the Senate Foreign Relations Committee.

Interestingly enough, my relationship with Senator PELL did not begin with my entry as a freshman on the Foreign Relations Committee. Twenty-four years ago when I first came back from Vietnam, Senator Fulbright invited me to testify before the committee. And it was Senator PELL who was among those on the committee and in the Senate most prepared to listen and to take the position of courage with respect to the difficult choices America faced at that period of time.

I will personally never forget his warm welcome to me as a young returning naval officer and his then brave and perhaps ill-advised suggestion that I might someday consider

running for the U.S. Senate and that he even hoped I might serve with him on the Foreign Relations Committee.

I am confident it was one of those comments that neither he nor I thought might come true or had a sense of reality. But it has been a great privilege that in fact it did and that we have served together.

Let me just close by saying a word about his leadership on that committee. Senator PELL led quietly. He led with grace. He led with remarkable integrity and with a sense of everybody's place. Unlike some here who are very quick to resort to parliamentary rules rather than let the power of reason or of dialog work its will and somehow quash that capacity, Senator PELL always permitted every voice on the committee to be heard to the point of exhaustion—usually ours, not his. He showed patience where patience had been tested, and he was always, always civil, even in the most trying moments.

There is no one on the Foreign Relations Committee on either side of the aisle who would ever question the full measure of this man's decency or of his commitment to the public dialog. He has shown an extraordinary public integrity, an extraordinary commitment to the best ideals of public service, an extraordinary commitment and sense of duty and public responsibility. I think that all of us, Rhode Island particularly, will understand that with his departure from the Senate, the Senate and the country lose a voice for peace, a voice for reasonableness, a voice for the environment, a voice for human rights, a voice for civil rights, a voice for women, and above all a voice for education and for the future.

We will miss his service and the quality of his character enormously. I yield the floor.

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD.)

RETIREMENT OF SENATOR CLAIBORNE PELL

● Mr. MURKOWSKI. I rise today to join my colleagues in paying tribute to our friend from Rhode Island, Senator CLAIBORNE PELL, who today announced his plans to retire from the Senate. I would like to commend Senator PELL for his years of service in the Senate and to wish him much happiness in retirement.

I had the pleasure of serving on the Foreign Relations Committee during Senator PELL's chairmanship. I know that it comes as no surprise to my colleagues that he was a fair and cordial chairman who treated Republicans and Democrats alike with great respect. He was a reliable ally on issues on which we agreed and an equally reliable adversary on those issues on which we disagreed. But whether we agreed or disagreed, he never deviated from his standards of decency and character. I have the utmost respect for how he conducted himself throughout his distinguished career.

My colleagues have spoken of the many accomplishments of the Senator over his 36-year career. I will only highlight the fact that he was a foreign policy pillar throughout his career—from being a witness to the signing of the original United Nations Charter to guiding through ratification of landmark fishery treaties. The Senate's institutional knowledge and expertise in these matters will be greatly depleted when Senator PELL departs. He will be missed.●

BEST WISHES TO SENATOR PELL

Ms. MIKULSKI. Mr. President, I rise to offer my best wishes to our colleague, Senator CLAIBORNE PELL. I know that many of my colleagues have already spoken eloquently about Senator PELL and his accomplishments. But, I wanted to express my gratitude for what Senator PELL has meant to me, to foreign policy and to the creation of an opportunity structure for the students of this country.

For me, Senator PELL serves as a model for commitment and conviction. He's been committed to the people of Rhode Island for 36 years. That kind of commitment is hard to find. The contributions he's made over that time are enormous and should empower all Americans to work hard for what they believe in.

Mr. President, Senator PELL has been actively involved in foreign affairs. As the senior Democrat on the Senate Foreign Relations Committee since 1981, he helped create the international institutions that helped us to win the cold war.

And he's been a leader in the effort to adapt these institutions to meet the challenges of the post-cold-war effort. He was instrumental in crafting arms control treaties and has been one of the Senate's strongest and most consistent voices for human rights throughout the world.

But, I probably know him best for his work as a member of the Labor Committee. He's been a pioneer for education and has made an enormous contribution to create an opportunity ladder for all Americans through Pell grants.

Fifty-four million people have been educated through Pell grants. That's a lot of people. That's a lot of young minds and a lot of Maryland students who can now have access to the American dream.

Students and their parents are always worried about how they will pay for education. Senator PELL made it possible. He's been there to make sure our education needs were being met and that this Nation's students knew they had a friend in the U.S. Senate.

He's been a voice for students who would have been left out and left behind. And he's been a voice for those who had no voice.

This kind of contribution cannot be truly appreciated on a résumé or on a list of legislative accomplishments. It can only be seen in the opportunity that others now have to create a better life for themselves and their families; and in turn, they will contribute to their communities and their country.

I want to thank Senator PELL for what he has meant to the Nation, to foreign policy, and to the students of this country. We are blessed to have his legacy.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, when I arrived in the Senate in 1972, the Senator from Rhode Island, Mr. PELL, had already achieved a record which made him known as one of the best and brightest, one of the most accomplished Senators. In the ensuing 23 years, he has built that reputation into a legend.

Mr. President, we have heard detailed here by my colleagues these last few moments the details of that record—Pell grants, foreign relations. I will not repeat that record except to say it is historic in proportions and outstanding in its quality and its merit.

The remarkable thing to me, Mr. President, is the character of the man who has achieved the record. And I would like to take note today, as Senator PELL announces his retirement, of the kind of person and the kind of civility which he brought not only to this Chamber but to politics in general.

Mr. President, at this difficult time in American political history, at a time when a former Governor of New Jersey announced that he would not run for the Senate in large part because of the lack of civility in this body, because of the lack of civility in politics, I think it is important and appropriate we take note of the career of Senator PELL and what he was able to bring to this body in terms of civility.

In all those terms of running for office, always very successful, usually by huge margins, it is just absolutely astonishing and remarkable that he never said anything bad or negative about his opponents. It shows, Mr. President, that you need not be negative in order to be successful. In all these years serving with Senator PELL in this body, there has never been the slightest deviation from those standards of friendship, respect, courtesy, and warmth of character which was unfailing in even the most difficult of circumstances.

You do not amass a record like Senator PELL has amassed without mixing it up on very difficult and very controversial issues, and yet he was able to do that while at the same time having the love and respect and the warmth and the feelings from all of his colleagues.

This will unquestionably be a lesser place when Senator PELL is gone. Nuala Pell, his wonderful, wonderful wife will certainly make it a lesser place in the pantheon of Senate wives because she in her way adds the same thing to the Senate wives that Senator PELL does to the Senate.

Mr. President, I just hope that we can take example from his service, not

only in what he has accomplished in terms of things for the Nation, which have been very well detailed and, as I say, which constitute a legend in itself, but the quality of his character and the quality of his service and his relationship with his colleagues. If we could just somehow take that and bottle it and keep it and profit by it and emulate it, we would have a much better and different country and Senate.

I salute Senator PELL on his outstanding record of service to the Nation.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I sought the floor a half hour ago in order to make some remarks about my friend, and I am delighted to have a chance to do so. I am reminded of a friend of mine who asked me once why we made these speeches in the Chamber when people make announcements, and he told me that I should be careful because ''he ain't gone yet.''

In terms of this announcement today, I share a lot of the remarks and feelings that have been expressed today. My experience goes back a long ways with Senator PELL. He will recall when we flew down to Caracas for the Law of the Sea Conference, with his bride Nuala sitting between us, and how we talked about a lot of things.

That is more years than either one of us can say, but I do remember that discussion. We talked about Social Security, Mr. President. And we were on our way to the Law of the Sea Conference. I remember talking to Senator PELL about other things—the National Endowment for the Arts—as we went to meetings of the Arms Control Observer Group in Geneva and how Senator PELL's great stature in the foreign relations area had led to so many successes in dealing with the Russians, the Soviets really at that time, with regard to arms control.

As we continue to deal with our friend here in these months ahead—and I do recognize the fact that the Senator from Rhode Island will be with us for well over a year—I want the Senate to know that many of us who came here as youngsters from the far west and me from the far north remember so well the great grace with which the Senator from Rhode Island and his wife from Rhode Island welcomed us here, how they have helped our wives and invited us to their home and made us feel part of the Senate family.

Notwithstanding all of the other accomplishments that have been mentioned on the floor today about Senator PELL, I think he will be remembered as a man who had great respect for the Senate, who wanted the Senate family to have a quality of life and make being in the Senate a different experience for those of us who come here with our wives from great distances. I congratulate him for making his statement today so far in advance so that we can all cherish the time we will have with him in the months to come.

Mr. President, I think it is now time for the vote on my bill.

Ms. MOSELEY-BRAUN. Mr. President, will the Senator yield? Will the Senator yield for 2 minutes?

Mr. STEVENS. Mr. President, I might say to Senators, I have already extended time for a vote on the defense bill by a half hour in order for these proceedings, and I have agreed that we would not extend it further. It is time now for a vote on the defense appropriations bill. I call for a vote.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 1087. The bill clerk read as follows:

A bill (S. 1087) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

The Senate resume consideration of the bill.

THE B–1 BOMBER—A COST EFFECTIVE INVESTMENT

Mr. PRESSLER. Mr. President, today the Senate will pass S. 1087, the fiscal year 1996 Department of Defense [DOD] appropriations bill, and soon will pass S. 1026, the fiscal year 1996 DOD authorization bill. I am pleased to support both pieces of legislation. Both bills call for a full investment in the B–1 bomber in the coming fiscal year—a clear reflection of the Senate's wise and strong support for the bomber. As a strong supporter of this important component of our long-range bomber force, I believe this is great news for those who support both a strong national defense and a sound fiscal policy.

One of the critical military force structure issues that the U.S. Senate has considered in recent years is the funding level needed to sustain an effective heavy bomber force. In my view, the continued effectiveness of our long-range bomber fleet rests on a full investment in the Conventional Mission Upgrade Program [CMUP] for the B–1 bomber [B–1B]—the Lancer. The B–1B is critical to our Nation's bomber force structure.

As my colleagues know, the B–1B originally was designed as a multirole bomber during the cold war, with its primary mission being its capability to deliver a nuclear payload. Today, in response to these dramatic changes and new demands on our post-cold-war national security goals, the United States must commit fewer resources to nuclear deterrence in favor of advancing conventional capabilities. Our bomber force now must fill a dual role. First, it must continue its commitment to nuclear deterrence missions. Second, our bombers must adapt to serve conventional needs.

Of the three heavy bombers—the B–52, the B–1B, and the B–2–the B–1B has the greatest potential to serve both nuclear and conventional missions. I have been a strong supporter of the B—1B throughout the years because it is one of the most versatile aircraft ever constructed. This was the view of the Department of Defense when, as part of its 1993 Bottom-Up Review, it concluded that the B–1B represented the backbone of the heavy bomber force. Further, the Pentagon believed that a full investment in the B–1B's conventional capabilities was the most cost-effective method to maintaining a bomber force structure capable of meeting our national security goals.

Over the years, I have talked to many associated with the B–1B—its designers, Pentagon strategists, and the dedicated men and women who fly and maintain this extraordinary aircraft. All believe in the B–1B and its place in our force structure. Yet, despite these glowing reviews, a skeptical Congress over the last several years has subjected the B–1B to a series of performance evaluations and studies. The B–1B has met each and every challenge.

The first congressionally mandated test was the Operational Readiness Assessment [ORA]. The purpose of this test—code-named the Dakota Challenge—was to determine if one B–1B wing, when provided fully with the necessary spare parts, maintenance equipment, support crews, and logistics equipment, could meet the Air Force mission availability rate goal of 75 percent. Tasked to take on the Dakota Challenge was the 28th Bomber Wing stationed at Ellsworth Air Force Base in Rapid City, SD. The 28th Bomber Wing more than met the goal of the Dakota Challenge, achieving an extraordinary 84-percent mission capable rate.

Additionally, improvements were seen in other readiness indicators, including the 12-hour fix rate—a measure of how often a malfunctioning aircraft can be repaired and returned to the air within one-half day. The enormous success of the Dakota Challenge prompted Gen. John Michael Loh, commander of the Air Combat Command to state that the B–1B has established its title as ''a solid investment in our Nation's capability to project power on a global scale.''

A second congressionally mandated study released this year was done by the Institute for Defense Analyses [IDA]. The IDA study represents perhaps the most in-depth, comprehensive analysis of the entire bomber fleet. This report examined the deployment options of our long-range heavy bomber forces—in association with additional tactical forces—under the circumstances of two hypothetical, nearly simultaneous world conflicts. Under these circumstances, the IDA study found that the B–1B is not just mission-effective but cost-effective as well. The study concluded that the B–1B could serve successfully as the centerpiece of American airpower projection, while producing the highest return on our defense investment.

The Dakota Challenge and the IDA study together made clear that an investment in the B–1B's conventional capabilities was the best investment in fiscal and national security terms. These congressionally mandated tests have changed the congressional view of the B–1B from one of skepticism to support. The DOD authorization and appropriations bills before us today reflect this wise shift. Specifically, the DOD appropriations bill would provide $407 million for the B–1B. This funding includes support for research and development, modification programs and of course, the Conventional Mission Upgrade Program.

What would all this funding do? It would enhance the B–1B in three key ways. First of all, the B–1B would be outfitted with new precision weapons to bring added conventional lethality to the bomber. Second, computer upgrades would enable the B–1B to be ultimately capable of carrying the new generation of smart weapons. Third, the B–1B would be equipped with state-of-the-art jam-resistant radio to allow the aircraft to communicate with fighters and other support aircraft. In addition, upgrades would be provided to improve the B–1B's survivability in medium-high threat areas.

The end of the cold war has brought a world environment of unpredictability. New regional threats could occur with very little warning. In this environment, we must look to our bomber force to quickly respond to conventional threats. By fully funding the CMUP for fiscal year 1996 and providing additional enhancements to make up for prior year delays, we can provide our bomber force better prepared to respond to this dynamic world environment.

Mr. President, the people of Rapid City, SD, know well of the effectiveness and the importance of the B–1B to our national security. Many civilians in Rapid City have a family member, a friend, or a neighbor who serves in the 28th Bomber Wing—the men and women who collectively are the backbone of our bomber fleet's backbone. They do more than just keep the B–1B's flying. They firmly believe that the B–1B is a high quality aircraft, capable of being the centerpiece of the bomber fleet in the years to come. They were willing to put their beliefs in their bomber to the test. Through the Dakota Challenge, they proved what they believed. And today, the 28th Bomber Wing's success is being recognized by the U.S. Senate, which will show its strongest support yet for the future conventional success of the B–1 bomber.

Mr. LAUTENBERG. Mr. President, I intend to vote against the fiscal year 1996 Department of Defense appropriations bill.

When most people talk about the budget, they talk about the cuts it contains—cuts in programs that will hurt middle- and lower-income Americans, cuts in taxes which will benefit the richest among us, cuts in education programs that will hinder our children's ability to carry America into the 21st century.

While most areas of spending have been cut in the budget for next year, the defense budget will receive a huge increase. President Clinton recommended a budget which increased defense spending by roughly $25 billion over what we were told we needed just 1 year ago.

Apparently it was not enough. Even though the cold ear has ended, the United States is the only superpower left in the world, and democracy is flourishing where communism once prevailed, the House version of the budget resolution boosted defense spending by another $7 billion for next year. During conference, the House number survived. No ''compromise by splitting the difference,'' just a total victory for the House position. And so, in line with the budget resolution, this appropriations bill spends nearly $7 billion more on the defense budget than the President requested.

This bill, Mr. President, underscores the misguided direction in which the new congressional leadership wants to take our Nation. It is a direction which places a higher value on buying weapons we do not need than on books for our children's education. It is a direction which says that buying more aircraft and helicopters than the Pentagon has requested is more important for the American people than cleaning the environment or preserving Medicare benefits.

We do need a strong national defense, but we can have one without the excessive $7 billion increase in spending included in this bill.

The strength of our Nation, Mr. President, depends on more than the number of missiles we build and the aircraft we procure. It depends on having a well-educated work force, a clean environment, safe streets, a sound and strong economy.

We cannot afford to starve domestic needs so we can spend a billion-plus on an amphibious assault ship that isn't budgeted until the turn of the century, spend hundreds of millions more than the administration requested for a national missile defense system, and spend billions of tax dollars for unrequested helicopters, aircraft, and other military equipment.

Where is our sense of priorities? What happened to our common sense?

The American people deserve better. And we need to make better choices with their tax dollars.

We can and should start by opposing this bill.

ELECTRONIC COMMERCE RESOURCE CENTERS

Mr. ROBB. Mr. President, if the chairman will allow me, I would like to engage him in a brief colloquy concerning the Electronic Commerce Resource Center Program.

Mr. STEVENS. Mr. President, I would be happy to engage in a colloquy with the Senator from Virginia.

Mr. ROBB. Mr. President, I would say to the chairman that it has come to my attention that the House report accompanying the fiscal year 1996 Defense appropriations bill includes language which directs the Secretary of Defense to enter into a 5-year sole-source contract for the establishment of a single, consolidated National Electronic Commerce Resource Center. Under the current program structure, two nonprofit organizations act as system integrators to coordinate activities at the various Electronic Commerce Resource Centers located across the country.

Mr. STEVENS. Mr. President, I am familiar with the program and the House language has been brought to my attention as well.

Mr. ROBB. Mr. President, I would say to the chairman that, as he knows, the current ECRC program is working well and has enabled the development of successful programs to transfer electronic commerce [EC] and electronic data interchange [EDI] technologies and processes to small and medium-sized enterprises. In the first quarter of 1995, for example, the network trained over 4,000 business personnel and 1,300 government personnel and provided services to approximately 1,800 business and Department of Defense clients. Based on industry standards for training and consulting services, it is estimated that this program has saved U.S. businesses over $6 million during the first quarter of 1995 alone.

Mr. President, I am concerned about the House effort, on a sole-source basis, to alter the management and reporting relations that have successfully served this program. While a single, consolidated National Electronic Commerce Resource Center is needed to coordinate the program's activities, such a center should be established on a competitive basis, not sole-sourced. Competition will ensure that the interests of both the Department of Defense and the American taxpayer are best served.

As the chairman knows, I have an amendment I was planning to offer that would require full and open competition in the establishment of a National Electronic Commerce Resource Center. I will not offer that amendment on this bill, but I would like to seek some assurances from the chairman that this issue will be revisited when the Defense appropriations bill goes to conference.

Mr. STEVENS. Mr. President, the Senator from Virginia has raised a valid concern. I am familiar with the program and am aware that many of the Electronic Commerce Resource Centers around the country were established through full and open competition. Furthermore, I recognize your valid arguments about the importance of full and open competition in the establishment of a national ECRC. I assure the Senator that this will be an issue we raise during our conference with the House. Furthermore, I will ask my staff to arrange a briefing on

this program from the Department of Defense and to seek assurances from the Department that they intend to use full and open competition if a single, consolidated National ECRC is established.

Mr. ROBB. Mr. President, I appreciate those assurances from the chairman and thank him for his consideration.

STRATEGIC ENVIRONMENTAL RESEARCH AND DEVELOPMENT PROGRAM

Mr. LEVIN. Mr. President, I would like to engage the distinguished manager of the bill in a brief colloquy regarding the Strategic Environmental Research and Development Program (SERDP). As he knows, these funds have been and continue to be used for investigating and demonstrating innovative environmental clean-up technologies. He may also know that the U.S. Army Corps of Engineers Research Laboratory [USACERL] has been a very active component of DOD's efforts in this area. Through USACERL's work, many of these private/public sector technologies are now available for commercialization, stimulating small company creation, economic development, and environmental protection.

I would urge that the Committee support continuation of USACERL's excellent work, particularly remediation activities at the Army production plants.

Mr. STEVENS. I am aware of the application of innovative remediation technologies at numerous DOD sites throughout the country. I appreciate the thoughtful comments of the Senator from Michigan on the Army Corps' work and bringing it to my attention.

Mr. LEVIN. Very briefly, I would like to provide the Senator from Alaska with two specific examples that demonstrate just how effective USACERL has been.

The first example is an innovative air control technology being implemented at the Lake City Army Ammunition Plant in Independence, MO. A full-scale demonstration biofilter is being installed that will reduce air emissions by more than 80 percent. This will allow the plant to double production and continue to emit less than its current air quality control requirements.

The second example is a manufactured wastewater treatment project at the Radford Army Ammunitions Plant in Radford, VA. This is a full-scale demonstration of granular activated carbon-fluidized bed technology for treating DNT by-products in wastewater. This type of wastewater has proven resistant to any other type of treatment technology available today.

I hope the committee will continue to support the development of cost-effective technologies, such as these, for treating DOD wastes.

Mr. STEVENS. The technologies the Senator has mentioned sound promising. I commend DOD and USACERL for their work in this area and encourage the Department to continue such innovative work.

Mr. PRESSLER. Mr. President, I see the chairman of the Appropriations Subcommittee for Defense, my friend from Alaska, on the floor, and I wanted to be sure he is aware of concerns brought to my attention by the South Dakota National Guard. The concerns involve a funding difference for multiple launch rocket systems [MLRS] between S. 1087, the fiscal year [FY] 1996 Department of Defense [DOD] appropriations bill and S. 1026, the fiscal year 1996 DOD authorization bill.

Any addition of MLRS batteries to National Guard units would be an important contribution. Over the next several decades, our national security increasingly will need to respond rapidly and decisively to regional security threats. The post-cold-war defense drawdown will result in an increased reliance on the National Guard and the reserve forces to meet our national security needs. The opportunity for the South Dakota National Guard to be fielded an MLRS battery would improve greatly its readiness and capability to respond rapidly to time critical targets.

I urge the chairman and the appointed conferees to consider going to the authorized funding level for MLRS launchers, as S. 1087 proceeds to conference. I believe doing so would ensure the successful reconditioning and fielding of 29 MLRS launchers important to our reserve forces.

Mr. STEVENS. Mr. President, I appreciate the senior Senator from South Dakota bringing this matter to my attention. As he knows, we faced a number of difficult funding decisions in this bill. A number of programs were not funded at the proposed authorized level. I would bring to the Senator's attention that S. 1087 provides $100 million for the Army National Guard to allocate to meet its foremost modernization priorities. I am confident that the MLRS needs of the South Dakota National Guard will be carefully considered this year.

Mr. PRESSLER. Mr. President, I thank my friend from Alaska. I appreciate his consideration of my request and look forward to working with him on this matter of importance to the South Dakota National Guard.

Mr. CONRAD. Mr. President, I intend to oppose S. 1087, the Department of Defense appropriations for fiscal year 1996.

Although I recognize the need to provide for a strong national defense, I cannot support this legislation because it spends too much money. The cold war is over, the Soviet Union has collapsed, and we already spend more money than the next nine biggest military spenders combined. If we are serious about balancing the budget without unnecessary cuts in programs that benefit average American families, it simply does not make sense to spend more money than the administration requested for defense.

Earlier this year, when we debated the budget in the Senate there was broad bipartisan agreement that we should freeze defense spending at the administration's request. On most issues, I disagreed with the priorities in the budget put forward by the Republican majority, and I offered an alternative that was both fairer and more ambitious than the Republican proposal. But on defense my fair share plan contained a hard freeze at the administration's fiscal year 1996 request just like the Republican proposal.

Unfortunately, the budget that came back from conference increased defense spending by more than $7 billion in fiscal year 1996 alone over the level in my fair share plan and the Senate-passed budget. This increase in defense spending comes at the expense of greater cuts in other areas important to hard working American families, such as agriculture, Medicare, and student loans.

Where does the extra $7 billion added to the fiscal year 1996 defense appropriations act go? Does it go to fund the priorities of our military leaders, such as ongoing operations in Iraq, Bosnia, and Haiti where we know we will have added expenses this year? Does it go to improving readiness through increased operations and maintenance funding? Or does it go toward closing the bomber gap between the number of bombers the military estimates it will need to fight one major regional conflict and the bombers actually funded in the President's budget? No, no, and again no.

The extra funding above the amounts our military leadership requested goes largely to fund major new weapons procurement of questionable value to our immediate national security. The appropriators have added $1.4 billion for two extra DDG–51 Aegis destroyers, an extra $1.3 billion for one LHD–7 amphibious ship, $600 million for ballistic missile defenses, and $575 million for F–18 fighters. These weapons are not needed this year, and this wave of new procurement sets the stage for future increases to the defense budget because this pace will be unsustainable in the outyears unless we dramatically cut funding for readiness.

I am especially concerned that, despite this added funding for procuring new weapons, the bill does nothing to close the bomber gap. This bill funds only 93 deployable bombers, but the Pentagon's Bottom-Up Review concluded that 100 deployable bombers are needed to fight just one major regional conflict, let alone a second nearly simultaneous conflict. The Air Force estimates that a mere $130 million would be sufficient to maintain a fourth combat coded squadron of B–52 bombers, six additional trainers and all remaining B–52's in attrition reserve. Although the Senate defense authorization bill contains language prohibiting the retirement of B–52 bombers—the most capable bombers in our inventory and a vital element in our strategy to win two nearly simultaneous conflicts—the appropriations bill fails to

fund additional B–52 operations and maintenance.

Although I cannot support the bill as a whole, I do want to note the provision in the bill maintaining the size of Air National Guard fighter wings at 15 aircraft. In view of the increasing importance of air power in our warfighting capabilities and the enhanced role for the Guard in light of overall military downsizing, I believe it is very important to maintain our ANG assets. I congratulate the chairman and ranking member for their attention to this issue.

But when I look at the bill as a whole, the bottom line is that it spend too much money. I cannot support it.

Mr. DODD. Mr. President, I rise this evening to speak against final passage of the 1996 Defense appropriations bill. And let me tell my colleagues, I do so with a very heavy heart.

In the 15 years that I have served here in the U.S. Senate, I have never once voted against final passage of a Defense appropriations bill. Regrettably, it will no longer be possible for me to make that claim.

The bill before us is truly unique. In an era of wholesale budget reductions, this bill contains an overall spending increase of nearly $7 billion above what the President and the Pentagon requested. That is a significant increase for any agency budget, however, it is particularly troublesome because of the tremendous cuts that other agencies have suffered. It is an injustice that is too great to ignore.

For example, the 1996 Department of Labor and Health and Human Services appropriations bill was reduced by almost $4 billion for the Department of Labor, and another $3.5 billion for other related agencies. Simply put, that directly affects the hard working men and women of Connecticut who rely on important programs in time of need.

Since the mid-1980's almost 200,000 Defense-related jobs have been lost in my home State. The current reductions in the Department of Labor's job retraining programs directly cuts into the very heart of job training programs that are essential for the survival of more than 500,000 displaced working Americans. That simply is not fair.

The 1996 Department of Defense appropriations bill provides almost $3.0 billion as a so called investment for advanced missile defenses. That unrequested increase comes at the expense of medical care for the elderly, Goals 2000, and early childhood education programs. If ever there was a need for an increase in a national investment program, we should be focusing our eyes on the youth of our Nation and programs such as Headstart.

Let me restate for the RECORD, this bill contains spending increases that were neither requested by the Pentagon, nor budgeted for by the President. However, vital future programs such as the F–22 fighter aircraft and the *Seawolf* submarine were fully funded in the President's initial budget submission. Let me remind my colleagues, those programs were requested by the leadership or our armed services and deserve and requested funding. I fully support those programs.

However, it seems fundamentally wrong in an era of severe fiscal constraint to increase defense spending in areas not specifically requested by the Joint Chiefs of Staff or their respective services. With so much at stake in so many other critical programs in our national infrastructure, I cannot in good conscience support this bill.

I thank my colleagues.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber who desire to vote?

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] and the Senator from Alaska [Mr. MURKOWSKI] are necessarily absent.

I further announce that, if present and voting, the Senator from North Carolina [Mr. HELMS] would vote ''yea.''

Mr. FORD. I announce that the Senator from Hawaii [Mr. AKAKA] is absent because of attending a funeral.

The result was announced—yeas 62, nays 35, as follows:

[Rollcall Vote No. 397 Leg.]

YEAS—62

Abraham	Gorton	Mikulski
Ashcroft	Gramm	Moynihan
Bennett	Grams	Murray
Bond	Grassley	Nickles
Breaux	Gregg	Nunn
Bryan	Hatch	Packwood
Burns	Heflin	Pressler
Campbell	Hollings	Reid
Chafee	Hutchison	Robb
Coats	Inhofe	Santorum
Cochran	Inouye	Shelby
Cohen	Jeffords	Simpson
Coverdell	Johnston	Smith
Craig	Kassebaum	Snowe
D'Amato	Kempthorne	Specter
DeWine	Kyl	Stevens
Dole	Lieberman	Thomas
Domenici	Lott	Thompson
Faircloth	Lugar	Thurmond
Ford	Mack	Warner
Frist	McConnell	

NAYS—35

Baucus	Exon	Leahy
Biden	Feingold	Levin
Bingaman	Feinstein	McCain
Boxer	Glenn	Moseley-Braun
Bradley	Graham	Pell
Brown	Harkin	Pryor
Bumpers	Hatfield	Rockefeller
Byrd	Kennedy	Roth
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Kohl	Wellstone
Dorgan	Lautenberg	

NOT VOTING—3

Akaka	Helms	Murkowski

So the bill (S. 1087), as amended, was passed, as follows:

S. 1087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $19,776,587,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $16,979,209,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $5,886,540,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,156,443,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3021, and 3038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $2,102,466,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,349,323,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $364,551,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8021, and 8038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $783,861,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 265, 3021, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $3,222,422,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 265, 8021, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,259,627,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $14,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $17,947,229,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided,* That of the funds appropriated in this paragraph, not less than $388,599,000 shall be made available only for conventional ammunition care and maintenance: *Provided further,* That of the funds provided under this heading, $1,418,000,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997: *Provided further,* That not less than $15,000,000 shall be made available only for the implementation and execution of the 1988 agreement between the Department of the Army and National Presto Industries Inc. for the remediation of environmental contamination at the National Presto Industries Inc. site at Eau Claire, WI. These funds shall be made available no later than sixty days following the enactment of this Act: *Provided further,* That of the funds provided under this heading, $500,000 may be available for the Life Sciences Equipment Laboratory, Kelly Air Force Base, Texas, for work in support of the Joint Task Force–Full Accounting.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,151,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $21,195,301,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided,* That of the funds provided under this heading, $1,150,000,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997: *Provided further,* That, of the funds appropriated under this heading, not more than $12,200,000 shall be available only for paying the costs of terminating Project ELF.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $2,341,737,000: *Provided,* That of the funds provided under this heading, $366,800,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,326,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $18,202,437,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided,* That the Secretary of the Air Force may acquire all right, title, and interest of any party in and to parcels of real property, including improvements thereon, consisting of not more than 92 acres, located near King Salmon Air Force Station for the purpose of conducting a response action in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601–9675) and the Air Force Installation Restoration Program: *Provided further,* That of the funds provided under this heading, $1,633,000,000 shall be available only for Real Property Maintenance activities, and shall be available for obligation until September 30, 1997: *Provided further,* That from within the funds appropriated under this heading, the Air Force may enter into a long-term lease or purchase agreement to replace the existing fleet of VC–137 aircraft.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $9,804,068,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $28,588,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided,* That of the funds appropriated under this heading, $20,000,000 shall be made available only for use in federally owned education facilities located on military installations for the purpose of transferring title of such facilities to the local education agency: *Provided further,* That of the funds provided under this heading, $169,800,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997: *Provided further,* That of the funds appropriated in this paragraph, $11,200,000 shall be available for the Joint Analytic Model Improvement Program: *Provided further,* That of the funds appropriated in this paragraph, $10,000,000 shall be available for the Troops-to-Cops program: *Provided further,* That of the funds provided under this heading, $42,000,000 shall be available for the Troops-to-Teachers program.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,068,312,000: *Provided,* That of the funds provided under this heading, $47,589,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $826,042,000: *Provided,* That of the funds provided under this heading, $31,954,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $90,283,000: *Provided,* That of the funds provided under this heading, $4,911,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,485,947,000: *Provided,* That of the funds provided under this heading, $63,062,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $2,361,708,000: *Provided,* That of the funds provided under this heading, $150,188,000 shall be available only for Real Property Maintenance activities, and shall be available for obligation until September 30, 1997.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $2,724,021,000: *Provided,* That of the funds provided under this heading, $85,571,000 shall be available only for Real Property Maintenance activities, and shall remain available for obligation until September 30, 1997.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces; $6,521,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; $1,487,000,000, to remain available until transferred: *Provided,* That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same period as the appropriations of funds to which transferred, as follows:

Operation and Maintenance, Army, $659,000,000;

Operation and Maintenance, Navy, $405,000,000;

Operation and Maintenance, Air Force, $368,000,000; and

Operation and Maintenance, Defense-wide, $55,000,000:

Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

SUMMER OLYMPICS

For logistical support and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the 1996 Games of the XXVI Olympiad to be held in Atlanta, Georgia) provided by any component of the Department of Defense to the 1996 Games of the XXVI Olympiad; $15,000,000: *Provided,* That funds appropriated under this heading shall remain available for obligation until September 30, 1997.

HUMANITARIAN ASSISTANCE

For training and activities related to the clearing of landmines for humanitarian purposes, $60,000,000.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for providing incentives for demilitarization; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; $325,000,000 to remain available until expended.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,498,623,000, to remain available for obligation until September 30, 1998.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $846,555,000, to remain available for obligation until September 30, 1998.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,396,264,000, to remain available for obligation until September 30, 1998.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,090,891,000, to remain available for obligation until September 30, 1998.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed 41 passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein,

may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,760,002,000, to remain available for obligation until September 30, 1998.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $4,897,393,000, to remain available for obligation until September 30, 1998.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, other ordnance and ammunition, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $1,771,421,000, to remain available for obligation until September 30, 1998.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefore, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

For continuation of the SSN–21 attack submarine program, $700,000,000;

NSSN–1 (AP) $704,498,000;

NSSN–2 (AP) $100,000,000;

CVN Refuelings, $221,988,000;

DDG–51 destroyer program, $3,586,800,000;

LHD–1 amphibious assault ship program, $1,300,000,000; and

For craft, outfitting, post delivery, conversions, and first destination transportation, $448,715,000;

in all: $7,062,001,000, to remain available for obligation until September 30, 2000: *Provided*, That additional obligations may be incurred after September 30, 2000, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 252 passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $2,394,260,000, to remain available for obligation until September 30, 1998.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 194 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; $597,139,000, to remain available for obligation until September 30, 1998.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $7,163,258,000, to remain available for obligation until September 30, 1998.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, ammunition, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $3,550,192,000, to remain available for obligation until September 30, 1998.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 385 passenger motor vehicles for replacement only; the purchase of 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $260,000 per vehicle; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $6,540,951,000, to remain available for obligation until September 30, 1998.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 451 passenger motor vehicles, of which 447 shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $2,114,824,000, to remain available for obligation until September 30, 1998.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; $777,000,000, to remain available for obligation until September 30, 1998: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than December 1, 1995, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $4,639,131,000, to remain available for obligation until September 30, 1997: *Provided*, That of the funds appropriated in this paragraph for the Other Missile Product Improvement Program program element, $10,000,000 is provided only for the full qualification and operational platform certification of Non-Developmental Item (NDI) composite 2.75 inch rocket motors and composite propellant pursuant to the initiation of a Product Improvement Program (PIP) for the Hydra-70 rocket.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $8,282,051,000, to remain available for obligation until September 30, 1997: *Provided*, That of the funds provided in Public Law 103–355, in title IV, under the heading Research, Development, Test and Evaluation, Navy, $5,000,000 shall be made available as a grant only to the Marine and Environmental Research and Training Station (MERTS) for laboratory and other efforts associated with

research, development, and other programs of major importance to the Department of Defense: *Provided further*, That of the funds appropriated under this heading, $45,458,000 shall be made available for the Intercooled Recuperative Turbine Engine Project.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $13,087,389,000, to remain available for obligation until September 30, 1997.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $9,196,784,000, to remain available for obligation until September 30, 1997: *Provided*, That of the funds appropriated in this paragraph, $35,000,000 shall be available for the Corps Surface-to-Air Missile (Corps SAM) program: *Provided further*, That of the funds appropriated in this paragraph, $3,000,000 shall be available for the Large Millimeter Telescope project: *Provided further*, That of the funds appropriated in this paragraph, not more than $48,505,000 shall be available for the Strategic Environmental Research Program program element activities and not more than $34,302,000 shall be available for Technical Studies, Support and Analysis program element activities: *Provided further*, That of the $475,470,000 appropriated in this paragraph for the Other Theater Missile Defense, up to $25,000,000 may be available for the operation of the Battlefield Integration Center: *Provided further*, That the funds made available under the second proviso under this heading in Public Law 103–335 (108 Stat. 2613) shall also be available to cover the reasonable costs of the administration of loan guarantees referred to in that proviso and shall be available to cover such costs of administration and the costs of such loan guarantees until September 30, 1998: *Provided further*, That of the funds appropriated in this paragraph for the Ballistic Missile Defense Organization, $10,000,000 shall only be available to continue program activities and launch preparation efforts under the Strategic Target System (STARS) program.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; $246,082,000, to remain available for obligation until September 30, 1997.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $22,587,000, to remain available for obligation until September 30, 1997.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE BUSINESS OPERATIONS FUND

For the Defense Business Operations Fund; $1,178,700,000: *Provided*, That of the funds appropriated under this heading, $300,000,000 shall be available only to support the national defense missions of the Coast Guard, while operating in conjunction with and in support of the Navy: *Provided further*, That pursuant to the authorities provided under this heading, the Secretary of the Navy shall make available to the Coast Guard ship and aviation fuel, spare parts, munitions, ship stores, commissary goods, ship and aircraft repair services to ensure the national defense capabilities and preparedness of the Coast Guard.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1774); $1,024,220,000, to remain available until expended: *Provided*, That the Secretary of the Navy may obligate not to exceed $110,000,000 from available appropriations to the Navy for the procurement of one additional MPS ship.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; $10,196,558,000, of which $9,908,525,000 shall be for Operation and maintenance, of which $288,033,000, to remain available for obligation until September 30, 1998, shall be for Procurement: *Provided*, That of the funds appropriated under this heading, $14,500,000 shall be made available for obtaining emergency communications services for members of the Armed Forces and their families from the American National Red Cross as authorized by law.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $631,698,000, of which $353,850,000 shall be for Operation and maintenance, $224,448,000 shall be for Procurement to remain available until September 30, 1998, and $53,400,000 shall be for Research, development, test and evaluation to remain available until September 30, 1997.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; $680,432,000: *Provided*, That of the funds provided under this heading, $5,000,000 shall be available for conversion of surplus helicopters of the Department of Defense for procurement by State and local governments for counter-drug activities: *Provided further*, That the funds appropriated by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; $139,226,000, of which $138,226,000 shall be for Operation and maintenance, of which not to exceed $400,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which $1,000,000, to remain available until September 30, 1998, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $213,900,000.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $7,500,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Community Management Account; $98,283,000.

KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION TRUST FUND

For payment to the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, as authorized by law, $25,000,000, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal

year shall be obligated during the last two months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,400,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds and the ''Foreign Currency Fluctuations, Defense'' and ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source: *Provided further*, That none of the funds available to the Department of Defense in this Act shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

SEC. 8008. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the Committees on Appropriations, Armed Services, and National Security of the Senate and House of Representatives.

SEC. 8009. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for payments to physicians and other authorized individual health care providers in excess of the amounts allowed in fiscal year 1994 for similar services, except that: (a) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and (b) for services the Secretary determines are overpriced based on allowable payments under title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 percent (except that the reduction may be waived if the Secretary determines that it would impair adequate access to health care services for beneficiaries). The Secretary shall solicit public comment prior to promulgating regulations to implement this section. Such regulations shall include a limitation, similar to that used under title XVIII of the Social Security Act, on the extent to which a provider may bill a beneficiary an actual charge in excess of the allowable amount.

SEC. 8010. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified at least thirty days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

UH–60 Blackhawk helicopter;

Apache Longbow helicopter; and

M1A2 tank upgrade.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. None of the funds provided in this Act shall be available either to return any IOWA Class Battleships to the Naval Register, or to retain the logistical support necessary for support of any IOWA Class Battleships in active service.

SEC. 8013. (a) The provisions of section 115(a)(4) of title 10, United States Code, shall not apply with respect to fiscal year 1996 or with respect to the appropriation of funds for that year.

(b) During fiscal year 1996, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(c) The fiscal year 1997 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1997 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1996.

SEC. 8014. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8015. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8016. None of the funds appropriated by this Act, during the current fiscal year and hereafter, shall be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the Army Reserve unless such individual is also a military member of the Army Reserve troop program unit that he or she is employed to support. Those technicians employed by the Army Reserve in areas other

than Army Reserve troop program units need only be members of the Selected Reserve.

SEC. 8017. Notwithstanding any other provision of law, during the current fiscal year and hereafter, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any person who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment.

SEC. 8018. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 1415(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That, in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8019. Funds appropriated in this Act shall be available for the payment of not more than 75 percent of the charges of a postsecondary educational institution for the tuition or expenses of an officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education.

SEC. 8020. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

SEC. 8021. Notwithstanding any other provision of law, the Secretary of the Navy may use funds appropriated to charter ships to be used as auxiliary minesweepers providing that the owner agrees that these ships may be activated as Navy Reserve ships with Navy Reserve crews used in training exercises conducted in accordance with law and policies governing Naval Reserve forces.

SEC. 8022. For the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 1996, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes and reports, and the P–1 and R–1 budget justification documents as subsequently modified by Congressional action: *Provided*, That the following exception to the above definition shall apply:

For the Military Personnel and the Operation and Maintenance accounts, the term ''program, project, and activity'' is defined as the appropriations accounts contained in the Department of Defense Appropriations Act: *Provided further*, That at the time the President submits his budget for fiscal year 1997, the Department of Defense shall transmit to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives a budget justification document to be known as the ''O–1'' which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for operation and maintenance in any budget request, or amended budget request, for fiscal year 1997.

SEC. 8023. Of the funds made available by this Act in title III, Procurement, $8,000,000, drawn pro rata from each appropriations account in title III, shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974, 25 U.S.C. 1544. These payments shall be available only to contractors which have submitted subcontracting plans pursuant to 15 U.S.C. 637(d), and according to regulations which shall be promulgated by the Secretary of Defense within 90 days of the passage of this Act.

SEC. 8024. During the current fiscal year, none of the funds available to the Department of Defense may be used to procure or acquire (1) defensive handguns unless such handguns are the M9 or M11 9mm Department of Defense standard handguns, or (2) offensive handguns except for the Special Operations Forces: *Provided*, That the foregoing shall not apply to handguns and ammunition for marksmanship competitions.

(TRANSFER OF FUNDS)

SEC. 8025. Notwithstanding any other provision of law, the Department of Defense may transfer prior year, unobligated balances and funds appropriated in this Act to the operation and maintenance appropriations for the purpose of providing military technician and Department of Defense medical personnel pay and medical programs (including CHAMPUS) the same exemption from sequestration set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508) as that granted the other military personnel accounts: *Provided*, That any transfer made pursuant to any use of the authority provided by this provision shall be limited so that the amounts reprogrammed to the operation and maintenance appropriations do not exceed the amounts sequestered under the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508): *Provided further*, That the authority to make transfers pursuant to this section is in addition to the authority to make transfers under other provisions of this Act: *Provided further*, That the Secretary of Defense may proceed with such transfer after notifying the Appropriations Committees of the House of Representatives and the Senate twenty calendar days in session before any such transfer of funds under this provision.

SEC. 8026. None of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul, repair, or maintenance of any naval vessel homeported on the West Coast of the United States which includes charges for interport differential as an evaluation factor for award.

SEC. 8027. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8028. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8029. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis,

to American Samoa: *Provided,* That notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8030. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by Executive Agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided,* That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further,* That the Department of Defense's budget submission for fiscal year 1997 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further,* That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further,* That each such Executive Agreement with a NATO member host nation shall be reported to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate thirty days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8031. None of the funds available to the Department of Defense in this Act shall be used to demilitarize or dispose of more than 310,784 unserviceable M–1 Garand rifles and M–1 Carbines.

SEC. 8032. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8033. None of the funds appropriated during the current fiscal year and hereafter, may be used by the Department of Defense to assign a supervisor's title or grade when the number of people he or she supervises is considered as a basis for this determination: *Provided,* That savings that result from this provision are represented as such in future budget proposals.

SEC. 8034. Notwithstanding any other provision of law, each contract awarded by the Department of Defense in fiscal year 1996 for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided,* That the Secretary of Defense may waive the requirements of this section in the interest of national security.

SEC. 8035. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under section 331, 332, 333, 3500, or 8500 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

SEC. 8036. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

SEC. 8037. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8038. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8039. Of the funds made available in this Act, not less than $24,197,000 shall be available for the Civil Air Patrol, of which $14,259,000 shall be available for Operation and Maintenance.

SEC. 8040. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8041. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase ''qualified nonprofit agency for the blind or other severely handicapped'' means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8042. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8043. Notwithstanding any other provision of law, of the funds appropriated for the Defense Health Program during this fiscal year and hereafter, the amount payable for services provided under this section shall not be less than the amount calculated under the coordination of benefits reimbursement formula utilized when CHAMPUS is a secondary payor to medical insurance programs other than Medicare, and such appropriations as necessary shall be available (notwithstanding the last sentence of section 1086(c) of title 10, United States Code) to continue Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) benefits, until age 65, under such section for a former member of a uniformed service who is entitled to retired or retainer pay or equivalent pay, or a dependent of such a member, or any other beneficiary described by section 1086(c) of title 10, United States Code, who becomes eligible for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) solely on the grounds of physical disability, or end stage renal disease: *Provided,* That expenses under this section shall only be covered to the extent that such expenses are not covered under parts A and B of title XVIII of the Social Security Act and are otherwise covered under CHAMPUS: *Provided further,* That no reimbursement shall be made for services provided prior to October 1, 1991.

SEC. 8044. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $250,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided,* That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriation or fund which incurred such obligations.

SEC. 8045. None of the unobligated balances available in the National Defense Stockpile Transaction Fund during the current fiscal year may be obligated or expended to finance any grant or contract to conduct research, development, test and evaluation activities for the development or production of advanced materials, unless amounts for such purposes are specifically appropriated in a subsequent appropriations Act.

SEC. 8046. For the purposes of this Act, the term ''congressional defense committees'' means the National Security Committee of the House of Representatives, the Armed Services Committee of the Senate, the subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on National Security of the Committee on Appropriations of the House of Representatives.

SEC. 8047. Notwithstanding any other provision of law, during the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided,* That the Senior Acquisition Executive of the

military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8048. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8049. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8050. During the current fiscal year, voluntary separation incentives payable under 10 U.S.C. 1175 may be paid in such amounts as are necessary from the assets of the Voluntary Separation Incentive Fund established by section 1175(h)(1).

(INCLUDING TRANSFER OF FUNDS)

SEC. 8051. Amounts deposited during the current fiscal year and hereafter to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8052. None of the funds in this or any other Act shall be available for the preparation of studies on—

(a) the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States to Johnston Atoll: *Provided*, That this prohibition shall not apply to General Accounting Office studies requested by a Member of Congress or a Congressional Committee; and

(b) the potential future uses of the nine chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99–145: *Provided*, That this prohibition does not apply to future use studies for the CAMDS facility at Tooele, Utah.

SEC. 8053. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: *Provided*, That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: *Provided further*, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8054. For fiscal year 1996, the total amount appropriated to fund the Uniformed Services Treatment Facilities program, operated pursuant to section 911 of Public Law 97–99 (42 U.S.C. 248c), is limited to $329,000,000, of which not more than $300,000,000 may be provided by the funds appropriated by this Act.

SEC. 8055. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8056. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8057. During the current fiscal year, annual payments granted under the provisions of section 4416 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–428; 106 Stat. 2714) shall be made from appropriations in this Act which are available for the pay of reserve component personnel.

SEC. 8058. During the current fiscal year, appropriations available for the pay and allowances of active duty members of the Armed Forces shall be available to pay the retired pay which is payable pursuant to section 4403 of Public Law 102–484 (10 U.S.C. 1293 note) under the terms and conditions provided in section 4403.

SEC. 8059. None of the funds provided in this Act shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification: *Provided*, That this prohibition shall not apply to safety modifications: *Provided further*, That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the United States to provide such waiver and so notifies the congressional defense committees in writing.

SEC. 8060. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1997.

SEC. 8061. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8062. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions to the Johnston Atoll for the purpose of storing or demilitarizing such munitions.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8063. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986 and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8064. None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8065. Of the funds appropriated to the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $8,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8066. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work,

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8067. To the extent authorized in law, the Secretary of Defense shall issue loan guarantees in support of U.S. defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issues under the authority of this section may not exceed $15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee, shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to

the Committees on Appropriations, Armed Services and Foreign Relations of the Senate and the Committees of Appropriations, National Security and International Relations in the House of Representatives on the implementation of this program.

SEC. 8068. Funds appropriated by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 1996 until the enactment of the Intelligence Authorization Act for fiscal year 1996.

SEC. 8069. None of the funds provided in this Act may be obligated or expended for the sale of zinc in the National Defense Stockpile if zinc commodity prices decline more than five percent below the London Metals Exchange market price reported on the date of enactment of this Act.

SEC. 8070. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 3686(2) and 8686(2) of title 10, United States Code.

SEC. 8071. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances, and other expenses which would otherwise be incurred against appropriations of the National Guard and Reserve when members of the National Guard and Reserve provide intelligence support to Unified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the General Defense Intelligence Program and the Consolidated Cryptologic Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8072. All refunds or other amounts collected in the administration of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be credited to current year appropriations.

(RESCISSION)

SEC. 8073. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

''Procurement of Ammunition, Army, 1993/1995'', $15,000,000;

''Aircraft Procurement, Air Force, 1994/1996'', $53,654,000;

''Aircraft Procurement, Air Force, 1995/1997'', $53,100,000;

''Shipbuilding and Conversion, Navy, 1991/1995'', $13,570,000;

''Other Procurement, Navy, 1995/1997'', $8,600,000;

''Research, Development, Test and Evaluation, Army, 1994/1995'', $242,000;

''Research, Development, Test and Evaluation, Army, 1995/1996'', $11,156,000;

''Research, Development, Test and Evaluation, Navy, 1994/1995'', $4,416,000;

''Research, Development, Test and Evaluation, Navy, 1995/1996'', $10,150,000;

''Research, Development, Test and Evaluation, Air Force, 1994/1995'', $46,589,000; and

''Research, Development, Test and Evaluation, Air Force, 1995/1996'', $15,767,000.

SEC. 8074. None of the funds in this or any other Act may be used to implement the plan to reorganize the regional headquarters and basic camps structure of the Reserve Officer Training Corps program of the Army until the Comptroller General of the United States has certified to the congressional defense committees that the methodology and evaluation of the potential sites were consistent with the established criteria for the consolidation, that all data used by the Army in the evaluation was accurate and complete, and that the conclusions reached are based upon the total costs of the Army's final plan to establish the Eastern Reserve Officer Training Corps Headquarters at Fort Benning, Georgia: *Provided*, That all cost, including Military Construction, shall be considered as well as an analysis of the impact of the consolidation on the surrounding communities for all affected installations.

SEC. 8075. During the current fiscal year, the minimum number of personnel employed as military reserve technicians (as defined in section 8401(30) of title 5, United States Code) for reserve components as of the last day of the fiscal year shall be as follows:

For the Army National Guard, 25,750;

For the Army Reserve, 7,000;

For the Air National Guard, 23,250; and

For the Air Force Reserve, 10,000:

Provided, That in addition to funds provided elsewhere in this Act, the following amounts are appropriated to the following accounts only for the pay of military reserve technicians (as defined in section 8401(30) of title 5, United States Code):

Operation and Maintenance, Army Reserve, $24,822,000;

Operation and Maintenance, Air Force Reserve, $12,800,000;

Operation and Maintenance, Army National Guard, $27,628,000; and

Operation and Maintenance, Air National Guard, $30,800,000.

SEC. 8076. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to or programs in the Democratic People's Republic of North Korea unless specifically appropriated for that purpose: *Provided*, That the Secretary of Defense and the Secretaries of the military services must notify the congressional defense committees within 24 hours of any obligation, transfer, or expenditure of funds in excess of $500,000 pursuant to authorities granted for emergency and extraordinary requirements provided in title II of this Act.

SEC. 8077. (a) None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) LIMITATION ON COMPENSATION.—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, may be compensated for his or her services as a member of such entity, or as a paid consultant, except under the same conditions, and to the same extent, as members of the Defense Science Board: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the Department of Defense from any source during fiscal year 1996 may be used by a defense FFRDC, through a fee or other payment mechanism, for charitable contributions, for construction of new buildings, for payment of cost sharing for projects funded by government grants, or for absorption of contract overruns.

(d) Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1996, not more than $1,162,650,000 may be obligated for financing activities of defense FFRDCs: *Provided*, That the total amounts appropriated in titles II, III, and IV of this Act are hereby reduced by $90,000,000 to reflect the funding ceiling contained in this subsection.

SEC. 8078. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 1995 level.

(TRANSFER OF FUNDS)

SEC. 8079. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided*, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further*, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1986/1990'':

SSN–688 attack submarine program, $5,051,000;

CG–47 cruiser program, $2,500,000;

BB battleship reactivation, $4,000,000;

T–AGOS SURTASS ship program, $2,135,000;

LCAC landing craft air cushion program, $4,800,000;

For craft, outfitting, post delivery, and cost growth, $8,660,000;

Weapons Procurement, Navy, 1994/1996, $30,900,000;

Other Procurement, Navy, 1994/1996, $9,200,000;

Aircraft procurement, Navy, 1994/1996, $2,056,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1986/1990'':

MSH coastal mine hunter program, $69,302,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1988/1992'':

SSN–688 attack submarine program, $1,500,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1988/1992'':

T–ACS auxilary crane ship program, $1,500,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1989/1993'':

SSN–688 attack submarine program, $23,535,000;

DDG–51 destroyer program, $33,700,000;

T–AO fleet oiler program, $38,969,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1989/1993'':

SSN–21 attack submarine program, $65,886,000;

MHC coastal mine hunter program, $30,318,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1990/1994'':

SSN–688 attack submarine program, $1,907,000;

DDG–51 destroyer program, $22,669,000;

For craft, outfitting and post delivery, $3,900,000;

Aircraft Procurement, Navy, 1994/1996, $17,944,000;

Procurement of Ammunition, Navy and Marine Corps, 1995/1997, $5,116,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1990/1994'':

MHC coastal mine hunter, $9,536,000;

T–AGOS surveillance ship program, $42,000,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1991/1995'':

SSN–21 attack submarine program, $18,330,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1991/1995'':

LHD–1 amphibious assault ship program, $6,178,000;

MHC coastal mine hunter program, $12,152,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1992/1996'':

DDG–51 destroyer program, $5,315,000;

For craft, outfitting, post delivery, and DBOF transfer, $9,675,000;

For escalation, $3,347,000;

Weapons Procurement, Navy, 1995/1997, $7,500,000;

Procurement, Marine Corps, 1995/1997, $378,000;

Other Procurement, Navy, 1995/1997, $355,000;

Aircraft Procurement, Navy, 1995/1997, $3,600,000;

Research, Development, Test and Evaluation, Navy, 1995/1996, $5,600,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1992/1996'':

MHC coastal mine hunter program, $35,770,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1993/1997'':

LSD–41 cargo variant ship program, $1,600,000;

For craft, outfitting, post delivery, and first destination transportation, and inflation adjustments, $5,627,000;

Procurement of Ammunition, Navy and Marine Corps, 1995/1997, $1,784,000;

Other Procurement, Navy, 1995/1997, $645,000.

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1993/1997'':

DDG–51 destroyer program, $7,356,000;

AOE combat support ship program, $2,300,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1994/1998'':

MCS(C) program, $5,300,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1995/1999'':

Nuclear submarine main steam condensor industrial base, $900,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1994/1998'':

LHD program, $6,200,000.

SEC. 8080. The Department shall include, in the operation of TRICARE Regions 7/8, a region-wide wraparound care package that requires providers of residential treatment services to share financial risk through case rate reimbursement, to include planning and individualized wraparound services to prevent recidivism.

SEC. 8081. None of the funds available to the Department of Defense shall be available to make progress payments based on costs to large business concerns at rates lower than 85 percent on contract solicitations issued after enactment of this Act.

SEC. 8082. Notwithstanding any other provision of law, the Department of Defense shall execute payment in not more than 24 days after receipt of a proper invoice.

SEC. 8083. Funds provided in title II of this Act for real Property Maintenance may be obligated and expended for the renovation, refurbishment and modernization of bachelor enlisted living quarters up to a level of $1,000,000 per facility project.

SEC. 8084. None of the funds appropriated by this Act may be used to carry out the ship depot maintenance solicitation policy issued by the Secretary of the Navy in a memorandum dated 16 June 1995.

SEC. 8085. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin.

SEC. 8086. None of the funds appropriated or otherwise made available under this Act may be used for the destruction of pentaborane currently stored at Edwards Air Force Base, California, until the Secretary of Energy certifies to the congressional defense committees that the Secretary does not intend to use the pentaborane or the byproducts of such destruction at the Idaho National Engineering Laboratory for—

(1) environmental remediation of high level, liquid radioactive waste; or

(2) as a source of raw materials for boron drugs for Boron Neutron Capture Therapy.

SEC. 8087. (a) ENERGY SAVINGS AT FEDERAL FACILITIES.—The head of each agency for which funds are made available under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5 percent reduction, from fiscal year 1995 levels, in the energy costs of the facilities used by the agency.

(b) USE OF COST SAVINGS.—An amount equal to the amount of cost savings realized by an agency under subsection (a) shall remain available for obligation through the end of fiscal year 1997, without further authorization or appropriation, as follows:

(1) CONSERVATION MEASURES.—Fifty percent of the amount shall remain available for the implementation of additional energy conservation measures and for water conservation measures at such facilities used by the agency as are designated by the head of the agency.

(2) OTHER PURPOSES.—Fifty percent of the amount shall remain available for use by the agency for such purposes as are designated by the head of the agency, consistent with applicable law.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 1996, the head of each agency described in subsection (a) shall submit a report to Congress specifying the results of the actions taken under subsection (a) and providing any recommendations concerning how to further reduce energy costs and energy consumption in the future.

(2) CONTENTS.—Each report shall—

(A) specify the total energy costs of the facilities used by the agency;

(B) identify the reductions achieved; and

(C) specify the actions that resulted in the reductions.

SEC. 8088. (a)(1) Not later than October 1, 1995, the Secretary of Defense shall require that each disbursement by the Department of Defense in an amount in excess of $1,000,000 be matched to a particular obligation before the disbursement is made.

(2) Not later than September 30, 1996, the Secretary of Defense shall require that each disbursement by the Department of Defense in an amount in excess of $500,000 be matched to a particular obligation before the disbursement is made.

(b) The Secretary shall ensure that a disbursement in excess of the threshold amount applicable under subsection (a) is not divided into multiple disbursements of less than that amount for the purpose of avoiding the applicability of such subsection to that disbursement.

(c) The Secretary of Defense may waive a requirement for advance matching of a disbursement of the Department of Defense with a particular obligation in the case of (1) a disbursement involving deployed forces, (2) a disbursement for an operation in a war declared by Congress or a national emergency declared by the President or Congress, or (3) a disbursement under any other circumstances for which the waiver is necessary in the national security interests of the United States, as determined by the Secretary and certified by the Secretary to the congressional defense committees.

(d) This section shall not be construed to limit the authority of the Secretary of Defense to require that a disbursement not in excess of the amount applicable under subsection (a) be matched to a particular obligation before the disbursement is made.

SEC. 8089. (a) Except as provided in subsection (b), the total amount obligated or expended for procurement of the SSN–21, SSN–22, and SSN–23 Seawolf class submarines may not exceed $7,223,695,000.

(b) The amount of the limitation set forth in subsection (a) is increased after fiscal year 1995 by the following amounts:

(1) The amounts of outfitting costs and post-delivery costs incurred for the submarines referred to in such subsection.

(2) The amounts of increases in costs attributable to economic inflation after fiscal year 1995.

(3) The amounts of increases in costs attributable to compliance with changes in Federal, State, or local laws enacted after fiscal year 1995.

SEC. 8090. RESTRICTION ON REIMBURSEMENT OF COSTS.

None of the funds provided in this Act may be obligated for payment on new contracts on which allowable costs charged to the government include payments for individual compensation at a rate in excess of $250,000 per year.

SEC. 8091. None of the funds available to the Department of Defense during fiscal year 1996 may be obligated or expended to support or finance the activities of the Defense Policy Advisory Committee on Trade.

SEC. 8092. PROHIBITION OF PAY AND ALLOWANCES FOR MILITARY PERSONNEL CONVICTED OF SERIOUS CRIMES.

(a) Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be obligated for the pay or allowances of any member of the Armed Forces who has been sentenced by a court-martial to any sentence that includes confinement for one year or more, death, dishonorable discharge, bad-conduct discharge, or dismissal during any period of confinement or parole.

(b) In a case involving an accused who has dependents, the convening authority or other person acting under title 10, section 860, may waive any or all of the forfeitures of pay and allowances required by subsection (a) for a period not to exceed six months. Any amount of pay or allowances that, except for a waiver under this subsection, would be forfeited shall be paid, as the convening authority or other person taking action directs, to the dependents of the accused.

(c) If the sentence of a member who forfeits pay and allowances under subsection (a) is set aside or disapproved or, as finally approved, does not provide for a punishment referred to in subsection (a), the member shall be paid the pay and allowances which the member would have been paid, except for the forfeiture, for the period during which the forfeiture was in effect

SEC. 8093. None of the funds made available in this Act under the heading ''Procurement of Ammunition, Army'' may be obligated or expended for the procurement of munitions unless such acquisition fully complies with the Competition in Contracting Act.

SEC. 8094. Six months after the date of enactment of this Act the General Accounting Office shall report to the Committees on Appropriations of the Senate and the House of Representatives on any changes in Department of Defense commissary access policy, including providing reservists additional or new privileges, and addressing the financial impact on the commissaries as a result of any policy changes.

SEC. 8095. The Secretary of Defense shall develop and provide to the congressional defense committees an Electronic Combat Master Plan to establish an optimum infrastructure for electronic combat assets no later than March 31, 1996.

SEC. 8096. The Secretary of Defense and the Secretary of the Army shall reconsider the decision not to include the infantry military occupational specialty among the military skills and specialties for which special pays are provided under the Selected Reserve Incentive Program.

SEC. 8097. INTERIM LEASES OF PROPERTY APPROVED FOR CLOSURE OR REALIGNMENT.

Section 2667(f) of title 10, United States Code, is amended by adding at the end the following:

''(4)(A) Notwithstanding the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the scope of any environmental impact analysis necessary to support an interim lease of property under this subsection shall be limited to the environmental consequences of activities authorized under the proposed lease and the cumulative impacts of other past, present, and reasonably foreseeable future actions during the period of the proposed lease.

''(B) Interim leases entered into under this subsection shall be deemed not to prejudice the final property disposal decision, even if final property disposal may be delayed until completion of the interim lease term. An interim lease under this subsection shall not be entered into without prior consultation with the redevelopment authority concerned.

''(C) The provisions of subparagraphs (A) and (B) shall not apply to an interim lease under this subsection if authorized activities under the lease would—

''(i) significantly effect the quality of the human environment; or

''(ii) irreversibly alter the environment in a way that would preclude any reasonable disposal alternative of the property concerned.''.

SEC. 8098. (a) If, on February 18, 1996, the Secretary of the Navy has not certified in writing to the Committees on Appropriations of the Senate and the House of Representatives that—

(1) the Secretary has restructured the new attack submarine program to provide for—

(A) procurement of the lead vessel under the program from General Dynamics Corporation Electric Boat Division (hereafter in this section referred to as ''Electric Boat Division'') beginning in fiscal year 1998 (subject to the price offered by Electric Boat Division being determined fair and reasonable by the Secretary),

(B) procurement of the second vessel under the program from Newport News Shipbuilding and Drydock Company beginning in fiscal year 1999 (subject to the price offered by Newport News Shipbuilding and Drydock Company being determined fair and reasonable by the Secretary), and

(C) procurement of other vessels under the program under one or more contracts that are entered into after competition between Electric Boat Division and Newport News Shipbuilding and Drydock Company for which the Secretary shall solicit competitive proposals and award the contract or contracts on the basis of price, and

(2) the Secretary has directed, as set forth in detail in such certification that—

(A) no action is to be taken to terminate or to fail to extend either the existing Planning Yard contract for the Trident class submarines or the existing Planning Yard contract for the SSN–688 Los Angeles class submarines except by reason of a breach of contract by the contractor or an insufficiency of appropriations,

(B) no action is to be taken to terminate any existing Lead Design Yard contract for the SSN–21 Seawolf class submarines or for the SSN–688 Los Angeles class submarines, except by reason of a breach of contract by the contractor or an insufficiency of appropriations,

(C) both Electric Boat Division and Newport News Shipbuilding and Drydock Company are to have access to sufficient information concerning the design of the new attack submarine to ensure that each is capable of constructing the new attack submarine, and

(D) no action is to be taken to impair the design, engineering, construction, and maintenance competencies of either Electric Boat Division or Newport News Shipbuilding and Drydock Company to construct the new attack submarine,

then, funds appropriated in title III under the heading ''SHIPBUILDING AND CONVERSION, NAVY'' may not be obligated for the SSN–21 attack submarine program or for the new attack submarine program (NSSN–1 and NSSN–2).

(b) Funds referred to in subsection (a) for procurement of the lead and second vessels under the new attack submarine program may not be expended during fiscal year 1996 for the lead vessel under that program (other than for class design) unless funds are obligated or expended during such fiscal year for a contract in support of procurement of the second vessel under the program.

SEC. 8099. LIMITATION ON USE OF FUNDS FOR COOPERATIVE THREAT REDUCTION.

(a) LIMITATION.—Of the funds available under title II under the heading ''FORMER SOVIET UNION THREAT REDUCTION'' for dismantlement and destruction of chemical weapons, not more than $52,000,000 may be obligated or expended for that purpose until the President certifies to Congress the following:

(1) That the United States and Russia have completed a joint laboratory study evaluating the proposal of Russia to neutralize its chemical weapons and the United States agrees with the proposal.

(2) That Russia is in the process of preparing, with the assistance of the United States as necessary, a comprehensive plan to manage the dismantlement and destruction of the Russia chemical weapons stockpile.

(3) That the United States and Russia are committed to resolving outstanding issues under the 1989 Wyoming Memorandum of Understanding and the 1990 Bilateral Destruction Agreement.

(b) DEFINITIONS.—In this section:

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

(2) The term ''1990 Bilateral Destruction Agreement'' means the Agreement between the United States of America and the Union of Soviet Socialist Republics on destruction and non-production of chemical weapons and on measures to facilitate the multilateral convention on banning chemical weapons signed on June 1, 1990.

SEC. 8100. SENSE OF SENATE REGARDING UNDERGROUND NUCLEAR TESTING.

(a) FINDINGS.—The Senate makes the following findings:

(1) The President of France stated on June 13, 1995, that the Republic of France plans to conduct eight nuclear test explosions over the next several months.

(2) The People's Republic of China continues to conduct underground nuclear weapons tests.

(3) The United States, France, Russia, and Great Britain have observed a moratorium on nuclear testing since 1992.

(4) A resumption of testing by the Republic of France could result in the disintegration of the current testing moratorium and a renewal of underground testing by other nuclear weapon states.

(5) A resumption of nuclear testing by the Republic of France raises serious environmental and health concerns.

(6) The United Nations Conference on Disarmament presently is meeting in Geneva, Switzerland, for the purpose of negotiating a Comprehensive Nuclear Test Ban Treaty (CTBT), which would halt permanently the practice of conducting nuclear test explosions.

(7) Continued underground weapons testing by the Republic of France and the People's Republic of China undermines the efforts of the international community to conclude a CTBT by 1996, a goal endorsed by 175 nations, at the recently completed NPT Extension and Review Conference (the conference for the extension and review of the Nuclear Non-Proliferation Treaty).

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Republic of France and the People's Republic of China should abide by the current international moratorium on nuclear test explosions and refrain from conducting underground nuclear tests in advance of a Comprehensive Test Ban Treaty.

SEC. 8101. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.

(a) APPROVAL BEYOND LOW-RATE INITIAL PRODUCTION.—The Secretary of Defense may not approve a theater missile defense interceptor program beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that the program—

(1) has successfully completed initial operational test and evaluation; and

(2) involves a suitable and effective system.

(b) CERTIFICATION REQUIREMENTS.—(1) In order to be certified under subsection (a), the initial operational test and evaluation conducted with respect to a program shall include flight tests—

(A) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures; and

(B) the results of which demonstrate the achievement of baseline performance thresholds by such interceptors.

(2) The Director of Operational Test and Evaluation shall specify the number of flight tests required with respect to a program under paragraph (1) in order to make a certification referred to in subsection (a).

(3) The Secretary may utilize modeling and simulation validated by ground and flight testing in order to augment flight testing to demonstrate weapons system performance

for purposes of a certification under subsection (a).

(c) REPORTS.—(1) The Director of Operational Test and Evaluation and the head of the Ballistic Missile Defense Organization shall include in the annual reports to Congress of such officials plans to test adequately theater missile defense interceptor programs throughout the acquisition process.

(2) As each theater missile defense system progresses through the acquisition process, the officials referred to in paragraph (1) shall include in the annual reports to Congress of such officials an assessment of the extent to which such programs satisfy the planned test objectives for such programs.

(d) DEFINITION.—For purposes of this section, the baseline performance thresholds for a program are the weapon system performance thresholds specified in the baseline description for the weapon system established pursuant to section 2435(a)(1) of title 10, United States Code, before the program entered into the engineering and manufacturing development stage.

SEC. 8102. ELIGIBILITY FOR DEFENSE DUAL-USE ASSISTANCE EXTENSION PROGRAM.

Section 2524(e) of title 10, United States Code, is amended—

(1) in paragraph (3), by striking out ''at least 25 percent of the value of the borrower's sales during the preceding year'' in the matter preceding subparagraph (A) and inserting in lieu thereof ''at least 25 percent of the amount equal to the average value of the borrower's sales during the preceding 5 fiscal years'';

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

''(4) A borrower that meets the selection criteria set forth in paragraph (2) and subsection (f) is also eligible for a loan guarantee under subsection (b)(3) if the borrower is a former defense worker whose employment as such a worker was terminated as a result of a reduction in expenditures by the United States for defense, the termination or cancellation of a defense contract, the failure to proceed with an approved major weapon system, the merger or consolidation of the operations of a defense contractor, or the closure or realignment of a military installation.''.

This Act may be cited as the ''Department of Defense Appropriations Act, 1996''.

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

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

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I say to the Democratic leader, I thought I would announce what I intend to propose. Maybe it is not doable. I would like to propose that the only amendments remaining in order to S. 1026 be those cleared by the two managers of the bill and the missile defense amendment, and that the vote occur on or in relation to the missile defense amendment begin at 9:30 a.m. Wednesday, immediately to be followed by a vote on passage of the Defense authorization bill, pursuant to consent agreement of August 11.

So what I am suggesting is that there is going to be a period of debate of two, maybe 3 hours, and there will be a number of Members involved in that debate. In the meantime, unless there is some objection, if we could have that vote on that amendment and final passage at 9:30 tomorrow morning, other Members would be free to leave.

Mr. LEVIN. If the majority leader will yield, I had an amendment left on the list which I do not believe has yet been cleared. We are still hoping to clear that amendment.

Mr. DOLE. I will make it subject to that.

Mr. DASCHLE. Reserving the right to object——

Mr. DOLE. I have an amendment on welfare that probably will not be relevant, but it will be tomorrow when we take up welfare.

Mr. DASCHLE. If the majority leader will yield, I know that we have a list of amendments that may require rollcall votes. Does this anticipate then that other amendments, which would be offered either tonight or tomorrow morning, would still be in order and would be subject to a vote following disposition of the amendment?

Mr. DOLE. It is my understanding that there—I did not know about the amendment of the Senator from Michigan [Mr. LEVIN]. I have been told that, otherwise, everything had been dealt with. What we might do is suggest the absence of a quorum for a few minutes and see if we can work it out.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT—S. 1026

Mr. DOLE. Mr. President, I think we have an agreement. It is cleared with the Democratic leader and also the two managers, so I will make the request.

I ask unanimous consent that the only amendments remaining in order to S. 1026 be those amendments cleared by the two managers of the bill and one amendment to be offered by Senator THURMOND, relevant, and one amendment to be offered by Senator NUNN, relevant; and if a vote is required on or in relation to the Levin amendment, it occur first in the voting sequence beginning at 9:30 Wednesday, a.m.; further, that the vote occur on or in relation to the missile defense amendment second in the voting sequence, to immediately be followed by a vote on the passage of the Defense authorization bill, H.R. 1530, pursuant to the agreement of August 11.

So there could be as many as five votes; the votes could be as few as two votes. If the Senator from Georgia offers a relevant amendment, or the Senator from South Carolina, or the amendment of the Senator from Michigan or anything in relation—a motion to table—if that requires a vote, that could be three votes and then on the amendment itself and final passage.

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

Mr. DOLE. So I announce to my colleagues there will be no more votes this evening but there will be debate. There are a number of Members on each side interested in this issue, so I assume the debate will probably take at least 2 hours, maybe 3 hours.

So, I ask unanimous consent the vote at 9:30 Wednesday be 15 minutes in length, with second and subsequent votes being limited to 10 minutes in length.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1026) to authorize appropriations for fiscal year 1996 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 continued with the consideration of the bill.

The PRESIDING OFFICER. The distinguished Senator from Georgia.

AMENDMENT NO. 2425

(Purpose: To amend subtitle C of title II of the National Defense Authorization Act for fiscal year 1996)

Mr. NUNN. Mr. President, I believe there is an amendment, No. 2425, which is an amendment to the Missile Defense Act, pending at the desk. I ask that amendment be reported.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for himself, Mr. WARNER, Mr. LEVIN, and Mr. COHEN, proposes an amendment numbered 2425.

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

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

The amendment is as follows:

On page 49, strike out line 15 and all that follows through line 9 on page 69 and insert the following in lieu thereof:

SUBTITLE C—MISSILE DEFENSE

SEC. 231. SHORT TITLE.

This subtitle may be cited as the ''Missile Defense Act of 1995''.

SEC. 232. FINDINGS.

Congress makes the following findings:

(1) The threat that is posed to the national security of the United States by the proliferation of ballistic and cruise missiles is significant and growing, both quantitatively and qualitatively.

(2) The deployment of effective Theater Missile Defense systems can deny potential adversaries the option of escalating a conflict by threatening or attacking United

States forces, coalition partners of the United States, or allies of the United States with ballistic missiles armed with weapons of mass destruction to offset the operational and technical advantages of the United States and its coalition partners and allies.

(3) The intelligence community of the United States has estimated that (A) the missile proliferation trend is toward longer range and more sophisticated ballistic missiles, (B) North Korea may deploy an intercontinental ballistic missile capable of reaching Alaska or beyond within 5 years, and (C) although a new indigenously developed ballistic missile threat to the continental United States is not forecast within the next 10 years there is a danger that determined countries will acquire intercontinental ballistic missiles in the near future and with little warning by means other than indigenous development.

(4) The deployment by the United States and its allies of effective defenses against ballistic missiles of all ranges, as well as against cruise missiles, can reduce the incentives for countries to acquire such missiles or to augment existing missile capabilities.

(5) The Cold War distinction between strategic ballistic missiles and nonstrategic ballistic missiles and, therefore, the ABM Treaty's distinction between strategic defense and nonstrategic defense, has changed because of technological advancements and should be reviewed.

(6) The concept of mutual assured destruction, which was one of the major philosophical rationales for the ABM Treaty, is now questionable as a basis for stability in a multipolar world in which the United States and the states of the former Soviet Union are seeking to normalize relations and eliminate Cold War attitudes and arrangements.

(7) Theater and national missile defenses can contribute to the maintenance of stability as missile threats proliferate and as the United States and the former Soviet Union significantly reduce the number of strategic nuclear forces in their respective inventories.

(8) Although technology control regimes and other forms of international arms control can contribute to nonproliferation, such measures alone are inadequate for dealing with missile proliferation, and should not be viewed as alternatives to missile defenses and other active and passive defenses.

(9) Due to limitations in the ABM Treaty which preclude deployment of more than 100 ground-based ABM interceptors at a single site, the United States is currently prohibited from deploying a national missile defense system capable of defending the continental United States, Alaska, and Hawaii against even the most limited ballistic missile attacks.

SEC. 233. MISSILE DEFENSE POLICY.

It is the policy of the United States to—

(1) deploy as soon as possible affordable and operationally effective theater missile defenses capable of countering existing and emerging theater ballistic missiles;

(2)(A) develop for deployment a multiple-site national missile defense system that: (i) is affordable and operationally effective against limited, accidental, and unauthorized ballistic missile attacks on the territory of the United States, and (ii) can be augmented over time as the threat changes to provide a layered defense against limited, accidental, or unauthorized ballistic missile threats;

(B) initiate negotiations with the Russian Federation as necessary to provide for the national missile defense systems specified in section 235; and

(C) consider, if those negotiations fail, the option of withdrawing from the ABM Treaty in accordance with the provisions of Article XV of the Treaty, subject to consultations between the President and the Senate;

(3) ensure congressional review, prior to a decision to deploy the system developed for deployment under paragraph (2), of: (A) the affordability and operational effectiveness of such a system; (B) the threat to be countered by such a system; and (C) ABM Treaty considerations with respect to such a system;

(4) improve existing cruise missile defenses and deploy as soon as practical defenses that are affordable and operationally effective against advanced cruise missiles;

(5) pursue a focused research and development program to provide follow-on ballistic missile defense options;

(6) employ streamlined acquisition procedures to lower the cost and accelerate the pace of developing and deploying theater missile defenses, cruise missile defenses, and national missile defenses;

(7) seek a cooperative transition to a regime that does not feature mutual assured destruction and an offense-only form of deterrence as the basis for strategic stability; and

(8) carry out the policies, programs, and requirements of subtitle C of title II of this Act through processes specified within, or consistent with, the ABM Treaty, which anticipates the need and provides the means for amendment to the Treaty.

SEC. 234. THEATER MISSILE DEFENSE ARCHITECTURE.

(a) ESTABLISHMENT OF CORE PROGRAM.—To implement the policy established in section 233, the Secretary of Defense shall establish a top priority core theater missile defense program consisting of the following systems:

(1) The Patriot PAC–3 system, with a first unit equipped (FUE) in fiscal year 1998.

(2) The Navy Lower Tier (Area) system, with a user operational evaluation system (UOES) capability in fiscal year 1997 and an initial operational capability (IOC) in fiscal year 1999.

(3) The Theater High-Altitude Area Defense (THAAD) system, with a user operational evaluation system (UOES) capability in fiscal year 1997 and an initial operational capability (IOC) no later than fiscal year 2002.

(4) The Navy Upper Tier (Theater Wide) system, with a user operational evaluation system (UOES) capability in fiscal year 1999 and an initial operational capability (IOC) in fiscal year 2001.

(b) INTEROPERABILITY AND SUPPORT OF CORE SYSTEMS.—To maximize effectiveness and flexibility, the Secretary of Defense shall ensure that core theater missile defense systems are interoperable and fully capable of exploiting external sensor and battle management support from systems such as the Navy's Cooperative Engagement Capability (CEC), the Army's Battlefield Integration Center (BIC), air and space-based sensors including, in particular, the Space and Missile Tracking System (SMTS).

(c) TERMINATION OF PROGRAMS.—The Secretary of Defense shall terminate the Boost Phase Interceptor (BPI) program.

(d) FOLLOW-ON SYSTEMS.—(1) The Secretary of Defense shall develop an affordable development plan for follow-on theater missile defense systems which leverages existing systems, technologies, and programs, and focuses investments to satisfy military requirements not met by the core program.

(2) Before adding new theater missile defense systems to the core program from among the follow-on activities, the Secretary of Defense shall submit to the congressional defense committees a report describing—

(A) the requirements for the program and the specific threats to be countered;

(B) how the new program will relate to, support, and leverage off existing core programs;

(C) the planned acquisition strategy; and

(D) a preliminary estimate of total program cost and budgetary impact.

(e) REPORT.—(1) Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report detailing the Secretary's plans for implementing the guidance specified in this section.

(2) For each deployment date for each system described in subsection (a), the report required by paragraph (1) of this subsection shall include the funding required for research, development, testing, evaluation, and deployment for each fiscal year beginning with fiscal year 1997 through the end of the fiscal year in which deployment is projected under subsection (a).

SEC. 235. NATIONAL MISSILE DEFENSE SYSTEM ARCHITECTURE.

(a) IN GENERAL.—To implement the policy established in section 233, the Secretary of Defense shall develop an affordable and operationally effective national missile defense system to counter a limited, accidental, or unauthorized ballistic missile attack, and which is capable of attaining initial operational capability (IOC) by the end of 2003. Such system shall include the following:

(1) Ground-based interceptors capable of being deployed at multiple sites, the locations and numbers of which are to be determined so as to optimize the defensive coverage of the continental United States, Alaska, and Hawaii against limited, accidental or unauthorized ballistic missile attacks.

(2) Fixed ground-based radars and space-based sensors, including the Space and Missile Tracking system, the mix, siting and numbers of which are to be determined so as to optimize sensor support and minimize total system cost.

(3) Battle management, command, control, and communications (BM/C3).

(b) INTERIM OPERATIONAL CAPABILITY.—To provide a hedge against the emergence of near-term ballistic missile threats against the United States and to support the development and deployment of the objective system specified in subsection (a), the Secretary of Defense shall develop an interim national missile defense plan that would give the United States the ability to field a limited operational capability by the end of 1999 if required by the threat. In developing this plan the Secretary shall make use of—

(1) developmental, or user operational evaluation system (UOES) interceptors, radars, and battle management, command, control, and communications (BM/C3), to the extent that such use directly supports, and does not significantly increase the cost of, the objective system specified in subsection (a);

(2) one or more of the sites that will be used as deployment locations for the objective system specified in subsection (a);

(3) upgraded early warning radars; and

(4) space-based sensors.

(c) USE OF STREAMLINED ACQUISITION PROCEDURES.—The Secretary of Defense shall prescribe and use streamlined acquisition procedures to—

(1) reduce the cost and increase the efficiency of developing the national missile defense system specified in subsection (a); and

(2) ensure that any interim national missile defense capabilities developed pursuant to subsection (b) are operationally effective and on a path to fulfill the technical requirements and schedule of the objective system.

(d) ADDITIONAL COST SAVING MEASURES.—In addition to the procedures prescribed pursuant to subsection (c), the Secretary of Defense shall employ cost saving measures that do not decrease the operational effectiveness of the systems specified in subsections (a) and (b), and which do not pose unacceptable technical risk. The cost saving measures should include the following:

(1) The use of existing facilities and infrastructure.

(2) The use, where appropriate, of existing or upgraded systems and technologies, except that Minuteman boosters may not be used as part of a National Missile Defense architecture.

(3) Development of systems and components that do not rely on a large and permanent infrastructure and are easily transported, emplaced, and moved.

(e) REPORT ON PLAN FOR DEPLOYMENT.—Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report containing the following matters:

(1) The Secretary's plan for carrying out this section.

(2) For each deployment date in subsections (a) and (b), the report shall include the funding required for research, development, testing, evaluation, and deployment for each fiscal year beginning with fiscal year 1997 through the end of the fiscal year in which deployment is projected under subsection (a) or (b). The report shall also describe the specific threat to be countered and provide the Secretary's assessment as to whether deployment is affordable and operationally effective.

(3) An analysis of options for supplementing or modifying the national missile defense architecture specified in subsection (a) before attaining initial operational capability, or evolving such architecture in a building block manner after attaining initial operational capability, to improve the cost-effectiveness or the operational effectiveness of such system by adding one or a combination of the following:

(A) Additional ground-based interceptors at existing or new sites.

(B) Sea-based missile defense systems.

(C) Space-based kinetic energy interceptors.

(D) Space-based directed energy systems.

SEC. 236. CRUISE MISSILE DEFENSE INITIATIVE.

(a) IN GENERAL.—The Secretary of Defense shall undertake an initiative to coordinate and strengthen the cruise missile defense programs, projects, and activities of the military departments, the Advanced Research Projects Agency and the Ballistic Missile Defense Organization to ensure that the United States develops and deploys affordable and operationally effective defenses against existing and future cruise missile threats.

(b) ACTIONS OF THE SECRETARY OF DEFENSE.—In carrying out subsection (a), the Secretary of Defense shall ensure that—

(1) to the extent practicable, the ballistic missile defense and cruise missile defense efforts of the Department of Defense are coordinated and mutually reinforcing;

(2) existing air defense systems are adequately upgraded to provide an affordable and operationally effective defense against existing and near-term cruise missile threats; and

(3) the Department of Defense undertakes a high priority and well coordinated technology development program to support the future deployment of systems that are affordable and operationally effective against advanced cruise missiles, including cruise missiles with low observable features.

(c) IMPLEMENTATION PLAN.—Not later than the date on which the President submits the budget for fiscal year 1997 under section 1105 of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a detailed plan, in unclassified and classified forms, as necessary, for carrying out this section. The plan shall include an assessment of—

(1) the systems that currently have cruise missile defense capabilities, and existing programs to improve these capabilities;

(2) the technologies that could be deployed in the near- to mid-term to provide significant advances over existing cruise missile defense capabilities, and the investments that would be required to ready the technologies for deployment;

(3) the cost and operational tradeoffs, if any, between upgrading existing air and missile defense systems and accelerating follow-on systems with significantly improved capabilities against advanced cruise missiles; and

(4) the organizational and management changes that would strengthen and further coordinate the cruise missile defense efforts of the Department of Defense, including the disadvantages, if any, of implementing such changes.

SEC. 237. POLICY REGARDING THE ABM TREATY.

(a) Congress makes the following findings:

(1) Article XIII of the ABM Treaty envisions ''possible changes in the strategic situation which have a bearing on the provisions of this treaty''.

(2) Articles XIII and XIV of the ABM Treaty establish means for the Parties to amend the Treaty, and the Parties have employed these means to amend the Treaty.

(3) Article XV of the ABM Treaty establishes the means for a party to withdraw from the Treaty, upon 6 months notice, ''if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests.''

(4) The policies, programs, and requirements of subtitle C of title II of this Act can be accomplished through processes specified within, or consistent with, the ABM Treaty, which anticipates the need and provides the means for amendment to the Treaty.

(b) SENSE OF CONGRESS.—In light of the findings and policies provided in this subtitle, it is the sense of Congress that—

(1) given the fundamental responsibility of the Government of the United States to protect the security of the United States, the increasingly serious threat posed to the United States by the proliferation of weapons of mass destruction and ballistic missile technology, and the effect this threat could have on the options of the United States to act in a time of crisis—

(A) it is in the vital national security interest of the United States to defend itself from the threat of a limited, accidental, or unauthorized ballistic missile attack, whatever its source; and

(B) the deployment of a national missile defense system, in accord with section 233, to protect the territory of the United States against a limited, accidental, or unauthorized missile attack can strengthen strategic stability and deterrence; and

(2)(A) the Senate should undertake a comprehensive review of the continuing value and validity of the ABM Treaty with the intent of provided additional policy guidance on the future of the ABM Treaty during the second session of the 104th Congress; and

(B) upon completion of the review, the Committee on Foreign Relations, in consultation with the Committee on Armed Services and other appropriate committees, should report its findings to the Senate.

SEC. 238. PROHIBITION ON FUNDS TO IMPLEMENT AN INTERNATIONAL AGREEMENT CONCERNING THEATER MISSILE DEFENSE SYSTEMS.

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

(1) Section 234 of the National Defense Authorization Act for Fiscal Year 1994 provides that the ABM Treaty does not apply to or limit research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles, regardless of the capabilities of such missiles, unless those systems, system upgrades, or system components are tested against or have demonstrated capabilities to counter modern strategic ballistic missiles.

(2) Section 232 of the National Defense Authorization Act for Fiscal Year 1995 provides that the United States shall not be bound by any international agreement that would substantially modify the ABM Treaty unless the agreement is entered into pursuant to the treaty making power of the President under the Constitution.

(3) The demarcation standard described in subsection (b)(1) is based upon current technology.

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

(1) unless a missile defense system, system upgrade, or system component, including one that exploits data from space-based or other external sensors, is flight tested against a ballistic missile target that exceeds a range of 3,500 kilometers or a velocity of 5 kilometers per second, such missile defense system, system upgrade, or system component has not been tested in an ABM mode nor deemed to have been given capabilities to counter strategic ballistic missiles, and

(2) any international agreement that would limit the research, development, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles in a manner that would be more restrictive than the criteria in paragraph (1) should be entered into only pursuant to the treaty making powers of the President under the Constitution.

(c) PROHIBITION ON FUNDING.—Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1996 may not be obligated or expended to implement an agreement with any of the independent states of the former Soviet Union entered into after January 1, 1995 that would establish a demarcation between theater missile defense systems and anti-ballistic missile systems for purposes of the ABM Treaty or that would restrict the performance, operation, or deployment of United States theater missile defense systems except: (1) to the extent provided in an act enacted subsequent to this Act; (2) to implement that portion of any such agreement that implements the criteria in subsection (b)(1); or (3) to implement any such agreement that is entered into pursuant to the treaty making power of the President under the Constitution.

SEC. 239. BALLISTIC MISSILE DEFENSE PROGRAM ELEMENTS.

(a) ELEMENTS SPECIFIED.—In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 1996 (as submitted in the budget of the President under section 1105(a) of title 31, United States Code), the amount requested for activities of the Ballistic Missile Defense Organization shall be set forth in accordance with the following program elements:

(1) The Patriot system.

(2) The Navy Lower Tier (Area) system.

(3) The Theater High-Altitude Area Defense (THAAD) system.

(4) The Navy Upper Tier (Theater Wide) system.

(5) Other Theater Missile Defense Activities.

(6) National Missile Defense.

(7) Follow-On and Support Technologies.

(b) TREATMENT OF NON-CORE TMD IN OTHER THEATER MISSILE DEFENSE ACTIVITIES ELEMENT.—Funding for theater missile defense programs, projects, and activities, other than core theater missile defense programs, shall be covered in the ''Other Theater Missile Defense Activities'' program element.

(c) TREATMENT OF CORE THEATER MISSILE DEFENSE PROGRAMS.—Funding for core theater missile defense programs specified in section 234, shall be covered in individual, dedicated program elements and shall be available only for activities covered by those program elements.

(d) BM/C3I PROGRAMS.—Funding for programs, projects, and activities involving battle management, command, control, communications, and intelligence (BM/C3I) shall be covered in the ''Other Theater Missile Defense Activities'' program element or the ''National Missile Defense'' program element, as determined on the basis of the primary objectives involved.

(e) MANAGEMENT AND SUPPORT.—Each program element shall include requests for the amounts necessary for the management and support of the programs, projects, and activities contained in that program element.

SEC. 240. ABM TREATY DEFINED.

For purposes of this subtitle, the term ''ABM Treaty'' means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.

SEC. 241. REPEAL OF MISSILE DEFENSE PROVISIONS.

The following provisions of law are repealed:

(1) The Missile Defense Act of 1991 (part C of title II of Public Law 102–190; 10 U.S.C. 2431 note).

(2) Section 237 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160).

(3) Section 242 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160).

(4) Section 222 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 613; 10 U.S.C. 2431 note).

(5) Section 225 of the Department of Defense Authorization Act, 1986 (Public Law 99–145; 99 Stat. 614).

(6) Section 226 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1057; 10 U.S.C. 2431 note).

(7) Section 8123 of the Department of Defense Appropriations Act, 1989 (Public Law 100–463; 102 Stat. 2270–40).

(8) Section 8133 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172; 105 Stat. 1211).

(9) Section 234 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1595; 10 U.S.C. 2431 note).

(10) Section 235 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2701; 10 U.S.C. 221 note).

The PRESIDING OFFICER. There are 3 hours of debate scheduled on this amendment, 2 for the Senator from Georgia, 1 for the Senator from South Carolina.

The Senator from Georgia.

Mr. NUNN. Mr. President, I yield myself such time as I may need at this point, and I do not intend to make long remarks at this point to give each of my colleagues a chance to lay down their views and to make their remarks on this amendment, which is a very important amendment. Then I will conclude with other remarks as we proceed through this debate.

Mr. President, at the request of the majority and minority leaders, Senators COHEN, LEVIN, WARNER, and I spent the better part of the week preceding the August recess meeting intensively addressing issues raised by the proposed Missile Defense Act of 1995, as set forth in S. 1026, the pending Defense authorization bill.

The goal of our effort was to develop an amendment establishing a missile defense policy that could be supported by a broad bipartisan group of Senators. On Friday, August 11, we filed a bipartisan substitute amendment reflecting our best efforts to meet the objective, and I hope that all Members have had an opportunity during the recess to review this bipartisan amendment.

I want to express my thanks to my three colleagues, Senator WARNER, Senator COHEN, and Senator LEVIN, for the diligence, tolerance, and good will each of them showed throughout the long and at times very difficult negotiations that occurred over a very intensive period of about a week that led to the agreement embodied in the substitute amendment that is now reported and pending.

I believe the amendment is a significant improvement to the version in the bill, and I support its adoption.

Mr. President, the revised version of the Missile Defense Act of 1995, if passed in this amendment as set forth in this substitute, serves three very important functions. First, it clarifies the intent of the United States with respect to decisions about future missile defenses. Second, it diffuses a potential constitutional contest and confrontation between the executive and legislative branches. And, third, it makes clear to the international community our policy toward the ABM Treaty.

Under the bipartisan substitute, the policy is no longer stated as a binding commitment to deploy a missile defense system. That is a decision that will be made in the future. Instead, the national missile defense policy, and section 232 of this substitute, is to ''develop for deployment.'' The substitute adds several important qualifiers such as the system must be ''affordable and operationally effective.'' This requirement appears in section 232 and is reemphasized throughout the amendment. And the system is limited to addressing only ''accidental, unauthorized or limited attacks.'' That qualification, which is set forth in section 232, is repeated throughout the amendment.

One of the most important qualifications under the substitute is the requirement in section 2333 for ''congressional review, prior to a decision to deploy the system, of development or deployment of (a) the affordability and operational effectiveness of such a system, (b) the threat to be countered by such a system, and (c) ABM Treaty considerations with respect to such a system.''

These vital issues will all be considered before we take a step in the future to authorize and appropriate funds for deployment of a national missile defense system.

Mr. President, perhaps the most important qualification, both in terms of arms control and the separation of powers, is section 2338, which requires the Secretary of Defense to carry out the policies, programs, and requirements of the entire Missile Defense Act ''through processes specified within or consistent with the ABM Treaty which anticipates the need and provides the means for amendment to the treaty.''

Mr. President, finally, let me address the theater missile demarcation provision briefly. Section 238 of the bill as reported would have established in permanent law a specific demarcation between theater and strategic missile defenses and would have prohibited the President from negotiations or other actions concerning the clarification or interpretation of the ABM Treaty and the line between theater and strategic missile defenses. The bipartisan substitute amendment strikes all of section 238 and provides in the bipartisan substitute a limited funding restriction with the following provisions concerning the demarcation or the definitional distinction between theater and national missile defenses.

First, the funding restriction applies only to fiscal year 1996.

Second, this substitute restriction applies only to the implementation of agreement with the successor states in the Soviet Union, should one be reached, concerning a demarcation between theater and strategic defenses for the purposes of the ABM Treaty and additional restrictions on theater missile defenses going beyond those in the demarcation.

In addition to being limited to 1 year, the substitute funding limitation in section 238 has three exceptions. The limitation does not apply ''to the extent provided in a subsequent act'' to implement that portion of any such agreement that implements specific terms of the demarcation set forth in the amendment, to implement an agreement that is entered into pursuant to the treaty-making power of the President under the Constitution.

Mr. President, there are many other changes that improve the overall thrust of this subject matter in the bipartisan substitute. I believe that the bipartisan substitute amendment provides a useful statement of congressional policy and is intended to be presented in a framework that makes clear that we seek a negotiated set of changes with the Russian Federation

to allow for more effective defenses against limited missile attacks than either side is permitted today.

I believe the bipartisan substitute amendment is not, and should not be seen by Russia as, a threat by the United States either to abandon the ABM Treaty or to reinterpret a treaty unilaterally to our advantage. Both we and Russia face the threat of ballistic missile attacks. It is not simply the United States; it is also Russia. The threats may be somewhat different, but the need for defenses should be clear to both sides.

What we have to do is arrange for both sides to be able to deploy more effective defenses than in use today against accidental, unauthorized, and limited attacks while maintaining overall strategic stability and while making it plain that neither side seeks to combine offensive capability with defensive capability thereby giving either side what has for years been feared as a first-strike capability. Some people use that term in connection and synonymously with the term ''strategic stability.'' Some people use the term ''strategic stability'' in a broader context.

But, nevertheless, it is my view that, if we are going to proceed to enjoy the benefits of 20 years of work and negotiations to reduce nuclear weapons under the treaties that have been entered into, like the START I Treaty or treaties now pending like the START II Treaty, it is very important that both sides understand that strategic stability is being maintained, that neither side is intending to combine offensive striking power with defensive abilities so that either side would be tempted at any point in the future—whatever developed—to develop anything resembling a first-strike capability.

That is the scenario that the ABM Treaty was originally designed to prevent. It has some relevance today. But it needs changing in some very important but modest aspects.

Mr. President, it is important that whatever we do with defenses—and I favor going forward with both the theater missile system and also a national missile system against limited and unauthorized attacks and third-country attack—whatever we do we should make sure that we continue to carry out the reductions of the armaments that have been most threatening against the United States for the last 20 years, the heavy missiles. And those missiles are part of both START I and START II reductions.

It is enormously important that we not send signals to the Russian Parliament, the Russian leadership, to the Russian people that they in any way should fear for their own security and that they, therefore, should not go forward with the reductions of the missiles that they have either agreed to or that are pending in the START II agreement.

Mr. President, that is what this is all about. I know there will be some who will agree with the changes. There will be some who may not agree with the changes. But this does represent the best effort that Senator LEVIN and I on the Democratic side, together with Senator WARNER and Senator COHEN on the Republican side, were able to put together in an effort to achieve these goals that I have enumerated.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. NUNN. Yes.

Mr. WARNER. I will later address this pending amendment. But I would like to ask a question of my distinguished colleague. I think we concur, the four of us, Senator THURMOND, Senator COHEN, myself, and Senator LEVIN and also our distinguished ranking member. It would be my hope that the Senator from Georgia would have an opportunity to make some assessment as to how the administration views this amendment. I wondered if the Senator would share with the Senate what he has.

Mr. NUNN. I say to my friend from Virginia that I talked to Secretary of Defense Perry about this amendment, and I think it is fair to say that he believes it is a dramatic improvement over the original version.

I would not be able to portray to the Senator from Virginia that I conveyed this or that I have discussed it in any kind of detail with the White House. And I cannot give any message about how they view either this authorization bill or the appropriations bill which was passed. There are a number of other areas that do not concern this that have been of concern to the White House and the Secretary of Defense, including, in the bill we just passed, the appropriation bill, the elimination of some very important funding that the Secretary of Defense had undertaken under the Nunn-Lugar program for working to reduce the Russian military establishment.

That is a concern to Secretary Perry; it also is a concern to me, that funding was eliminated both in the appropriations bill in the House and Senate. But as far as this particular provision is concerned, I have no doubt that Secretary Perry feels it is a great improvement, and I would assume, without having directly talked with the President about it, that he would also view it in that way.

Mr. WARNER. Mr. President, I thank our distinguished colleague, but I hope the administration would view this as an effort to reconcile important differences and that it is a work product worthy of support by the Senate and by the administration.

Mr. NUNN. It is also my hope that would be their view. I would say to my friend, I know there are other provisions in this bill and the appropriations bill that concern both the White House and the Secretary of Defense. So I can make no statement here that indicates their feeling on the overall product we now have. I am sure they will be heard from as we move into conference.

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

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise to support the bipartisan missile defense amendment which was worked out prior to the August recess.

While I continue to believe that the missile defense provisions in the bill reported to the Senate by the Armed Services Committee are sound and reasonable, I also agree that the compromise is a positive step away from the status quo.

The compromise amendment does not include everything that I wanted, but it does not fundamentally undermine any of the policies or initiatives that I viewed as critical. In my view, it is an adequate position to take to conference. The House defense authorization bill differs in several ways from the Senate compromise missile defense amendment. Obviously, there will be considerable discussion before a consensus is reached between the two Chambers.

Let me again thank all those who worked so hard prior to the August recess. And I especially wish to thank Senator WARNER, Senator COHEN, Senator NUNN, and Senator LEVIN. Also, let me thank the leaders for their cooperation.

Finally, I would like to draw to the attention of the Senate an article by the Republican leader, Senator DOLE, in today's Washington Times which addresses the subject of missile defense. This is an excellent piece for which I commend the Republican leader. I ask unanimous consent that a copy of the article be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. THURMOND. In closing, Mr. President, let me once again urge my colleagues to support the bipartisan compromise on missile defense. It is a positive step that all Members should be able to endorse.

I yield the floor.

EXHIBIT 1

A TIMELY REMINDER FROM IRAQ

(By Robert Dole)

When Saddam Hussein's son-in-law and former chief of mass destruction bolted, apparently threatening to tell all, the Iraqi director preempted and sent us the loudest wake-up call we are likely to get on the growing threat of weapons of mass destruction. As we finish up the Department of Defense Authorization Bill, it's time to heed that call.

According to their belated admission, the Iraqis filled nearly 200 bombs and warheads for ballistic missiles with botulinum toxin, anthrax spores and aflatoxin. In addition to the shockingly advanced nuclear weapons program already revealed, Iraq now says it ran a second program to develop a nuclear weapon by April 1991 with material diverted from nuclear power reactors.

The latest revelations from Baghdad underscore four points.

First, arms control treaties and export controls did not prevent Iraq from pursuing its deadly aims. Don't get me wrong—diplomatic efforts increase the cost, time and technical challenge required to acquire weapons to mass destruction. We should press on with them. The point is simply that diplomacy does not prevent malevolent countries like Iraq from acquiring these weapons and there are a number of countries of Iraq's ilk out there.

Second, Iraq managed to conceal a good part of its activities from the rest of the world, even after post-Gulf War U.N. sanctions made it the most inspected country on earth. Clearly, absence of evidence is not evidence of absence. The lesson is that we no longer have the luxury of waiting for our intelligence bureaucracy to gather reams of evidence before ''validating'' a threat. Our own defense programs need to start anticipating emerging threats.

Third, what makes these weapons truly menacing is the prospect of their delivery with ballistic missiles, which allow countries that never before wielded such power to vault themselves onto the world stage. Imagine trying to put together the coalition for Desert Storm if Cairo, Ankara, Rome or London had believed they were vulnerable to missiles loaded with anthrax. And let's not forget that the United States and its key allies may soon be a target. In just three to five years, the North Korean Taepo-Dong II intercontinental ballistic missile could reach American soil. Those lacking in imagination about what that implies should recall the words of Saddam Hussein: ''Our missiles cannot reach Washington. If they could reach Washington, we would strike it if the need rose.''

Fourth, the Clinton administration and its allies hobble America's missile defense efforts by clinging to the 1972 ABM Treaty with the now defunct Soviet Union. They have even tried to drag our theater missile defense programs, never covered by the ABM Treaty, under new limits that the administration has hatched from ever-burgeoning interpretations of that treaty.

It's time to defend ourselves in the multipolar world of the 21st century. It's time to change the regime established by the 1972 ABM Treaty, which currently leaves the American people vulnerable to missile attack from any country capable of developing or buying a long-range missile, I think there are ways we can cooperate with Russia on missile defenses, but that is partly up to them. Our job on the defense bill is to lay out what is necessary for America's defense. We now have a defense bill which takes important steps in that direction.

First, it establishes a Cruise Missile Defense Initiative, the need for which was just underscored by Iraq's admission that it was experimenting with unmanned aerial vehicles, cousins of the cruise missile, to deliver biological agents.

Second, it establishes a theater missile defense ''core program'' to ensure that we stay focused and move toward deployment of those systems that are clearly needed as soon as possible, adding the crucial Navy Upper Tier system to the core. This system will allow our Navy to take missile defenses wherever in the world American interests are threatened.

Third, it precludes arms control zealots from dragging theater missile defense systems which are not covered by the ABM Treaty into a web of new limitations. It calls for a year of careful consideration on how to proceed with the ABM Treaty in the longer term. During that time, the president should seek to negotiate with Russia a mutually beneficial agreement that will allow the United States to proceed with its multiple-site deployments.

Most important, it establishes U.S. policy to develop for deployment by 2003 ground-based interceptors at multiple sites, fixed ground-based radars and space-based sensors for a defense of the United States of America.

Mr. President, it's time to defend America.

The PRESIDING OFFICER. Who seeks recognition?

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. I yield 10 minutes to the able Senator from Maine.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COHEN. I thank the Senator for yielding.

Mr. President, let me thank Senator THURMOND for his confidence in asking Senator WARNER and me to represent the Republican side in the negotiations with Senator NUNN and also Senator LEVIN.

The four of us have enjoyed working together over our years of service on the Armed Services Committee, and it was a special privilege for me to be able to sit down for hours and hours, well into the night, in fact, on several occasions, working from at least 5 in the afternoon until midnight on at least two occasions, but the issues that were involved were serious. They required that kind of attention to detail.

Notwithstanding some of the comments that were made earlier today by some of our colleagues, words do make a difference. Poets are not the only individuals who pinch words until they hurt. Arms controllers do as well.

Words within the field of arms control carry specific meaning, and it was very important that we took great care as we tried to hammer out a compromise between our respective positions, in making sure that we would not do damage to longstanding precedents and longstanding interpretations. Notwithstanding the fact there has been some criticism leveled at this bipartisan proposal, we believe the care which we have taken to describe in some detail, with some great sensitivity, I might add, the meaning of the words that were used, carries significant implications for arms control and national security.

We have to remind our colleagues again and again we are not seeking to rekindle the debate over star wars, some sort of astrodomic system that is going to hover over the United States and protect this county from an all-out assault from the former Soviet Union or any major power that may emerge in the future. We could not do that. We do not envision that. We agree, in light of the proliferation of missile technology that we are agreed upon, that there is a grave danger of missile technology proliferating at an ever and ever faster rate that poses a threat to the United States, also to the former Soviet Union. They also should have great concern about the proliferation of this kind of technology.

How do we quantify it? How great is that threat? I do not think any of us are in a position to make a judgment. But we do not want to be in the position 3 or 4 or 5 years down the road of having some accidental launch, an unauthorized launch, or a limited attack against the United States and all the President of the United States could do would be to tell the people targeted: ''Sorry, we will do the best to clean up the thousands if not millions of dead after the missile hits. We have no means of protecting you. And, yes, we understand what 5 o'clock traffic is in Washington, New York, and every major city and the chances are you will not be able to get out of the city on 30 minutes' notice, and so all we can do is hope to minimize the slaughter that will take place by sending in our rescue teams, assuming they survive the blast.''

That is an untenable position, and so we have to have some means of defending against these types of limited, accidental, or unauthorized launches, and there should be no dissent on that. This is not a matter of partisanship. There is no dissent that we need to have that capability.

In June, when the Armed Services Committee marked up the Defense authorization bill, the committee voted to put the United States on the path to deployment of a highly effective system to defend the American people against limited missile attacks.

Because we want to and must defend all Americans, not just those in a particular region of the country, we called for a multiple-site defense. And, because we can expect the threat to evolve to become ever more sophisticated, we called for a defensive system that would also evolve and a research-and-development program to provide options for the future. Since the National Missile Defense Program approved by the committee goes beyond that being pursued by the administration, we added $300 million above the $371 million requested.

We also called for deployment of highly effective systems to defend our forward deployed forces and key allies and, to ensure this result, reorganized the administration's theater missile defense effort. A related matter involved negotiations being conducted with Moscow to define the line distinguishing TMD from ABM systems.

Over the last year and a half, the Clinton administration has drifted toward accepting Russian proposals to limit TMD systems in unacceptable ways—in effect, to subject TMD systems to the ABM Treaty, which was never intended to cover theater defenses. The committee addressed this troubling situation with two steps. First, we voted to write into law the Clinton administration's initial negotiating position on what constitutes an ABM system. And second, we adopted

bill language to prevent the administration from implementing any agreement that would have the effect of applying ABM Treaty restrictions to TMD systems.

Last month, when the Defense authorization act came to the floor, the committee's judgment was challenged. One amendment was offered to delete the additional $300 million provided for national missile defense. And another amendment was offered eliminate the policy to deploy a multiple-site national defense system, eliminate the statutory demarcation between TMD and ABM systems, and eliminate the ban on applying the ABM Treaty to TMD systems.

As was the case during the committee's mark-up, these efforts failed in relatively close votes.

Mr. President, I have been on the Armed Services Committee since 1979 and have spent some of that time in the majority. It has not been our practice for the majority to use its position to impose its views on the minority. Instead, we have usually sought to develop as broad a consensus as possible on important issues of national security.

In this spirit, Members of the majority also offered amendments on the floor to move beyond close, partisan votes toward a broader consensus.

Senator KYL offered an amendment expressing ''the sense of the Senate that all Americans should be protected from accidental, intentional, or limited ballistic missile attack.'' His amendment setting forth this basic principle, which was the basis for the Armed Services Committee's action, was approved overwhelming, 94–5.

And to address the concerns of some Senators that the committee was advocating abrogation of the ABM Treaty, I offered an amendment affirming that the multiple-site defense we endorsed can be deployed in accordance with mechanisms provided for in the ABM Treaty—such as negotiating an amendment—and urging the President to negotiate with Moscow to obtain the necessary treaty amendment. My amendment was also approved by a very large margin, 69–26.

I highlight that vote margin because the bipartisan amendment we have negotiated would change even the language of the Cohen amendment, which was adopted overwhelmingly by the full Senate. I think this is a clear indication of how far the majority has been willing to go in accommodating the minority in order to build a broader consensus.

THE BIPARTISAN AMENDMENT

The result of the negotiations that have occurred is the bipartisan amendment, which is being cosponsored by the four Senators designated by the two leaders to attempt to resolve this issue. In order to reach agreement on this amendment, both sides made concessions, although it should be noted that many of the agreed upon changes are less concessions than clarifications of the Armed Services Committee's intent.

Senators interested in this matter can read the bipartisan amendment and compare it to current text of the bill. Our negotiations involved debate over almost every single word in subtitle C. For reasons of time, I will merely try to summarize the most important issues.

MISSILE DEFENSE POLICY

In section 233, which addresses missile defense policy, we have made a number of changes to clarify the intent of the committee's language.

The bipartisan text states that ''it is the policy of the United States to develop for deployment a multiple-site national missile defense system.'' The difference with the original text is that it substitutes the words ''develop for deployment'' for the word ''deploy.''

This change is consistent with the fact that what we are funding in this bill is research and development on national missile defense, not procurement. There will be a number of authorization and appropriations bills to be acted upon before we begin to fund the actual deployment of the system. I would note that the words ''develop for deployment'' were in the committee-approved bill, in the NMD architecture section, and so this clarification is consistent with the committee's intent.

Moreover, I would emphasize that the policy section clearly states—as did the committee bill—that the system we are pursuing is a multiple-site system. As the findings make clear, a multiple-site system is essential if we are to defend all of the United States and not just part of the country. This is also made clear in the NMD architecture section, which states that the system must be optimized to defend all 50 States against limited, accidental, or unauthorized ballistic missile attacks.

This is further bolstered by the new language inserted by the compromise at various places that the system must be ''affordable and operationally effective.'' An NMD system confined to a single ground-based site would not be operationally effective, as noted in the ninth finding.

The bipartisan text also states in the policy section that the NMD system will be one that ''can be augmented over time as the threat changes to provide a layered defense against limited, accidental, or unauthorized ballistic missile threats.'' This passage was of great importance to many Members on this side who are concerned about the ability of the system to remain effective in the face of an evolving threat.

The committee-approved language stated that the NMD system ''will be augmented over time to provide a layered defense.'' There were strong feelings on our side about the words ''will be augmented.'' In the end, we agreed to change this to ''can be augmented.'' Again, while the committee's language had much to commend it, funding for deployment of other defensive layers will not be appropriated for several years.

The other changes to this passage, such as the inclusion of the words ''limited, accidental, or unauthorized'' clarify the ballistic missile threat for which a layered defense would be required, reflect the intent of the committee's bill.

At the suggestion of the other side, a new paragraph was added to the policy calling for congressional review, prior to a decision to deploy the NMD system. This is fully consistent with the committee's intent and the realities of the congressional budget process. Funds to begin deployment of the NMD system are not in the bill before the Senate. Thus, when such funds are requested, that request will pass through the regular process of committee hearings and mark-ups, floor consideration, and conference action.

Another change to the policy section was the inclusion of several portions of the amendment that I offered and that was approved by the Senate last month. This states that it is U.S. policy to ''carry out the policies, programs and requirements of (the Missile Defense Act of 1995) through processes specified within, or consistent with the ABM Treaty, which anticipates the need and provides the means for amendment to the Treaty.''

It also states that it is United States policy to initiate negotiations with the Russian Federation as necessary to provide for the NMD systems specified in the NMD architecture section. At the urging of Congress in the Missile Defense Act of 1991, President Bush initiated such negotiations with Moscow.

It is my understanding that tentative agreement was reached to provide for the deployment of ground-based multiple-site NMD systems. But the Clinton administration discontinued those negotiations. Under this legislation, it would be U.S. policy to once again engage Moscow in negotiations to amend the ABM Treaty or otherwise allow for multiple-site NMD systems.

The policy section then states that ''it is the policy of the U.S. to * * * consider, if those negotiations fail, the option of withdrawing from the ABM Treaty in accordance with the provisions of Article XV of the Treaty, subject to consultations between the President and the Senate.''

I would note that both amendment to the treaty, as provided for in articles XIII and XIV, and withdrawal from the treaty, as provided for in article XV, are ''processes specified within the ABM Treaty.''

Contrary to the concerns of some, the Armed Services Committee never advocated abrogation of the treaty and the bill reported out by the committee neither required nor supported abrogation. The debate that took place during the committee mark-up made it clear that there was absolutely no intent to abrogate.

These provisions regarding the ABM Treaty and negotiations with Moscow

taken from the Cohen amendment and incorporated into the bipartisan amendment reaffirm what was always the intent of the committee.

Mr. President, I want to emphasize that these provisions and the other language in the section 233 clearly state that these policies are ''the policy of the United States.'' Not the policy of the Senate or the policy of the Congress. I say this because I have heard that an administration official has said that, once this bill becomes law, the administration will declare that these statements of U.S. policy are not its policy but merely the sense of the Congress.

The bill makes a clear distinction between statements of U.S. policy and expressions of the sense of Congress. We have spent a great deal of effort negotiating exactly what statements will fall into the policy section and which will be in the form of sense of the Congress. In fact, these negotiations began with Senator NUNN urging that the Cohen amendment be strengthened from being the sense of the Congress to a statement of U.S. policy.

Mr. President, I would merely note the obvious fact that once the bill becomes U.S. law, then the bill's statements of policy are U.S. policy.

NMD ARCHITECTURE

The bipartisan amendment also provides changes and clarifications in section 235, regarding the architecture of the national missile defense system.

The committee's bill stated that the NMD system ''will attain initial operational capability by the end of 2003.'' The bipartisan amendment states that the NMD system will be ''capable of attaining initial operational capability by the end of 2003.'' This is a useful clarification because while Congress can mandate many things, we cannot dictate with certainty that engineers will accomplish specific tasks within a specific period of time.

Section 235 also states that the NMD ''system shall include * * * ground-based interceptors capable of being deployed at multiple sites, the locations and numbers of which are to be determined so as to optimize the defensive coverage of the continental United States, Alaska, and Hawaii against limited, accidental, or unauthorized ballistic missile attacks.'' The committee's version of this provision was identical except that the bipartisan amendment inserted the words ''capable of being.''

I found this suggestion from the other side to be acceptable because I do not think it really changes the meaning of the original text. Interceptors are inherently ''capable of being deployed at multiple sites.'' I cannot conceive of any technical reason that an interceptor would be incapable of being deployed at multiple sites. Accordingly, ''capable of being deployed at multiple sites'' does not, as far as I can tell, in any way limit the NMD system proposed by the committee. Indeed, one could argue that the only way that ground based interceptors are ''capable of being deployed at multiple sites'' is if there are multiple sites.

So, I am pleased that this change helped to produce a bipartisan resolution to this matter, even if I cannot find any substantive result of this change.

In subsection (b) of section 235, our side did make a concession. The committee's bill directed the Secretary of Defense ''to develop an interim NMD capability to be operational by the end of 1999.'' In order to achieve agreement with the other side, we have modified this to require the Secretary ''to develop an interim NMD plan that would give the U.S. the ability to field a limited operational capability by the end of 1999 if required by the threat.'' In both versions, the interim capability would have to not interfere with deployment of the full up NMD system by 2003.

Mr. President, I would also note that the bipartisan amendment retains the portion of section 235 that calls for a report by the Secretary of Defense analyzing ''options for supplementing or modifying the NMD system by adding one or a combination of sea-based missile defense systems, space-based kinetic energy interceptors, or space-based directed energy systems.'' As I discussed earlier, such options for layered defenses are of considerable interest to many Members.

To summarize, Mr. President, the bipartisan amendment both clarifies and changes the committee bill's provisions on national missile defense. It keeps us on the path toward a ground-based, multiple-site NMD system with options for layered defenses as the threat changes. But it recognizes that requests for NMD procurement funds will not be made for several years.

TMD DEMARCATION

The other issue that required much discussion was what is commonly referred to as the theater missile defense demarcation question. I would like to summarize the resolution that was achieved in section 238, which was completely rewritten with the assistance of many Senators.

The section has findings noting that the ABM Treaty ''does not apply to or limit'' theater missile defense systems. The findings also note that ''the U.S. shall not be bound by any international agreement that would substantially modify the ABM Treaty unless the agreement is entered into pursuant to the treaty making powers of the President under the Constitution.'' What this means is that any agreement that would have the effect of applying limits on TMD systems under the ABM Treaty must be approved as a treaty by the Senate.

Section 238 then states the sense of Congress that a defensive system has been tested in an ABM mode, and therefore is subject to the ABM Treaty, only if it has been tested against a ballistic missile target that has a range in excess of 3,500 kilometers or a velocity in excess of 5 kilometers per second. This threshold is the one defined by the administration and proposed in its talks with Moscow on this subject.

Finally, section 238 has a binding provision that prohibits implementation during fiscal year 1996 of an agreement with the countries of the former Soviet Union that would restrict theater missile defenses. This prohibition would not apply to the portion of an agreement that implements the 3,500 kilometer or 5-kilometer-per-second criteria nor to an agreement that is approved as a treaty by the Senate.

But it would apply to all portions of an agreement that sought to impose any restrictions other than the 3,500 kilometer or 5-kilometer-per-second criteria. Various other potential restrictions have been discussed, such as limits on the number of TMD systems or system components, geographical restrictions on where TMD systems can be deployed, restrictions on the velocity of TMD interceptor missiles, and restrictions on the volume of TMD interceptors missiles. Under section 238 of the bipartisan amendment, during fiscal year 1996, the administration is barred from implementing any of these potential restrictions or any other restrictions on the performance, operation, or deployment of TMD systems, system components, or system upgrades.

At the same time, Mr. President, there are no constraints on the ability of the President to engage in negotiations on the demarcation issue, which I know was an issue of concern to some. What section 238 controls is the implementation of any restrictions on TMD systems.

Mr. President, I want to acknowledge the efforts of the many Senators who contributed to the drafting of this amendment. Every member of the Armed Services Committee played a role, as did the two leaders, and key Senators off the committee. Senator KYL played a very constructive role, offering language that formed the basis for the resolution on section 238 and providing useful suggestions on the NMD portions of the bill. The chairman of the Armed Services Committee is to be especially commended for providing strong guidance to the negotiators and the committee, as a whole, and facilitating the talks along the way.

I want to commend Senator NUNN, once again, and Senator LEVIN and Senator WARNER for the many, many hours that were spent negotiating over specific words. As I mentioned before, words matter a great deal when we are talking about arms control.

I yield the floor.

Mr. WARNER addressed the Chair.

Mr. WARNER. Mr. President, if I could take a minute.

Mr. THURMOND. Mr. President, I yield 15 minutes to the able Senator from Virginia.

Mr. WARNER. Mr. President, at this time I just want to take 30 seconds to thank my distinguished colleague from

Maine. He ended up on a very important note, ''use of words.'' I can assure you, when we were sitting around, time and time again, we referred to him as the master craftsman for the use of words, the placement of a comma and the prose that flows. Make no mistake about that. If this thing ever has to go to court, it is your fault.

[Laughter.]

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. Who yields the Senator time?

Mr. NUNN. Mr. President, I yield the Senator from Michigan such time as he may desire.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. NUNN. Within reason.

[Laughter.]

Mr. LEVIN. I wonder if we can get a parliamentary interpretation.

The PRESIDING OFFICER. That is exactly 1 hour and 50 minutes.

Mr. LEVIN. I definitely thank the Chair, and I think I thank my friend from Georgia.

Mr. President, first let me echo the words of those who have already spoken about the process just for a minute. The four of us have worked together now many, many years in this Senate, particularly on the Armed Services Committee, but on other matters as well. We know each other, like each other a great deal, respect each other as individuals and also for the depths of our beliefs and our feelings.

It was a true pleasure to work with Senators NUNN, WARNER and COHEN as we crafted this substitute. There is a lot in here representing each of us. Most important, I believe this substitute reflects a wise course relative to national missile defense.

I agree fully with what Senator WARNER just said about Senator COHEN. No one is a greater crafter of words around this place than Senator COHEN. He is not just a poet, but he is a writer of fiction as well, and some darned good nonfiction, too.

Mr. President, first, I want to start with what the law currently is. There is a lot of misconception, I think, in this body about what the current law is relative to national missile defense. We are not starting with a clean slate here called a bill and then adding a substitute for consideration by the Senate. We are starting with an existing law on national missile defense, then there is a bill, then there is a substitute.

The existing law already provides that it is a goal of the United States to develop the option to deploy an antiballistic missile system that is capable of providing a highly effective defense of the United States against limited attacks from ballistic missiles.

So that is the ground on which we are starting, that we already have in law a goal of the United States to develop the option to deploy this national missile defense system that we are talking about.

The bill that is before us, to which many of us had strong objections, goes way beyond saying that we should develop an option to deploy and then at some future time decide whether to exercise the option. The bill that we have before us says that we ''shall deploy'' and that is what gets us into great difficulty. It gets us into great difficulty in terms of the ABM Treaty, which prohibits the deployment of certain systems, antiballistic missile systems, at multiple sites.

The section of the bill before us, section 233, says that it is ''the policy of the United States to deploy a multiple-site national missile defense system.''

No ifs, no ands, no buts. That is the policy of the United States in the bill. The trouble with that is we have a number of impediments to that policy being a wise one. We have the question of what the threat is, what the cost effectiveness is, what the military effectiveness of such a system is, and we have an agreement with the Russians called the Anti-Ballistic Missile Treaty which President Nixon entered into and which has helped to create some major stability in the relationship between the two countries when there was a cold war. And now that the cold war is over, we must figure out how to deal with a new Russia who is a partner, a friend, an ally hopefully, not an adversary of the United States.

When the bill says that we will deploy a system which the ABM Treaty says we cannot, what the bill does is set us on a course of action which is not only unwise but is reckless.

We received letters from both General Shalikashvili, who is our Chairman of the Joint Chiefs of Staff, and the Secretary of Defense, Secretary Perry, in strong opposition to the bill because of what it does to the ABM Treaty but, most important, because of the jeopardy in which it places the Start II Treaty that we are hoping to ratify. That treaty will reduce significantly the number of nuclear warheads on both sides, and that is really the issue.

The issue here is the impact of the action of the Senate on the reduction of offensive nuclear weapons which threaten us. Surely it is not in our national interest to be trashing an agreement relative to antiballistic missile systems if, by undermining that agreement, we are then going to end up facing thousands more warheads on ballistic missiles which Russia would insist on keeping if we unilaterally pull out of the ABM Treaty. That is why General Shalikashvili said:

> While we believe that START II is in both countries' interest, regardless of other events, that we must assume that unilateral U.S. legislation could harm prospects for START II ratification by the Duma and probably impact our broader security relationship with Russia as well.

That letter was dated June 28, 1995.

And in a letter dated July 28, 1995, Secretary Perry said:

> Certain provisions related to the ABM Treaty would be very damaging to U.S. security interests. By mandating actions that would lead us to violate or disregard U.S. treaty obligations, such as establishing a deployment date of a multiple-site NMD system, the bill would jeopardize Russian implementation of the START I and START II treaties which involve the elimination of many thousands of strategic nuclear weapons.

We tried to modify the language in the bill pursuant to the amendment process prior to the recess. We tried to strike language which committed us to a course of action which would, by violating the ABM Treaty, jeopardize the reductions in the numbers of offensive nuclear weapons on the side of the Russians. We failed to do that by a couple votes.

Let me put some numbers on this. If the Russians see us violating a treaty which has allowed us to negotiate reductions in offensive nuclear weapons, the likelihood is that we are going to face 8,000 Russian nuclear weapons instead of about 3,000. To put this in very specific numbers, that is what we are talking about. That is what the stakes are here, and that is why the Chairman of the Joint Chiefs of Staff and the Secretary of Defense expressed such grave doubts about the language in this bill.

There were a number of problems which we confronted and which, we hope, we resolved in a sensible way. One problem which was in the bill which we have attempted to address was the unilateral declaration as to what the dividing line is between theater missile defenses and strategic missile defenses. It is clear that the ABM agreement does not cover theater missile defenses. I think everybody would agree to that.

I think everyone would also agree, at least I hope they would, that in the event of a substantial modification of the ABM Treaty, that the President then must submit that modification to the Senate for advice and consent to ratification. As a matter of fact, this substitute amendment refers to section 232 of the Fiscal Year 1995 National Defense Authorization Act which provided exactly that. That is existing law; it says that:

> The United States shall not be bound by any international agreement that would substantively modify the ABM Treaty unless the agreement is entered into pursuant to the treaty-making power of the President under the Constitution.

That is the law regardless of this bill. That is the law of the land. You cannot substantially modify a treaty unless you get advice and consent to ratification by the Senate, which previously approved that treaty. That is the law, with or without our statute saying that. We already have a statute which repeats that law, and we made reference to that statute.

But unless this substitute language is adopted, the bill declares what the dividing line is between these strategic and theater missile defense systems, declares the specific dividing line and says to the President in the bill, you cannot negotiate any other dividing line. You cannot sit down with the

Russians and come up with any dividing line between strategic and theater missile defense systems other than the one we are unilaterally declaring in this bill. That makes the Senate the negotiator, not the President of the United States.

While we can advise and consent to ratification, we are not the party that negotiates the treaty. It was a mistake in this bill to attempt to put that dividing line between strategic missile defensive systems covered by the ABM Treaty, and the theater missile defense systems not covered, into law. We have corrected that. We have indicated what we believe the correct dividing line is. We have now told the President, in effect, that you are free to negotiate, but if you negotiate a different demarcation, do not use the funds that we provide in the appropriation bill to implement that without giving Congress the opportunity to approve or to disapprove. That is very different. That is strikingly different from what was in the bill itself.

Following these efforts to amend the language in the bill prior to the recess, we entered into lengthy discussions at the request of the majority leader and Senator DASCHLE, the Democratic leader. The four of us spent many days, as has been outlined, in devising the substitute which is before us. This substitute corrects the major defects and many of the smaller defects in the original language. It basically returns us to the approach in current law. The approach in current law is that we want an option to deploy. We are not committed to deploy, but we want an option.

The approach in the substitute is that we want to develop for deployment a national missile defense system, but what we say in the substitute is that we are not deciding to deploy that here and now. That is very explicitly left to a later decision. We also say that decision should follow consideration of a number of things: Cost effectiveness, military effectiveness, the threat, and the impact on the ABM Treaty. That is the vital difference between the bill's language and the substitute.

In section 233 of the substitute, we explicitly state that the policy of the United States is to develop for deployment a multiple-site national missile defense system. And then we go into the ifs, ands, and the buts. The bill said ''deploy''—no ifs, ands, or buts. The substitute says ''develop for deployment'', but with these ifs, these ands, and these buts. The critical ones, again, are to be cost effective, militarily effective, consistent with the threat, and not adversely affect the ABM Treaty, or at least, if we are going to decide to deploy, do so in a way which is through processes that are specified within or consistent with the ABM Treaty.

The critical language here is that we say explicitly that it is the policy of the United States to ''ensure congressional review prior to a decision to deploy the system developed for deployment under paragraph 2 of (a) the affordability and operational effectiveness of such a system, (b) the threat to be countered by such a system, and (c) ABM Treaty considerations with respect to such a system.''

Mr. President, again, I want to thank our colleagues for their long and very arduous discussions. It has produced a substitute which I can, in good conscience, support, because we have removed the objectionable language in the bill which committed us to deploy a system which, by violating the ABM Treaty, would have almost certainly led to our facing thousands of more offensive nuclear warheads than we otherwise would be facing. We have attempted to carry out the thoughts of General Shalikashvili and his caution to us about the importance of our relationship with Russia and trying to maintain it in a stable way and not to be unilaterally declaring that we are going to abrogate agreements we have entered into with their predecessor. We have done so in a bipartisan way. I hope that we have done so in a constructive and a thoughtful way which will command the broad support of Members of this body.

I ask unanimous consent to have printed in the RECORD at this point a number of documents, including the letters referred to from General Shalikashvili, Secretary Perry, a side-by-side comparison of the bill and the substitute language relative to the ABM Treaty, as well as a further amplification of my statement.

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

SECRETARY OF DEFENSE,
Washington, DC, July 28, 1995.

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

DEAR SENATOR NUNN: I write to register my strong opposition to the missile defense provisions of the SASC's Defense Authorization bill, which would institute Congressional micromanagement of the Administration's missile defense program and put us on a pathway to abrogate the ABM Treaty. The Administration is committed to respond to ballistic missile threats to our forces, allies, and territory. We will not permit the capability of the defenses we field to meet those threats to be compromised.

The bill's provisions would add nothing to DoD's ability to pursue our missile defense programs, and would needlessly cause us to incur excess costs and serious security risks. The bill would require the US to make a decision now on developing a specific national missile defense for deployment by 2003, with interim operational capability in 1999, despite the fact that a valid strategic missile threat has not emerged. Our NMD program is designed to give us the capability for a deployment decision in three years, when we will be in a much better position to assess the threat and deploy the most technologically advanced systems available. The bill would also terminate valuable elements of our TMD program, the Boost Phase Intercept and MEADS/Corp SAM systems. MEADS is not only a valuable defense system but is an important test of future trans-Atlantic defense cooperation.

In addition, certain provisions related to the ABM Treaty would be very damaging to US security reasons. By mandating actions that would lead us to violate or disregard US Treaty obligations—such as establishing a deployment date of a multiple-site NMD system—the bill would jeopardize Russian implementation of the START I and START II Treaties, which involve the elimination of many thousands of strategic nuclear weapons. The bill's unwarranted imposition, through funding restrictions, of a unilateral ABM/TMD demarcation interpretation would similarly jeopardize these reductions, and would raise significant international legal issues as well as fundamental constitutional issues regarding the President's authority over the conduct of foreign affairs. These serious consequences argue for conducting the proposed Senate review of the ABM Treaty before considering such drastic and far-reaching measures.

Unless these provisions are eliminated or significantly modified, they threaten to undermine fundamental national security interests of the United States. I will continue to do everything possible to work with the Senate to see that these priorities are not compromised.

Sincerely,

WILLIAM J. PERRY.

CHAIRMAN, JOINT CHIEFS OF STAFF,
Washington, DC, June 28, 1995.

Hon. CARL LEVIN,
U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN. Thank you for your letter and the opportunity to express my views concerning the impact of Senator Warner's proposed language for the FY 1996 Defense Authorization Bill on current theater missile defense (TMD) programs.

Because the Russians have repeatedly linked the ABM Treaty with other arms control issues—particularly ratification of START II now before the Duma—we cannot assume they would deal in isolation with unilateral US legislation detailing technical parameters for ABM Treaty interpretation. While we believe that START II is in both countries' interests regardless of other events, we must assume such unilateral US legislation could harm prospects for START II ratification by the Duma and probably impact our broader security relationship with Russia as well.

We are continuing to work on TMD systems. The ongoing testing of THAAD through the demonstration/validation program has been certified ABM Treaty compliant as has the Navy Upper Tier program. Thus, progress on these programs is not restricted by the lack of a demarcation agreement. We have no plans and do not desire to test THAAD or other TMD systems in an ABM mode.

Even though testing and development of TMD systems is underway now, we believe it is useful to continue discussions with the Russians to seek resolution of the ABM/TMD issue in a way which preserves our security equities. Were such dialogue to be prohibited, we might eventually find ourselves forced to choose between giving up elements of our TMD development programs or proceeding unilaterally in a manner which could undermine the ABM Treaty and our broader security relationship with Russia. Either alternative would impose security costs and risks which we are seeking to avoid.

Sincerely,

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

MISSILE DEFENSE ACT OF 1995: SUBSTITUTE AMENDMENT

Side-by-side comparison of the Missile Defense Act in S. 1026 and the substitute amendment of August 10, 1995.

SEC. 233. POLICY

The bill asserted that the policy of the U.S. was:

To ''deploy a multiple site'' national missile defense system that ''will be'' augmented to provide a larger defense in the future.

The substitute amendment has as the policy:

To develop for deployment a national missile defense system that can be augmented.

To negotiate with Russia to provide for such a system, based on the ABM Treaty.

To consider, if those negotiations fail, the option of withdrawing from the ABM Treaty.

The purpose of the system is to defend only against limited, accidental and unauthorized missile attacks.

A new provision in the substitute amendment states the policy that:

Congress shall review the affordability, the operational effectiveness and the threat to be countered by the national missile defense system, and ABM Treaty considerations, prior to deciding whether to deploy the system.

The last new policy provision:

To carry out the policies, programs and requirements of the Missile Defense Act through processes specified in or consistent with the ABM Treaty.

SEC. 234. THEATER MISSILE ARCHITECTURE

The bill requires the Pentagon to meet certain dates for the specified programs.

The substitute amendment:

Relaxes the requirement to meet those dates,

Requires a report for each program/date explaining the cost and technical risk of meeting those dates,

And requires a report on the specific threats to be countered by each TMD system.

SEC. 235. NATIONAL MISSILE DEFENSE ARCHITECTURE

The Bill requires the Pentagon to develop a national missile defense system which will be operational first in 2003. It requires the system to include ground-based interceptors ''deployed at multiple sties''.

The substitute amendment requires the Pentagon to develop a national missile defense system that is capable of being first operational by the end of 2003. It states that the system shall include ground-based interceptors capable of being deployed at multiple sites.

Interim capability: The bill required the Pentagon to develop an interim capability to be operational by 1999.

The substitute amendment requires the Pentagon to develop a plan instead of a capability, and that it would give the U.S. the ability to have such an interim capability in place by 1999 if required by the threat.

The substitute amendment also requires a report that would include information on the cost of the program, the specific threat to be countered, and the Defense Secretary's assessment of whether deployment is affordable and operationally effective.

SEC. 237. POLICY REGARDING THE ABM TREATY

The Bill has sense of Congress language that:

The Senate should conduct a review of the ABM Treaty.

The Senate should consider establishing a Select Committee to conduct the review, and

The President should cease all efforts to ''modify, clarify, or otherwise alter'' our obligations under the ABM Treaty.

The Bill requires the Secretary of Defense to provide a declassified record of the ABM Treaty negotiations.

The substitute amendment adds findings related to the ABM Treaty, including that the policies, programs and requirements of the Missile Defense Act can be accomplished in accordance or consistent with the ABM Treaty.

The substitute amendment:

Strikes the proposal to establish a Select Committee.

Strikes the proposal that the President cease all efforts to modify or clarify our obligations under the ABM Treaty.

Strikes the entire provision calling for a declassified treaty negotiating record.

States that the Foreign Relations and Armed Services committees should conduct the review of the Treaty.

SEC. 238. PROHIBITION ON FUNDS TO IMPLEMENT A TMD DEMARCATION AGREEMENT

The Bill:

States the policy that ''unless and until'' a missile defense system is tested against a target missile with a range greater than 3,500 km or a velocity greater than 5 km per second, it has not been tested ''in an ABM mode'' nor ''been given capabilities to counter strategic ballistic missiles'' (both of which are prohibited by the ABM Treaty), and therefore is not subject to ABM Treaty application or restrictions.

Prohibits any appropriated funds from being obligated or expended by any official of the federal government to apply the ABM Treaty to TMD systems, or for ''taking any other action'' to have the ABM Treaty apply to TMD systems. (This would prevent any discussion or negotiation by federal officials with the Russians to consider any other demarcation than the one specified in the bill.)

The substitute amendment strikes Sec. 238 and replaces it with:

Two findings that restate items from previous Acts.

Sense of the Congress language defining the TMD demarcation (3,500 km/ 5kps), and stating that unless a TMD system is tested above the demarcation threshold, the system has not been tested in an ABM mode, nor deemed to have been given capabilities to counter strategic ballistic missiles''.

Sense of Congress language saying that any agreement with Russia that would be more restrictive than the demarcation provided should require ratification.

Binding prohibition on funding: FY 96 DOD funds cannot be used to implement a demarcation agreement unless: provided in a subsequent act (majority vote), or if the agreement goes through the ratification process.

Mr. LEVIN. Again, I thank my good friends from Georgia, Virginia, and Maine for their hard work. I thank the chairman for his support of this effort, and I thank, also, Senator DASCHLE, who has spent so much time on this effort to make sure that we come up with a solution which satisfies the basic principles that we set out to achieve.

I yield the floor.

Mr. THURMOND. Mr. President, I yield 15 minutes to the able Senator from Virginia, Senator WARNER.

Mr. COHEN. Will the Senator yield?

Mr. WARNER. Yes.

Mr. COHEN. Would the Senator from Virginia be willing to delete from the RECORD the depositing of any legal responsibility on my doorstep?

Mr. NUNN. I will object to any such deletion, Mr. President. I think the responsibility is clearly established.

Mr. WARNER. Mr. President, I think that brief exchange underlines what has been said by all of my colleagues preceding me regarding the four of us having been associated now more than 17 years together on this committee, under the tutelage of Senators like Senator THURMOND, Senator Stennis, Senator Tower, and Senator Jackson. These were great teachers. We had the opportunity to learn from them. I hope that today in our service to the Senate as members of this committee, we can achieve some of the goals that those great Senators contributed to legislation for the national security of the United States.

Mr. President, as I listened to these remarks, it occurs to me that if we were walking down Main Street America today and we were to be stopped and questioned by any of our constituents, candidly, I say to the Senate, they would think this system is in place today.

It is inconceivable after the billions and billions and billions of dollars we have spent on our national defense over the last, really, two decades, that a series of Presidents and a series of Congresses have not put in place for the basic protection of the American citizen something to interdict the accidental or unintended firing of an intercontinental missile.

This is not star wars. I will ask unanimous consent, Mr. President, to have printed in the RECORD following my remarks an article that appeared today in the Washington Post, in which I and other Members were interviewed to talk about this particular piece of legislation.

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

(See exhibit 1.)

Mr. WARNER. It took me some time to try to get home to the reporter, and indeed I think he grasped it rather readily, that the biggest burden we had is to overcome the lingering apprehension that what we are doing in this amendment is laying the foundation for another star wars program. That is not the case. It is a very limited defense. It is precisely as described by those who have spoken previously, a system for limited purposes.

It is in the interest of the former Soviet Union, and particularly Russia, that this be put in place because should an accidental firing occur, perhaps the first focus of attention would be turned to Russia. I am hopeful that this technology that will be developed could be used by Russia to install their own system. We do not fear in this country Russia putting in a system comparable to this. It is in the mutual benefit of both nations to have such a system.

I am happy to have joined with my colleagues. Someone mentioned it is like the old four horsemen getting together once again to resolve a situation which for a period of time appeared to be unresolvable.

I want to say that Senator COHEN and I particularly value the advice and

counsel we received from the distinguished chairman of the committee, Senator THURMOND, Senator LOTT, Senator SMITH, and Senator KYL. Each of these Senators have spent a number of years studying this question. Particularly in the House, Senator KYL was well known for his knowledge on this subject. He was particularly helpful in the course of our negotiations.

Prior to taking the position Senator COHEN and I worked up with our colleagues to its final stage, Senator THURMOND convened the full Armed Services Committee. Every single member was present. They looked it over very carefully. Then we sat down and finalized it with our distinguished colleagues and friends of long standing, the Senator from Georgia and the Senator from Michigan.

It is a significant step forward. I was extremely heartened tonight when Senator NUNN said he had an opportunity to speak with the Secretary of Defense. I think this Nation is fortunate to have such a fine man as Secretary Perry to take on that heavy and, indeed in many respects, thankless responsibility. This is an area in which he has worked for many, many years. All four of us that negotiated this have worked with the Aspen Institute when he was one of the leaders of that discussion forum, and we covered many times—many times—issues relating to the intercontinental missile systems, the deterrence, and the several treaties. Given his background, I hope that he can be persuasive to the President and other members of the administration so that this amendment can be accepted. Indeed, not only accepted, but perhaps supported.

Neither side gained everything they want. That is the essence of a negotiation. The result of this effort is a Missile Defense Act of 1995, a substitute for the original one in the bill which sets a clear path for deployment. That is the way I would like to state it—a clear path to deployment.

We in the United States cannot—particularly the legislative branch of Government—dictate that a certain system will be deployed. Frankly, we do not even know that it will work, we say with considerable candor. The technology is unfolding so rapidly, we do not know exactly whether it can work.

There is also a very serious element of the cost associated with this system. These are things that have to be worked out in the future. But we have set, in this amendment, the United States of America on a clear path of deployment. Let there be no mistake about that, no wavering—I can certainly speak for this side of the aisle—no wavering of the intents of the present composition of the U.S. Senate on this side of the aisle as to the ultimate goal of deploying such a system.

Why? Because it is in the mutual interests of ourselves and Russia and other nations of the world; and secondly, the American public not only demands it, they think it is its place right now. They would expect no less of a President or series of Presidents and a series of Congresses.

In the course of our deliberations, there were many concerned with the issue of why now? Why must we press this on now? If we start tonight on developing this system, it might well be to the year 2003 or later—7, 8, 9, 10 years—before the system can be developed; that is, research and development completed and in place to protect the American citizen—perhaps a decade.

In the same period of time, there are estimates that those nations apart from Russia and our allies who particularly want to develop for themselves the missile system, they will have in all likelihood systems of their own in place. Many of the nations that we fear most today have this as a top agenda item, to build this type of system.

My point is, there is a coincidence in time of the defensive system that we want to put in place and the offensive systems being developed by other nations, call them rogue nations, who very much desire to threaten the United States some day with a missile.

The revised Missile Defense Act of 1995 establishes a policy of development for deployment of a multiple-site national missile defense system capable of defending the United States—that is, from the limited attack—and prohibits any final effort by the administration to impose limitations without the consent of the U.S. Senate pursuant to the Constitution of the United States on the development and deployment of a U.S. theater missile defense system by virtue of new interpretations of the ABM Treaty of 1972.

I was extremely heartened to hear my distinguished colleague from Michigan say unequivocally that that treaty does not cover short-range ballistic missile systems. That is important. I would rejoin by saying, but the technology advances that have taken place since 1972 force now this type of legislation which is intended to maintain an operation between the theater systems and the intercontinental systems and maintain that separation in a way that will not undermine the fundamental goals of the ABM Treaty.

The principle focus of my remarks today is on the changes made to section 238 of the Missile Defense Act of 1995. That is a section that I worked on as a member of the Armed Services Committee and an amendment which I put forth in that committee which was eventually incorporated into the bill as now written. And that amendment of mine is being revised by this amendment, which is the subject of the discussion for the moment.

As it originally appeared in my amendment, section 238 used the Senate's power of the purse to impose a broad and absolute prohibition on the administration's ability to take any action which imposed ABM Treaty restrictions on the development and deployment of theater missile defense systems. These systems are urgently needed to protect the lives of the men and women of the armed services and our allies in their forward-deployed situations.

How well we know that. Senator NUNN recounted, in the course of our last debate, how Senator NUNN, Senator INOUYE, Senator STEVENS, and I were in Tel Aviv when the last Scud missile fell and we saw firsthand the use of that system, not for military purposes but for purposes of sheer terrorism. Saddam Hussein leveled that system on Tel Aviv for no other purpose than to terrorize those people. The Patriot, as best it could—the best defense we had at that period of time—I think in a credible manner interdicted a number of those missiles. That is why we are here tonight to lay the foundation to move ahead in the technology so that we can employ all of the brains, all the technology without any restriction imposed by the ABM Treaty on developing the future systems to interdict the short-range ballistic missiles that were encountered during the gulf war.

The bipartisan amendment, which we urge the Senate to adopt, achieves our goal, namely to prohibit the administration from implementing any agreement with Russia which would impose limitations including performance, operation or deployment limitations on theater missile systems unless the Senate exercised, pursuant to a Presidential submission of such agreement, its constitutional right of advice and consent.

The 1972 ABM Treaty never intended, never envisioned the theater systems. I was in the Department of the Navy at that time. I was in Moscow in 1972, when ABM was signed, as a part of President Nixon's delegation. My duties then were related primarily to naval matters, but all of us in the Department of Defense watched with great interest how this treaty, the ABM Treaty, was developed.

Dr. John Foster, who was then the Director of Research and Development in the Pentagon, was one of the key individuals. I recently consulted him about his recollection with respect to the ABM Treaty, and he confirmed what I believed was true then, as I do today, that the negotiators never had in mind the theater systems which we must employ now in our defense.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WARNER. Mr. President, I ask if I may have a few more minutes.

Mr. THURMOND. Mr. President, I yield such time as the Senator may require for further debate.

Mr. WARNER. Mr. President, I thank the distinguished chairman.

As I said before the Senate went on recess, during the original debate on this amendment, I have long believed that we must accelerate the development and then the deployment of operationally effective theater missile systems for our troops, defenses that are not improperly constrained by the

ABM Treaty. This amendment does that. Likewise, we must, in the interests of the American people, make a clear statement of our national determination to proceed to a national defense system to protect against the threats enunciated in this bipartisan amendment.

The threat that theater missiles propose to our forces is clear. Thirty nations have short-range theater ballistic missile systems, and more and more each day are acquiring the same capability.

The gulf war should have caused all Americans to unite behind the missile defense effort. What can be more terrifying than the thought of U.S. citizens, both at home and deployed overseas, defenseless against this type of weapon of terror, once used by Saddam Hussein, and which could be used in the future by others. Yet, here we are, 5 years after that conflict in the gulf, and our troops are still not adequately, in my judgment, protected from ballistic missile attacks. And there are those who still resist efforts to move forward in this area.

Fortunately, I think, as a result of this compromise, we now have gained sufficient strength in the U.S. Senate to move this amendment tomorrow in a positive way.

Mr. President, it became evident to me, earlier this year, that our crucial effort to develop and deploy the most capable theater missile defense systems was in danger of being unacceptably hampered by the administration's desire to achieve a demarcation agreement with the Russians. They were actively negotiating toward that goal. Several of the negotiating positions either proposed or accepted by the administration would have severely limited the technological development of U.S. theater missile defense systems, and would have resulted in an international agreement imposing major new limitations on the United States. Consequently, I have taken actions in 1994 and now in 1995 to prohibit such actions by the administration.

Mr. President, previously I have tried other avenues to have the Senate's voice heard on the issue of ABM/TMD demarcation. My preferred option—and the one which I tried last year—was simply to require the President to present to the Senate for advice and consent any demarcation agreement which would substantially modify the ABM Treaty. The Congress adopted my views and made them part of the fiscal year 1995 Defense Authorization Act.

However, despite that legal requirement, the administration has made it abundantly clear that it does not intend to submit any such demarcation agreement, pursuant to the Constitution, to the Senate for advice and consent. Although the administration was negotiating an agreement that would, in effect, make the ABM Treaty a TMD Treaty, administration officials believed that there was no need for the Senate to exercise its constitutional right to provide advice and consent to that agreement.

It was clear that a new approach was needed. Therefore, I focused on the Congress' power of the purse to ensure that the views of the Senate were considered in the demarcation negotiations.

The bipartisan missile defense amendment preserves this approach. Section 238 prohibits the expenditure of funds for fiscal year 1996 to implement an agreement that would establish a demarcation between theater missile defense systems and ABM systems or that would restrict the performance, operation or deployment of U.S. theater missile defense systems, unless that agreement is entered into pursuant to the treaty-making powers of the President, or to the extent provided in an act subsequently enacted by the Congress. In other words, for the coming fiscal year the prohibition stands unless the Senate takes an affirmative act to change or remove that prohibition.

In addition, this provision establishes as a sense of the Congress the generally accepted demarcation standard between TMD and ABM systems. Section 238(b)(1) states that ''unless a missile defense system, system upgrade, or system component, including one that exploits data from space-based or other external sensors, if flight tested against a ballistic missile target that exceeds a range of 3,500 kilometers or a velocity of 5 kilometers per second, such missile defense system, system upgrade, or system component has not been tested in an ABM mode nor deemed to have been given capabilities to counter strategic ballistic missiles.'' This was the standard used by the Clinton administration at the beginning of the demarcation negotiations in November 1993. The administration would be well-advised to return to that standard.

Mr. President, I would have preferred a prohibition that would have remained in effect for more than 1 fiscal year. I would have preferred a demarcation standard adopted in a binding form, rather than as a sense of the Congress. But I believe that the essence of my original amendment was preserved in this compromise package.

This legislation represents a significant step forward in the effort to provide the men and women of the Armed Forces with the most effective theater missile defense systems that our great nation is capable of producing. I urge my colleagues to support the amendment.

Finally Mr. President, I wish to acknowledge my special appreciation and respect for Senator COHEN'S very valuable contribution to the negotiations leading up to the bipartisan amendment. We have worked together for 17 years on the Armed Services Committee, and I value his advise and counsel.

EXHIBIT 1

CONGRESS TO PUSH FOR A NATIONAL MISSILE DEFENSE

By Bradley Graham

Two years after the Clinton administration placed the program on a back burner, Congress is about to redouble U.S. efforts to build a national system against ballistic missile attack, putting it at odds with the White House and at risk of confrontation with the Kremlin.

Republicans leading the initiative stress their plan is not a return to the ''Star Wars'' dream of President Ronald Reagan, who envisioned a space-based shield that would make the United States impenetrable to a massive launch of enemy missiles. Rather, the stated aim now is to erect a more modest, ground-based system that would protect the country against accidental launch or limited attack at a time when more nations are coming into the possession of ballistic missiles.

But opponents regard even this scaled-back effort as dubious technologically and not urgent strategically since little immediate threat exists. They say the program is a waste of the billions of dollars that the House and Senate appear ready to pour into it over the next few years.

Moreover, administration officials worry that a hellbent congressional effort to develop a missile defense system, coupled with renewed Republican talk of undoing the 1972 Anti-Ballistic Missile (ABM) Treaty, will upset relations with Moscow and scuttle the planned elimination of thousands of nuclear warheads.

When the Senate returns from its August recess today, it is scheduled to debate a compromise measure hammered out by a four-man bipartisan group to avoid breaching the ABM Treaty while still calling for accelerated development of a national missile defense system.

In attempting to establish a policy that can be supported by a broad majority of senators, however, the measure effectively postpones the day of political reckoning between proponents and opponents of a national system and between Washington and Moscow.

The measure would direct the Pentagon to ''develop for deployment'' a multisite missile defense system capable of being operational by 2003. But the decision to deploy would be put off until an unspecified time and subjected to considerations of affordability, effectiveness, threat assessment and treaty implications.

''I am not opposed to having an option to deploy providing we don't move toward it in a hasty way,'' said Carl M. Levin (D-Mich.), a liberal whose involvement in negotiating the compromise was key. ''What I strongly oppose is doing it in a way that would undermine the relationship with Russia and the whole planned dismantlement of nuclear weapons.''

For the Republicans who won control of Congress last November, revival of the missile defense issue seemed at first a simple way of dramatizing their general appeal for a stronger defense, while also addressing their real concern about the growing number of rogue states with access to ballistic missiles.

The GOP's ''Contract With America'' called for faster deployment of a national missile defense system. Many Republicans have sought to frame the political debate around the fact that the United States has no system to fend off even a single incoming ballistic missile. Opinion polls show that most Americans are surprise to learn the country lacks such a system.

But wrangles over the continued relevance of the ABM Treaty have complicated the debate. So has a related dispute about where to

draw the line between a national defense system, which is covered by the treaty, and increasingly powerful ''theater'' systems for guarding against shorter-range missile attack, which do not come under the treaty's purview.

The 23-year-old ABM pact was meant to block Washington and Moscow from building nationwide defenses against ballistic missile attack, on the premise that as long as each country is vulnerable to the other's nuclear arsenal, neither will attack the other. The accord allows each side to establish a single-site system with no more than 100 interceptor missiles.

Administration officials say the treaty remains a cornerstone of international arms control efforts and abrogating it would jeopardize plans to cut U.S. and Russian nuclear arsenals to 3,000 warheads and possibly fewer under strategic arms reduction treaties. Such arms control agreements, not anti-missile weapons systems, offer the more reliable protection for U.S. interests, say missile defense skeptics.

''No one will reduce their strategic forces if there's a buildup in strategic defense,'' said Spurgeon M. Keeny Jr., director of the Arms Control Association. ''If we lose all of this for a system that might kill only a handful of missiles, it's madness. We'll soon find much of the Defense Department's procurement budget going into this Fortress America.''

But some key Republican players have questioned the relevance of the ABM Treaty in today's security environment, arguing that Cold War logic does not hold in a world no longer dominated by U.S.-Soviet tensions and now menaced by less familiar adversaries.

''Frankly, we think the ABM Treaty has to be renegotiated, so I'm not too concerned about bumping up against it,'' said Sen. John Kyl (R–Ariz.). ''We've pretty much established the need to revise it, so we might as well face up to that.''

A month ago, Senate Republicans were backing language in the 1996 defense authorization bill that required deployment of a multisite missile defense system by 2003. Arguing that such a move would violate the ABM Treaty, Democrats prepared to filibuster and the Clinton administration threatened to veto the bill if it passed.

After nearly a week of intensive talks in early August, Sens. Levin, Sam Nunn (D-Ga.), John W. Warner (R-Va.) and William S. Cohen (R-Maine) offered a compromise substitute amendment—expected to win floor approval this week—that promises to avert a showdown with the White House for now and clear the way for passage of a defense authorization bill.

The measure reaffirms that U.S. policy is to act consistently with the ABM Treaty but also approves negotiations with the Russians on the admissibility of the planned U.S. system. If those talks fail, the amendment asserts, the United States can consider withdrawing from the treaty.

The House already has approved a 1996 defense bill calling for deployment ''as soon as practical'' of a national missile defense system, without specifying the number of sites. And both the House and Senate are proposing to add several hundred million dollars to the Clinton administration program in fiscal 1996 for work on a national missile defense system.

The Clinton administration is not opposed to developing a system capable of protecting U.S. territory. It budgeted nearly $400 million for 1996 to pursue technologies for a ground-based system, beefing up the program a bit in view of congressional interest to include a deployment contingency early next century.

But when it took office in 1993, the administration drastically reordered the priorities of the Pentagon's missile defense effort, shrinking work on a national system, renaming the supervising agency, and concentrating about 80 percent of the funds of what is now called the Ballistic Missile Defense Organization on fielding theater defense systems to protect U.S. troops in combat zones abroad.

The rationale for the shift was the belief that the spread of shorter-range ballistic missiles poses a more immediate threat than the possibility of hostile nations developing intercontinental missiles that can strike the United States.

Currently, more than 15 Third World nations have ballistic missiles and 77 have cruise missiles, according to U.S. intelligence reports. By contrast, only several former Soviet states and China possess missiles capable of reaching the continental United States, and the U.S. intelligence community sees no new country developing the capability to hit the United States with a long-range missile for the next decade.

Administration officials also contend the likelihood of accidental launch by Russia or China is decreasing due to the elimination of many nuclear warheads in the former Soviet states and more reliable command and control procedures for Russian and Chinese forces. Moreover, they argue that with rapid advances occurring in information technologies, premature deployment of a U.S. system would limit the technical options and risk saddling the United States with an overly costly and quickly outdated system.

Other critics of a national system note that the country has been trying off and on for several decades to build one, without much success. More than $38 billion went into Reagan's Star Wars program alone.

''People are talking as if we've never tried this before,'' said Stephen I. Schwartz, director of the Brookings Institution's U.S. Nuclear Weapons Cost Study Project. ''We don't seem to learn from the fact that we spent a lot of money before and didn't get much for it.''

But many Republican legislators worry the administration is underestimating how quickly the threat of ballistic missile attacks from rogue countries may materialize. They cite development of North Korea's Taepo Dong-2 missile, capable of reaching Alaska or parts of Hawaii, and the potential sale to Third World countries of Russia's SS–25 as a space launch vehicle.

In fact, the U.S. intelligence community has been slow to provide a current estimate of the emerging missile threat to the United States. Lt. Gen. Malcolm O'Neill, who heads the Pentagon's Ballistic Missile Defense Organization, said in an interview that he has been waiting more than eight months for an update measuring the degree of uncertainty in the U.S. prediction.

Advocates of a national system, mindful of past failures to achieve their dream, contend the technology is now within reach.

''This is not Star Wars, this is not an umbrella system,'' asserted Warner, the Virginia senator. This is a bare bones effort to build a system to intercept missiles launched accidentally in limited number.''

Some of the more hawkish proponents still argue for a more ambitious setup, criticizing the Pentagon's current focus on ground-based interceptors. A study earlier this year by the Heritage Foundation, a conservative think tank recommended concentrating instead on a Navy plan to deploy ship-based interceptors within three or four years, and then move to a space-based system by early in the next decade.

One area in which Republicans and Democrats generally agree is on the need for effective theater missile defense systems, with the GOP eager to add even more money to development efforts there as well. But the growing sophistication of theater systems, is posing an ABM Treaty problem.

Some of the theater systems under development by the Pentagon may prove powerful enough to thwart ballistic missiles, meaning the Russians may view them as a national defense system and thus a circumvention of the ABM Treaty.

Administration efforts to negotiate with Moscow a distinction between defenses against long-range strategic missiles and short-range theater missiles have drawn Republican concern that the administration may be willing to accept too many limits on development of theater defenses, particularly on the speed of interceptors.

Accusing the administration of trying to apply the ABM Treaty to theater systems, Senate Republicans originally moved to include in the 1996 defense bill a unilateral declaration of the dividing line between strategic and theater weapons and a ban on the president negotiating any other demarcation.

Administration officials protested that a unilateral interpretation of the demarcation line was unwarranted because the ABM Treaty is not constraining theater programs, and unwise because enactment would threaten ratification of the second Strategic Arms Reduction Treaty and set a dangerous precedent.

The Senate compromise includes a nonbinding ''sense of Congress'' provision reasserting what has been the demarcation standard, which would exempt the Pentagon's fastest, longest-range theater anti-missile systems from ABM coverage as long as they were not tested against a missile with a range greater than 3,500 kilometers (or about 2,174 miles) or a velocity greater than 5 kilometers (about 3 miles) per second. But the measure also would permit the president to negotiate an alternative demarcation line between strategic and theater missiles, provided he sought congressional ratification of any new agreement with Moscow—a condition the administration has been reluctant to accept.

The PRESIDING OFFICER. Who yields time? The Senator from Georgia.

Mr. NUNN. Mr. President, the bill as reported set forth the proposed policy for future missile defense as outlined here on the floor this evening. It also proposed the demarcation between theater and anti-ballistic-missile defenses, and I am talking about the underlying bill, not the substitute. In my judgment, however, and that of many other Senators, the proposal addressed these vital issues in a manner that unnecessarily presented major difficulties in terms of arms control and constitutional considerations.

As Senator LEVIN pointed out so well, what we want to do is move forward with a missile defense against limited, unauthorized, third-country-type attacks, but what we do not want to do in the process of trying to accomplish that goal, that important goal, we do not want to end up inadvertently and unintentionally ending the reduction of missiles pointing at us that have already been agreed to. It would be the supreme irony if, in dealing with a future threat, we ended up basically negating 20 years of efforts to reduce the current threat, which is, of course, the continuation of very large numbers of

multiwarhead missiles pointing at the United States by Russia, which we have agreed to dramatically reduce both in START I, which has been entered into, and START II, which is now pending and which we hope at some point the Russian Duma, or legislative body, will, indeed, agree to.

So, in my floor statement on August 3, I outlined five major problems with the version of the bill that this substitute is intended to correct and I believe does correct. This is the underlying bill.

First, I said on August 3, it abandons U.S. adherence to the ABM Treaty. What I meant by that, and what I would mean by that now, is it is an anticipatory breach, the way the original underlying bill is worded.

Second, abandoning adherence to that ABM Treaty now is unnecessary. We can conduct an effective missile defense program, developing for deployment, as the substitute called for in the near term, while continuing our adherence to the ABM Treaty. We do not have to make that choice now. So why risk the very large reductions of the threat now aimed toward us that are underway in order to accomplish a goal where we do not have to make that move at this point in time?

Third, abandoning adherence now to the ABM Treaty is likely to impose huge costs on us if Russia declines to carry out some of its legal obligations and in response to our anticipatory breach.

Fourth, the Senate Armed Service Committee bill abandons adherence by stealth rather than directing the administration to use the legal withdrawal procedures contained in the treaty.

Mr. President, if we decide that the ABM Treaty is no longer in our interest—we may get to that point at some point in the future because we may find that we cannot negotiate the modest amendments required to provide for this national defense. I hope that we can because I think it is in the mutual interest of the United States and Russia. But if we get to that point, then we ought to do what the ABM Treaty calls for, and that is to use legal withdrawal proceedings in our national interest, supreme national interest. Of course, we can do that. I believe the timeframe is 6 months.

We have the right under that treaty to state that in our supreme national interest, it is no longer in our supreme national interest to be a part of that treaty, and then we withdraw from the treaty in accordance with the terms of treaty. That is the way to do it if we ever have to move in that direction or feel that it is in our interest to move in that direction.

Fifth, by failing to use the legal option under the treaty, the Senate would be compelling the executive branch to abandon adherence to the ABM Treaty by usurping certain powers of the executive branch over the conduct of foreign policy, a move that certainly would raise serious constitutional issues.

So, Mr. President, this is the underlying bill and the problem with the underlying bill. That is what we are basically correcting with this substitute amendment.

Mr. President, again, I thank my colleague from Michigan, who did a superb job on this. I thank my colleague from Virginia and my colleague from Maine, Senator WARNER and Senator COHEN, who are indeed not only knowledgeable but they are skillful in their negotiating ability and in their discerning ability to understand the fundamental issues as opposed to some of the rhetorical issues. I think that is the reason we were able to work this out.

I thank the Senator from South Carolina, because he was the one who came up with the idea of getting the four of us to work on this proposal and to try to find a way to reach a consensus. He also not only instigated this effort but discussed it with the majority leader and the minority leader. He also constantly gave us both the encouragement and support, and indeed some very timely prodding to get this agreement worked out.

So I appreciate the Senator from South Carolina and his leadership.

Mr. President, I believe that there are no other remarks after the Senator from Michigan, who may want to conclude. I believe we are about to wrap up the debate. I believe the Senator from Texas wants to take some remarks.

Mr. WARNER. Mr. President, I wonder if the Senator will yield for a brief question on this matter.

During the course of my remarks, I opined that I thought this amendment as currently drawn would be in the mutual interest of the United States and Russia. Should an accidental firing occur, I think all attention would instantly focus on Russia as being the origin. And, therefore, it seems to me, whether it was from Russia or wherever the missile was fired from, I think the initial reaction of the American public would be, well, they are the ones that have it, because many do not understand in the years immediately preceding other nations have come forward now and have made fundamental investment in the system.

So I just ask if my distinguished colleague concurs with my view that it is in the mutual interest of both Russia and the United States.

Mr. NUNN. I do. I say to my friend from Virginia that I think it is in the interest of the United States and Russia to both move forward with modest adjustments to the ABM Treaty so both can protect their countries against accidental unauthorized launch or third-country launch.

As the Senator from Virginia well knows, I first posed this question to the then head of the Strategic Air Command, Gen. Dick Ellis, a wonderful and fine Air Force general, now deceased. But that was in the early 1980's. I asked him the question, I said, ''General Ellis, what basically is our ability to detect the origin of some limited attack against the United States? Could we know for sure where that attack originated? We would not have the ability to defend against it, and would we know for sure the origin of that attack?'' He said he needed to study that.

He did study it. He and his whole team studied it for almost a year and came to the conclusion that the United States, while we had some capability of determining the origin of attack, it was not nearly as good as it should be and the Russians' ability was not as good as ours. Most of that study remains classified.

But I came out with a profound not only sense of unease about our ability and their ability to detect the origin of attack, let us say from an underwater submarine which could be from a third country, but we would both assume it was coming, if we were struck, from the other superpower in terms of nuclear arms. I came to the conclusion that neither of us had the capability that we needed in that regard.

But more importantly, I came to the conclusion that we both had a mutual stake in the ability of each to be able to detect the origin of an attack and also to be able to defend against that kind of an attack so that we never got into an inadvertent war that no one intended by mistake or by accident. And I still have that conclusion even though the circumstances between the United States and Russia have now changed dramatically. We are no longer in this confrontation. We still have nuclear arms that will be with us for years to come even after we reduce under START I and START II.

So that is a long answer to the Senator's underlying question, but I think it is a very important question. And the answer is, yes, I do believe Russia has a similar interest. I think we have many mutual interests. In fact, our interest in terms of nuclear arms, in terms of destruction, the safety, the handling, the prevention of leakage of this kind of material, both nuclear, chemical, biological, as well as technology and the scientists, we have a tremendous mutual type of security interest now with Russia more than perhaps any other nation because we are the two that have these nuclear weapons and the awesome responsibility to deal with them responsibly so that we never, God forbid, have nuclear disaster, not only in this country but in Russia or in the world.

Mr. WARNER. Mr. President, I thank my distinguished colleague. I conclude that I, too, remember General Ellis very well. He was a highly decorated fighter pilot in World War II. He was head of the Strategic Air Command. And, as my colleague will recall, he was appointed to the standing consultative commission, which, Mr. President, is that body that is entrusted with resolving underlying questions with respect to the framework of arms control treaties, including the ABM.

And he discharged that responsibility with great distinction.

Mr. THURMOND. Mr. President, I wish to thank the able Senator from Georgia for his kind remarks.

I now yield to the able Senator from Texas, Senator HUTCHISON, such time as she may require.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. HUTCHISON. Thank you, Mr. President. I thank the distinguished chairman of the Armed Services Committee. I, too, want to commend the chairman of the committee, the ranking member from Georgia, and the group that got together and worked long into the night before the summer recess in an attempt to reach an accommodation that would allow everyone to feel comfortable about how we are treating theater missile defense.

Mr. President, I want to speak because I believe that we have only settled this issue in a very temporary way this year. But I want to say that it is very important for us to look at this for the future because this is going to be one of the major policy decisions that we are going to have to make, not only today but for the future. I think the Senator from Georgia was correct when he said that we may have to make some adjustments in the ABM Treaty. It may well be not only in our best interest to do so, but it may be in the best interest of Russia as well.

We are continuing to make adjustments in the post-cold war era. We do not live in a bipolar world anymore. We now live in a multipolar world, but we have treaties that were based on the bipolar world. We have many other concerns that were addressed in a bipolar context. We know now that technology exists for ballistic missiles in more than 10 countries around the world.

No longer is the threat just from the missiles that we know are in Russia and some of the former republics of the Soviet Union that are now independent countries. We now recognize that there are capabilities in many other nations around the world and that in the future the technology will likely proliferate to such an extent that many countries may soon have the capability of launching ballistic missiles that could threaten our Nation.

So it is incumbent on us as leaders of our country to prepare, and we must have the time to do that and we must start looking at some of these policy issues that must be addressed in this new multipolar world.

As many of us who have traveled into some of the central European countries and into the republics of the former Soviet Union know, this is an unstable world.

We are seeing ethnic conflicts. We are seeing border disputes. We are seeing turf wars. I think the United States is going to have to step back and decide, what our role should be in this new world? When are our armed forces going to be needed? When do we have a U.S. interest and when is that interest a vital U.S. security interest?

I think it is clear just from what has happened in the last 2 weeks that the world is looking to America for leadership. If there is one thing America is—and it is probably the consensus in the world—we are the beacon for a democracy that has worked and that has created the strongest Nation in the history of the world. Because of that, many countries are looking to us for leadership, and we must determine how much leadership we can give, how much is monetary, and how much is security oriented. And I think that is going to have to set the stage for how we prepare to be the world's superpower and yet maintain our strength and protect our shores.

The greatest lesson of all is that the cold war was ended; we obtained that peace through strength. We did not end the cold war through weakness. Other countries in the world knew that we had the capacity and the commitment to protect our interests. We must never veer from that fundamental principle that we are a superpower that will protect ourselves. We must not allow unilateral disarmament of any kind, of any type.

When you talk about a treaty that was made in a bipolar world between the two preeminent powers at the time you cannot have any confidence that those who wrote that treaty could envision all of the things that could happen in the world today. No treaty at that time could ever envision the technologies available to many countries today that have rendered the treaty outdated, outmoded, and no longer a strong approach for us to take. So we are going to have to look at our strategic interests, and in doing that we are going to have to determine what we must do as the leaders of our country to make sure we will have appropriate defenses against any missile that could ever come into our borders.

That is something we are going to have to debate this year, and we are going to have to continue our vigilance to make sure our young people know they can be assured of the strength of our country and that we have the foresight and the vision to maintain that strength.

I am going to support the compromise that has been reached, but I do have reservations that we are not as a group looking to what we must do to make sure we have the strength to withstand any kind of attack that technology has the capability to deliver to our shores. And I think we are going to have to continue our debates, continue our studies, continue our technological advances, and under no circumstances at any time should we say we are not going to defend our shores, that we are not going to make sure that our nuclear stockpile, which is dormant, is nevertheless still capable. Unilateral disarmament is not anything we can consider in any manner if we are going to remain the greatest and only superpower left in the world.

So I commend my colleagues for coming to this conclusion. But it is merely the beginning of a very important policy debate that I think is going to be more important as we learn more of the technologies and the intelligence about what is happening around the world in the area of defense and security.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from South Carolina.

Mr. THURMOND. Mr. President, I reserve the remainder of my time. After the debate is concluded on this matter, then we will have a wrap-up tonight. I have asked Senator WARNER if he would conduct the wrap-up on this side. He has agreed to do so.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, I believe the Senator from Michigan has some concluding remarks and I would yield him such time as he may desire.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank my good friend from Georgia.

Mr. President, I will be very brief, indeed.

Section 232 of Title X, which is the current law, reads as follows: that the goal of the United States is ''to develop and maintain the option to deploy an antiballistic missile system that is capable of providing a highly effective defense of the United States against limited attacks of ballistic missiles.''

So the current law is to develop the option to deploy, but to decide at a future time whether or not to deploy, depending on the circumstances at that time, including the threats at the time, and the cost and military effectiveness of such a system. The bill says deploy. The current law says develop with an option to deploy. The bill says deploy.

The substitute amendment goes back to the fundamental approach of the existing law, which is to develop so that we can deploy, but then makes it very clear that we will make the decision on whether to deploy at a future date and specifies what the criteria are for consideration at the time of that decision.

Section 233 of our bill says that it is the policy of the United States, in subsection 3, to ''ensure congressional review prior to a decision to deploy the system developed for deployment, under paragraph 2'', of four things: the affordability and operational effectiveness of such a system, the threat to be countered by such a system, and fourth, ABM Treaty considerations with respect to such a system.

In doing this, this substitute recognizes the importance of the ABM Treaty to our security. The ABM Treaty has been one of the reasons we have been able to reduce the number of offensive nuclear weapons that face us.

We are going to be facing a small percentage of the nuclear weapons that used to confront us because, the Russians have told us over and over again,

we have adhered to the Anti-Ballistic Missile Treaty. That has allowed them to agree to these very drastic reductions in the numbers of their offensive weapons. And so we are on the threshold of seeing continuing significant reduction in offensive weapons that we face, or that we could theoretically face, no longer from an adversary but now from someone with whom we are having a growing and a deepening partnership.

It is not just the current law that we should develop technology for a national missile defense—that is the law I read—it is also the policy of this administration to develop that technology in a way that we could deploy it in time to counter any ballistic missile threat that emerges to the United States. So we have a law that says develop and we have a current policy that says develop. But both by current law and current policy the decision whether to deploy is left for a future time.

That is the approach which this substitute restores; develop, but leave the decision to deploy for a future time based on criteria which will be considered at that time to help us make a decision which makes sense for the security of this Nation.

So the road to reductions is dependent in part on the existence of an ABM Treaty. That treaty still continues to serve our national interest. This substitute in a number of ways explicitly and otherwise recognizes the importance of that treaty to this relationship and to the continuing reductions in the number of offensive weapons.

So I do hope that our colleagues will find favor with this substitute and will support this substitute. Again, I want to thank all the colleagues who participated in the formulation of it.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. If I could ask for a minute.

Mr. THURMOND. I yield such time as the able Senator from Virginia shall require.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, the concluding remarks by our colleague from Michigan, I think, set the tone when he seeks to reassure the Senate that this legislation is in the best interest of our Nation and that he is hopeful that we will gain the support of other Senators, because no single Senator fought harder for certain changes in this amendment than did the Senator from Michigan. And I think we conclude debate on a very positive note.

With that statement, I yield the floor.

Mr. KENNEDY. Mr. President, I support the amendment offered by the Senator from Georgia, but I continue to have strong reservations about the remaining aspects of the Missile Defense Act. The amendment makes an unwise provision better, and I commend Senators NUNN, LEVIN, WARNER, and COHEN for their effective work in achieving this compromise. It fails, however, to do what is necessary to serve the best interests of our national security.

The remaining shortcomings in the Missile Defense Act become clear when we consider the principal threats that the United States faces from nuclear missile attack, and the more effective way these threats are addressed by current administration policy, which is also longstanding bipartisan policy under both Republican and Democratic administrations.

One of the threats we face is clearly from nations which now lack ballistic missiles and weapons of mass destruction, but which may develop them in the near future. Proponents of building a national missile defense argue that the prospect of such a threat is sufficient grounds for deploying a defensive system as soon as possible.

The weakness in this argument, however, is revealed in the undisputed testimony of Lt. Gen. James Clapper before the Armed Services Committee last January. General Clapper at that time was the head of the Defense Intelligence Agency. He stated that:

> We see no interest in or capability of any new country reaching the continental United States with a long range missile for at least the next decade.

The missile threat from a new nuclear power is neither real nor imminent, and it will not materialize for at least ten years. The Defense Department's missile defense plan calls for a research and development program that will enable us to build and deploy a national defense rapidly if unforeseen threats materialize. The Clinton defense plan will keep us safe from ballistic missile threats from new nuclear powers.

A more serious threat comes from existing nuclear arsenals of potential adversaries. There is a very low likelihood in the current world situation that we will be subject to nuclear attack from Russia or China. But such a possibility is the most serious potential threat to the security of the United States, and therefore merits careful consideration.

Russia, and to a lesser extent China, possess nuclear arsenals that threaten the security of the United States. This fact is nothing new. The arsenal controlled by Moscow has posed this threat to our Nation for roughly 40 years. Yet, we were able to ensure the security of the United States over this period, in spite of the tensions and conflicting interests of the cold war. We did so by maintaining a nuclear arsenal that could deter the use of nuclear weapons against us by any adversary. Mutual deterrence guaranteed our security from nuclear attack throughout the nuclear age, and it is still our best guarantee.

Now, in the post-cold-war era, the stability and effectiveness of this deterrent relationship is even greater than it was during the cold war, and it is just as important. Russia is no longer our adversary, and therefore the likelihood of conflict between us has greatly diminished. We have signed the START I and START II Treaties which, if implemented, will create stable deterrence at reduced levels of nuclear weapons.

In his famous phrase, President Reagan called on us to trust but verify. Now, the increased trust between our nations has magnified our ability to verify. The START Treaties provide for verification with extensive and effective monitoring that was not possible during the cold war. As the political and military leaders of Russia confirm, the deterrent relationship that has long existed remains the centerpiece of nuclear safety for our two nations. And we can achieve even greater safeguards in the future by maintaining that cooperative relationship. It makes no sense to take unilateral actions that would jeopardize that relationship, as the missile defense advocates would do.

Mutual deterrence is the foundation of the United States-Russian strategic relationship, and the ABM Treaty is the basis for mutual deterrence. For over two decades, the ABM Treaty has insured that the superpowers' nuclear arsenals continue to be effective as deterrents, which is the necessary condition for strategic stability. The Russians themselves have reaffirmed the importance of this longstanding treaty to cooperation in arms reduction.

The proponents of the Missile Defense Act place too little value on the improved strategic relationship between the United States and Russia, and the essential role of the ABM Treaty as the heart of that relationship. Deploying a multisite missile defense would violate the ABM Treaty as it currently stands.

The Russians have clearly stated that they will not ratify START II if the United States violates or withdraws from the ABM Treaty. In my view, the United States is safer facing a Russian arsenal of 3,000 weapons under START II, than if we possess several hundred ABM interceptors while facing the present Russian arsenal of 10,000 weapons.

Deploying a national missile defense system will also impair the cooperative threat reduction programs, under which Russia is accepting United States funds to help dismantle their nuclear weapons.

In addition, withdrawing from the ABM Treaty may also cause the Russians to put their nuclear arsenal on a higher state of alert, increasing the risk of accidental launch against the United States.

The course set by this bill may also lead the Russians to reverse the negotiated step, achieved in 1994, whereby we agreed not to target each other's territory with the missiles deployed in silos and on submarines. If the Russians retarget their missiles, the threat

of catastrophic damage to the United States from accidental or unauthorized attack will clearly rise.

The proponents of the Missile Defense Act ignore all of these considerations. They are proposing a more dangerous course for our national security which Congress should not follow.

The NUNN/LEVIN/WARNER/COHEN amendment will improve the bill compared to its present terms, and I urge adoption of the amendment. But I also urge my colleagues to support the administration's more sensible course on the development of missile defenses. President Clinton's policy is designed to explore the new avenues of nuclear safety opened to us by the end of the cold war, without sacrificing the solid foundation of our security—the mutual deterrence established and supported by Democratic and Republican administrations alike over the past four decades.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I do not know if anyone is going to want to speak any more on this one on either side. I do not have any more requests on the Democratic side.

Mr. President, does the Senator from Michigan know of anyone else who would like to speak on this?

Mr. LEVIN. No.

Mr. NUNN. As I understand the time agreement, we will have the vote on this at 9:30 tomorrow morning.

Does the Senator from South Carolina know when we will be coming in on the bill? Should we reserve any time in case anyone wants to speak in the morning?

Mr. THURMOND. We will be coming in at 9:25 in the morning, and we will get on the bill by 9:30.

Mr. NUNN. Then we will vote at 9:30.

Mr. THURMOND. We are supposed to vote at 9:30.

I am prepared to yield back my time, Mr. President.

Mr. NUNN. I think, just in case there is a minute or two someone wants to speak in the morning, we ought to probably reserve 2 minutes on each side and give back the remainder of the time. That would give us a chance if somebody else wants a minute to be heard.

Mr. THURMOND. Mr. President, we are agreeable to that.

Mr. NUNN. Mr. President, I would yield back all of my time except 2 minutes.

Mr. THURMOND. The same here.

The PRESIDING OFFICER. Without objection, the time is yielded back with the exception of 2 minutes on each side.

Mr. NUNN. I know the Senator from South Carolina would like us to handle several amendments that have been agreed to before we conclude the debate on this Missile Defense Act of 1995 substitute. And, again, I want to thank my friend from Michigan, who did a superb job, and my friend from Virginia and my friend from Maine, who did, I think, a very good job in terms of negotiating what is a consensus, I think a positive step forward, as the Senator from Virginia said, for our Nation.

Mr. WARNER. Mr. President, I join my colleague with respect to all the efforts that were made. Indeed, it was a monumental task. I think the result will be accepted strongly by the Senate tomorrow.

Mr. President, I wonder, if I can have the attention of the distinguished chairman and the ranking member of the committee, if I could bring up another point. That is, Mr. Chairman, I think it is imperative that the Senate receive a briefing from the administration on the situation as it exists in Bosnia today.

Mr. THURMOND. Mr. President, we have already made the request.

Mr. WARNER. I thank the distinguished chairman, because I have written a memorandum to the chairman. It would not be on his desk until tomorrow morning.

Mr. THURMOND. Mr. President, I ask unanimous consent that we have 5 minutes each in the morning. I have a closing statement I would like to make in the morning just before we vote on this bill.

The PRESIDING OFFICER. Without objection, all time will be yielded back with the exception of 5 minutes on each side.

Mr. THURMOND. I ask unanimous consent that—I understand I probably would make that after the bill passes, and so just as to say 2 minutes to each side before that.

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

Mr. NUNN. Mr. President, could I inquire of the Chair as to the time agreement now?

I understand that we have the Missile Defense Act to be voted on at 9:30.

The PRESIDING OFFICER. That is correct.

Mr. NUNN. Could the Chair inform the Senate of what takes place after that amendment has been voted on and disposed of? It is my understanding we have several other possible amendments, including an amendment by the Senator from South Carolina that is relevant and an amendment by the Senator from Georgia, myself, that is relevant, as well as a Levin amendment which may or may not be required to be voted on. We will have time for remarks before final passage of the bill. I believe that is what the Senator from South Carolina has made reference to.

I do not believe the Senator is going to need more time for speaking on this amendment which we vote on at 9:30. I think we will have other time on the bill before that is concluded.

Mr. THURMOND. That is correct.

Mr. LEVIN. If the Senator would yield for a comment. We believe we worked out the Levin amendment which you referred to, and that it will not require a rollcall vote. We have not agreed yet on the final language, but we have agreed on the principle of an amendment. So we do not expect a rollcall will be necessary on the Levin amendment.

Mr. NUNN. We will have other amendments that have to be accepted tomorrow morning. We have not worked them out. We will not be able to conclude all of those. We are going to have to have some time—I hope it will not be a lot of time—after the passage of this Missile Defense Act, assuming it passes, before we vote on final passage.

Mr. THURMOND. Mr. President, we have no objection to that.

I hope we can wrap everything up tonight as much as possible and have as few things to do tomorrow before we vote.

Mr. NUNN. I believe we are prepared to have some of the amendments that have been agreed to now propounded to the Senate.

THE BROWN AMENDMENT CONCERNING THE REUSE OF FITZSIMONS ARMY MEDICAL CENTER

Mr. GLENN. Mr. President, I agreed to accept the amendment of the Senator from Colorado which states congressional support for the timely reuse of military installations approved for closure or realignment. The Senator from Colorado is particularly interested in expediting the reuse of Fitzsimons Army Medical Center in Colorado. While I understand the Senator's support for the reuse of Fitzsimons, I believe expedited reuse should hold true for all military installations impacted by base realignment and closure.

Over the last few years, Congress has enacted legislation to improve base disposal procedures by expediting the overall process and giving greater power to Local Redevelopment Authorities [LRAs] in making disposal and reuse decisions.

Current law prescribes time-lines for screening and disposal of former military installations. From the time an installation is approved for closure or realignment, the following must occur:

0–6 months—Military department identifies DOD and Federal property needs, makes excess and surplus determinations, and commences environmental impact analysis process.

6–18 months—LRA solicits and considers notices of interests, conducts outreach, considers homeless assistance needs, and consults with military departments regarding surplus property uses.

18–33 months—LRA prepares redevelopment plan and homeless submission and submits to DOD and HUD; military department reports property to Federal sponsoring agencies for public benefit conveyances, completes environmental impact analysis, and makes disposal decisions.

33+ months—Military department conveys property and LRA implements redevelopment plan.

It should be noted that turning property over to LRAs could occur much

sooner than 33 months—in fact, transfer could occur as soon as 20 months if reuse plans are developed and approved early in disposal process. LRAs that act expeditiously in developing and adopting reuse plans should be commended as this is not an easy task. Accordingly, the military services should do all in their power within the letter of the law to convey appropriate property to LRAs that have fulfilled all necessary requirements and are ready and able to accept these properties for reuse.

Mr. President, my point is that expedited reuse is the goal for all installations impacted by base closure and realignment decisions.

HYDRONUCLEAR TESTS

Mr. KENNEDY. Mr. President, I support the Exon amendment to clarify the meaning of this bill regarding nuclear weapons testing. This amendment will bring the bill into closer agreement with President Clinton's policy seeking prompt achievement of a Comprehensive Test Ban Treaty.

On August 11, President Clinton took a pathbreaking step by announcing his intention to seek a true comprehensive test ban. The new U.S. policy is to ban all nuclear tests of any size, including the hydronuclear tests addressed in this bill.

President Clinton's action supports our Nation's commitment, made in May at the conference on the permanent extension of the Nuclear Non-Proliferation Treaty, that the United States will seek prompt negotiation of a Comprehensive Test Ban Treaty. Many of the 178 nations who are parties to the Nuclear Non-Proliferation Treaty conditioned their support for the treaty's permanent extension on the prompt achievement of a comprehensive test ban. The test ban is an essential part of the international nuclear non-proliferation regime, which is one of the highest security priorities of the United States.

A ban on nuclear tests will serve our non-proliferation goals, without jeopardizing the maintenance of a safe and reliable nuclear stockpile. The Secretary of Defense, the Secretary of Energy, and the Chairman of the Joint Chiefs of Staff all support the President's new policy. They agree that it provides for effective maintenance of our nuclear arsenal.

The Exon amendment would ensure that this bill takes no action to violate the President's policy, or the testing moratorium enacted into law in 1992. It will clear the way for us to sign a comprehensive test ban, and begin a new era of nuclear security and non-proliferation for the entire world. I urge the adoption of the amendment.

Mrs. BOXER. Mr. President, I inquire of the Senator from Georgia [Senator NUNN], if I may ask him a question about a provision of the fiscal year 1995 Department of Defense Authorization Act.

Mr. NUNN. I would be pleased to answer the questions of the Senator from California.

Mrs. BOXER. Section 816 of the fiscal year 1995 Defense Authorization Act authorized a demonstration project in Monterey County, CA, which would permit the Department of Defense to purchase fire-fighting, police, public works, utility, and other municipal services from Government agencies located in Monterey when such services are needed for operating Department of Defense assets in the county.

Mr. NUNN. I am familiar with this section. It allowed such municipal services to be purchased notwithstanding section 2465 of title 10, United States Code.

Mrs. BOXER. I would ask the Senator, was it the committee's intent to require an OMB Circular A–76 study before the demonstration program could begin?

Mr. NUNN. The purpose of the provision was to expedite the demonstration project, and it is therefore my view that to proceed without conducting an A–76 study would be consistent with section 816 of the fiscal year 1995 Defense Authorization Act.

Mrs. BOXER. I thank the Senator.

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

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

AMENDMENT NO. 2452

(Purpose: Relating to testing of theater missile defense interceptors)

Mr. NUNN. Mr. President, on behalf of Senator PRYOR, I offer an amendment which will establish testing requirements for theater missile defense interceptor missiles. This amendment is supported by both the Ballistic Missile Defense Organization and Director of Operational Test and Evaluation in the Pentagon.

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. PRYOR, proposes an amendment numbered 2452.

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

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

The amendment is as follows:

On page 49, between lines 14 and 15, insert the following:

SEC. 224. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.

(a) The Secretary of Defense may not approve a theater missile defense interceptor program proceeding beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that such program has successfully completed initial operational test and evaluation, and is found to be a suitable and effective system.

(b) In order to be certified under subsection (a) as having been successfully completed, the initial operational test and evaluation conducted with respect to an interceptor program must have included flight tests—

(1) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures; and

(2) the results of which demonstrate the achievement by the interceptors of the baseline performance thresholds.

(c) For purposes of this section, the baseline performance thresholds with respect to a program are the weapons systems performance thresholds specified in the baseline description for the system established (pursuant to section 2435(a)(1) of title 10, United States Code) before the program entered the engineering and manufacturing development stage.

(d) The number of flight tests described in subsection (b) that are required in order to make the certification under subsection (a) shall be a number determined by the Director of Operational Test and Evaluation to be sufficient for the purposes of this section.

(e) The Secretary may augment flight testing to demonstrate weapons system performance goals for purposes of the certification under subsection (a) through the use of modeling and simulation that is validated by ground and flight testing.

(f) The Director of Operational Test and Evaluation and Ballistic Missile Defense Organization shall include in their annual reports to Congress plans to adequately test theater missile defense interceptor programs throughout the acquisition process. As these theater missile defense systems progress through the acquisition process, the Director of Operational Test and Evaluation and Ballistic Missile Defense Organization shall include in their annual reports to Congress an assessment of how these programs satisfy planned test objectives.

Mr. PRYOR. Mr. President, I rise to offer an amendment on behalf of Senator NUNN, Senator BINGAMAN, and myself to restore some common sense to the Missile Defense Act of 1995.

As my colleagues know, the Missile Defense Act of 1995 contains an aggressive program to develop and deploy theater missile defenses in the form of sophisticated missile interceptors.

I say to my colleagues—if we want to protect ourselves from the threat of theater missile attacks, let's make sure the interceptors are capable of destroying incoming missiles!

I was disappointed that this bill deleted a provision passed by Congress 2 years ago that would help us monitor these programs through a series of live-fire tests.

I believe it would be dangerous for the Senate to show a lack of interest in monitoring the progress of our theater missile defense interceptors. Our primary concern should be in making sure they are maturing properly.

Mr. President, I am pleased that the Director of the Ballistic Missile Defense Organization [BMDO] and the Pentagon's Director of Operational Testing agreed to work together in an effort to help us properly emphasize the importance of testing our TMD interceptor programs.

I applaud the Director of the BMDO, Gen. Malcolm O'Neill, and the Director of Operational Testing, Phil Coyle, for working cooperatively in this effort.

Mr. President, this is a responsible amendment that asks the Pentagon to periodically assess the maturity of each interceptor program, and to advise Congress on the progress we're making. It also asks the Secretary of Defense to certify to Congress that these programs work properly before they enter into full-rate production. Finally, this amendment will help prevent the wasteful practice of building weapon systems that do not work as expected.

This concept, Mr. President, is commonly referred to as fly before you buy. Fly before you buy means that new weapons must demonstrate their progress and maturity in operational testing so that we do not waste money buying systems that do not work.

I am proud to say, Mr. President, that with this amendment, the weapon developers in the BMDO office and the Pentagon's testers have worked together to reach an agreement on the proposed language.

This is a remarkable accomplishment that the entire U.S. Senate should applaud.

This is exactly the type of productive cooperation that Senator GRASSLEY, Senator ROTH and I envisioned when we wrote the legislation creating the independent testing office back in 1983. Developers and testers working together for a common goal. Unfortunately, for many years, the developers have refused to allow operational testers to monitor their progress. Too often in the Pentagon, the word ''test'' is considered a four-letter word.

This is exactly the scenario we should avoid with our interceptor programs.

We have already spent over $5 billion on theater missile defense interceptors. In this bill, an additional $2 billion is authorized for these programs. And the total costs are projected to exceed $22 billion!

As we continue spending more and more on ballistic missile defenses, let us not forget the most basic and most important element of these programs—making sure they work.

I wish to once again thank Gen. Malcolm O'Neill for his cooperation. Also, special thanks to Mr. Phil Coyle for his outstanding leadership as the Pentagon's testing czar. Thanks also to Larry Miller of Mr. Coyle's staff for his tremendous efforts in helping to prepare this amendment.

Mr. President, I thank the managers of this bill for accepting this amendment.

I yield the floor.

Mr. WARNER. Mr. President, the amendment is acceptable. The Senator is correct, we support the amendment and urge its adoption.

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

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

The amendment (No. 2452) was agreed to.

Mr. NUNN. 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.

AMENDMENT NO. 2453

(Purpose: To make certain technical corrections)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the chairman of the Armed Services Committee, Mr. THURMOND. It is a technical amendment which makes certain corrections to S. 1026.

Mr. NUNN. Mr. President, I urge the adoption of the amendment. We support it.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 2453.

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

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

The amendment is as follows:

On page 133, line 25, strike out ''such Act'' and insert in lieu thereof'' the Elementary and Secondary Education Act of 1965''.

On page 195, line 15, insert ''(1)'' after ''(d)''.

On page 195, line 15, strike out ''it is a'' and insert in lieu thereof ''it is an affirmative''.

On page 195, line 17, strike out ''(1)'' and insert in lieu thereof ''(A)''.

On page 195, line 21, strike out ''(2)'' and insert in lieu thereof ''(B)''.

On page 195, line 23, strike out the end quotation marks and second period.

On page 195, after line 23, insert the following:

''(2) The accused has the burden of proving a defense under paragraph (1) by a preponderance of the evidence.''.

On page 250, beginning on line 20, strike out ''Not later than December 15, 1996, the'' and insert in lieu thereof ''The''.

On page 375, strike out lines 11 through 15.

On page 375, line 16, strike out ''(p)'' and insert in lieu thereof ''(o)''.

On page 375, line 20, strike out ''(q)'' and insert in lieu thereof ''(p)''.

On page 376, line 1, strike out ''(r)'' and insert in lieu thereof ''(q)''.

On page 376, line 7, strike out ''(s)'' and insert in lieu thereof ''(r)''.

On page 376, line 13, strike out ''(t)'' and insert in lieu thereof ''(s)''.

On page 376, line 22, strike out ''(u)'' and insert in lieu thereof ''(t)''.

On page 377, line 3, strike out ''(v)'' and insert in lieu thereof ''(u)''.

On page 378, between line 23 and 24, insert the following:

(c) PUBLIC LAW 100–180 REQUIREMENT FOR SELECTED ACQUISITION REPORTS FOR ATB, ACM, AND ATA PROGRAMS.—Section 127 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (10 U.S.C. 2432 note) is repealed.

On page 378, line 24, strike out ''(c)'' and insert in lieu thereof ''(d)''.

On page 379, line 5, strike out ''(d)'' and insert in lieu thereof ''(e)''.

On page 379, line 14, strike out ''(e)'' and insert in lieu thereof ''(f)''.

On page 379, line 20, strike out ''(f)'' and insert in lieu thereof ''(g)''.

Beginning on page 379, line 24, strike out ''106 Stat. 2370;'' and all that follows through page 380, line 2, and insert in lieu thereof ''106 Stat. 2368; 10 U.S.C. 301 note) is amended by striking out paragraphs (4) and (5).''.

On page 380, line 3, strike out ''(g)'' and insert in lieu thereof ''(h)''.

Mr. WARNER. I urge adoption of the amendment.

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

The amendment (No. 2453) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2454

(Purpose: To set aside $2,000,000 for the Allegany Ballistics Laboratory for essential safety functions)

Mr. NUNN. Mr. President, on behalf of Senator BYRD, the Senator from West Virginia, I offer an amendment which would authorize the Navy to use operation and maintenance funds up to a total of $2 million to address essential safety concerns at a Government-owned, contractor-operated weapons facility.

I urge the Senate to adopt this amendment. I believe the other side has cleared this amendment.

Mr. WARNER. The Senator is correct. This is an amendment originally considered in the course of the markup of the Senate Armed Services Committee. I was awaiting further information. That information, to my understanding, has been received and, therefore, the amendment is worthy of consideration and support by the Senate.

Mr. NUNN. I urge adoption of the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. BYRD, proposes an amendment numbered 2454.

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

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

The amendment is as follows:

On page 137, after line 24, insert the following:

SEC. 389. ALLEGANY BALLISTICS LABORATORY.

Of the amount authorized to be appropriated under section 301(2), $2,000,000 shall be available for the Allegany Ballistics Laboratory for essential safety functions.

Mr. BYRD. Mr. President, the amendment that I offer addresses immediate safety concerns associated with the Allegany Ballistics Laboratory. The Allegany Ballistics Laboratory is the leading producer of tactical missile propulsion systems and conventional warheads for the Department of Defense,

currently producing rocket motors, sensor fuzed weapons, a variety of state-of-the-art missiles, warheads for the Maverick and more. Additionally, the Allegany Ballistics Lab is developing motors and warheads for the next generation of smart precision guided weapons.

Of great concern to me are the many significant safety violations, due to the age of the facility. Originally acquired by the Army in 1941, the Navy was given custody of the site in 1945. In fiscal year 1994, the Naval Sea Systems Command [NAVSEA] requested restoration of the 50-year-old plant over a 5-year period. Now, in what would be its third year of restoration, the plant lacks programmed funding for the ongoing restoration plan. This year's programmed restoration costs would be $38.5 million, of which the Senate Appropriations Committee has provided $30 million. Due to an unfortunate oversight during the Armed Services Committee preparation of this bill, the authorization bill does not include language supporting the safety upgrades at this facility.

Because of the potentially hazardous circumstances that might develop due to neglected safety precautions at this antiquated weapons-producing facility, my amendment would ensure the authorization for a minimal $2 million to provide for the essential safety measures required for the continuing operations of this plant.

The laboratory provides and services munitions for all the military services. Its programs include Naval propulsion technologies, Sidewinder, and Sea Sparrow missiles; for the Army, solid propulsion technologies, special munitions technologies, jointly produced rocket engines; rocket and laser systems for the Air Force; and a variety of motor and generator technologies for ballistic, cruise, and tactical missiles.

A facility of this magnitude and importance to national security requires, at a minimum, the funding for essential safety measures to avert a potential disaster. If these needs are not met, we risk not only plant security and safety, but we risk the loss of our Defense Department's ability to provide adequate munitions to our fighting forces.

Mr. President, safe operations of the plant and safe function of the weapons and defense conversion products depend on competent structural and hazards testing capability. Facilities currently being used are over 40 years old. Needed are safe, efficient control rooms for Insensitive Munitions, hazards and warhead testing to replace the obsolete facilities.

I encourage my colleagues to support this amendment, that will help keep a portion of our defense industry free from the occurrence or risk of injury or loss.

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

The amendment (No. 2454) was agreed to.

Mr. NUNN. 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.

AMENDMENT NO. 2455

(Purpose: To revise for fiscal and technical purposes the provisions relating to military construction projects authorizations)

Mr. WARNER. Mr. President, I send to the desk an amendment on behalf of the chairman of the Armed Services Committee, Mr. THURMOND, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. THURMOND, proposes an amendment numbered 2455.

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

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

The amendment is as follows:

On page 69, line 20, strike out ''$18,086,206,000'' and insert in lieu thereof ''$18,073,206,000''.

On page 69, line 21, strike out ''$21,356,960,000'' and insert in lieu thereof ''$21,343,960,000''.

On page 69, line 23, strike out ''$18,237,893,000'' and insert in lieu thereof ''$18,224,893,000''.

On page 69, line 25, strike out ''$10,060,162,000'' and insert in lieu thereof ''$10,046,162,000''.

On page 407, between lines 19 and 20, insert the following:

SEC. 2105. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 1992 MILITARY CONSTRUCTION PROJECTS.

Section 2105(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1511), as amended by section 2105(b)(2)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1859), is further amended in the matter preceding paragraph (1) by striking out ''$2,571,974,000'' and insert in lieu thereof ''$2,565,729,000''.

On page 417, in the table preceding line 1, in the amount column of the item relating to Spangdahlem Air Base, Germany, strike out ''$8,300,000'' and insert in lieu thereof ''$8,380,000''.

On page 419, line 24, strike out ''$49,450,000'' and insert in lieu thereof ''$49,400,000''.

On page 420, after line 21, add the following:

SEC 2305. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 1992 MILITARY CONSTRUCTION PROJECTS.

Section 2305(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1525), as amended by section 2308(a)(2)(A) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2598) and by section 2305(a)(3)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1871), is further amended in the matter preceding paragraph (1) by striking out ''$2,033,833,000'' and inserting in lieu thereof ''$2,017,828,000''.

On page 424, line 22, strike out ''$4,565,533,000'' and insert in lieu thereof ''$4,466,783,000.''

On page 425, line 9, strike out ''$47,950,000'' and insert in lieu thereof ''$47,900,000''.

On page 426, line 13, strike out ''$3,897,892,000'' and insert in lieu thereof ''$3,799,192,000''.

On page 427, after line 25, add the following:

SEC. 2407. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR PRIOR YEAR MILITARY CONSTRUCTION PROJECTS.

(a) FISCAL YEAR 1991 AUTHORIZATIONS.—Section 2405(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1779), as amended by section 2409(b)(1) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1991), is further amended in the matter preceding paragraph (1) by striking out ''$1,644,478,000'' and inserting in lieu thereof ''$1,641,244,000''.

(b) FISCAL YEAR 1992 AUTHORIZATIONS.—Section 2404(a) of the Military Construction Authorization Act for Fiscal Year 1992 (105 Stat. 1531), as amended by section 2404(b)(1)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1877), is further amended in the matter preceding paragraph (1) by striking out ''$1,665,440,000'' and inserting in lieu thereof ''$1,658,640,000''.

(c) FISCAL YEAR 1993 AUTHORIZATIONS.—Section 2403(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2600) is amended in the matter preceding paragraph (1) by striking out ''$2,567,146,000'' and inserting in lieu thereof ''$2,558,556,000''.

Mr. THURMOND. Mr. President, on August 2, the Senate adopted an amendment authorizing $228.0 million for military constructions projects that were appropriated in the military construction appropriations bill for fiscal year 1996. The amendment I am offering today identifies offsets that will be used to pay for these additional projects. Specific amounts are as follows:

$30.0 million from a reduction to the foreign currency fluctuation account previously made by the Senate.

$98.7 million from construction projects that are no longer required due to the recommended closures by the Base Closure and Realignment Commission. These reductions were taken from a list compiled by the Department of Defense.

$49.0 million from prior year funds for projects that resulted in contract savings or were previously approved and now are no longer needed. This action mirrors the action taken by the Senate MILCON Appropriations Subcommittee.

$53.0 million from the $161.0 million request for the Pentagon renovation. The fiscal year 1996 request included $53.0 million for construction of wedge 1 of the project, which has been delayed for 1 year pending a comprehensive review of the $1.2 billion renovation project.

Mr. President, the reductions to the various programs will not impair the progress of these programs. On the other hand, the additional military construction projects funded by these offsets will enhance the readiness of our Armed Forces and provide for the

welfare of the men and women who serve in the uniform of this Nation. Mr. President, I urge the adoption of the amendment.

Mr. WARNER. Mr. President, this amendment provides offsets for the military construction projects authorized by the Senate earlier in its deliberations on this bill.

Mr. NUNN. Mr. President, I urge the adoption of the amendment, and this side has cleared the amendment.

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

The amendment (No. 2455) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 2456

(Purpose: To authorize a land conveyance, Naval Communications Station, Stockton, California)

Mr. NUNN. Mr. President, on behalf of Senator FEINSTEIN, the Senator from California, I offer an amendment which authorizes the Secretary of the Navy, upon concurrence of both the General Services Administration and HUD, to convey 1,450 acres of property at the Naval Communications Station, Stockton, CA, to the Port of Stockton.

This amendment also allows for all existing leases involving Federal agencies located on the site to remain under existing terms and conditions.

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

Mr. WARNER. That is correct.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mrs. FEINSTEIN, proposes an amendment numbered 2456.

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

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

The amendment is as follows:

On page 487, below line 24, add the following:

SEC. 2838. LAND CONVEYANCE, NAVAL COMMUNICATIONS STATION, STOCKTON, CALIFORNIA.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may, upon the concurrence of the Administrator of General Services and the Secretary of Housing and Urban Development, convey to the Port of Stockton (in this section referred to as the ''Port''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 1,450 acres at the Naval Communication Station, Stockton, California.

(b) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the Port under terms and conditions satisfactory to the Secretary.

(c) CONSIDERATION.—The conveyance may be as a public benefit conveyance for port development as defined in Section 203 of the Federal Property and Administrative Services Act of 1949, (40 U.S.C. 484), as amended, provided the Port satisfies the criteria in section 203 and such regulations as the Administrator of General Services may prescribe to implement that section. Should the Port fail to qualify for a public benefit conveyance and still desire to acquire the property, then the Port shall, as consideration for the conveyance, pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(d) FEDERAL LEASE OF CONVEYED PROPERTY.—Notwithstanding any other provision of law, as a condition for transfer of this property under subparagraph (a), the Secretary may require that the Port agree to lease all or a part of the property currently under federal use at the time of conveyance to the United States for use by the Department of Defense or any other federal agency under the same terms and conditions now presently in force. Such terms and conditions will continue to include payment (to the Port) for maintenance of facilities leased to the Federal Government. Such maintenance of the Federal premises shall be to the reasonable satisfaction of the United States, or as required by all applicable Federal, State and local laws and ordinances.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by Port.

(f) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or the lease under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

(g) ENVIRONMENTAL QUALITY OF PROPERTY.—Any contract for sale, deed, or other transfer of real property under this section shall be carried out in compliance with section 120(h) of the CERCLA (42USC9620(h)) and other environmental laws.

Mrs. FEINSTEIN. Mr. President, I rise in support of an amendment that conveys the right, title and interest of the Naval Communications Station at Rough and Ready Island in Stockton, California, from the Navy to the Port of Stockton.

This conveyance is a win-win for California and the Navy. The transfer of this property will result in the creation of thousands of jobs in my state and further solidify the Stockton Ship Deepwater Channel as one of the premier international shipping hubs in California. In addition, the Navy will be able to reduce infrastructure that it no longer needs nor is able to maintain. But the Navy and the Port of Stockton support this amendment.

The Port of Stockton's Rough and Ready Island is located 75 nautical miles east of the Golden Gate Bridge in San Francisco. The island consists of approximately 1,450 acres, of which roughly half is dedicated to general purpose warehousing.

Since 1944, Rough and Ready Island has been home to the Navy and played a prominent role in our nation's defense during war and peace alike. Currently Rough and Ready is the site of a U.S. Naval Communication Station (NAVCOMSTA). While the NAVCOMSTA will continue to maintain its presence on the island indefinitely, the Navy has made it clear that continued ownership of such a facility, with its considerable infrastructure, is not consistent with ongoing military realignment objectives.

In addition to the NAVCOMSTA, the Department of Defense houses its regional distribution center on the island. Other Federal agencies that lease space include the General Services Administration, the U.S. Postal Service, and the U.S. Border Patrol.

However, while part of Rough and Ready Island houses a number of Federal tenants, a significant percentage of the island has fallen in disrepair. If it is to be used to its fullest capacity, a number of improvements such as ameliorating and expanding the docks, deepening the waterways, and upgrading the railroad tracks are essential. The only private entity able and willing to adequately execute such an enormous effort is the Port of Stockton.

The Port of Stockton, which operates a 600 acre complex contiguous to Rough and Ready Island, is ready to assume the host position and make the necessary improvements. The Stockton Port District, which was formed in 1927, functions as a nonprofit municipal corporation and is empowered by the California Harbors and Navigation Code to acquire real property by grant or gift in order to promote Maritime and Commercial Interests.

The Port of Stockton is the local sponsor for the Stockton Ship Channel which is one of the busiest interior industrial water ways in the United States. Because it is the only deepwater cargo Port that handles bulk, between 3.5 million and 4 million tons of cargo travel through the Channel every year.

The Port of Stockton will receive the property through a public benefit conveyance. Further, the Port of Stockton has repeatedly offered to honor any long-term leases that are currently operative on Rough and Ready Island with the Navy, Federal agencies, and other tenants.

In addition to the benefits to the Navy, this land conveyance could also create thousands of new jobs in an area that has traditionally suffered from double digit unemployment.

Currently, Cost Plus, a major retailer, occupies 400,000 square foot of warehouse space of the Port of Stockton. Although the Port has received inquiries from other large businesses eager to establish distribution centers of similar size, it is unable to accommodate these requests because it simply does not have the space. The consolidation of Rough and Ready Island with the Port of Stockton will provide more opportunity to fulfill these requests for more space and in turn provide more jobs for the residents of the area.

The Port of Stockton estimates that in the long term, the potential for

large and small businesses utilizing the expanded warehousing, a proposed 92,000 square foot boat storage complex and new dock facilities will result in as many as 2,000 new jobs in the area.

Mr. President, allowing the transfer of Rough and Ready Island is a good deal for California and good deal for the Navy. Not only does this transfer give the Navy an opportunity to relinquish itself of land that is in considerable need of improvement, but it will create economic opportunities for many Californians.

I thank my colleagues for supporting this amendment.

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

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

The amendment (No. 2456) was agreed to.

Mr. NUNN. 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.

AMENDMENT NO. 2457

Mr. NUNN. Mr. President, on behalf of the Senator from Iowa, Senator HARKIN, and the Senator from California, Senator BOXER, I send an amendment to the desk that provides that cost-type contract DOD reimbursement of contract executive compensation would be capped at $200,000. This is similar to the amendment the Senate adopted on the DOD appropriations bill.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. HARKIN, for himself and Mrs. BOXER, proposes an amendment numbered 2457.

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

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

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

"SEC. . RESTRICTION ON REIMBURSEMENT OF COSTS.

''(a) None of the funds authorized to be appropriated in this Act for fiscal year 1996 may be obligated for payment on new contracts on which allowable costs charged to the government include payments for individual compensation (including bonuses and other incentives) at a rate in excess of $250,000.

''(b) It is the Sense of the Senate that the Congress should consider extending the restriction described in section (a) permanently.''

Mr. WARNER. Mr. President, on this amendment, this is the first opportunity this Senator has had to review it. The chairman of the committee has instructed me to accept the amendment.

I must say, it causes me some initial concern, but as I understand it, it is part of the DOD appropriations bill at the present time. Speaking only for myself, I will reexamine this amendment in the course of the conference deliberation on the bill.

So for the present time, I indicate that it is acceptable on this side for the chairman of the committee.

Mr. NUNN. On behalf of Senators HARKIN and BOXER, I urge its adoption.

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

The amendment (No. 2457) was agreed to.

Mr. NUNN. 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.

AMENDMENT NO. 2458

(Purpose: To improve the management of environmental restoration and waste management activities authorized under this Act)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. JOHNSTON, proposes an amendment numbered 2458.

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

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

The amendment is as follows:

On page 535, at the end of subtitle A, add the following new sections:

"SEC. . STANDARDIZATION OF ETHICS AND REPORTING REQUIREMENTS AFFECTING THE DEPARTMENT OF ENERGY WITH GOVERNMENT-WIDE STANDARDS.

''(a) REPEALS.—(1) Part A of title VI of the Department of Energy Organization Act and its catchline (42 U.S.C. 7211, 7212, and 7218) are repealed.

''(2) Section 308 of the Energy Research and Development Administration Appropriation Authorization Act for Fiscal Year 1977 (42 U.S.C. 5816a) is repealed.

''(3) Section 522 of the Energy Policy and Conservation Act (42 U.S.C. 6392) is repealed.

''(b) CONFORMING AMENDMENTS.—(1) The table of contents for the Department of Energy Organization Act is amended by striking out the items relating to part A of title VI including sections 601 through 603.

''(2) The table of contents for the Energy Policy and Conservation Act is amended by striking out the matter relating to section 522.''.

"SEC. . CERTAIN ENVIRONMENTAL RESTORATION REQUIREMENTS.

It is the sense of Congress that—

''(1) No individual acting within the scope of that individual's employment with a Federal agency or department shall be personally subject to civil or criminal sanctions, for any failure to comply with an environmental cleanup requirement under the Solid Waste Disposal Act or the Comprehensive Environmental Response, Compensation, and Liability Act or an analogous requirement under comparable Federal, State, or local laws, where the failure to comply is due to lack of funds requested or appropriated to carry out such requirement. Federal and State enforcement authorities shall refrain from enforcement action in such circumstances.

''(2) If appropriations by the Congress for fiscal year 1996 or any subsequent fiscal year are insufficient to fund any such environmental cleanup requirements, the Committees of Congress with jurisdiction shall examine the issue, elicit the views of Federal agencies, affected States, and the public, and consider appropriate statutory amendments to address personal criminal liability, and any related issues pertaining to potential liability of any Federal agency or department or its contractors.''

Mr. JOHNSTON. Mr. President, the amendment that I have offered addresses two crucial management issues for the defense-related environmental restoration and waste management programs authorized in this bill. The first issue is the continued existence of obsolete conflict-of-interest and financial reporting requirements at the Department of Energy that conflict with governmentwide standards. These requirements result in unnecessary duplication of effort and have deterred outstanding individuals from accepting managerial positions within the Department. The second issue is the impending imposition of criminal liability for Federal managers of environmental cleanup activities in the case of a funding shortfall that prevents full compliance with the law. Action on these management issues is essential, if defense environmental restoration and waste management programs are to succeed.

My amendment will remove the first of these two obstacles and express the sense of the Congress on the the second.

The first part of my amendment repeals three sections of the Department of Energy Organization Act, Public Law 95–91, that were enacted in 1977 and that deal with conflict-of-interest requirement for departmental employees. It also repeals two other freestanding financial reporting requirements enacted as parts of other legislation in 1977. All of these requirements were enacted prior to passage of governmentwide ethics requirements in the Ethics in Government Act of 1978, and in some sense served as a prototype for these requirements. Since the passage of the Ethics in Government Act and the Ethics Reform Act of 1989, though, the need for specific ethics and financial reporting requirements in DOE that are different from governmentwide requirements has disappeared.

Adoption of this provision would not affect the applicability of governmentwide conflict-of-interest and financial reporting requirements to DOE employees. These restrictions, codified in 18 U.S.C. 207 and 208, 41 U.S.C. 423, and 5 CFR 2634 are not affected by the amendment and would remain fully in force for DOE employees.

The Senate has, on four different occasions during the last two Congresses, approved language to repeal these requirements—in the Energy Policy and

Conservation Act Amendments of 1994, S. 2251, the Department of Energy Laboratory Partnership Act of 1994, S. 473, the fiscal year 1994 Department of Defense authorization bill S. 1298, and the fiscal year 1992–93 Department of Defense authorization bill. In addition, Congress has twice enacted into law temporary suspensions affecting the sections of the Department of Energy Organization Act that would be repealed by this amendment.

The Department of Energy and the administration strongly support this part of my amendment. Repeal of these provisions has also been recommended by the National Academy of Sciences in its 1992 report on ''Science and Technology Leadership in American Government: Ensuring the Best Presidential Appointments.''

I ask unanimous consent that a letter from the administration transmitting the text of this part of the amendment and supporting the repeal of these provisions be printed in the RECORD following my statement.

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

(See Exhibit 1.)

Mr. JOHNSTON. Mr. President, the second part of my amendment provides the sense of the Congress on an issue that, if unresolved, will greatly increase the difficulty of attracting and retaining the best managers possible for cleanup activities. Under the Federal Facility Compliance Act of 1992, beginning on this October 6, Federal managers in the DOD and DOE cleanup programs will incur criminal liability for instances of noncompliance resulting from funding shortfalls. They literally can be sent to jail under State or Federal law if the appropriations acts do not contain enough funding to satisfy every last requirement of every State and local solid or hazardous waste law. No manager, scientist, or engineer worth having in a cleanup program can be expected to be attracted to a job in which they are exposed to this sort of criminal sanction.

This potential criminal liability problem may become very real very soon, depending on the outcome of the conference on the Energy and Water Appropriations Act for fiscal year 1996. The Senate Appropriations Subcommittee on Energy and Water Development, of which I am the ranking member, reported a bill that was passed by the Senate and that fully funded the President's budget request for the Department of Energy environmental management program for fiscal year 1996. We will strongly support the Senate position in conference against a House mark for this program that is far smaller. I hope that we prevail. In any case, it is clear that the problem of appropriating funds to meet the expanding requirements of the DOE environmental management program will become increasingly acute over the next several years. I strongly believe that we should start thinking about this problem now, in a deliberative manner, rather than wait for a crisis.

My amendment provides the sense of Congress that—

(1) individuals acting within the scope of their employment shall not be personally subject to civil or criminal sanction for any failure to comply with environmental cleanup requirements under the Solid Waste Disposal Act or the Comprehensive Environmental Response, Compensation, and Liability Act, or an analogous requirement under comparable Federal, State, or local laws, where the noncompliance is due to lack of funds; and

(2) if appropriations are insufficient to fund environmental cleanup requirements, the Congress shall consider appropriate statutory amendments to address potential liability issues for Federal agencies and contractors, after an examination by the appropriate Committees, and after affected Federal agencies, States, and the public have had an opportunity to express their views.

This amendment has been cleared on both sides by the Committee on Environment and Public Works and the Committee on Governmental Affairs. I urge its adoption.

EXHIBIT 1

THE SECRETARY OF ENERGY
Washington, DC, April 28, 1995.

The Hon. NEWT GINGRICH,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER. Enclosed is proposed legislation that would place employees of the Department of Energy on the same basis as most other government employees with respect to restrictions on holding financial interests that have the potential to conflict with official responsibilities, and with respect to financial disclosure requirements.

The legislation would repeal the divestiture provision of the Department of Energy Organization Act (DOE Act) and related disclosure statutes that were enacted in the mid-seventies. The criminal conflict of interest statutes, the standardized financial disclosure rules under the Ethics in Government Act, and the executive branch standards of conduct which are now in place make these provisions no longer necessary.

More specifically, the enclosed proposal would repeal the divestiture provision in part A of title VI of the DOE Act and also would repeal disclosure provisions in other laws that were superseded but not repeated by part A when it was enacted. The divestiture provision was the only conflict-of-interest provision of the DOE Act not repealed by section 3161 of the National Defense Authorization Act for Fiscal Year 1994 (Pub. L. No. 103–160). That Act repealed several obsolete conflict-of-interest requirements concerning financial disclosure, post-employment restrictions, and participation restrictions, and was a significant step in ensuring consistency in the application of conflict-of-interest requirements throughout the executive branch.

In addition to repealing most of the Department's obsolete conflict-of-interest provisions, section 3161 required the enclosed report on the divestiture provision. The Department submitted this report to Congress on April 8, 1994, after its review by the Office of Government Ethics which has no objection to repeal of the divestiture provision. The report affirms our earlier conclusion that the divestiture requirement is obsolete, overly broad, and unnecessary, and our recommendation that it should be repealed.

The Department of Energy has been and continues to be strongly committed to the highest ethnical standards. Every employee of the Department is expected to follow not only the letter of the conflict-of-interest laws and regulations, but also their spirit. Elimination of the Department of Energy divestiture provision that, more often than not, requires divestiture when there is no actual conflict-of-interest, would lessen employee perception that the conflict-of-interest rules are arbitrary and unfair. Approval of this proposal would be a significant step in ensuring consistency in the application of conflict-of-interest requirements throughout the executive branch, and we request its prompt consideration.

If these provisions are eliminated, the conflict-of-interest concerns underlying the divestiture provision will continue to be addressed by a statute and regulations applicable to all executive branch employees. These regulations were promulgated by the Office of Government Ethics (Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR Pan 2635) and provide a mechanism for the Department to issue supplemental regulations that would prohibit or restrict the acquisition or holding of a financial interest or a class of financial interests by agency employees, or any category of agency employees, based on the agency's determination that the acquisition or holding of such financial interests would cause a reasonable person to question the impartiality and objectivity with which agency programs are administered. If needed, regulations to this effect will be pursued.

The Office of Management and Budget has advised that from the standpoint of the President's program there is no objection to the submission of this proposal.

Sincerely,

HAZEL R. O'LEARY.

Mr. THURMOND. Mr. President, as stated by Senator JOHNSTON, the proposed amendment was cleared by both sides. I would like to briefly comment on the amendment. First, I feel that the conflict of interest provisions are consistent with past Senate efforts to eliminate agency-specific requirements that are no longer necessary. Second, the Sense of the Senate related to environmental restoration addresses concerns related to civil and criminal liability of individual Federal employees acting within the scope of their employment. The sense of the Senate specifically provides that Federal employees shall not be held personally liable for a failure to fulfill an environmental cleanup requirement that is the result of insufficient congressional appropriations. I support the amendment, as offered by Senator JOHNSTON.

Mr. NUNN. Mr. President, this amendment would repeal conflict of interest laws applicable only to DOE and not other agencies. It sets forth a sense of the Senate that executive branch officials should not be held criminally liable for failure to implement an environmental cleanup requirement where the failure is attributable to insufficient funding.

I believe this has been cleared by the majority.

Mr. WARNER. The Senator is correct.

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

The amendment (No. 2458) was agreed to.

Mr. NUNN. 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.

AMENDMENT NO. 2459

(Purpose: To authorize the conveyance of the William Langer Jewel Bearing Plant to the Job Development Authority of the City of Rolla, North Dakota)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senators DORGAN and CONRAD and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. DORGAN, for himself, and Mr. CONRAD, proposes an amendment numbered 2459.

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

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

The amendment is as follows:

On page 487, after line 24, add the following:

SEC. 2838. LAND CONVEYANCE, WILLIAM LANGER JEWEL BEARING PLANT, ROLLA, NORTH DAKOTA.

(a) AUTHORITY TO CONVEY.—The Administrator of General Services may convey, without consideration, to the Job Development Authority of the City of Rolla, North Dakota (in this section referred to as the ''Authority''), all right, title, and interest of the United States in and to a parcel of real property, with improvements thereon and all associated personal property, consisting of approximately 9.77 acres and comprising the William Langer Jewel Bearing Plant in Rolla, North Dakota.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Authority—

(1) use the real and personal property and improvements conveyed under that subsection for economic development relating to the jewel bearing plant;

(2) enter into an agreement with an appropriate public or private entity or person to lease such property and improvements to that entity or person for such economic development; or

(3) enter into an agreement with an appropriate public or private entity or person to sell such property and improvements to that entity or person for such economic development.

(c) PREFERENCE FOR DOMESTIC DISPOSAL OF JEWEL BEARINGS.—(1) In offering to enter into agreements pursuant to any provision of law for the disposal of jewel bearings from the National Defense Stockpile, the President shall give a right of first refusal on all such offers to the Authority or to the appropriate public or private entity or person with which the Authority enters into an agreement under subsection (b).

(2) For the purposes of this section, the term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98(c)).

(d) AVAILABILITY OF FUNDS FOR MAINTENANCE AND CONVEYANCE OF PLANT.—Notwithstanding any other provision of law, funds available in fiscal year 1995 for the maintenance of the William Langer Jewel Bearing Plant in Public Law 103–335 shall be available for the maintenance of that plant in fiscal year 1996, pending conveyance, and for the conveyance of that plant under this section.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Administrator. The cost of such survey shall be borne by the Administrator.

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

Mr. DORGAN. Mr. President, I rise to offer an amendment to the defense authorization bill. I would like to take a bit of time to describe my amendment.

My amendment would expedite the conveyance of the William Langer Jewel Bearing Plant in Rolla, ND, to the Job Development Authority of the city of Rolla. The amendment would enable the General Services Administration to transfer the plant to the authority more quickly, and in a way that would enable the plant to continue as a going enterprise. My senior colleague from North Dakota, Senator CONRAD, is cosponsoring this amendment, and the Defense Department and the General Services Administration have no objection to the amendment.

Let me just give my colleagues a bit of background on the Langer Plant. The Langer Plant has roots in the Cold War. Back in the 1950's, when we were in the depths of the cold war, the Congress and the administration took a long look at our defense industrial base. Our defense leadership realized that we at that point lacked the ability to produce jewel bearings, which are finely machined bits of carborundum. These bearings were crucial components in military avionics systems.

The Congress located the plant in North Dakota because of our strategic location. The idea was to put this crucial facility in the middle of our country, where enemies could not easily reach it. It seems a startling consideration, but it is the way people were thinking at the time. So the William Langer Jewel Bearing Plant has been making jewel bearings for the Federal Government since the 1950s.

My colleagues should also know that the plant is a few miles from the Turtle Mountain Indian Reservation. Of the plant's hundred or so employees remaining after a downsizing, about 60 percent are Native American. The Langer Plant brings crucial skilled jobs to an economically depressed area.

Since the plant's founding, Bulova Corp. has run the plant for the Pentagon on a Government-owned, contractor-operated basis. However, changing technology has led the Defense Logistics Agency to declare the plant excess to the Defense Department's needs. The National Defense Stockpile no longer needs to buy jewel bearings. So the Defense Department has reported the plant to the General Services Administration as excess property.

Last year, the Senate Appropriations Committee's report on the Defense Appropriations Act for this fiscal year provided funding to ensure that the plant succeed in its transition from a Government-owned military supplier to a more commercially oriented firm that also remains a viable part of the defense industrial base. This amendment will help complete the plant's transition to commercial operation.

Those of my colleagues who are dealing with base closures and defense downsizing know that Rolla faces a crisis and an opportunity with regard to this plant. The future of this factory depends on its ability to become a commercial manufacturer. While the plant has always sold jewel bearings and related items in the commercial market, it is redoubling its efforts. Its chief commercial products are ferrules, which connect fiber optic cables. Japanese firms dominate volume production of ferrules, but the plant is establishing itself as a supplier of specialty ferrules in niche markets.

I would also note that while the Federal Government no longer needs jewel bearings, it does require the kind of unique micromanufacturing capability that the William Langer Plant provides.

The plant also manufactures dosimeters, which measure doses of nuclear radiation. Dosimeters are vital to the military, to commercial utilities that operate nuclear reactors, and to FEMA's emergency preparedness programs. FEMA has indicated that it will work with new ownership and management of the plant to maintain the plant's capability to manufacture dosimeters. So the plant's employees have several reasons to hope that the plant will survive in the long run.

However, the plant badly needs legislative help in the short run. The normal excess property procedure would require the GSA to sell the plant for fair market value. The problem is that no local entity can afford the plant, which has an original cost of $4.2 million. The plant itself is not now healthy enough in a business sense to finance its own acquisition by a new management team. My amendment's provision that the GSA may convey the plant without consideration is therefore vital to the plant's ability to make a successful transition from Government contracts to commercial operations.

I would like to stress to my colleagues that the Rolla community, the State of North Dakota, the Turtle Mountain Band of Chippewa, and the local business community have been working hard to ensure that the plant makes a successful transition to the private sector. The local community is united behind the plan to transfer the plant to the Job Development Authority of the city of Rolla. Under my amendment, the authority will be able to lease the plant for economic development purposes. The intent of the amendment is to provide both flexibility for commercializing the plant and

accountability to the Federal Government for the plant's future.

Mr. President, to sum up, I would simply say to my colleagues that this amendment tries to give a helping hand to the Langer plant and the city of Rolla, while relieving the Federal Government of a facility that it no longer needs.

I understand that the amendment will be accepted unanimously, and I thank the managers on both sides, Senators THURMOND and NUNN, and the senior Senator from Ohio, Senator GLENN, for their support of this amendment, as well as their staffs for their assistance with this amendment.

Mr. President, I yield the floor.

Mr. NUNN. Mr. President, this amendment authorizes the administrator of the General Services Administration to convey the William Langer Jewel Bearing Plant, 9.77 acres of real property, to the city of Rolla, ND. DOD declared the property in excess to its needs in July. GSA conducted a screening of the property and found there are no other Federal interests in the facility. I believe this has been cleared on the other side.

Mr. WARNER. Mr. President, this particular amendment has the support of this side.

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

The amendment (No. 2459) was agreed to.

Mr. NUNN. 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.

AMENDMENT NO. 2460

(Purpose: To authorize a land exchange, U.S. Army Reserve Center, Gainesville, GA)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] proposes an amendment numbered 2460.

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

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

The amendment is as follows:

On page 487, below line 24, add the following:

SEC. 2838 LAND EXCHANGE, UNITED STATES ARMY RESERVE CENTER, GAINESVILLE, GEORGIA.

(a) IN GENERAL.—The Secretary of the Army may convey to the City of Gainesville, Georgia (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property (together with any improvements thereeon) consisting of approximately 4.2 acres located on Shallowford Road, in the City of Gainesville, Georgia.

(b) CONSIDERATION.—As consideration for the conveyance authorized by subsection (a), the City shall—

(1) convey to the United States all right, title, and interest in and to a parcel of real property consisting of approximately 8 acres of land, acceptable to the Secretary, in the Atlas Industrial Park, Gainesville, Georgia;

(2) design and construct on such real property suitable replacement facilities in accordance with the requirements of the Secretary, for the training activities of the Unites States Army Reserve;

(3) fund and perform any environmental and cultural resource studies, analysis, documentation that may be required in connection with the land exchange and construction considered by this section;

(4) reimburse the Secretary for the costs of relocating the United States Army Reserve units from the real property to be conveyed under subsection (a) to the replacement facilities to be constructed by the City under subsection (b)(2). The Secretary shall deposit such funds in the same account used to pay for the relocation;

(5) pay to the United States an amount as may be necessary to ensure that the fair market value of the consideration provided by the City under this subsection is not less than fair market value of the parcel of real property conveyed under subsection (a); and

(6) assume all environmental liability under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9620(h)) for the real property to be conveyed under subsection (b)(1).

(c) DETERMINATION OF FAIR MARKET VALUE.—(1) The determination of the Secretary regarding the fair market value of the real property to be conveyed pursuant to subsection (a), and of any other consideration provided by the City under subsection (b), shall be final.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Sectretary. The cost of such surveys shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the coneyances under this section that the Secretary considers appropriate to protect the interest of the United States.

Mr. NUNN. Mr. President, this amendment authorizes the Secretary of the Army to convey 4.2 acres of real property at an Army Reserve facility in Gainesville, GA, in exchange for an 8 acres of land in the Atlas Industrial Park, Gainesville, GA. The exchange is for fair market value.

I believe this has been cleared. It is an important amendment to the people in Gainesville, GA, as well as to the Army Reserve, which is going to get a larger piece of land and also a new reserve facility in exchange for an existing piece of land at fair market value.

I urge its adoption.

Mr. WARNER. Mr. President, the amendment has the support of this side.

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

The amendment (No. 2460) was agreed to.

Mr. NUNN. 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. WARNER. Mr. President, my understanding is that we will not conclude the list of amendments which have been agreed to. We will finish that in the morning. Among those will be one by the Senator from Virginia that relates to the spent nuclear fuel issue. I will, beforehand—I repeat, beforehand—have contacted Senators KEMPTHORNE and CRAIG for their views. Today, I received a series of telephone calls, and it was explained that negotiations are still going on with the Governor of Idaho.

Also, I must say to my colleagues that this is an issue of very serious concern to the U.S. Navy, because it is impacting on the future refueling of our naval ships and consequently impacts on their deployment. It also impacts on the rotation of work among the several shipyards in handling the refueling and other naval work.

Therefore, I am hopeful that this can be worked out satisfactorily between the administration and the State of Idaho and the U. S. Department of Defense. But I am concerned that the progress thus far leaves this Senator—and I just speak for myself—somewhat disheartened. Therefore, I will continue to monitor and address this issue. I may have further remarks on it tomorrow after consultation with my colleagues, the Senators from that State. But I wish to alert Senators of the concern of this Senator on this matter.

Mr. NUNN. Mr. President, I believe that amendment is being worked on by staff. I think it is either worked out or very close to being worked out. So I anticipate that we will be in a position to deal with it tomorrow.

Mr. WARNER. Mr. President, I think we will turn to the conclusion of the Senate's business, unless the Senator has further comments. He is beating a hasty retreat. It is my lifetime opportunity to do what I want in the U.S. Senate.

MORNING BUSINESS

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

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

SENATOR CLAIBORNE PELL

Mr. MCCAIN. Mr. President, I want to add a few words to the chorus of praise for our distinguished colleague from Rhode Island, Senator PELL. As has been noted in the remarks of my colleagues, Senator PELL's service in Congress includes so many accomplishments of such great consequences for our country that it would distinguish the careers of 10 public servants. That one man rendered so many important services to the American people is truly astonishing, and reflects great credit on Senator PELL.

Senator PELL now informs us that his service in the Senate will conclude at 36 years. Thirty six years is a long

time to be sure, and Senator PELL has more than earned his comfortable retirement. But the sentiments held by his colleagues that this place will be improverished by his departure are genuine. For Senator PELL's career was marked by more than extraordinary achievement. It was marked by extraordinary graciousness, and generosity, and an indefatigable decency toward others. I think we would all agree that when it comes to these virtues, CLAIBORNE PELL is a gentleman without peer.

In his announcement of his retirement, Senator PELL expressed some very gracious sentiments about this institution and the men and women who work here. Coming from him, they were most appreciated. For if the Senate is indeed a finer place than it is popularly perceived to be that quality is due in part to CLAIBORNE PELL's presence here. He will be greatly missed.

RECENT DEVELOPMENTS IN EAST ASIA

Mr. THOMAS. Mr. President, while we were out of session over the last three weeks there were a number of important developments in Asia—specifically Vietnam, Cambodia and China—to which I, as the Chairman of the Subcommittee on East Asian and Pacific Affairs, would like to draw my colleagues' attention.

First, the human rights situation in Vietnam continues to be of great concern. The weekend of August 12, barely a week after Secretary of State Christopher opened the newly-established U.S. embassy in Hanoi, a Vietnamese court convicted two Vietnamese-born U.S. citizens and seven Vietnamese nationals accused of being counter-revolutionaries and acting to ''overthrow the people's administration.'' The group, allied with the banned political party Tan Dai Viet, was apparently trying to organize a conference in Ho Chi Minh City (the former Saigon) to discuss human rights and democracy in Vietnam. After their first attempt failed, they tried to set up another meeting but were arrested 10 days before it was held. Radio Hanoi Voice of Vietnam, in somewhat characteristic rhetoric, described their ''crimes'' as follows:

Taking advantage of our party's renovation policy, they used the pretext of democracy and human rights to distort the truth of history, smear the Vietnamese communist party and state, instigate bad elements at home, and contact hostile forces abroad to feverishly oppose our state in an attempt to set up a people-betraying and nation-harming regime. A check of their personal backgrounds indicated that they spent almost all their lives serving the enemy of our people and giving a helping hand to the aggressors' attempts to oppose our country.

The administration warned them and used educational measures on them after it discovered their sabotage scheme. Nonetheless, they stubbornly contacted reactionary forces abroad and carried on their scheme aimed at opposing and overthrowing the people's administration. Their activities posed a particular danger to society and was detrimental to national security.

Americans Nguyen Tan Tri and Tran Quang Liem received a 7-year and 4-year prison sentence respectively.

In addition, the Vietnamese government's persecution of Buddhist leaders continues unabated. On August 15, a Vietnamese court sentenced a leader of a banned Buddhist church to five years in prison for criticizing Communist rule and maintaining an independent (i.e., outside direct Communist control) Buddhist church. The court convicted Thich Quang Do, secretary general of the Unified Buddhist Church of Vietnam (UBCV), and five other activists in a 1-day trial. Thich Quang was accused of publishing a criticism of the Communist Party and sending two faxes to overseas Buddhists accusing the Vietnamese Government of obstructing a church-sponsored flood-relief mission in 1994. The other five were arrested for participating in that mission.

Vietnamese authorities also recently announced that the government would soon try the acting head of the UBCV Thich Huyen Quang, who is under house arrest at the Quang Phuoc Shrine in Quang Ngai; and Thich Long Tri, UBCV's third highest official, who is under house arrest at the Vien Giac Pagoda in Hoi An, Quang Nam. The announcement is especially ironic given that since last year the government has systematically denied that Thich Huyen had ever been placed under arrest. On December 29, the Vietnamese Foreign Ministry announced that reports of Thich Huyen's arrest were fabrications and that he had simply been ''moved to another pagoda at the requests of other monks.''

Mr. President, these are not isolated incidents, but part of a systematic denial of even the most basic human rights on the part of the Vietnamese government. Let me list just a few others:

Thich Tri Tuu, the senior monk of the Linh Mu pagoda in Hue and a close disciple of the late Supreme Patriarch of the UBCV, is serving a four-year sentence on charges of ''public disorder'' at the Ba Sao prison camp, Nam Ha, Phu Ly province, in conjunction with the May 1993 protest in Hue. At the time of the demonstration, Thich Tri was being held in police custody, and police refused to let Buddhist monks who began the protests see him or talk to him. The crowd later saw him slumped in the back of a police vehicle, stopped the vehicle and extracted him from it—he had apparently fainted. He was placed, unconscious, into a cyclo-pousse which carried him back to his temple as the protest continued and certain persons in the crowd set the police vehicle on fire. Also still imprisoned at the Ba Sao camp on public disorder charges stemming from this protest are Thich Hai Tang and Thich Hai Thinh. Thich Hai Chanh was released, but not allowed to return to his residence at the Linh Mu pagoda in Hue and has been obliged to move to a pagoda in Quang Tri province.

Thich Hanh Duc, appointed by the state-sponsored church to be abbot of the Son Linh Pagoda of Ba Ria-Vung Tau in 1982, was arrested in July 1993 when police attempted to enter the pagoda and a violent confrontation ensued. The Fatherland Front and the provincial people's committee issued an eviction order against Thich Hanh and other monks after the senior monk publicly read an oration of Thich Huyen Quang and expressed support for the restoration of the Unified Buddhist Church. In February 1993, the provincial committee of the state-sponsored church expelled him from the church for ''violating the principles of Vietnamese Buddhism.'' Thich Hanh Duc was ultimately sentenced to three years of imprisonment for ''crimes against on-duty officials'' and ''handing out documents hostile to the socialist government of Vietnam;'' he was last known to be detained at the Phuoc Co prison in Ba Ria-Vung Tau.

Do Trung Hieu, formerly a Communist Party cadre in charge of religious affairs in Ho Chi Minh City and now a private businessman, was detained by police in Ho Chi Minh City on June 14, 1995. Hieu had written and circulated an autobiographical essay describing the Party's efforts to dismantle the Unified Buddhist Church after the war out of fear that its influence and following would spread throughout Vietnam. Hieu has reportedly been transferred to Hanoi for questioning, but his whereabouts have not been confirmed.

Hoang Minh Chinh, a well-known communist intellectual, was also detained in Hanoi on June 14 this year. This was his third detention for criticizing Party policy; he had previously been arrested for advocating ''revisionist'' lines in 1967 and 1981. The cause of the latest detention appears to be petitions he sent to the highest levels of the Party demanding that his name be cleared for his previous jailings, and his questioning the propriety of the constitutional provision that enshrines the leading role of the Vietnam Communist Party.

Doan Thanh Liem, a law professor who was educated in the United States, is serving a twelve-year sentence for ''counter revolutionary propaganda''—that is, notes he had prepared on constitutional reform. He was arrested in April 1990 for his association with Michael Morrow, Dick Hughes and Don Luce. He knew all three Americans from his participation in a well-known Saigon charity, the Shoeshine Boys. Liem, held in the Ham Tan camp, has developed a serious pulmonary condition in prison that is often associated with tuberculosis. Senator HARKIN's request to meet with Liem was denied during his July 1995 visit.

Nguyen Tri, also known as Truong Hung Thai, was sentenced to eight years at the trial of Doan Thanh Liem for having helped Liem purchase a typewriter and having received from Liem two documents the official press described as ''anti-communist.''

Doan Viet Hoat, one of Vietnam's most prominent political prisoners, was transferred abruptly among three different prisons last year, ending up in the Thanh Cam camp, a facility for common criminals in a remote and malarial part of Thanh Hoa province. Arrested in November 1990, Dr. Hoat was given a fifteen-year sentence on charges of ''attempting to overthrow the government'' for producing the reformist newsletter Freedom Forum. His transfers seem to have come in reaction to public statements which he has periodically been able to release since his initial detention. The move to Thanh Cam has isolated him from the outside world, and he is allowed only limited communication with his family.

Pham Duc Kham, also tried for the Freedom Forum affair, was sentenced to sixteen years of imprisonment (later reduced to just under twelve years) for his participation. He was transferred in November 1994 from the Xuan Phuoc labor camp in Phu Yen province

to the Cam Thuy camp Number 5, not far from the Thanh Cam camp in a remote part of Thanh Hoa province.

Le Duc Vuong, tried for the Freedom Forum affair, was sentenced to a five-year term. He was last known to be performing hard labor at the A–20 camp in Xuan Phuoc.

Dr. Nguyen Dan Que, an endocrinologist who was sentenced in 1991 to twenty years of imprisonment on charges of ''attempting to overthrow the government'' for publicly signing a declaration calling for political reform and respect for human rights, is reported to be in fair health, having received some medication for a kidney stone. He has been held in isolation at Xuan Loc prison camp for nearly two years, following the Vietnamese government's unwillingness to allow our colleague Senator ROBB to meet him.

Do Van Thac was arrested with five other members of the opposition Dai Viet Duy Dan (People's Party) on July 9, 1991. In January 1992, a court in Hanoi sentenced Do Van Thac to fourteen years' imprisonment—later commuted to twelve years—on charges of ''attempting to overthrow the government,'' apparently for circulating writings describing the People's Party and calling for political and economic reform.

Vu Thanh, Dat Hai, Paul Nguyen Chau Dat, and five other members of the Congregation of the Mother Co-Redemptrix remain in prison. On May 15, 1987, these persons, along with Father Dominic Tran Dinh Thu and approximately sixty other Catholic clergy and laypersons were arrested when authorities raided the compound of the order founded by Father Dominic. During the raid, authorities seized rice stocks from the community and religious literature, causing people from the surrounding area to defend the congregation (and their rice stocks) with improvised arms. Vu Thanh, Dat Hai, Paul Nguyen Chau Dat and twenty others were tried on October 30, 1987 and convicted of ''sowing disunity between the people and the government.'' Vu Thanh Dat Hai was sentenced to ten years of imprisonment and three years of suppression of civil rights, and is now in the Long Khanh prison camp. Paul Nguyen Chau Dat was given a twenty-year term, which he is also serving in Long Khanh. Nguyen Van Thin Quan is serving a sixteen-year sentence in the Ham tan camp; Mai Duc Chuong Nghi is serving an eighteen-year term in a Thanh Hoa province labor camp; Dinh Viet Hieu Thuc is serving a fourteen-year sentence in the Long Khanh prison camp; Pham Ngoc Lien Tri is serving a twenty-year term at the Long Khanh camp, and Nguyen Thien Phung Huan is also serving a twenty-year term at Long Khanh.

Pastor Nguyen Duc Loi and Pastor Nguyen Van Vui are reported to have been arrested on November 20, 1994 when proselytizing among the ethnic Hre minority in Quang Ngai province. According to unconfirmed local sources, the two have been accused of pursuing political activities under the guise of religion, and after their arrest officials ordered local Christians to cease all religious activities, including prayer meetings.

Mr. President, in all the controversy surrounding the Clinton administration's recent questionable decision to normalize relations with Vietnam, the emotional and unresolved POW-MIA issue, and the blind headlong rush of United States business to enter the expanding Vietnamese market regardless, I believe that some Americans have lost sight of an important fact: the Vietnamese Government is a textbook Communist dictatorship to which the idea of basic human rights is simply a nuisance. No amount of talk about their modernizing their economy or welcoming American investment will change that fact. I am already seriously disinclined to support the establishment of a United States ambassador in Hanoi, or the granting of most favored nation status or OPIC funding for Vietnam because, unlike the administration, I do not believe that the Vietnamese have been as forthcoming as they could be on the POW-MIA issue; their human rights record makes me even less so.

Moving on to Cambodia, Mr. President, following closely on the unfortunate expulsion of Sam Rainsy from the Cambodian legislature the government of that country has once again taken steps which call into serious question its commitment to its nascent democracy. Over the past year and a half, the frequency of the government's mistreatment of the domestic media and its suppression of the freedoms we have embodied in our First Amendment has become alarming; journalists critical of the government have been arrested and prosecuted and newspapers have been shut down.

Just recently, the government charged the Phnom Penh Post and Michael Hayes, its American publisher, with violations of Article LXII of the Cambodian Criminal Code and is seeking to fine the publisher and close down the paper. Article LXII provides for a fine and up to 3 years imprisonment for publishing false or falsely attributed information in bad faith and with malicious intent when the publication has disturbed or is likely to disturb the public peace. In order to convict, the government must prove all three elements—falsity, malicious intent, and public disturbance. The story in question is an article by Nate Thayer in the March 24/April 6 edition entitled ''Security Jitters While PM's Away.'' The article detailed alleged security threats and measures taken by the government while the two Prime Ministers attended the April 1995 meeting of the country's principal aid donors. In reporting about the threats, Mr. Thayer clearly notes that many of the reported assertions were ''rumor'' or opinions or statements attributed to unnamed third parties. The article went on to cite ''human rights officials'' as saying that recent government actions against the press, the U.N. Center for Human Rights, and M.P. Sam Rainsy are the beginning of an official effort to put an end to criticism of the government that leaders say undermines its image at home and abroad as a democratic country.

Despite the fact that from the particulars of the case I doubt very much that the government could actually prove a violation of Art. LXII, they have decided to proceed with the case. The purpose of that decision is clearly is two-fold. First and foremost, there is the chilling effect bringing a criminal prosecution has on other like-minded journalists; the threat of jail or a fine—even simply the threat of criminal litigation—can make even the most serious and accurate journalist skittish. The reason for picking on a foreign-owned paper is also clear; as a U.N. worker recently noted:

> The cases against the Khmer press are in a slightly different category because they have been persecuted for articles that are mostly opinion. The Phnom Penh Post and other Western—style newspapers are more troubling to the government because they deal with facts that can be proved true. They bring to light the inner workings of government and that bother [the government] far more than opinions that are sometimes insulting.

Second, the government seeks to use the law to discover the identities of Mr. Thayer's sources. To prevent the government from proving the first element of an Art. LXII offense in court—false attribution—Thayer would be forced to disclose his sources. Any forced compromise of journalistic sources severely curtails the ability of a free press to report on, and the people's right to be informed about, matters of public interest. This is especially true in instances involving such issues as government corruption, where the power of the wrongdoers makes those knowledgeable about the wrongdoing hesitant to come forward.

This is far from being the only time that the Cambodian Government has initiated an Art. LXII prosecution on flimsy grounds. Two Cambodian journalists have already been convicted under that provision for articles that, in my view, plainly reported opinions—which are by definition subjective rather than objective—rather than facts. On May 19, the editor of Oddom K'tek Khmer, Thun Bunly, was sentenced to a fine of R5,000,000 ($2,000) or one year in jail for printing a letter to the editor entitled ''Stop Barking Samdech Prime Ministers.'' The following day, Hen Vipheak was sentenced to a fine of R5,000,000 or two years in jail for a cartoon and satire of the three branches of government. Most recently, Thun Bunly was tried again, this time for expressing opinions highly critical of the government; he described certain government officials as greedy dictators. His paper was shut down and he was sentenced to a fine of R10,000,000 or two years in jail.

Unfortunately, this blatant intimidation shows no signs of abating. Last week the Ministry of Information announced that the government is seeking prosecution on unspecified charges of between two and five newspapers. One of them, Samleng Yu Vachuon Khmer, has already received a court summons. In addition, the government has adopted a new press law that would allow criminal prosecutions where the published material affects national security and political stability—as nebulous a standard as I have seen—and permits the Ministries of the Interior and Information to confiscate publications they find objectionable or temporarily suspend publications without the

approval or oversight of an independent court. Although the measure has yet to be signed into law by King Sihanouk and therefore is not legally in effect, it is being used to bring charges against the media.

The repeated pattern of these prosecutions, as well as the fact that all of the alleged offenders have all stepped on the government's toes, leads me and groups like Human Rights Watch/Asia to conclude that the government has embarked on a program of intimidation aimed at quelling its detractors. That perception is not helped by statements such as those by Prime Minister Prince Ranariddh last month that foreign newspapers are distorting the current situation in Cambodia and that the Western brand of democracy and freedom of the press is not applicable to Cambodia. The Prince needs to be reminded, however, that the freedoms embodied in the Paris Accords are not Western, but universal, and as such were supported by each of Cambodia's political parties. In addition, they are embodied in the International Covenant on Civil and Political Rights to which Cambodia is a signatory.

The Cambodian Government may believe that no one is watching, or that no one outside Cambodia cares, or that their actions are somehow excused by the nascent nature of their democracy; they could not be more wrong. Mr. President, we and the other donor countries are watching and we care. It is precisely because Cambodia's democracy is in its infancy that it is important to avoid the tendency towards this type of abuse; otherwise, Cambodia risks institutionalizing the behavior. If the Cambodian Government is unwilling to protect these universally recognized rights, and to protect journalists and others who peacefully advocate dissenting political views, then we and the other donor nations will ensure that there is literally a price to be paid.

Last, but certainly not least, there were a number of developments in China which are noteworthy. First, on the brighter side, there appears to have been a slight warming in our bilateral relationship. On August 24, the Wuhan People's Court sentenced Harry Wu to a 15-year jail term and expelled him from the country, thus removing a serious obstacle to the resumption of friendly relations between us. A number of encouraging signs have followed. The Chinese have indicated that they will be sending back to Washington their ambassador, Li Daoyu, who was recalled after our decision to admit Taiwanese President Lee Teng-hui for a private visit. Having previously broken off all high-level governmental contacts, the Chinese agreed to a 3-day visit by United States Undersecretary of State Tarnoff to discuss a variety of bilateral issues. In addition, on September 1, Li Xilin, the Guangzhou Military Area Commander of the People's Liberation Army, attended a ceremony in Honolulu marking the 50th anniversary of the end of World War II as the representative of Chinese Defense Minister Chi Haotian. There is also talk of an October summit meeting between President Clinton and his Chinese counterpart Jiang Zemin. These contacts are important because they provide a venue for dialog and dialog keeps parties from misunderstanding each other.

I am very pleased that it appears that the dip in our bilateral relationship has reached its nadir and is on the upswing. That is not to say, of course, that everything has returned to normal. Reports in the Chinese media, and statements from the Foreign Ministry, indicate that that government is still adhering to the unacceptable position that the United States is solely responsible for the current problems in Sino-U.S. relations; Washington should take all the blame for the problems. Mr. President, the PRC should be mindful of the adage that when you point the finger of blame at someone, three fingers are pointing back at you. If the Chinese were to indulge in one of their favorite political pastimes—self-criticism—then perhaps they would realize that it is they that may be at fault: their overreaction to President Lee's visit, technology transfers to Pakistan and Iran, failure to enforce its obligations in regards to intellectual property and arbitral conventions—the list goes on. The Chinese need to get over the blame game and get down to constructive dialog and constructive actions.

Despite my generally optimistic feeling about the general trend in our relationship, however, there have been a number of developments there which are troubling to me. First, on August 17 China conducted its second underground nuclear test this year at its facility at Lop Nor—its fourth in the past 14 months. This test concerns me, and others, for the same reason as the proposed French tests in Mururoa; I believe that conducting these tests is damaging to international efforts to curb the proliferation of nuclear weapons. In May of this year, the world's five acknowledged nuclear powers persuaded the rest of the world to extend indefinitely the Nuclear Non-proliferation Treaty. To win that consensus, the five countries promised to sign a Comprehensive Test Ban Treaty [CTBT] by the end of the year. The continuation of Chinese testing though, only 4 months after China signed the agreement, calls into question that country's commitment to the CTBT and consequently undermines these international efforts to curb nuclear proliferation. What possible incentive do other nuclear countries have to refrain from testing if others continue to test?

I am not alone in my disappointment at this decision. Many countries in the region, including Australia and Japan, have been very vocal in their opposition. In fact, on August 30 Japan announced it will freeze most of its grant aid—about $81.2 million in fiscal year 1995—because of China's testing. Foreign Minister Kono Yohei told a news conference: ''We have decided to freeze aid to China with the exception of a portion that is provided for emergency relief measures and humanitarian aid—until China says it will stop nuclear tests.''

I would hope that Beijing would reconsider this course, not because we disapprove, or other countries disapprove, but because of the benefits that will accrue to the world as a whole as a result.

Another issue, Mr. President, is the unfortunate Chinese decision to deny a visa to Hong Kong political leader Martin Lee Chu-ming. Lee is the Chairman of the Democratic Party in Hong Kong, a principal voice of support for democracy in the colony; in that role, he has been a frequent critic of the communist government in Beijing. Lee needed the visa to attend the LawAsia conference in Beijing, to which he had been officially invited. But before he could apply, Zou Yu, the head of the local coordinating body the China Law Society, said there was no place [here] for people like him because he was one of the founding members of the subversive Hong Kong Alliance in Support of a Patriotic Democratic Movement. Ironically, Lee has a letter of invitation to the conference, which delegates had been told would be enough to have a visa issued on presentation, signed by Mr. Zou.

Before I hear it from the Chinese Foreign Ministry, I will state at the outset that I fully recognize that who the PRC does or does not admit within its borders is purely an internal matter in which third countries have no right to interfere. Certainly, Lee's statements in support of democracy are not music to the senior cadres' ears and if they choose to exclude him on that basis so be it. However, I believe that it would have been in China's best interests to admit him. Such a move would have been greatly reassuring to Hong Kong—to both its citizenry and business interests—and would have gone a long way to bolster China's stature worldwide. As it stands though the Chinese move seems petty and vindictive, and calls into question both its post-1997 commitment to the continuation of democracy in Hong Kong and its ability to impartially host international conferences.

The PRC has a disturbing habit of seeking to host these conferences in an effort to boost its international image, only to then heap a host of conditions on the attendees to ensure that nothing comes up at the conference which might embarrass China by, say, openly discussing its abysmal human rights record. The LawAsia Conference and Martin Lee are one example; another is the present U.N. women's conference in Beijing. When it became clear to the Chinese authorities that the participants in the conference's NGO forum are prone to spontaneous demonstrations and statements in support of a

variety of causes the regime finds threatening—democracy, opposition to coerced abortion, the role of women in society—the forum suddenly found itself moved a substantial distance outside Beijing to the small village of Huairou. The official reason was that the Beijing stadium originally planned to hold the forum was structurally unsound—despite the fact that only 2 weeks ago the Chinese held a major event there. The unofficial reason is clear to everyone; Chinese authorities are doing their best to make sure that the flood of delegates does not contaminate China or its citizenry with foreign ideas and open dialog.

Official statements to the contrary aside, the Chinese are fooling no one. As the Chinese themselves are fond of saying: ''Actions speak louder than words.'' Once Beijing began to prepare for the conference, the patterns of isolating delegates and imposing censorship became clear. Delegates with views with which China disagrees were denied visas. Groups representing Tibetan and Taiwanese women were unfairly denied accreditation, lest they embarrass the host country. Thirty delegates from Niger were denied visas; ostensibly because their paperwork was not entirely in order, but more likely—as almost everyone believes—because Niger diplomatically recognizes Taiwan. Delegates who were allowed in were warned that Chinese customs officials would confiscate any printed material China deemed objectionable, including Bibles. Buses that were promised to run every 20 minutes from Huairou to Beijing have dwindled to one per day, effectively isolating the delegates at Huairou even more. The U.N. designated ''newspaper of record'' for the forum—chronicling the meetings and seminars and reporting on the day's events—has been unable to publish because the Chinese firm with which they contracted is suddenly and inexplicably ''too busy with other printing work.''

I think one of the especially telling examples of this trend is the creation of an ''official protest site'' for the conference. Predictably sited outside of Beijing in Huairou, the official spot is located on a middle-school athletic field within the confines of the forum, where an extra 5,000 police officers will be on duty. There, separated from the Chinese people by an artificially imposed chasm, the delegates are free to protest to their hearts content-with one exception. Vice Minister of Public Security Tian Qiyu has announced that ''Inside the site, NGO's are permitted to have demonstrations and processions, but these should not infringe on the sovereignty of the host country and should not slander or attack [its] leaders.'' In other words, say what you want just don't criticize China. So much for an open forum.

The actions of the Chinese Government became so oppressive that they threatened to scuttle the entire forum. Complaints from a large number of delegates about the omnipresence of Chinese security police hovering over them grew with each passing day of the forum, and for good reason. Both uniformed and plainclothes police monitored meetings and discussions, and videotaped participants. Security officers have searched hotel rooms, followed delegates, rifled through personal papers and tried to restrict the movement of people who have come to take part in the conferences. On August 31, following a screening of a video about Tibet entitled ''Voices in Exile,'' police snatched the video cassette and attempted to confiscate it, only to have it snatched back by the attendees. Another group of delegates protesting China's treatment of Tibetan women were surrounded by Chinese plainclothes police and shouted down; one Canadian woman, the adoptive mother of a Tibetan child, was even physically assaulted. Although the Chinese denied such an assault took place, it was captured on video and broadcast here by CNN. A session held by Australian NGO's was disrupted when security officials seized microphones and video equipment and ordered the groups to disband; the Australian Government lodged a formal protest in response. In another incident, police tried to seize a Chinese woman who chatted with delegates on the street. When the woman was surrounded by delegates, though, the police retreated. The Chinese moves are especially galling because under the agreement signed by the Chinese the forum site is considered to be under U.N., rather than Chinese, jurisdiction for the duration of the conference, much like embassies are considered to be.

Things got so bad that on September 3, the leaders of the forum issued an ultimatum to the Chinese demanding that China stop its heavy-handed security measures by noon on that day. In response, the Chinese grudgingly replaced some uniformed officers with plainclothesmen and scaled back some of the surveillance. Despite the changes, though, clashes between police and delegates continue. Just this last weekend Islamic women demonstrators were physically prevented by police from marching out of the forum site into Huairou.

Given this somewhat ironic Chinese penchant for actively seeking to host international conferences dealing with human rights and the free exchange of ideas only to trample those very rights, I would not be at all surprised if the next time the PRC seeks to host such a meeting the participants think twice; and the Chinese—although they will certainly try—will have no one to blame but themselves. As I have pointed out previously, if China wants to assume a place at the international table, then it must respect international rules and norms of behavior—in trade, in diplomacy and military affairs, in nonproliferation, and not least in domestic practice.

THE AGENCY FOR HEALTH CARE POLICY AND RESEARCH: A BEACON FOR POLICYMAKERS

Mr. DASCHLE. Mr. President, as the Congress considers its appropriations bills and strives to reduce the rate of growth of Federal programs, I would like to call attention to one very small, but important agency that policymakers and industry representatives alike have praised as responsible and cost-effective—the Agency for Health Care Policy and Research [AHCPR].

AHCPR, which is part of the Department of Health and Human Services, was established in 1989 with strong bipartisan support. Broadly stated, the agency's mission is to conduct impartial health services research and disseminate information that will complement public and private sector efforts to improve health care quality and contain costs.

AHCPR's charge is to find out what works and what does not work in the health care system, and the results of its research are being used voluntarily by the private sector to contain health care costs. The agency funds outcomes research projects that examine the efficacy of medical interventions in terms of how they affect patients. It also funds studies on the medical effectiveness of particular procedures and conducts assessments of health technologies utilized by HCFA and CHAMPUS to make coverage decisions. These projects have identified millions of dollars in potential savings to Medicare. Finally, the agency convenes multidisciplinary panels of experts to develop clinical practice guidelines on such topics as low back pain, cataracts, sickle cell anemia, mammography, unstable angina, and cancer pain. These guidelines are disseminated to consumers, private and public sector health care policymakers, providers, and administrators for use as they see fit.

AHCPR is a true public/private partnership designed to improve the quality of health services and contain their cost. And it is working. Supporters of the agency include conservatives and liberals in both political parties and span the health care spectrum, from the insurance industry to providers to academia and other highly regarded public policy institutions. AHCPR has been called an ''honest broker'' because of the way it compiles and distributes health care cost and quality information among competing public and private sector interests.

It is very important to the health care system that AHCPR continue producing the kind of significant research it has developed in the past 5 years. To slash AHCPR's funding now would truly be penny-wise and pound-foolish: The current funding level for the agency amounts to a little more than a dollar per American. Yet potential savings from the use of its guidelines and research could save hundreds of millions, and by some estimate billions, of dollars.

AHCPR should continue to play a critical role as we struggle to control national health care costs, particularly in the Medicare and Medicaid programs. AHCPR-funded research has provided strong evidence that health care costs can be contained while improving the quality of services. It would be irresponsible to devastate funding to the only Government agency devoted to finding ways for us to improve quality and lower costs.

Recently three of our esteemed former colleagues who were intimately involved in the creation of the Agency for Health Care Policy and Research—Senator George Mitchell, Senator David Durenberger and Representative Willis Gradison—jointly authored an article entitled, ''The Agency for Health Care Policy and Research: A Beacon for Policy Makers.'' This article gives a historical perspective and summarizes the current situation while making a persuasive argument for the AHCPR's continued funding. I ask unanimous consent that this article be printed in the RECORD, and I urge my colleagues to carefully consider these noted health care experts' comments and weigh their advice when the Senate considers the fiscal year 1996 Labor-HHS appropriations bill.

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

THE AGENCY FOR HEALTH CARE POLICY AND RESEARCH: A BEACON FOR POLICYMAKERS

(Jointly authored by: former Senate Majority Leader George Mitchell, LL B., Georgetown University, B.A. in history, Bowdoin College, currently special counsel to the Washington, D.C.-based law firm of Verner, Liipfert, Bernhard, McPherson and Hand; former Senator Dave Durenberger, J.D., University of Minnesota, B.A. cum laude political science and history, St. Johns University, currently senior counselor for the Washington, D.C.-based public affairs consulting firm of APCO Associates Inc.; and, former Representative Willis Gradison, MBA, Ph.D in economics, both from Harvard, currently president of the Health Insurance Association of America, in Washington, DC)

Reasonable people—including the three of us—may disagree about how to address problems in the nation's health care system and the role government should play in ensuring access to health care for American citizens. But there are some major areas of bipartisan agreement as well. We agree that the quality of health care should not be compromised and that we must get the best value for the trillion dollars we spend each year on medical care.

One clear way to maximize the value of health care is to create a body of objective, science-based information on the interrelationship of the cost and quality of health care. In the late 1980s, we agreed that a federal investment was needed in health services research. Our thoughts were influenced by the early findings from research funded by the National Center for Health Services Research (NCHSR).

For example, the ''small-area analysis'' conducted by John Wennberg and others, and the work of the Maine Medical Foundation, showed wide variations in the type and intensity of medical care provided in different parts of the country. Were people in some areas getting too much care? Were others being under treated? To a large extent, we simply lacked the research tools needed to explain these variations. Early research by Wennberg and others also suggested that providing physicians with credible, high-quality information could modify their behavior, improve quality and reduce costs by eliminating unnecessary or ineffective procedures.

While many public and private groups had initiated their own health services research, their efforts were not being coordinated and there were no scientifically-based protocols for research and guideline development. We concluded that a new agency could become the focus of federally-sponsored outcomes studies. This new agency also would elevate the status of health services research in general. Through bipartisan efforts in both chambers, legislation was enacted to create the federal Agency for Health Care Policy and Research (AHCPR). This legislation ultimately became an important part of the Omnibus Budget Reconciliation Act of 1989 (P.L. 101–239).

As noted in a recent historical account of AHCPR, a primary purpose of OBRA 1989 was to improve quality and contain costs in the Medicare program—to curb costs without having to cut back on needed care. Since both the public and private sectors were calling for more readily available information, AHCPR's mandate was two-fold: to find out which treatment methods actually work and which ones are inappropriate and therefore not cost effective. Second, we asked the agency to work closely with the private sector—particularly consumers and health care providers.

Among health care providers, physicians are the key. They are an important group to reach, because they are responsible for making most treatment decisions. It is significant to note that many provider groups supported the creation of AHCPR, including the American Medical Association, the American College of Physicians, and the American Society of Internal medicine. It also should be noted that outcomes research was an important companion to the Medicare physician payment reforms enacted the same year.

Since the federal government is the largest single payer of health care services in the U.S., we initially asked AHCPR to focus its research on the most common and the most costly treatments for federal health programs such as Medicare and Medicaid. In its first five years of operation, AHCPR has made considerable progress. Its research activities focus on ten of the 15 most common diagnoses for Medicare inpatients, and nine of the 15 most common diagnoses for Medicaid inpatients.

To date, the Agency has released 16 clinical practice guidelines designed to inform patients and clinicians of ''state of the art'' medicine. These guideline topics range from the management of acute low back pain in adults to treating otitis media in children.

AHCPR also is funding 15 Patient Outcome Research Teams, known as PORTs. These multi-disciplinary, private-sector groups are created to determine the treatment effectiveness of conditions for which there is widespread disagreement about clinical strategies. Current PORTs are studying conditions ranging from cataracts to low birthweight.

The research and guideline development are the initial steps. Equally important is making sure those guidelines reach the public. So far, the Agency has distributed 26 million copies of its guidelines to clinicians and consumers. By working through partnerships with entities in the private sector, AHCPR has saved $12.6 million in federal reprinting and distribution costs. Private partners have circulated 11.5 million reprints of AHCRP-funded guidelines.

1. FINDING WHAT WORKS

The Agency's work has already produced scientific findings that can improve the quality of health care while constraining its cost.

AHCPR-sponsored research has demonstrated that about half of the 600,000 patients who receive diagnostic cardiac catheterization as inpatients each year could have the procedure on an outpatient basis.

Research shows that ordering tests by computer decreased hospital costs by nearly $600 per admission, and reduced average length of stay by almost a day. If this computer system was applied to the entire medicine service, the hospital projected over $3 million in savings per year.

The use of transurethral resection of the prostate—an operation for benign prostatic hyperplasia (BPH)—has fallen nearly 33 percent, due in part to AHCPR research on prostatic disease and its guideline on BPH. This saves Medicare an estimated $60 million annually.

AHCPR and its predecessor, NCHSR, have also been instrumental in the early development of major improvements to reimbursement systems. They funded the early design of diagnosis related groups (DRGs), which were adapted for Medicare payment reforms in 1983.

They also have helped to fine-tune the DRG system over time. This series of payment reforms, in combination with other initiatives (such as the creation of Medicare's Peer Review Organizations (PROs)) has been widely credited with limiting cost increases for Medicare. In addition, many of these reimbursement reforms have been adapted by private sector payers.

2. IMPROVING CLINICAL PRACTICE

A second type of research conducted and sponsored by the Agency helps physicians and other care-givers take advantage of clinical and cost-effectiveness information. They enable care-givers to use guidelines and other resources to quickly ascertain treatment options and make more informed decisions. For example:

Low back pain.—In 1990, the U.S. spent more than $20 billion for direct medical costs associated with low back pain. Lower back pain accounted for one-tenth of total Medicare charges in 1987. Billions could be saved each year by using the AHCPR guideline, without any loss in the quality of care provided. For example, Singing River Hospital in Pascagoula, Mississippi, has reduced the average length of stay for surgical patients by one day since 1993, with the help of AHCPR's acute pain management guideline.

Pressure ulcer prevention.—More than 250,000 hospital and nursing home patients suffer from pressure ulcers. Broad use of the AHCPR-supported clinical practice guidelines on prevention could halve the incidence of this very painful and costly problem. For example, Intermountain Health Care, a Salt Lake City-based health care system, saved $240,000 in six months by using the guidelines in one of its hospitals. Intermountain is now implementing the guidelines in its twenty-three other hospitals. Similarly, Abbott-Northwestern Healthcare System in Minneapolis estimates it would save $288,000 a year by using the guideline. South Suburban, a 225-bed hospital in Hazel Crest, Illinois, has halved the number of hospital-acquired pressure ulcers since introducing the guideline two years ago.

Most AHCPR-funded guidelines are so new that it is too early to assess the extent to which they have been adopted. Preliminary research suggests that many managed care

entities already use one or more of the AHCPR guidelines. Other groups use the guidelines to improve their internal quality-improvement initiatives.

THE FUTURE

Like all scientific endeavors, there are no ''quick fixes.'' In its first five years, AHCPR has demonstrated that it is a sound investment for the American taxpayer. In fiscal year 1994, AHCPR's annual operating budget of $162 million represents only one fiftieth of one percent of the nation's $900 billion health care spending. Indeed, all federal health services research activities combined accounted for only one twentieth of one percent of national health spending in 1994.

Federal and state legislators grappling with spiraling health care spending should be supporting health services research more than ever before. They need this knowledge to help them make sound decisions as new health delivery systems evolve.

Is federally-sponsored health services research still necessary? We believe the answer is yes, for at least three reasons:

1. In a market-based delivery system driven by provider competition and consumer choice, the information AHCPR generates is essential—especially to the doctor-patient relationship. Health services research also enables us to study the impact of these delivery changes on quality and access as the public and private sectors struggle to contain health care costs.

2. AHCPR-funded research provides the economies of scale that can only occur with a comprehensive national study. Both public and private groups benefit from having this information in the public domain. The federal government's willingness to provide ''seed money'' stimulates privates sector research initiatives and magnifies the applicability of the results.

3. AHCPR acts as an ''honest broker'' in developing the science of health services research. The Agency's authorizing legislation does not allow it to regulate the health care industry, it is not empowered to act as a payer of health care services, and it does not administer a health program. Therefore, it is free from conflicts of interest.

It is appropriate for the government to have a role in building and sustaining the knowledge base that can meet the information needs of a market-driven health care system. Indeed, AHCPR-funded guidelines are often viewed as the ''gold standard'' of guidelines, and are frequently customized by private entities. For example, UCLA Medical Center, Kaiser-Permanente—Anaheim Medical Center and Saint Luke's Hospital in Kansas City, Missouri are among the many facilities that have utilized AHCPR's acute pain management guideline.

These findings have acted like a beacon, they show policy makers in advance where problems are developing and provide alternatives for helping to solve these problems. The creation of AHCPR has improved the quality of health care delivered in this country by facilitating health services research and disseminating the results to the public. At the same time, it has proved to be an extremely sound investment for American taxpayers.

THE 250TH ANNIVERSARY OF FREDERICK, MARYLAND

Mr. SARBANES. Mr. President, I would like to call to the attention of our colleagues celebrations that are underway to celebrate the 250th anniversary of the establishment of the city of Frederick, MD. The mayor of Frederick, Jim Grimes, along with the entire community, has planned several significant events to commemorate this propitious milestone.

Throughout its history, Frederick has served not only as a monument to Marylanders, but it has also carved its place in American history as well. Established in 1745, Frederick Town was the home of many great colonial Americans including Francis Scott Key, author of ''The Star Spangled Banner''; Roger Taney, second Chief Justice of the Supreme Court; and John Hanson, President of the Continental Congress.

The English and German settlers of Frederick Town were ferociously proud of the independence and the liberty they found in the New World. When the British passed the Stamp Act in 1785 requiring colonists to purchase stamps for all legal and commercial documents, 12 Frederick County judges resolved to reject the Stamp Act and approved the usage of unstamped documents. This bold maneuver is believed to be the first recorded act of rebellion in the colonies.

According to several historians, it was in Frederick Town, not St. Louis, where Lewis and Clark began their famed expedition across the unexplored Nation. In July 1803, the travelers set forth from the Hessian Barracks in Frederick Town across the unchartered west and into the unknown territory.

Frederick Town was incorporated as a city in 1817, thus officially changing its name to Frederick. In the early 1800's, construction of the B&O Railroad and the C&O Canal began. The establishment of these two major avenues of transportation opened a window to the world for the citizens of Frederick. These corridors to Washington and Baltimore would provide access to jobs, to industry, and to trade.

But in 1864, Frederick was faced with grave despair. Under the threat of General Jubal Early's torch, city officials had to secure $200,000 in loans from local banks to save Frederick. Three of the five original banks that contributed to that ransom are still open for business.

Over the course of the next century, Frederick would mature into a thriving and continuously expanding community. It is the home of a wide spectrum of facilities that include Fort Detrick, high-tech firms that are instrumental in AIDS research, the Frederick Keys baseball team, Hood College and Frederick Community College. And although Frederick is the third largest city in Maryland, it still maintains its small town charm and charisma.

Frederick is a model of community spirit and cooperation. The activities that have been sponsored to commemorate this auspicious occasion exemplify the deep devotion of Frederick's residents to their community. The spirit and enthusiasm of Frederick's citizens have been the foundation of its success. These celebrations provide the opportunity to renew the dedication that has supported Frederick throughout its history and helped it to develop into one of Maryland's most attractive communities.

We in Maryland are fortunate to have an area as community-oriented as Frederick. I join the citizens of Frederick in sharing their pride in Frederick's past and optimism for continued success in the years to come.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on August 11, 1995, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 2161. An act to extend authorities under the Middle East Peace Facilitation Act of 1994 until October 1, 1995, and for other purposes.

Under the authority of the order of the Senate of January 4, 1995, the enrolled bill was signed on August 11, 1995, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on August 18, 1995, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 535. An act to direct the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas.

H.R. 584. An act to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa.

H.R. 614. An act to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility.

H.R. 1225. An act to amend the Fair Labor Standards Act of 1938 to exempt employees who perform certain court reporting duties from the compensatory time requirements applicable to certain public agencies, and for other purposes.

H.R. 2077. An act to designate the United States Post Office building located at 33 College Avenue in Waterville, Maine, as the ''George J. Mitchell Post Office Building''.

H.R. 2108. An act to permit the Washington Convention Center Authority to expend revenues for the operation and maintenance of

the existing Washington Convention Center and for preconstruction activities relating to a new convention center in the District of Columbia, to permit a designated authority of the District of Columbia to borrow funds for the preconstruction activities relating to a sports arena in the District of Columbia and to permit certain revenues to be pledged as security for the borrowing of such funds, and for other purposes.

Under the authority of the order of the Senate of January 4, 1995, the enrolled bills were signed on August 18, 1995, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–1269. A communication from the Chief of the Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of program performance for fiscal year 1994; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1270. A communication from the Secretary of Agriculture and Secretary of Transportation, transmitting jointly, pursuant to law, the report on Interagency Aviation Inspections; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1271. A communication from the Secretary of Agriculture, transmitting, drafts of proposed legislation entitled ''The Plant Protection Act'' and ''The Animal Health Protection Act''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1272. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 92-24; to the Committee on Appropriations.

EC–1273. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 93-01; to the Committee on Appropriations.

EC–1274. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 92-21; to the Committee on Appropriations.

EC–1275. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 95-03; to the Committee on Appropriations.

EC–1276. A communication from the Deputy Chief (Programs and Legislation Division), Office of Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a notification relative to the Evolved Expendable Launch Vehicle (EELV) Low Cost Concept Validation (LCCV); to the Committee on Armed Services.

EC–1277. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report entitled ''Promoting Housing Choice in HUD's Rental Assistance Programs''; to the Committee on Banking, Housing, and Urban Affairs.

EC–1278. A communication from the Directors of the Congressional Budget Office and the Director of the Office of Management, transmitting jointly, pursuant to law, the report of the estimated budgetary effect of a requirement that the Federal Reserve balances; to the Committee on Banking, Housing, and Urban Affairs.

EC–1279. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the monetary policy report for the period from January 1, 1995 to June 30, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–1280. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report relative to financial institutions for calendar year 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC–1281. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–1282. A communication from the Director of the Office of Technology Assessment, transmitting, pursuant to law, the report entitled ''Electronic Surveillance in a Digital Age''; to the Committee on Commerce, Science, and Transportation.

EC–1283. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the future of the Interstate Commerce Commission; to the Committee on Commerce, Science, and Transportation.

EC–1284. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to implement aspects of the Department of Transportation budget request for fiscal year 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC–1285. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report on the Aircraft Cabin Air Quality Research Program; to the Committee on Commerce, Science, and Transportation.

EC–1286. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report on the Aviation Safety Inspector Staffing Requirements for fiscal years 1995 through 1997; to the Committee on Commerce, Science, and Transportation.

EC–1287. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of the cost/benefit analysis of radar installations at joint-use civil military airports; to the Committee on Commerce, Science, and Transportation.

EC–1288. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of the evaluation of retro-reflective beads in airport pavement markings; to the Committee on Commerce, Science, and Transportation.

EC–1289. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of the updated Aviation System Capital Investment Plan; to the Committee on Commerce, Science, and Transportation.

EC–1290. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of the final environmental impact statement for the Expanded East Coast Plan; to the Committee on Commerce, Science, and Transportation.

EC–1291. A communication from the Chairman of the Pennsylvania Avenue Development Corporation, transmitting, pursuant to law, the annual report for calendar year 1994; to the Committee on Energy and Natural Resources.

EC–1292. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the report of the Safety of Dams Program (Twin Buttes Dam); to the Committee on Energy and Natural Resources.

EC–1293. A communication from the Assistant Secretary (Fish and Wildlife and Parks), Department of the Interior, transmitting, a draft of proposed legislation to amend the Act establishing Lowell National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

EC–1294. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the report of uranium purchases for calendar year 1994; to the Committee on Energy and Natural Resources.

EC–1295. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report on wildfire disaster and rehabilitation for calendar year 1994; to the Committee on Energy and Natural Resources.

EC–1296. A communication from the Secretary of Energy, transmitting, pursuant to law, the report entitled ''Expressions of Interest in Commercial Clean Technology Projects in Foreign Countries''; to the Committee on Energy and Natural Resources.

EC–1297. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report on metals initiative for fiscal year 1994; to the Committee on Energy and Natural Resources.

EC–1298. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Royalty Management Program, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1299. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of the plan for the further development and deployment of existing defense technologies in support of the dredging requirements of dual-use ports; to the Committee on Environment and Public Works.

EC–1300. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on abnormal occurrences for events at licensed nuclear facilities for the period January 1 to March 31, 1995; to the Committee on Environment and Public Works.

EC–1301. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report of an informational copy of a lease prospectus; to the Committee on Environment and Public Works.

EC–1302. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a flood damage reduction project; to the Committee on Environment and Public Works.

EC–1303. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the report of the Treasury Bulletin for June 1995; to the Committee on Finance.

EC–1304. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled ''The Vaccine Excise Tax Amendments of 1995''; to the Committee on Finance.

EC–1305. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled ''The Medicare Contractor Reform Act of 1995''; to the Committee on Finance.

EC–1306. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the report on trade between the United States and China, the Successor States to the Former Soviet Union, and other Title IV countries for the period January 1 through March 31, 1995; to the Committee on Finance.

EC–1307. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the report on the operation of the United States trade agreements program for calendar year 1994; to the Committee on Finance.

EC–1308. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, notice relative to renewing a lease; to the Committee on Foreign Relations.

EC–1309. A communication from the Director of the Defense Security Assistance Agency, transmitting, pursuant to law, the report of deliveries to Bangladesh; to the Committee on Foreign Relations.

EC–1310. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the intention to obligate additional funds in fiscal year 1995 by agencies and projects; to the Committee on Foreign Relations.

EC–1311. A communication from the Administrator of the U.S. Agency For International Development transmitting, pursuant to law, the report of Development Assistance Program allocations for the period January 1 through March 31, 1995; to the Committee on Foreign Relations.

EC–1312. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Convention and Recommendation; to the Committee on Foreign Relations.

EC–1313. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the Memorandum of Justification relative to the Presidential Determination on the United Nations Rapid Reaction Force; to the Committee on Foreign Relations.

EC–1314. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to the United Nations Rapid Reaction Force; to the Committee on Foreign Relations.

EC–1315. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, the text of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–1316. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC–1317. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of statistics of the operation of the Premerger Notification Program for fiscal year 1993; to the Committee on the Judiciary.

EC–1318. A communication from the Secretary of Education and the Secretary of the Treasury, transmitting jointly, a draft of proposed legislation entitled ''The Accelerated Direct Loan Implementation and Student Loan Marketing Association Transition Act of 1995''; to the Committee on Labor and Human Services.

EC–1319. A communication from the Director of the Office of Medical Applications of Research, Department of Health and Human Services, transmitting, pursuant to law, the report entitled ''Bioelectrical Impedance Analysis in Body Composition Measurement''; to the Committee on Labor and Human Services.

EC–1320. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the report from the Committee on Equal Opportunities in Science and Engineering; to the Committee on Labor and Human Services.

EC–1321. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the annual report of the Student Loan Marketing Association's financial statements for calendar year 1994; to the Committee on Labor and Human Services.

EC–1322. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the Housing Primary Care Program for calendar years 1992 and 1993; to the Committee on Labor and Human Services.

EC–1323. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report on the National Health Service Corps for the calendar years 1990 through 1994; to the Committee on Labor and Human Services.

EC–1324. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Low-Income Home Energy Assistance Program; to the Committee on Labor and Human Services.

EC–1325. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on health personnel in the United States; to the Committee on Labor and Human Services.

EC–1326. A communication from the Librarian of Congress, transmitting, pursuant to law, the report on the activities of the Library of Congress for fiscal year 1994; to the Committee on Rules and Administration.

EC–1327. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of proposed regulations; to the Committee on Rules and Administration.

EC–1328. A communication from the Secretary of Defense, transmitting, pursuant to law, the semi-annual report on program activities to facilitate weapons destruction and nonproliferation in the Former Soviet Union for fiscal year 1995; referred jointly, pursuant to Section 1208 of Public Law 103-160, to the Committee on Appropriations, to the Committee on Armed Services, and to the Committee on Foreign Relations.

EC–1329. A communication from the Director of the Office of Civilian Radioactive Waste Management, Department of Energy, transmitting, pursuant to law, the report on the activities and expenditures of the Office of Civilian Radioactive Waste Management; referred jointly, pursuant to Public Law 97-425, to the Committee on Energy and Natural Resources, and to the Committee on Environment and Public Works.

EC–1330. A communication from the Director of the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of the Mid-Session Review of the 1996 Budget; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committee on Appropriations, and to the Committee on the Budget.

EC–1331. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–95, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC–1332. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–107, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC–1333. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–108, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC–1334. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–109, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC–1335. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–110, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC–1336. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–111, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC–1337. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–112, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC–1338. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–113, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC–1339. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–114, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC–1340. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–115, enacted by the Council on July 25, 1995; to the Committee on Governmental Affairs.

EC–1341. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–119, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC–1342. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–120, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC–1343. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–126, enacted by the Council on July 11, 1995; to the Committee on Governmental Affairs.

EC–1344. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–127, enacted by the Council on July 29, 1995; to the Committee on Governmental Affairs.

EC–1345. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''The Propriety of the Agreement Between Merrill Lynch and Lazard Freres, Who Served as the District's Financial Advisor''; to the Committee on Governmental Affairs.

EC–1346. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Fiscal Year 1994 Annual Report on Advisory Neighborhood Commissions''; to the Committee on Governmental Affairs.

EC–1347. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report of employees detailed to congressional committees; to the Committee on Governmental Affairs.

EC–1348. A communication from the Vice President and Treasurer of the Farm Credit Financial Partners, transmitting, pursuant to law, the annual report of the Group Retirement Plan for the Agricultural Credit Associations and the Farm Credit Banks in the First Farm Credit District for calendar year 1994; to the Committee on Governmental Affairs.

EC–1349. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the examination of IRS financial statements for fiscal year 1994; to the Committee on Governmental Affairs.

EC–1350. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the annual report for calendar year 1994; to the Committee on Governmental Affairs.

EC–1351. A communication from the Employee Benefits Manager of the AgFirst Farm Credit Bank, transmitting, pursuant to law, the report of federal pension plans for calendar year 1994; to the Committee on Governmental Affairs.

EC–1352. A communication from the Federal Reserve Employee Benefits System, transmitting, pursuant to law, the report of the retirement plan for employees of the Federal Reserve System for calendar year 1994; to the Committee on Governmental Affairs.

EC–1353. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report on the Physicians' Comparability Allowance; to the Committee on Governmental Affairs.

EC–1354. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports and testimony for June 1995; to the Committee on Governmental Affairs.

EC–1355. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled ''Leadership for Change: Human Resource Development in the Federal Government''; to the Committee on Governmental Affairs.

EC–1356. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, actuarial reports for fiscal year 1994; to the Committee on Governmental Affairs.

EC–1357. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled ''The Packers and Stockyards Licensing Fee Act of 1995''; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1358. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 93–46; to the Committee on Appropriations.

EC–1359. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, the Selected Acquisition Reports for the period April 1 through June 30, 1995; to the Committee on Armed Services.

EC–1360. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, a notice relative to the Greenbrier Hotel, White Sulphur Springs, West Virginia; to the Committee on Armed Services.

EC–1361. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Defense Enterprise Fund; to the Committee on Armed Services.

EC–1362. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Cooperative Threat Reduction Assistance Program; to the Committee on Armed Services.

EC–1363. A communication from the Principal Deputy General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend Title 10, United States Code, to consolidate provisions of law regarding international defense acquisition into a new Defense Trade and Cooperation chapter, and for other purposes; to the Committee on Armed Services.

EC–1364. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement with respect to a transaction involving U.S. exports to the Philippines; to the Committee on Banking, Housing and Urban Affairs.

EC–1365. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement with respect to a transaction involving U.S. exports to the Republic of the Philippines; to the Committee on Banking, Housing and Urban Affairs.

EC–1366. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement with respect to a transaction involving U.S. exports to Mexico; to the Committee on Banking, Housing and Urban Affairs.

EC–1367. A communication from the Fiscal Assistant of the Treasury, transmitting, pursuant to law, a report on government securities brokers and dealers; to the Committee on Banking, Housing, and Urban Affairs.

EC–1368. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the annual report for calendar year 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC–1369. A communication from the General Counsel of Department of the Treasury, transmitting, a draft of proposed legislation entitled ''the Gold Bullion Coin Amendments of 1995''; to the Committee on Banking, Housing, and Urban Affairs.

EC–1370. A communication from the Acting Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report on enforcement actions and initiatives for calendar year 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC–1371. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the system of export regulations; to the Committee on Banking, Housing, and Urban Affairs.

EC–1372. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report on direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–1373. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, a draft of proposed legislation to authorize appropriations to NASA for human space flight, science, aeronautics, and technology, mission support, and Inspector General, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC–1374. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, the report on the Traffic Alert and Collision Avoidance System for the period April 1 through June 30, 1995; to the Committee on Commerce, Science, and Transportation.

EC–1375. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the Ninoy Aquino International Airport, Manila, Philippines; to the Committee on Commerce, Science, and Transportation.

EC–1376. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report on the transition to quieter airplanes; to the Committee on Commerce, Science, and Transportation.

EC–1377. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of the National Technical Information Service for fiscal year 1994; to the Committee on Commerce, Science, and Transportation.

EC–1378. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of a study of a representative sample of light-duty alternative fuel vehicles in Federal fleets; to the Committee on Energy and Natural Resources.

EC–1379. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the Low Emission Boiler System Program; to the Committee on Energy and Natural Resources.

EC–1380. A communication from the Deputy Associate Director for Compliance, Minerals Management Service, Royalty Management Program, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1381. A communication from the Acting Deputy Associate Director for Compliance, Minerals Management Service, Royalty Management Program, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–1382. A communication from the Assistant Secretary of the Interior (Land and Minerals Management), transmitting, pursuant to law, a notice on leasing systems for the Wester Gulf of Mexico; to the Committee on Energy and Natural Resources.

EC–1383. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the report on the nondisclosure of Safeguards Information for the period April 1 through June 30, 1995; to the Committee on Environment and Public Works.

EC–1384. A communication from the Commissioner of Public Buildings Service, General Services Administration, transmitting, pursuant to law, a report on the Federal Triangle Complex; to the Committee on Environment and Public Works.

EC–1385. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report of informational copies of lease prospectuses; to the Committee on Environment and Public Works.

EC–1386. A communication from the Acting Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report entitled ''Living Within Constraints: An Emerging Vision for High Performance Public Works''; to the Committee on Environment and Public Works.

EC–1387. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a Presidential Determination relative to the United Nations Rapid Reaction Force in Bosnia; to the Committee on Foreign Relations.

EC–1388. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, the text of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–1389. A communication from the Assistant Attorney General (Office of Legislative Affairs), transmitting, pursuant to law, the report entitled ''Searching for Answers Annual Evaluation Report on Drugs and Crime: 1993–1994''; to the Committee on the Judiciary.

EC–1390. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Refugee Resettlement Program for fiscal year 1994; to the Committee on the Judiciary.

EC–1391. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Youth Gang Drug Prevention Program for fiscal year 1994; to the Committee on Labor and Human Resources.

EC–1392. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the Sequestration Update Report for fiscal year 1996; referred jointly, pursuant to the order of August 4, 1977, to the Committee on the Budget, and to the Committee on Governmental Affairs.

EC–1393. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, notice relative to military personnel accounts; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Armed Services.

EC–1394. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''The Review of the Water and Sewer Utility Administration's Participation in the District's Cash Management Pool''; to the Committee on Governmental Affairs.

EC–1395. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–128, enacted by the Council on July 29, 1995; to the Committee on Governmental Affairs.

EC–1396. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–129, enacted by the Council on July 29, 1995; to the Committee on Governmental Affairs.

EC–1397. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–130, enacted by the Council on July 29, 1995; to the Committee on Governmental Affairs.

EC–1398. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–131, enacted by the Council on July 29, 1995; to the Committee on Governmental Affairs.

EC–1399. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–132, enacted by the Council on July 29, 1995; to the Committee on Governmental Affairs.

EC–1400. A communication from the Employee Benefits Manager of the AgFirst Farm Credit Bank, transmitting, pursuant to law, the report disclosing the financial condition of the Retirement Plan for the employees of the Seventh Farm Credit District for calendar year 1994; to the Committee on Governmental Affairs.

EC–1401. A communication from the Human Resource Management of the Farm Credit Bank of Texas, transmitting, pursuant to law, the report for the Pension Plan for calendar year 1994; to the Committee on Governmental Affairs.

EC–1402. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report under the Federal Employees Clean Air Incentives Act for fiscal year 1994; to the Committee on Governmental Affairs.

EC–1403. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the financial audit of the financial statements of the Congressional Award for fiscal year 1994; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of August 11, 1995, the following reports of committees were submitted on August 30, 1995:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 856: A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, the Museum Services Act, and the Arts and Artifacts Indemnity Act to improve and extend the Acts, and for other purposes (Rept. No. 104–135).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with amendments:

S. 619: A bill to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes (Rept. No. 104–136).

ADDITIONAL COSPONSORS

S. 141

At the request of Mrs. KASSEBAUM, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 141, a bill to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and for other purposes.

S. 295

At the request of Mrs. KASSEBAUM, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 295, a bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 304

At the request of Mr. SANTORUM, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 304, a bill to amend the Internal Revenue Code of 1986 to repeal the transportation fuels tax applicable to commercial aviation.

S. 459

At the request of Mr. BOND, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 459, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 773

At the request of Mr. ROTH, his name was added as a cosponsor of S. 773, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

S. 833

At the request of Mr. HATCH, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 833, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 896

At the request of Mr. CHAFEE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 896, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services, and for other purposes.

S. 907

At the request of Mr. MURKOWSKI, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 907, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and mineral leasing laws.

S. 949

At the request of Mr. GRAHAM, the name of the Senator from Oregon [Mr. HATFIELD] was added as a cosponsor of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 959

At the request of Mr. HATCH, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 959, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 969

At the request of Mr. BRADLEY, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 972

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 972, a bill to amend title XIX of the Social Security Act to provide for medicaid coverage of all certified nurse practitioners and clinical nurse specialists services.

S. 986

At the request of Mr. D'AMATO, the name of the Senator from Vermont

[Mr. LEAHY] was added as a cosponsor of S. 986, a bill to amend the Internal Revenue Code of 1986 to provide that the Federal income tax shall not apply to United States citizens who are killed in terroristic actions directed at the United States or to parents of children who are killed in those terroristic actions.

S. 1002

At the request of Mr. CHAFEE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1002, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

SENATE CONCURRENT RESOLUTION 11

At the request of Ms. SNOWE, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of Senate Concurrent Resolution 11, a concurrent resolution supporting a resolution to the long-standing dispute regarding Cyprus.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as ''National Historically Black Colleges and Universities Week,'' and for other purposes.

AMENDMENT NO. 2216

At the request of Mr. LEVIN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of amendment No. 2216 proposed to S. 1026, an original bill to authorize appropriations for fiscal year 1996 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.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996

BINGAMAN (AND DOMENICI) AMENDMENT NO. 2427

Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to the bill (S. 1026) to authorize appropriations for fiscal year 1996 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; as follows:

On page 570, between lines 10 and 11, insert the following:

SEC. 3168. APPLICABILITY OF ATOMIC ENERGY COMMUNITY ACT OF 1955 TO LOS ALAMOS, NEW MEXICO

(a) DATE OF TRANSFER OF UTILITIES.—Section 72 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2372) is amended by striking out ''not later than five years after the date it is included within this Act'' and inserting in lieu thereof ''not later than June 30, 1998''.

(b) DATE OF TRANSFER OF MUNICIPAL INSTALLATIONS.—Section 83 of such Act (42 U.S.C. 2383) is amended by striking out ''not later than five years after the date it is included within this Act'' and inserting in lieu thereof ''not later than June 30, 1993''.

(c) RECOMMENDATION FOR FURTHER ASSISTANCE PAYMENTS.—Section 91 of such Act (42 U.S.C. 2391) is amended—

(1) by striking out '', and the Los Alamos School Board;'' and all that follows through ''county of Los Alamos, New Mexico'' and inserting in lieu thereof ''; or not later than June 30, 1996, in the case of the Los Alamos School Board and the county of Los Alamos, New Mexico''; and

(2) by adding at the end the following new sentence: ''If the recommendation under the preceding sentence regarding the Los Alamos School Board or the county of Los Alamos, New Mexico, indicates a need for further assistance for the school board or the county, as the case may be, after June 30, 1997, the recommendation shall include a report and plan describing the actions required to eliminate the need for further assistance for the school board or the county, including a proposal for legislative action to carry out the plan.''.

(d) CONTRACT TO MAKE PAYMENTS.—Section 94 of such Act (42 U.S.C. 2394) is amended—

(1) by striking out ''June 30, 1996'' each place it appears in the proviso in the first sentence and inserting in lieu thereof ''June 30, 1997''; and

(2) by striking out ''July 1, 1996'' in the second sentence and inserting in lieu thereof ''July 1, 1997''.

BROWN AMENDMENT NO. 2428

Mr. BROWN proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place in the bill, add the following new section—

SEC. . SENSE OF THE CONGRESS REGARDING FITZSIMONS ARMY MEDICAL CENTER, COLORADO.

(a) FINDINGS.—The Congress finds that—

(1) Fitzsimons Army Medical Center in Aurora, Colorado has been recommended for closure in 1995 under the Defense Base Closure and Realignment Act of 1990;

(2) The University of Colorado Health Sciences Center and the University of Colorado Hospital Authority are in urgent need of space to maintain their ability to deliver health care to meet the growing demand for their services;

(3) Reuse of the Fitzsimons facility at the earliest opportunity would provide significant benefit to the cities of Aurora and Denver; and

(4) Reuse of the Fitzsimons facility by the local community ensures that the property is fully utilized by providing a benefit to the community.

(b) SENSE OF CONGRESS.—Therefore, it is the sense of Congress that upon acceptance of the Base Closure list—

(1) The federal screening process for Fitzsimons Army Medical Center should be accomplished at the earliest opportunity;

(2) The Secretary of the Army should consider on an expedited basis transferring Fitzsimons Army Medical Center to the Local Redevelopment Authority while still operational to ensure continuity of use to all parties concerned;

(3) The Secretary should not enter into a lease with the Local Redevelopment Authority until he has established that the lease falls within the categorical exclusions established by the Department of the Army pursuant to the National Environmental Policy Act (42 U.S.C. 4321 et seq.); and

(4) This section is in no way intended to circumvent the decisions of the 1995 BRAC.

(c) REPORT.—180 days after the enactment of this Act the Secretary of the Army shall provide a report to the appropriate committees of the Congress on the Fitzsimons Army Medical Center that covers—

(1) The result of the federal screening process for Fitzsimons and any actions that have been taken to expedite the review;

(2) Any impediments raised during the federal screening process to the transfer or lease of Fitzsimons Army Medical Center;

(3) Any actions taken by the Secretary of the Army to lease the Fitzsimons Army Medical Center to the local redevelopment authority;

(4) The results of any environmental reviews under the National Environmental Policy Act in which such a lease would fall into the categorical exclusions established by the Secretary of the Army; and

(5) The results of the environmental baseline survey and a finding of suitability or nonsuitability.

EXON (AND OTHERS) AMENDMENT NO. 2429

Mr. EXON (for himself, Mr. BINGAMAN, and Mr. LIEBERMAN) proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of the Act, the provision dealing with hydronuclear experiments is qualified in the following respect:

(c) LIMITATIONS.—Nothing in this Act shall be construed as an authorization to conduct hydronuclear tests. Furthermore, nothing in this Act shall be construed as amending or repealing the requirements of Section 507 of Public Law 102–377.

HARKIN (AND OTHERS) AMENDMENT NO. 2430

Mr. EXON (for Mr. HARKIN for himself, Mr. SHELBY, Mr. CAMPBELL, Mr. ROBB, Mr. HEFLIN, and Mr. BINGAMAN) proposed an amendment to the bill S. 1026, supra; as follows:

On page 72, between lines 18 and 19, insert the following:

SEC. 305. INCREASE IN FUNDING FOR THE CIVIL AIR PATROL.

(a) INCREASE.—(1) The amount of funds authorized to be appropriated by this Act for operation and maintenance of the Air Force for the Civil Air Patrol Corporation is hereby increased by $5,000,000.

(2) The amount authorized to be appropriated for operation and maintenance for

the Civil Air Patrol Corporation under paragraph (1) is in addition to any other funds authorized to be appropriated under this Act for that purpose.

(b) OFFSETTING REDUCTION.—The amount authorized to be appropriated under this Act for Air Force support of the Civil Air Patrol is hereby reduced by $2,900,000. The amount of the reduction shall be allocated among funds authorized to be appropriated for Air Force personnel supporting the Civil Air Patrol and for Air Force operation and maintenance support for the Civil Air Patrol.

THURMOND AMENDMENT NO. 2431

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 1026, supra; as follows:

On page 69, line 25, decrease the amount by $10,000,000.

On page 70, line 5, strike out ''$1,472,947,000'' and insert in lieu thereof ''$1,482,947,000''.

GLENN (AND OTHERS) AMENDMENT NO. 2432

Mr. EXON (for Mr. GLENN, for himself, Mrs. FEINSTEIN, Mr. PELL, and Mr. MOYNIHAN) proposed an amendment to the bill S. 1026, supra; as follows:

On page 49, between lines 14 and 15, insert the following:

SEC. 224. JOINT SEISMIC PROGRAM AND GLOBAL SEISMIC NETWORK.

To the extent provided in appropriations Acts, $9,500,000 of the unobligated balance of funds available to the Air Force for research, development, test, and evaluation for fiscal year 1995 shall be available for continuation of the Joint Seismic Program and Global Seismic Network.

HELMS AMENDMENT NO. 2433

Mr. WARNER (for Mr. HELMS) proposed an amendment to the bill S. 1026, supra; as follows:

On page 422, in the table preceding line 1, in the matter relating to the Special Operations Command at Fort Bragg, North Carolina, strike out ''$8,100,000'' in the amount column and insert in lieu thereof ''$9,400,000''.

On page 424, line 22, increase the amount by $1,300,000.

On page 424, line 25, increase the amount by $1,300,000.

SIMON AMENDMENT NO. 2434

Mr. EXON (for Mr. SIMON) proposed an amendment to the bill S. 1026, supra; as follows:

On page 366, between lines 17 and 18, insert the following:

(d) RELATIONSHIP TO AUTHORITY OF SECRETARY OF STATE.—Nothing in this section or section 462 of title 10, United States Code (as added by subsection (b)(1)), shall impair the authority or ability of the Secretary of State to coordinate policy regarding international military education and training programs.

SMITH AMENDMENT NO. 2435

Mr. WARNER (for Mr. SMITH) proposed an amendment to the bill S. 1026, supra; as follows:

On page 49, between lines 14 and 15, insert the following:

SEC. 224. DEPRESSED ALTITUDE GUIDED GUN ROUND SYSTEM.

Of the amount authorized to be appropriated under section 201(1), $5,000,000 is authorized to be appropriated for continued development of the depressed altitude guided gun round system.

KENNEDY AMENDMENT NO. 2436

Mr. EXON (for Mr. KENNEDY) proposed an amendment to the bill S. 1026, supra; as follows:

On page 21, following line 21, insert the following:

SEC. . REPORT ON AH–64D ENGINE UPGRADES.

(a) REPORT.—No later than February 1, 1996, the Secretary of the Army shall submit to Congress a report on plans to procure T700–701C engine upgrade kits for Army AH–64D helicopters.

The report shall include:

(1) a plan to provide for the upgrade of all Army AH–64D helicopters with T700–701C engine kits commencing in FY 1996.

(2) detailed timeline and funding requirements for the engine upgrade program described in (a)(1).

DOLE (AND THURMOND) AMENDMENT NO. 2437

Mr. WARNER (for Mr. DOLE, for himself and Mr. THURMOND) proposed an amendment to the bill S. 1026, supra; as follows:

On page 31, after line 22, insert the following:

SEC. 133. JOINT PRIMARY AIRCRAFT TRAINING SYSTEM PROGRAM.

Of the amount authorized to be appropriated under section 103(1), $54,968,000 shall be available for the Joint Primary Aircraft Training System program for procurement of up to eight aircraft.

HEFLIN (AND SHELBY) AMENDMENT NO. 2438

Mr. EXON (for Mr. HEFLIN and Mr. SHELBY) proposed an amendment to the bill S. 1026, supra; as follows:

On page 16, line 20, strike out ''$1,532,964,000'' and insert in lieu thereof ''$1,547,964,000''.

On page 69, line 25, strike out ''$10,060,162,000'' and insert in lieu thereof ''$10,045,162,000''.

DOMENICI AMENDMENT NO. 2439

Mr. WARNER (for Mr. DOMENICI) proposed an amendment to the bill S. 1026, supra; as follows:

On page 277, after line 25, insert the following:

(b) EFFECTIVE DATE FOR PROGRAM AUTHORITY.—Section 554(b)(1) of the National Defense Authorization Act for Fiscal Year 1994 (107 Stat. 1666; 10 U.S.C. 1059 note) is amended by striking out ''the date of the enactment of this Act—'' and inserting in lieu thereof ''April 1, 1994.—''.

On page 277, beginning on line 21, strike out

'': CLARIFICATION OF ENTITLEMENT''.

On page 277, line 23, insert ''(a) CLARIFICATION OF ENTITLEMENT.—'' before ''Section''.

ROBB AMENDMENT NO. 2440

Mr. EXON (for Mr. ROBB) proposed an amendment to the bill S. 1026, supra; as follows:

On page 137, after line 24, insert the following:

SEC. 389. REPORT ON PRIVATE PERFORMANCE OF CERTAIN FUNCTIONS PERFORMED BY MILITARY AIRCRAFT.

(a) REPORT REQUIRED.—Not later than May 1, 1996, the Secretary of Defense shall submit to Congress a report on the feasibility, including the costs and benefits, of using private sources for satisfying, in whole or in part, the requirements of the Department of Defense for VIP transportation by air, airlift for other personnel and for cargo, in-flight refueling of aircraft, and performance of such other military aircraft functions as the Secretary considers appropriate to discuss in the report.

(b) CONTENT OF REPORT.—The report shall include a discussion of the following:

(1) Contracting for the performance of the functions referred to in subsection (a).

(2) Converting to private ownership and operation the Department of Defense VIP air fleets, personnel and cargo aircraft, and in-flight refueling aircraft, and other Department of Defense aircraft.

(3) The wartime requirements for the various VIP and transport fleets.

(4) The assumptions used in the cost-benefit analysis.

(5) The effect on military personnel and facilities of using private sources, as described in paragraphs (1) and (2), for the purposes described in subsection (a).

BROWN AMENDMENT NO. 2441

Mr. WARNER (for Mr. BROWN) proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place in the bill add the following:

SEC. . STUDY ON CHEMICAL WEAPONS STOCKPILE.

(a) STUDY.—(1) The Secretary of Defense shall conduct a study to assess the risk associated with transportation of the unitary stockpile, any portion of the stockpile to include drained * * * from one location to another within the continental United States. Also, the Secretary shall include a study of the assistance available to communities in the vicinity if the Department of Defense facilities co-located with continuing chemical stockpile and chemical demilitarization operations which facilities are subject to closure, realignment, or reutilization.

(2) The review shall include an analysis of—

(A) the results of the physical and chemical integrity report conducted by the Army on existing stockpile;

(B) a determination of the viability of transportation of any portion of the stockpile, to include drained agent from munitions and the munitions;

(C) the safety, cost-effectiveness, and public acceptability of transporting the stockpile, in its current configuration, or in alternative configurations;

(D) the economic effects of closure, realignment, or reutilization of the facilities referred to in paragraph (1) on the communities referred to in that paragraph; and

(E) the unique problems that such communities face with respect to the reuse of such facilities as a result of the operations referred to in paragraph (1).

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study carried out under subsection (a). The report shall include recommendations of the Secretary on methods for ensuring the expeditious and cost-effective transfer or lease of facilities referred to in paragraph (1) of subsection (a) to communities referred to in paragraph (1) for reuse by such communities.

MIKULSKI (AND SARBANES) AMENDMENT NO. 2442

Mr. EXON (for Ms. MIKULSKI, for herself and Mr. SARBANES) proposed an amendment to the bill, S. 1026, supra; as follows:

On page 468, below line 24, add the following:

SEC. 2825. CONSOLIDATION OF DISPOSAL OF PROPERTY AND FACILITIES AT FORT HOLABIRD, MARYLAND.

(a) CONSOLIDATION.—Notwithstanding any other provision of law, the Secretary of Defense shall dispose of the property and facilities at Fort Holabird, Maryland, described in subsection (b) in accordance with subparagraph (2)(e) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (P.L. 103–421), treating the property described in (b) as if the CEO of the State had submitted a timely request to the Secretary of Defense under subparagraph (2)(e)(i)(B)(ii) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (P.L. 103–42.)

(b) COVERED PROPERTY AND FACILITIES.—Subsection (a) applies to the following property and facilities at Fort Holabird, Maryland:

(1) Property and facilities that were approved for closure or realignment under the 1988 base closure law that are not disposed of as of the date of the enactment of this Act, including buildings 305 and 306 and the parking lots and other property associated with such buildings.

(2) Property and facilities that are approved for closure or realignment under the 1990 base closure law in 1995.

(c) USE OF SURVEYS AND OTHER EVALUATIONS OF PROPERTY.—In carrying out the disposal of the property and facilities referred to in subsection (b)(1), the Secretary shall utilize any surveys and other evaluations of such property and facilities that are prepared by the Corps of Engineers before the date of the enactment of this Act as part of the process for the disposal of such property and facilities under the 1988 base closure law.

(d) DEFINITIONS.—In this section:

(1) The term ''1988 base closure law'' means title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

(2) The term ''1990 base closure law'' means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

SEC. 2826. LAND CONVEYANCE, PROPERTY UNDERLYING CUMMINS APARTMENT COMPLEX, FORT HOLABIRD, MARYLAND.

(a) CONVEYANCE AUTHORIZED.—Notwithstanding any other provision of law, the Secretary of the Army may convey to the existing owner of the improvements thereon all right, title, and interest of the United States in and to a parcel of real property underlying the Cummins Apartment Complex at Fort Holabird, Maryland, consisting of approximately 6 acres and any interest the U.S. may have in the improvements there on.

(b) CONSIDERATION.—As consideration for the conveyance under subsection (a), the owner of the improvements referred to in that subsection shall provide compensation to the United States in an amount equal to the fair market value (as determined by the Secretary) of the property interest to be conveyed.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

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

WARNER AMENDMENT NO. 2443

Mr. WARNER proposed an amendment to the bill S. 1026, supra; as follows:

On page 403, between lines 16 and 17, insert the following:

SEC. 1095. DESIGNATION OF NATIONAL MARITIME CENTER.

(a) DESIGNATION OF NATIONAL MARITIME CENTER.—The NAUTICUS building, located at One Waterside Drive, Norfolk, Virginia, shall be known and designated as the ''National Maritime Center''.

(b) REFERENCE TO NATIONAL MARITIME CENTER.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in subsection (a) shall be deemed to be a reference to the ''National Maritime Center''.

BOXER AMENDMENT NO. 2444

Mr. EXON (for Mrs. BOXER) proposed an amendment to the bill, S. 1026, supra; as follows:

On page 487, after line 24, add the following:

SEC. 2838. REPORT ON DISPOSAL OF PROPERTY, FORT ORD MILITARY COMPLEX, CALIFORNIA.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the plants of the Secretary for the disposal of a parcel of real property consisting of approximately 477 acres at the former Fort Ord Military Complex, California, including the Black Horse Golf Course, the Bayonet Golf Corse, and a portion of the Hayes Housing Facility.

STEVENS (AND BREAUX) AMENDMENT NO. 2445

Mr. WARNER (for Mr. STEVENS, for himself and Mr. BREAUX) proposed an amendment to the bill, S. 1026, supra; as follows:

On page 305, beginning on line 1, strike all through line 10 and insert in lieu thereof the following:

SEC. 802. PROCUREMENT NOTICE POSTING THRESHOLDS AND SUBCONTRACTS FOR OCEAN TRANSPORTATION SERVICES.

(a) PROCUREMENT NOTICE POSTING THRESHOLDS.—Section 18(a)(1)(B) of the Office of Federal Procurement Policy Act (41 U.S.C. 416(a)(1)(B)) is amended—

(1) by striking out ''subsection (f)—'' and all that follows through the end of the subparagraph and inserting in lieu thereof ''subsection (b); and''; and

(2) by inserting after ''property or services'' the following: ''for a price expected to exceed $10,000, but not to exceed $25,000,''.

(b) SUBCONTRACTS FOR OCEAN TRANSPORTATION SERVICES.—Notwithstanding any other provision of law, neither section 901(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1241(b)) nor section 2631 of title 10, United States Code, shall be included prior to May 1, 1996 on any list promulgated under section 34(b) of the Office of Federal Procurement Policy Act (41 U.S.C. 430(b)).

ROBB AMENDMENT NO. 2446

Mr. EXON (for Mr. ROBB) proposed an amendment to the bill S. 1026, supra; as follows:

On page 331, between lines 19 and 20, insert the following:

''(3) If the total amount reported in accordance with paragraph (2) is less than $1,080,000,000 an additional separate listing described in paragraph (2) in a total amount equal to $1,080,000,000''.

PRYOR (AND OTHERS) AMENDMENT NO. 2447

Mr. EXON (for Mr. PRYOR, for himself, Mrs. FEINSTEIN, and Mrs. BOXER) proposed an amendment to the bill S. 1026, supra; as follows:

On page 468, after line 24, add the following:

SEC. 2825. INTERIM LEASES OF PROPERTY APPROVED FOR CLOSURE OR REALIGNMENT.

Section 2667(f) of title 10, United States Code, is amended by adding at the end the following:

''(4)(A) Notwithstanding the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the scope of any environmental impact analysis necessary to support an interim lease of property under this subsection shall be limited to the environmental consequences of activities authorized under the proposed lease and the cumulative impacts of other past, present, and reasonably foreseeable future actions during the period of the proposed lease.

''(B) Interim leases entered into under this subsection shall be deemed not to prejudice the final property disposal decision, even if final property disposal may be delayed until completion of the interim lease term. An interim lease under this subsection shall not be entered into without prior consultation with the redevelopment authority concerned.

''(C) The provisions of subparagraphs (A) and (B) shall not apply to an interim lease under this subsection if authorized activities under the lease would—

''(i) significantly effect the quality of the human environment; or

''(ii) irreversibly alter the environment in a way that would preclude any reasonable disposal alternative of the property concerned.''.

GRASSLEY AMENDMENT NO. 2448

Mr. WARNER (for Mr. GRASSLEY) proposed an amendment to the bill S. 1026, supra; as follows:

On page 403, between lines 16 and 17, insert the following:

SEC. 1095. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT FLEET.

(a) SUBMITTAL OF JCS REPORT ON AIRCRAFT.—Not later than February 1, 1996, the Secretary of Defense shall submit to Congress the report on aircraft designated as Operational Support Airlift Aircraft that is currently in preparation by the Joint Chiefs of Staff.

(b) CONTENT OF REPORT.—(1) The report shall contain findings and recommendations regarding the following:

(A) Modernization and safety requirements for the Operational Support Airlift Aircraft fleet.

(B) Standardization plans and requirements of that fleet.

(C) The disposition of aircraft considered excess to that fleet in light of the requirements set forth under subparagraph (A).

(D) The need for helicopter support in the National Capital Region.

(E) The acceptable uses of helicopter support in the National Capital Region.

(2) In preparing the report, the Joint Chiefs of Staff shall take into account the recommendation of the Commission on Roles

and Missions of the Armed Forces to reduce the size of the Operational Support Airlift Aircraft fleet.

(c) REGULATIONS.—Upon completion of the report referred to in subsection (a), the secretary shall prescribe regulations, consistent with the findings and recommendations set forth in the report, for the operation, maintenance, disposition, and use of aircraft designated as Operational Support Airlift Aircraft.

(2) The regulations shall, to the maximum extent practicable, provide for, and encourage the use of, commercial airlines in lieu of the use of aircraft designated as Operational Support Airlift Aircraft.

(3) The regulations shall apply uniformly throughout the Department of Defense.

(4) The regulations should not require exclusive use of the aircraft designated as Operational Support Airlift Aircraft for any particular class of government personnel.

(d) REDUCTIONS IN FLYING HOURS.—(1) The Secretary shall ensure that the number of hours flown in fiscal year 1996 by aircraft designated as Operational Support Airlift Aircraft does not exceed the number equal to 85 percent of the number of hours flown in fiscal year 1995 by such aircraft.

(2) The Secretary should ensure that the number of hours flown in fiscal year 1996 for helicopter support in the National Capital Region does not exceed the number equal to 85 percent of the number of hours flown in fiscal year 1995 for such helicopter support.

(e) RESTRICTION ON AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated under title III for the operation and use of aircraft designated as Operational Support Airlift Aircraft, not more than 50 percent of such funds shall be available for that purpose until the submittal of the report referred to in subsection (a).

DOMENICI (AND INOUYE) AMENDMENT NO. 2449

Mr. WARNER (for Mr. DOMENICI, for himself and Mr. INOUYE) proposed an amendment to the bill S. 1026, supra; as follows:

On page 49, between lines 14 and 15, insert the following:

SEC. . ARMY ECHELON ABOVE CORPS COMMUNICATIONS.

Of the amount authorized to be appropriated under section 201(3), $40,000,000 is hereby transferred to the authorization of appropriations under section 101(5) for procurement of communications equipment for Army echelons above corps.

SIMON AMENDMENT NO. 2450

Mr. EXON (for Mr. SIMON) proposed an amendment to the bill S. 1026, supra; as follows:

On page 487, below line 24, add the following new sections:

SEC. 2838. LAND CONVEYANCE, NAVY PROPERTY, FORT SHERIDAN, ILLINOIS.

(a) AUTHORITY TO CONVEY.—Subject to subsections (b) and (l), the Secretary of the Navy may convey to any transferee selected under subsection (i) all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) at Fort Sheridan, Illinois, consisting of approximately 182 acres and comprising the Navy housing areas at Fort Sheridan.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the transferee selected under subsection (i) shall—

(A) convey to the United States a parcel of real property that meets the requirements of subsection (d);

(B) design for and construct on the property conveyed under subparagraph (A) such housing facilities (including support facilities and infrastructure) to replace the housing facilities conveyed pursuant to the authority in subsection (a) as the Secretary considers appropriate;

(C) pay the cost of relocating Navy personnel residing in the housing facilities located on the real property conveyed pursuant to the authority in subsection (a) to the housing facilities constructed under subparagraph (B);

(D) provide for the education of dependents of such personnel under subsection (e); and

(E) carry out such activities for the maintenance and improvement of the facilities constructed under subparagraph (B) as the Secretary and the transferee jointly determine appropriate.

(2) The Secretary shall ensure that the fair market value of the consideration provided by the transferee under paragraph (1) is not less than the fair market value of the property interest conveyed by the Secretary under subsection (a).

(d) REQUIREMENTS RELATING TO PROPERTY TO BE CONVEYED TO UNITED STATES.—The property interest conveyed to the United States under subsection (c)(1)(A) by the transferee selected under subsection (i) shall—

(1) be located not more than 25 miles from the Great Lakes Naval Training Center, Illinois;

(2) be located in a neighborhood or area having social and economic conditions similar to the social and economic conditions of the area in which Fort Sheridan is located; and

(3) be acceptable to the Secretary.

(e) EDUCATION OF DEPENDENTS OF NAVY PERSONNEL.—(1) In providing for the education of dependents of Navy personnel under subsection (c)(1)(D), the transferee selected under subsection (i) shall ensure that such dependents may enroll at the schools of one or more school districts in the vicinity of the real property conveyed to the United States under subsection (c)(1)(A) which schools and districts—

(A) meet such standards for schools and school districts as the Secretary shall establish; and

(B) will continue to meet such standards after the enrollment of such dependents regardless of the receipt by such school districts of Federal impact aid.

(f) INTERIM RELOCATION OF NAVY PERSONNEL.—Pending completion of the construction of all the housing facilities proposed to be constructed under subsection (c)(1)(B) by the transferee selected under subsection (i), the Secretary may relocate Navy personnel residing in housing facilities located on the property to be conveyed pursuant to the authority in subsection (a) to the housing facilities that have been constructed by the transferee under such subsection (c)(1)(B).

(g) APPLICABILITY OF CERTAIN AGREEMENTS.—The property conveyed by the Secretary pursuant to the authority in subsection (a) shall be subject to the Memorandum of Understanding concerning the Transfer of Certain Properties at Fort Sheridan, Illinois, dated August 8, 1991, between the Department of the Army and the Department of the Navy.

(h) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property interest to be conveyed under subsection (a) and of the consideration to be provided under subsection (c)(1). Such determination shall be final.

(i) SELECTION OF TRANSFEREE.—(1) The Secretary shall use competitive procedures for the selection of a transferee under subsection (a).

(2) In evaluating the offers of prospective transferees, the Secretary shall—

(A) consider the technical sufficiency of the offers and the adequacy of the offers in meeting the requirements for consideration set forth in subsection (c)(1); and

(B) consult with the communities and jurisdictions in the vicinity of Fort Sheridan (including the City of Lake Forest, the City of Highwood, and the City of Highland Park and the County of Lake) in order to determine the most appropriate use of the property to be conveyed.

(j) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the real property to be conveyed by the Secretary under subsection (a) and the real property to be conveyed under subsection (c)(1)(A) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the transferee selected under subsection (i).

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

SEC. 2839. LAND CONVEYANCE, ARMY RESERVE PROPERTY, FORT SHERIDAN, ILLINOIS.

(a) AUTHORITY TO CONVEY.—Subject to subsection (b), the Secretary of the Army may convey to any transferee selected under subsection (g) all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) at Fort Sheridan, Illinois, consisting of approximately 114 acres and comprising an Army Reserve area.

(b) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONSIDERATION.—(1) As consideration for the conveyance under subsection (a), the transferee selected under subsection (g) shall—

(A) convey to the United States a parcel of real property that meets the requirements of subsection (d);

(B) design for and construct on the property conveyed under subparagraph (A) such facilities (including support facilities and infrastructure) to replace the facilities conveyed pursuant to the authority in subsection (a) as the Secretary considers appropriate; and

(C) pay the cost of relocating Army personnel in the facilities located on the real property conveyed pursuant to the authority in subsection (a) to the facilities constructed under subparagraph (B).

(2) The Secretary shall ensure that the fair market value of the consideration provided by the transferee under paragraph (1) is not less than the fair market value of the real property conveyed by the Secretary under subsection (a).

(d) REQUIREMENTS RELATING TO PROPERTY TO BE CONVEYED TO UNITED STATES.—The real property conveyed to the United States under subsection (c)(1)(A) by the transferee selected under subsection (g) shall—

(1) be located not more than 25 miles from Fort Sheridan;

(2) be located in a neighborhood or area having social and economic conditions similar to the social and economic conditions of the area in which Fort Sheridan is located; and

(3) be acceptable to the Secretary.

(e) INTERIM RELOCATION OF ARMY PERSONNEL.—Pending completion of the construction of all the facilities proposed to be constructed under subsection (c)(1)(B) by the transferee selected under subsection (g), the Secretary may relocate Army personnel in the facilities located on the property to be conveyed pursuant to the authority in subsection (a) to the facilities that have been constructed by the transferee under such subsection (c)(1)(B).

(f) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the consideration to be provided under subsection (c)(1). Such determination shall be final.

(g) SELECTION OF TRANSFEREE.—(1) The Secretary shall use competitive procedures for the selection of a transferee under subsection (a).

(2) In evaluating the offers of prospective transferees, the Secretary shall—

(A) consider the technical sufficiency of the offers and the adequacy of the offers in meeting the requirements for consideration set forth in subsection (c)(1); and

(B) consult with the communities and jurisdictions in the vicinity of Fort Sheridan (including the City of Lake Forest, the City of Highwood, and the City of Highland Park and the County of Lake) in order to determine the most appropriate use of the property to be conveyed.

(h) DESCRIPTIONS OF PROPERTY.—The exact acreage and legal descriptions of the real property to be conveyed by the Secretary under subsection (a) and the real property to be conveyed under subsection (c)(1)(A) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the transferee selected under subsection (g).

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

LEVIN AMENDMENT NO. 2451

Mr. LEVIN proposed an amendment to the bill S. 1026, supra; as follows:

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

SEC. . SENSE OF THE SENATE ON CHEMICAL WEAPONS CONVENTION AND START II TREATY RATIFICATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) Proliferation of chemical or nuclear weapons materials poses a danger to United States national security, and the threat or use of such materials by terrorists would directly threaten U.S. citizens at home and abroad.

(2) The Chemical Weapons Convention negotiated and signed by President Bush would make it more difficult for would-be proliferators, including terrorists, to acquire or use chemical weapons.

(3) The START II Treaty negotiated and signed by President Bush would help reduce the danger of potential proliferators, including terrorists, acquiring nuclear warheads and materials, and would contribute to U.S.-Russian bilateral efforts to secure and dismantle nuclear warheads.

(4) It is in the national security interest of the United States to take effective steps to make it harder for proliferators or would-be terrorists to obtain chemical or nuclear materials for use in weapons.

(5) The President has urged prompt Senate action on, and advice and consent to ratification of, the START II Treaty and the Chemical Weapons Convention.

(6) The Chairman of the Joint Chiefs of Staff has testified to Congress that ratification of both treaties is in the U.S. national interest, and has strongly urged prompt Senate advice and consent to their ratification.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should promptly consider giving its advice and consent to ratification of the START II Treaty and the Chemical Weapons Convention.

PRYOR AMENDMENT NO. 2452

Mr. NUNN (for Mr. PRYOR) proposed an amendment to the bill, S. 1026, supra; as follows:

On page 49, between lines 14 and 15, insert the following:

SEC. 224. TESTING OF THEATER MISSILE DEFENSE INTERCEPTORS.

(a) The Secretary of Defense may not approve a theater missile defense interceptor program proceeding beyond the low-rate initial production acquisition stage until the Secretary certifies to the congressional defense committees that such program has successfully completed initial operational test and evaluation, and if found to be a suitable and effective system.

(b) In order to be certified under subsection (a) as having been successfully completed, the initial operational test and evaluation conducted with respect to an interceptor program must have included flight tests—

(1) that were conducted with multiple interceptors and multiple targets in the presence of realistic countermeasures; and

(2) the results of which demonstrate the achievement by the interceptors of the baseline performance thresholds.

(c) For purposes of this section, the baseline performance thresholds with respect to a program are the weapons systems performance thresholds specified in the baseline description for the system established (pursuant to section 2435(a)(1) of title 10, United States Code) before the program entered the engineering and manufacturing development stage.

(d) The number of flight tests described in subsection (b) that are required in order to make the certification under subsection (a) shall be a number determined by the Director of Operational Test and Evaluation to be sufficient for the purposes of this section.

(e) The Secretary may augment flight testing to demonstrate weapons system performance goals for purposes of the certification under subsection (a) through the use of modeling and simulation that is validated by ground and flight testing.

(f) The Director of Operational Test and Evaluation and Ballistic Missile Defense Organization shall include in their annual reports to Congress plans to adequately test theater missile defense interceptor programs throughout the acquisition process. As these theater missile defense systems progress through the acquisition process, the Director of Operational Test and Evaluation and Ballistic Missile Defense Organization shall include in their annual reports to Congress an assessment to how these programs satisfy planned test objectives.

THURMOND AMENDMENT NO. 2453

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 1026, supra; as follows:

On page 133, line 25, strike out ''such Act'' and insert in lieu thereof ''the Elementary and Secondary Education Act of 1965''.

On page 195, line 15, insert ''(1)'' after ''(d)''.

On page 195, line 15, strike out ''it is a'' and insert in lieu thereof ''it is an affirmative''.

On page 195, line 17, strike out ''(1)'' and insert in lieu thereof ''(A)''.

On page 195, line 21, strike out ''(2)'' and insert in lieu thereof ''(B)''.

On page 195, line 23, strike out the end quotation marks and second period.

On page 195, after line 23, insert the following:

''(2) The accused has the burden of proving a defense under paragraph (1) by a preponderance of the evidence.''.

On page 250, beginning on line 20, strike out ''Not later than December 15, 1996, the'' and insert in lieu thereof ''The''.

On page 375, strike out lines 11 through 15.

On page 375, line 16, strike out ''(p)'' and insert in lieu thereof ''(o)''.

On page 375, line 20, strike out ''(q)'' and insert in lieu thereof ''(p)''.

On page 376, line 1, strike out ''(r)'' and insert in lieu thereof ''(q)''.

On page 376, line 7, strike out ''(s)'' and insert in lieu thereof ''(r)''.

On page 376, line 13, strike out ''(t)'' and insert in lieu thereof ''(s)''.

On page 376, line 22, strike out ''(u)'' and insert in lieu thereof ''(t)''.

On page 377, line 3, strike out ''(v)'' and insert in lieu thereof ''(u)''.

On page 378, between line 23 and 24, insert the following:

(c) PUBLIC LAW 100–180 REQUIREMENT FOR SELECTED ACQUISITION REPORTS FOR ATB, ACM, AND ATA PROGRAMS.—Section 127 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (10 U.S.C. 2432 note) is repealed.

On page 378, line 24, strike out ''(c)'' and insert in lieu thereof ''(d)''.

On page 379, line 5, strike out ''(d) and insert in lieu thereof ''(e)''.

On page 379, line 14, strike out ''(e) and insert in lieu thereof ''(f)''.

On page 379, line 20, strike out ''(f)'' and insert in lieu thereof ''(g)''.

Beginning on page 379, line 24, strike out ''106 Stat. 2370;'' and all that follows through page 380, line 2, and insert in lieu thereof ''106 Stat. 2368; 10 U.S.C. 301 note) is amended by striking out paragraphs (4) and (5).''.

On page 380, line 3, strike out ''(g)'' and insert in lieu thereof ''(h)''.

BYRD AMENDMENT NO. 2454

Mr. NUNN (for Mr. BYRD) proposed an amendment to the bill S. 1026, supra; as follows:

On page 137, after line 24, insert the following:

SEC. 389. ALLEGANY BALLISTICS LABORATORY.

Of the amount authorized to be appropriated under section 301(2), $2,000,000 shall be available for the Allegany Ballistics Laboratory for essential safety functions.

THURMOND AMENDMENT NO. 2455

Mr. WARNER (for Mr. THURMOND) proposed an amendment to the bill S. 1026, supra; as follows:

On page 69, line 20, strike out ''$18,086,206,000'' and insert in lieu thereof ''$18,073,206,000''.

On page 69, line 21, strike out ''$21,356,960,000'' and insert in lieu thereof ''$21,343,960,000''.

On page 69, line 23, strike out ''$18,237,893,000'' and insert in lieu thereof ''$18,224,893,000''.

On page 69 line 25, strike out ''$10,060,162,000'' and insert in lieu thereof ''$10,046,162,000''.

On page 407, between lines 19 and 20, insert the following:

SEC. 2105. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 1992 MILITARY CONSTRUCTION PROJECTS.

Section 2105(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1511), as amended by section 2105(b)(2)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1859), is further amended in the matter preceding paragraph (1) by striking out ''$2,571,974,000'' and insert in lieu thereof ''$2,565,729,000''.

On page 417, in the table preceding line 1, in the amount column of the item relating to Spangdahlem Air Base, Germany, strike out ''$8,300,000'' and insert in lieu thereof ''$8,380,000''.

On page 419, line 24, strike out ''$49,450,000'' and insert in lieu thereof ''$49,400,000''.

On page 420, after line 21, add the following:

SEC. 2305. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR FISCAL YEAR 1992 MILITARY CONSTRUCTION PROJECTS.

Section 2305(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190; 105 Stat. 1525), as amended by section 2308(a)(2)(A) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2598) and by section 2305(a)(3)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1871), is further amended in the matter preceding paragraph (1) by striking out ''$2,033,833,000'' and inserting in lieu thereof ''$2,017,828,000''.

On page 424, line 22, strike out ''$4,565,533,000'' and insert in lieu thereof ''$4,466,783,000''.

On page 425, line 9, strike out ''$47,950,000'' and insert in lieu thereof ''$47,900,000''.

On page 426, line 13, strike out ''$3,897,892,000'' and insert in lieu thereof ''$3,799,192,000''.

On page 427, line 25, add the following:

SEC. 2407. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR PRIOR YEAR MILITARY CONSTRUCTION PROJECTS.

(a) FISCAL YEAR 1991 AUTHORIZATONS.—Section 2405(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101–510; 104 Stat. 1779), as amended by section 2409(b)(1) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102–190;; 105 Stat. 1991), is further amended in the matter preceding paragraph (1) by striking out ''$1,644,478,000'' and inserting in lieu thereof ''$1,641,244,000''.

(b) FISCAL YEAR 1992 AUTHORIZATIONS.—Section 2404(a) of the Military Construction Authorization Act for Fiscal Year 1992 (105 Stat. 1531), as amended by section 2404(b)(1)(A) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103–160; 107 Stat. 1877), is further amended in the matter preceding paragraph (1) by striking out ''$1,665,440,000'' and inserting in lieu thereof ''$1,658,640,000''.

(c) FISCAL YEAR 1993 AUTHORIZATIONS.—Section 2403(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102–484; 106 Stat. 2600), is amended in the matter preceding paragraph (1) by striking out ''$2,567,146,000'' and inserting in lieu thereof ''$2,558,556,000''.

FEINSTEIN AMENDMENT NO. 2456

Mr. NUNN (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 1026, supra; as follows:

On page 487, below line 24, add the following:

SEC. 2838 LAND CONVEYANCE, NAVAL COMMUNICATIONS STATION, STOCKTON, CALIFORNIA.

(a) AUTHORITY TO CONVEY.—The Secretary of the Navy may, upon the concurrence of the Administrator of General Services and the Secretary of Housing and Urban Development, convey to the Port of Stockton (In this section referred to as the ''Port''), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 1,450 acres at the Naval Communication Station Stockton, California.

(b) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the Port under terms and conditions satisfactory to the Secretary.

(c) CONSIDERATION.—The conveyance may be as a public benefit conveyance for port development as defined in Section 203 of the Federal Property and Administrative Services Act of 1949, (40 U.S.C. 484), as amended, provided the Port satisfies the criteria in section 203 and such regulations as the Administrator of General Services may prescribe to implement that section. Should the Port fail to quality for a public benefit conveyance and still desire to acquire the property, then the Port shall, as consideration for the conveyance, pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(d) FEDERAL LEASE OF CONVEYED PROPERTY.—Notwithstanding any other provision of law, as a condition for transfer of this property under subparagraph (a), the Secretary may require that the Port agree to lease all or a part of the property currently under federal use at the time of conveyance to the United States for use by the Department of Defense or any other federal agency under the same terms and conditions now presently in force. Such terms and conditions will continue to include payment (to the Port) for maintenance of facilities leased to the Federal Government. Such maintenance of the Federal premises shall be to the reasonable satisfaction of the United States, or as required by all applicable Federal, State and local laws and ordinances.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by Port.

(f) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or the lease under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

(g) ENVIRONMENTAL QUALITY OF PROPERTY.—Any contract for sale, deed, or other transfer of real property under this section shall be carried out in compliance with section 120(h) of the CERCLA (42USC9620(h)) and other environmental laws.

HARKIN (AND BOXER) AMENDMENT NO. 2457

Mr. NUNN (for Mr. HARKIN, for himself and Mrs. BOXER) proposed an amendment to the bill S. 1026, supra; as follows:

At the appropriate place in the bill, insert the following new section:

''SEC. . RESTRICTION ON REIMBURSEMENT OF COSTS.

''(a) None of the funds authorized to be appropriated in this Act for fiscal year 1996 may be obligated for payment on new contracts on which allowable costs charged to the government include payments for individual compensation (including bonuses and other incentives) at a rate in excess of $250,000.

''(b) It is the Sense of the Senate that the Congress should consider extending the restriction described in section (a) permanently.''

JOHNSTON AMENDMENT NO. 2458

Mr. NUNN (for Mr. JOHNSTON) proposed an amendment to the bill S. 1026, supra; as follows:

On page 535, at the end of subtitle A, add the following new sections:

''SEC. . STANDARDIZATION OF ETHICS AND REPORTING REQUIREMENTS AFFECTING THE DEPARTMENT OF ENERGY WITH GOVERNMENT-WIDE STANDARDS.

''(a) REPEALS.—(1) Part A of title VI of the Department of Energy Organization Act and its catchline (42 U.S.C. 7211, 7212, and 7218) are repealed.

''(2) Section 308 of the Energy Research and Development Administration Appropriation Authorization Act for Fiscal Year 1977 (42 U.S.C. 5816a) is repealed.

''(3) Section 522 of the Energy Policy and Conservation Act (42 U.S.C. 6392) is repealed.

''(b) CONFORMING AMENDMENTS.—(1) The table of contents for the Department of Energy Organization Act is amended by striking out the items relating to part A of title VI including sections 601 through 603.

''(2) The table of contents for the Energy Policy and Conservation Act is amended by striking out the matter relating to section 522.''.

''SEC. . CERTAIN ENVIRONMENTAL RESTORATION REQUIREMENTS.

It is the sense of Congress that—

''(1) No individual acting within the scope of that individual's employment with a Federal agency or department shall be personally subject to civil or criminal sanctions, for any failure to comply with an environmental cleanup requirement under the Solid Waste Disposal Act or the Comprehensive Environmental Response, Compensation, and Liability Act or an analogous requirement under comparable Federal, State, or local laws, where the failure to comply is due to lack of funds requested or appropriated to carry out such requirement. Federal and State enforcement authorities shall refrain from enforcement action in such circumstances.

''(2) If appropriations by the Congress for fiscal year 1996 or any subsequent fiscal year are insufficient to fund any such environmental cleanup requirements, the Committees of Congress with jurisdiction shall examine the issue, elicit the views of Federal agencies, affected States, and the public, and consider appropriate statutory amendments to address personal criminal liability, and any related issues pertaining to potential liability of any Federal agency or department or its contractors.''

DORGAN (AND CONRAD) AMENDMENT NO. 2459

Mr. NUNN (for Mr. DORGAN, for himself and Mr. CONRAD) proposed an amendment to the bill S. 1026, supra; as follows:

On page 487, after line 24, add the following:

SEC. 2838. LAND CONVEYANCE, WILLIAM LANGER JEWEL BEARING PLANT, ROLLA, NORTH DAKOTA.

(a) AUTHORITY TO CONVEY.—The Administrator of General Services may convey, without consideration, to the Job Development Authority of the City of Rolla, North Dakota (in this section referred to as the ''Authority''), all right, title, and interest of the United States in and to a parcel of real property, with improvements thereon and all associated personal property, consisting of approximately 9.77 acres and comprising the William Langer Jewel Bearing Plant in Rolla, North Dakota.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Authority—

(1) use the real and personal property and improvements conveyed under that subsection for economic development relating to the jewel bearing plant;

(2) enter into an agreement with an appropriate public or private entity or person to lease such property and improvements to that entity or person for such economic development; or

(3) enter into an agreement with an appropriate public or private entity or person to sell such property and improvements to that entity or person for such economic development.

(c) PREFERENCE FOR DOMESTIC DISPOSAL OF JEWEL BEARINGS.—(1) In offering to enter into agreements pursuant to any provision of law for the disposal of jewel bearings from the National Defense Stockpile, the President shall give a right of first refusal on all such offers to the Authority or to the appropriate public or private entity or person with which the Authority enters into an agreement under subsection (b).

(2) For the purposes of this section, the term ''National Defense Stockpile'' means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98(c)).

(d) AVAILABILITY OF FUNDS FOR MAINTENANCE AND CONVEYANCE OF PLANT.—Notwithstanding any other provision of law, funds available in fiscal year 1995 for the maintenance of the William Langer Jewel Bearing Plant in Public Law 103–335 shall be available for the maintenance of that plant in fiscal year 1996, pending conveyance, and for the conveyance of that plant under this section.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Administrator. The cost of such survey shall be borne by the Administrator.

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

NUNN AMENDMENT NO. 2460

Mr. NUNN proposed an amendment to the bill S. 1026, supra; as follows:

On page 487, below line 24, add the following:

SEC. 2838. LAND EXCHANGE, UNITED STATES ARMY RESERVE CENTER, GAINESVILLE, GEORGIA.

(a) IN GENERAL.—The Secretary of the Army may convey to the City of Gainesville, Georgia (in this section referred to as the ''City''), all right, title, and interest of the United States in and to a parcel of real property (together with any improvements thereon) consisting of approximately 4.2 acres located on Shallowford Road, in the City of Gainesville, Georgia.

(b) CONSIDERATION.—As consideration for the conveyance authorized by subsection (a), the City shall—

(1) convey to the United States all right, title, and interest in and to a parcel of real property consisting of approximately 8 acres of land, acceptable to the Secretary, in the Atlas Industrial Park, Gainesville, Georgia;

(2) design and construct on such real property suitable replacement facilities in accordance with the requirements of the Secretary, for the training activities of the United States Army Reserve;

(3) fund and perform any environmental and cultural resource studies, analysis, documentation that may be required in connection with the land exchange and construction considered by this section;

(4) reimburse the Secretary for the costs of relocating the United States Army Reserve units from the real property to be conveyed under subsection (a) to the replacement facilities to be constructed by the City under subsection (b)(2). The Secretary shall deposit such funds in the same account used to pay for the relocation;

(5) pay to the United States an amount as may be necessary to ensure that the fair market value of the consideration provided by the City under this subsection is not less than fair market value of the parcel of real property conveyed under subsection (a); and

(6) assume all environmental liability under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9620(h)) for the real property to be conveyed under subsection (b)(1).

(c) DETERMINATION OF FAIR MARKET VALUE.—(1) The determination of the Secretary regarding the fair market value of the real property to be conveyed pursuant to subsection (a), and of any other consideration provided by the City under subsection (b), shall be final.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require any additional terms and conditions in connection with the conveyances under this section that the Secretary considers appropriate to protect the interest of the United States.

ADDITIONAL STATEMENTS

BULLYING TAIWAN

● Mr. SIMON. Mr. President, recently, the New York Times had an editorial titled, ''Bullying Taiwan,'' which appeared while Congress was not in session.

It comments on what is taking place in China and that country's irresponsible conduct toward Taiwan.

For years before the United States recognized the People's Republic of China, I had favored dual recognition, as we did with East Germany and West Germany.

But for reasons I understand, in part to keep China on an anti-Soviet course, the United States continued to follow a one China policy. It was wrong before, and it is wrong now.

As the editorial points out, Taiwan has been under Beijing's rule only 4 years in the last century.

I ask that the New York Times editorial be printed in the RECORD at this point, and I urge my colleagues to read it, if they have not already.

The editorial follows:

BULLYING TAIWAN

China has embarked on an escalating campaign of military maneuvers meant to intimidate Taiwan and undermine its President, Lee Teng-hui. Washington, as much as it wants to calm troubled relations with Beijing, must firmly signal its opposition to this campaign. Ties with China cannot be built on tolerance for provocative displays of military force and efforts to destabilize Taiwan.

Last week China began its second missile exercise this summer in the waters surrounding Taiwan. More are planned in the weeks ahead, timed to coincide with the campaign to choose Taiwan's first democratically elected President next March.

Mr. Lee, who led Taiwan from dictatorship to democracy after coming to power as the handpicked successor of Chiang Kai-shek and his son, is now the front-runner in that election. But Beijing hopes its military muscle can frighten Taiwan into choosing someone more malleable.

Mr. Lee has drawn China's ire by a series by personal visits abroad, most prominently a May trip to attend his college reunion in the United States. Beijing is upset because these actions challenge its contention that Taiwan is an integral part of China and that any separate political identity for Taiwan diminishes China's sovereignty.

This ''one-China policy'' had its origins in 1949, when Chiang moved the seat of his defeated Government to Taiwan. From then on, Chiang in Taipei and Mao Zedong in Beijing each insisted his own regime was the legitimate government of China, with authority over both the mainland and Taiwan.

When it recognized Chiang, the United States found the one-China formula convenient. When America switched recognition to the Communists in 1979, Beijing insisted that Washington continue to honor the point. The United States therefore has no formal diplomatic ties with Taiwan.

For Beijing, the one-China concept has been the cornerstone of normalized relations with Washington. Tampering with it would throw the entire relationship into turnoil. Yet continued Chinese military provocations could force the United States to re-evaluate its position.

While diplomatically convenient, the formula has never corresponded very closely to realty. While most of Taiwan's people are descended from Chinese who migrated there several centuries ago, the island, 100 miles off the Chinese coast, has been under Beijing's direct rule for only four years in the last century.

Today Taiwan, with 21 million people, is a prosperous democracy and America's seventh-largest trading partner. Though its businessmen have strong economic ties with the mainland, few of its citizens want to come under the rule of the harsh Communist regime in Beijing. But most Taiwanese also believe it would be a fatal mistake for Taiwan to provoke China by pushing too hard for the diplomatic trappings of independence.

China is trying to intimidate Taiwan into reining in its diplomacy. It is also trying to warn outside powers against

granting visas to Taiwanese political leaders. That China should be pressing these positions is not surprising. That it should do so by military means, and in the process undermine political stability in Taiwan, is disturbing and cannot be ignored.●

THE ACCURACY OF AFDC NUMBERS

● Mr. MOYNIHAN. Mr. President, during the welfare debate on August 8, I displayed a chart on the floor of this Chamber entitled ''AFDC Caseload of 10 Largest Cities in the U.S. (1992).'' It showed 62 percent of all children in Los Angeles as welfare recipients at some point in 1992, 79 percent in Detroit, on and on. These figures were supplied by the Department of Health and Human Services [HHS].

My office provided the chart to the Washington Times at the request of its editorial writers. The chart appeared in a Times editorial that ran last Friday entitled, ''Welfare Shock.'' The numbers, according to the editorial, ''represent a small fraction of the statistical indictment against the failed welfare polices of the liberal welfare state.''

Regrettably, the numbers from the Department were wrong. On August 23, Deputy Assistant Secretary for Human Services Policy Wendell E. Primus wrote me to inform me of the error and provided me with new data. It happens that the numerator used was the number of public assistance recipients in the surrounding metropolitan statistical areas [MSA's], rather than the number of recipients in the cities proper. The denominator, correctly, was the population of each city. I am informed by the Department that data on the number of program beneficiaries is difficult to obtain at the city level. The AFDC Program is operated either at a State or county level. It was a perfectly honest mistake, honorably acknowledged and corrected.

I forwarded the revised numbers to the Washington Times, which graciously ran a follow-up editorial and an explanatory letter from me in this morning's edition. The numbers, as the editorial points out, went down for Los Angeles and Detroit, but inched up for New York and jumped up for Philadelphia. Given the mistake in methodology, I can understand why the ratios went down for some cities. But I am perplexed why they climbed for others, including New York. Apparently, we have more work to do. We'll get them right.

Today's editorial in the Washington Times, ''Charting the Welfare State,'' states that even the lower ratios offer compelling evidence of the complete failure of the current system. I don't disagree. But it would be a huge mistake for the Federal Government to break off its commitment entirely, and we seemed poised to do. If the numbers reveal anything that we can understand, it's this: The problem simply has become too great for the cities to handle on their own. Mr. Hugh Price of the Nationals Urban League has recently argued that the welfare reform legislation upon which the Senate will take up tomorrow or Thursday could be a reenactment of the deinstitutionalization of mental patients in the 1960's and 1970's which led so directly to the problem of the homeless.

Mr. President, I ask unanimous consent that the letter I received from Deputy Assistant Secretary Primus, the two Washington Times editorials, and my letter to the Times appear in the RECORD following my remarks.

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES,
Washington, DC, August 23, 1995.

Hon. DANIEL PATRICK MOYNIHAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MOYNIHAN: I very much regret and am deeply embarrassed by the incorrect numbers my office provided to you in response to your request for data on the number of children receiving public assistance in major cities in the United States. I share your passion for data and have published many statistics on welfare during my career. Therefore, I hope you will accept my apologies for this mistake.

Unfortunately, there is no good explanation for the error. As you are well aware, we depend upon the states for administrative data concerning AFDC receipt. In most states these statistics are gathered on a county level and are not routinely compiled for other political subdivisions. Estimates on welfare receipt can be made from Census data, but in many cases these data do not correspond to administrative data. In responding to your request, we did not appropriately map administrative data to population counts obtained from the Census Bureau. Revised estimates are enclosed, including a methodological explanation.

Again, I am very sorry for providing incorrect data and for any embarrassment it has caused you. I am very aware of how widely you quoted those numbers. Please accept my personal and professional apology.

Sincerely,

WENDELL E. PRIMUS,
Deputy Assistant Secretary for Human Services Policy.

NOTES TO TABLES ON RATES OF PUBLIC ASSISTANCE RECEIPT IN MAJOR CITIES

The attached tables present estimates of the number and percentage of persons in major cities who receive Aid to Families with Dependent Children (AFDC) and Supplemental Security Income (SSI).

The AFDC program is operated at either a State or county level. Accordingly, the U.S. Department of Health and Human Services (USDHHS) does not collect data on the number of AFDC recipients by city. In addition, the Social Security Administration keeps data on SSI receipt by State and county, but not by city.

Table 1 displays, for the 10 largest cities, the number of AFDC (total and child) and SSI (adult and child) recipients of either the city itself (data permitting) or for the county most closely corresponding to the city. The data are drawn from ''Quarterly Public Assistance Statistics: Fiscal Years 1992 and 1993'' (a USDHHS publication) and SSI Recipients by State and County (a Social Security Administration publication) and represent the numbers of AFDC and SSI recipients at a point in time.

Data on the number of recipients by program is, as noted above, difficult to obtain at the city level. The decennial Census does contain data by county and city on the number/percentage of households that receive income from any of three public assistance programs (AFDC, SSI or GA) within a year (as opposed to at a point in time). The Census data is not broken down by program; it is not possible to determine from the data how many households received AFDC as opposed to SSI or GA.

Note: the decennial Census may undercount the number of public assistance recipients. While undercounting is a problem for the Census as a whole, it is of particular concern with respect to lower-income persons. The degree of undercounting tends to be especially large in the case of poorer residents. The Bureau of the Census employs weighting techniques in order to correct for undercounting; it is not clear if these techniques are completely successful.

The Census data can be employed, in conjunction with the information available for the counties corresponding to the major cities, to arrive at estimates by city of the number of recipients in each program. These estimates, found in Table 2, are calculated by assuming that for each program (at a point in time) the ratio of recipients in the city to recipients in the county is equal to the ratio of households in the city that received income from any of the three programs to households in the county receiving such income (from the 1990 Census).

For example, while there is no data by program for the City of Los Angeles, there is data for Los Angeles County. According to ''Quarterly Public Assistance Statistics,'' there were 784,000 AFDC recipients in Los Angeles County as of February 1993 (see Table 1, column 5, line 2). The 1990 Census found that there were 130,000 households in Los Angeles (city) with public assistance income in 1989 (Table 2, column 3, line 2), as opposed to 295,000 in Los Angeles County (Table 1, column 3, line 2), for a ratio of .44 (Table 2, column 5, line 2). By applying this ratio to the number of AFDC recipients in Los Angeles County in February 1993, we arrive at an estimate of 350,000 AFDC recipients in Los Angeles (city) as of February 1993 (Table 2, column 6, line 2).

The tables also contain estimates of the number and percentage of children who receive AFDC and AFDC or SSI over the course of a year, as opposed to at a point in time. These estimates are calculated by assuming that the ratio of child recipients over the course of a year to child recipients at a point in time (for each city) is equal to the nationwide ratio (for all AFDC and GA recipients) from the Survey of Income and Program Participation (Dynamics of Economic Well-Being and Program Participation by the Bureau of the Census).

SUMMARY TABLE

[Estimated rates of public assistance receipt: Children in major cities]

City	Percent of child population on—			
	AFDC: Point in time	AFDC: W/ in a year	AFDC or SSI: Point in time	AFDC or SSI: W/in a year
New York	30	39	32	40
Los Angeles	29	38	30	38
Chicago	36	46	38	49
Detroit	50	67	54	67
Philadelphia	44	57	46	59
San Diego	23	30	23	30
Houston	18	22	18	24
Phoenix	15	18	15	18
San Antonio	14	21	18	21

SUMMARY TABLE—Continued

[Estimated rates of public assistance receipt: Children in major cities]

City	Percent of child population on—			
	AFDC: Point in time	AFDC: W/ in a year	AFDC or SSI: Point in time	AFDC or SSI: W/in a year
Dallas	16	20	16	23

Note: Given that the actual percentage of county recipients living in a city likely varies by program and may diverge substantially from the ratio calculated using the 1990 Census data, the figures in Table 2 and in the summary table above should be regarded as relatively rough estimates.

Correction: An error was made in the calculation of earlier estimates released by the Administration, resulting in inflated figures. The number of public assistance recipients in the metropolitan statistical area (MSA), rather than the number in the city, was used as the numerator, while the population of the city was used as the denominator.

AFDC CASELOAD OF 10 LARGEST CITIES IN THE UNITED STATES (1992)

[Incorrect figures used previously]

City	Number of AFDC children	As a proportion of all children (percent)
1. New York, NY	478,895	28.4
2. Los Angeles, CA	534,528	61.8
3. Chicago, IL	314,706	43.7
4. Houston, TX	110,860	24.6
5. Philadelphia, PA	115,697	31.3
6. San Diego, CA	117,197	44.2
7. Dallas, TX	51,545	20.2
8. Phoenix, AZ	66,770	24.3
9. Detroit, MI	234,910	78.7
10. San Antonio, TX	52,340	18.6

Source: Department of Health and Human Services.

[From the Washington Times, Sept. 1, 1995]

WELFARE SHOCK

Having spent the better part of the past four decades analyzing the statistical fallout of the welfare and illegitimacy crises enveloping our great cities, Sen. Daniel Patrick Moynihan never has needed hyperbole to describe the dreadful consequences of failed social policies. Perhaps that is because the New York Democrat possesses the uncanny ability to develop or cite pithy statistics that shock even the most jaded welfare analyst, case-worker, senatorial colleague or reporter.

Several weeks ago, Sen. Moynihan, appearing on one of the ubiquitous Sunday morning interview shows, shocked his questioners (and, undoubtedly, his television audience) by revealing that nearly two-thirds of the children residing in Los Angeles, the nation's second largest city, lived in families relying on the basic welfare program, Aid to Families with Dependent Children (AFDC). To illustrate that Los Angeles was not unique, he observed that nearly four of every five (!) Detroit children received AFDC benefits.

The accompanying chart details the extent to which residents in the 10 largest U.S. cities have become dependent on AFDC—and the government. After about three decades of fighting the War on Poverty, during which time more than $5.4 trillion (in constant 1993 dollars) has been expended, perhaps no single statistic offers more proof of the war's unmitigated failure than the fact that federal and state governments provide the financial support of 38 percent of all children living in the country's 10 largest cities.

AFDC CASELOAD OF 10 LARGEST CITIES IN THE UNITED STATES (1992)

City	Number of AFDC children	As a proportion of all children (percent)
New York, NY	478,895	28.4
Los Angeles, CA	534,528	61.8
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Philadelphia, PA	115,697	31.3
San Diego, CA	117,197	44.2
Dallas, TX	51,545	20.2

AFDC CASELOAD OF 10 LARGEST CITIES IN THE UNITED STATES (1992)—Continued

City	Number of AFDC children	As a proportion of all children (percent)
Phoenix, AZ	66,770	24.3
Detroit, MI	234,910	78.7
San Antonio, TX	52,340	18.6

Source: Department of Health and Human Services.

How does one begin to address such a horrendous problem? For all the talk among Democrats, particularly President Clinton, about the need for increased spending for education to help underwrite welfare reform, it's worth recalling that real (inflation-adjusted) spending for elementary and secondary education has dramatically escalated since the federal government declared war on poverty. Indeed, some of the highest per pupil expenditures occur in the largest cities. Unfortunately, as spending increased, test scores plummeted.

In a more serious tone, Mr. Moynihan approvingly cited the 1966 report on the Equality of Educational Opportunity (the Coleman Report), which ''determined that after a point there is precious little association between school resources and school achievement. The resources that matter are those the student brings to the school, including community traditions that value education. Or don't.''

Sen. Moynihan has offered his own welfare-reform plan, which, unlike any Republican plan in the House and Senate, would retain AFDC's entitlement status without placing any time restrictions on recipients. Despite the underwhelming success of federal job-training and job-placement programs, his plan places great emphasis on more of the same. Attacking the Republicans' proposals to cancel welfare's entitlement status and enforce time restrictions, Sen. Moynihan frets that ''we don't know enough'' to design programs that attempt to influence the behavior of poor people.

Take another look at the figures in the chart provided by the senator. They represent a small fraction of the statistical indictment against the failed welfare policies of the liberal welfare state. Tinkering around the edges of such failure without seeking to change the behavior that three decades of the War on Poverty have produced, will surely not solve any of the many social problems that accompany dependency on the scale depicted in the chart. That much we do know.

[From the Washington Times, Sept. 5, 1995]

CHARTING THE STATE OF WELFARE

Even by the appalling standards and results of U.S. welfare policy, the chart that appeared in this space last Friday exaggerated the depths of the situation that prevails in some of this nation's largest cities.

Last month Sen. Daniel Patrick Moynihan, New York Democrat, appeared on the floor of the Senate citing statistics showing that nearly two out of three children in Los Angeles and nearly four out of five children in Detroit lived in households receiving the government's basic welfare grant, Aid to Families with Dependent Children (AFDC). At the request of The Washington Times' editorial page, Sen. Moynihan's office faxed a copy of a chart listing the 10 largest U.S. cities and the percentage of each city's children relying on AFDC, which was developed by the U.S. Department of Health and Human Services (HHS). Regrettably, the information was incorrect.

Nearby is a chart with updated, expanded, and presumably correct, information that HHS subsequently sent to Sen. Moynihan's office, which then forwarded it the editorial page. The revised chart offers both as snapshot of welfare dependency of children in our largest cities (at a ''point in time'') and a more expansive statistic incorporating all children whose families relied on AFDC during any portion of an entire year. Clearly, neither classification places Los Angeles or Detroit in nearly as dreadful a position as conveyed by HHS's initial, incorrect tallies. It should also be noted, however that the earlier chart understated the problem of pervasive welfare dependency in other cities: New York and Philadelphia, for example. The revised chart offers no solace to anybody interested in the future of our great cities and the children who live in them.

ESTIMATED RATES OF AFDC CASELOADS

[In major cities (Feb. 1993)]

State	Percentage of children on AFDC at a point in time	Percentage of children of AFDC within a year
New York	30	39
Los Angeles	29	38
Chicago	36	46
Detroit	50	67
Philadelphia	44	57
San Diego	23	30
Houston	18	22
Phoenix	15	18
San Antonio	14	21
Dallas	16	20

Source: Department of Health and Human Services.

It's been 30 years since the federal government initiated its so-called War on Poverty. During that time more than $5 trillion was expended fighting it. What has been accomplished? As the Senate reconsiders the various welfare-reform proposals during the next few weeks, let us keep in mind that anything less than revolutionary in scope is likely to have little long-term impact on these depressing statistics and the numerous pathologies and deviancies that derive from them.

[From the Washington Times, Sept. 5, 1995]

THE AFDC NUMBERS: BAD ENOUGH, BUT NOT THAT BAD

Regarding the Sept. 1 editorial ''Welfare shock,'' The Washington Times is entirely correct in stating that the information of AFDC caseloads I presented in the August welfare debate in the Senate was mistaken. We received the data from the Department of Health and Human Services on Aug. 4. I found the numbers hard to believe—*that* bad?—and called the deputy assistant secretary responsible to ask if he would check. He did and called back to confirm.

On Aug. 23, however, with the Senate in recess, Mr. Wendell E. Primus, the deputy assistant secretary who provided the data, wrote to say that there had indeed been a miscalculation. It was a perfectly honest mistake, honorably acknowledged and corrected. I will place his letter in the Congressional Record today.

The new numbers are sufficiently horrendous. The proportion of the child population on AFDC or Supplemental Security income in the course of a year in Los Angeles is 38 percent. In New York, 40 percent. In Chicago, 49 percent. In Philadelphia, 59 percent. In Detroit, 67 percent. My contention is that things have gotten so out of hand that cities and states cannot possibly handle the problem on their own. Thirty years ago, certainly. No longer. Mr. Hugh Price of the National Urban League suggests that we will see a reenactment of deinstitutionalization of the mental patients which led so directly to the problem of the homeless. I was in the Oval Office on Oct. 23, 1963 when President

Kennedy signed that bill, his last public bill signing ceremony. He gave me the pen. I have had it framed and keep it on my wall. Primum non nocere.

DANIEL PATRICK MOYNIHAN,
U.S. Senator,
Washington.●

(At the request of Mr. DOLE, the following statement was ordered to be printed in the RECORD).

THE BAD DEBT BOXSCORE

● Mr. HELMS. Mr. President, as of the close of the last recorded business day, Friday, September 1, the Federal debt stood at $4,968,255,379,449.49. On a per capita basis, every man, woman, and child in America owes $18,859.58 as his or her share of that debt.●

ON FAMILIES AND VALUES

● Mr. SIMON. Mr. President, one of the economic leaders in this Nation, with whom I sometimes agree and sometimes disagree, but for whom I have always had great respect is Herbert Stein.

Herb Stein is now a senior fellow at the American Enterprise Institute, and recently had an article in the Brookings Institution publication titled, ''On Families and Values.''

His comments puncture some of our balloons and bring us back to reality in a very practical, wholesome way.

I ask that his comments be printed in the RECORD.

The material follows:

ON FAMILIES AND VALUES

(By Herbert Stein)

O, Family Values, what wonders are performed in your name! In your name some political leaders propose to give a tax credit of $500 per child to every income-tax-paying unit except the very richest. I use the expression ''income-tax-paying unit'' because no particular family relationship is required. There may be a couple, married or unmarried, or there may be a single tax-payer, male or female, and the children may have a biological relationship to both adults, to one, or to neither. At the same time, also in the name of family values, it is proposed to reduce federal benefits to mother-children units if the mother is young and poor.

We do not have a family problem in America, or, at least, that is not one of our major problems. We have a children problem. Too many of our children are growing up uncivilized. The family deserves attention today mainly because it is the best institution for civilizing children. We shouldn't get too sentimental about that, however. Through most of history the family that reared children was not our idealized Poppy-Mommy-Kiddies group but a much more inclusive relationship. The first family was the scene of a fratricide. The most famous families in literature, the Montagues and Capulets, were obsessed with fighting each other, with fatal consequences for their children. Long before Freud we knew that the family could be a nest of vipers.

Despite its blemishes, perhaps exaggerated in literature because they are exceptional, the family is the best institution we know for rearing children. It is the best because it is most likely to be governed by certain values—love, responsibility, voluntary commitment to the welfare of others, including those least able to fend for themselves, who are, of course, the children. That is what family values are.

In the rearing of children there is no satisfactory substitute for the well-functioning family. We should try to strengthen such families by private example, public policy, and in any other way we can. But even families that function well need supplementation by other institutions. Some families do not function well, for economic or psychological reasons, and they need even more assistance. In modern societies it is recognized that other institutions have a responsibility and capacity to contribute to the raising of children. These institutions include government, whose wide-ranging functions, from education to preventing child abuse, are generally accepted.

Moreover, there are really no such things as ''family values.'' What we call family values are simply human values that also exist and are desired in relationships outside the family although they are probably less dominant there.

Our need now is to bring what institutions, resources, and values we can to bear on the problem of our children. From that standpoint the current trend of policy seems perverse. The ''child credit'' has little to do with the welfare of children. Very few of the children in the tax-paying-units that would receive the credit are part of the children problem in America, or if they are it is not because the after-tax incomes in the units are too small. Little of the income that would be provided would go to the benefit of children. Presumably the additional income would be used for purposes that the taxpayer had previously thought were of lowest priority. Any need of a child that a taxpayer with an income of, say, $60,000 would meet only upon receipt of a tax credit of $500 could not be a very important need.

Neither is it reasonable to think that reducing government cash and food benefits to poor children who are themselves the children of poor child-mothers will help to civilize our children, although it may reduce somewhat the number of them born in the future. More care, nurturing, counselling, and education will be needed, in the home, in a foster-home, in a school, perhaps even in an orphanage. The drive to cut costs in the name of family values provides none of that.

When I say that ''our'' children need to be civilized, I do not refer to my biological children and grandchildren, or yours either, dear reader. I refer to America's children. When the bomb exploded in Oklahoma City we all went and prayed for the children. We did not say that they were only their parents' children or Oklahoma's children. They were America's children.

The children growing up in wretched families, in unsafe schools, and in vicious streets are also ''our'' children. A decent respect for family values calls for more concern with them and more commitment to them than is shown by most of those who now wave the flag of family values.

LARRY DeNARDIS

● Mr. LIEBERMAN. Mr. President, I rise today to honor Larry DeNardis who on September 22, 1995, will be the recipient of the Distinguished Service Award of the Italian-American Society of Greater New Haven, Inc. The Italian-American Society was founded to celebrate and perpetuate the concept of the Italian heritage in America, and the society strives to acknowledge and commemorate the many contributions made by Italian-Americans.

Lawrence J. DeNardis was born and raised in New Haven, where he currently serves as the president of the University of New Haven [UNH]. Larry is well known in both the academic and public service arenas. His academic experience includes 16 years as associate professor and chairman of political science at Albertus Magnus College and 11 years as an adjunct professor at UNH. He has also been a visiting professor of government at Connecticut College, a guest scholar at the Woodrow Wilson International Center for Scholars of the Smithsonian Institution, and a seminar instructor at Yale University.

In the field of government, Larry DeNardis has had the rare and notable distinction of serving as both a Federal and State legislator. After serving five terms in the State Senate from 1971–79, where I was proud to serve with him, Larry was elected to the U.S. House of Representatives from Connecticut's Third District in 1980. I should note here that Larry's elevation to Federal office came at my expense—I was on the losing end of that Congressional campaign. But in retrospect, I am grateful for his victory, since it opened the door for me to serve as Connecticut attorney general and in this Chamber. Larry served ably and honorably in Congress and then went on to serve as Assistant Secretary for Legislation at the U.S. Department of Health and Human Services during 1985–86.

Larry continues to reside in the New Haven area, where he is currently an active member of many organizations including the Greater New Haven Chamber of Commerce, Shubert Performing Arts Center, Mayor's Task Force on Transportation, Yale Medical School Library, St. Regis Health Center, and the Knights of Malta. He and his high school sweetheart, Mary Lou, have been married for 34 years and have four children: Larry Jr., Mark, Lesley, and Gregory and reside in Hamden, CT. Larry's work and commitment has been an inspiration to those who know him. I am proud to count him as a friend. I salute the Honorable Lawrence J. DeNardis as he accepts the Distinguished Service Award of the Italian-American Society for his decency, intelligence, and steadfast devotion to the community.●

TRANSRACIAL ADOPTIONS IN THE CHILDREN'S BEST INTERESTS

● Mr. SIMON. Mr. President, some weeks ago, the magazine Black Issues in Higher Education, which I read regularly for its scholarly and sensitive insights into higher education, had an article on transracial adoptions written by Dr. Rita J. Simon—no relative, a professor of law at the American University.

I have a special interest in this field because of some family involvement in the area, but what she writes makes so much sense that I thought this area in which there is sometimes more heat

than light, needs to see this issue more widely understood.

I ask that the article be printed in the RECORD, and I urge my colleagues to read it.

The article follows:

[From Black Issues in Higher Education, May 4, 1995]

TRANSRACIAL ADOPTIONS—IN THE CHILDREN'S BEST INTERESTS

(By Dr. Rita J. Simon)

The case for transracial adoption rests primarily on the results of empirical research. The data show that transracial adoptions clearly satisfy the ''best interest of the child'' standard. They show that transracial adoptees grow up emotionally and socially adjusted, aware of and comfortable with their racial identity. They perceive themselves as integral parts of their adopted families, and they expect to retain strong ties to their parents and siblings in the future.

The findings in our study are neither unique or unusual. All of the studies—even those carried out by researchers who were initially skeptical—arrived at the same general conclusions.

Indeed, when given the opportunity to express their views on transracial adoption, most people—Black and white—support it. For example, in January 1991, ''CBS This Morning'' reported the results of a poll it conducted that asked 975 adults, ''Should race be a factor in adoption?'' Seventy percent of white Americans said no, and 71 percent of African Americans said no. These percentages are the same as those reported by Gallup in 1971 when it asked a national sample the same question.

THE SIMON-ALTSTEIN STUDY

In 1971–72, Simon contacted 206 families living in five cities in the Midwest who were members of the Open Door Society and the Council on Adoptable Children (COAC) and asked whether she could interview them about their decision to adopt nonwhite children. All of the families but two (which declined for reasons unrelated to adoption) agreed to participate in the study. The parents allowed a two-person team composed of one male and one female graduate student to interview them in their homes for 60 to 90 minutes at the same time that each of their children, who were between four and eight years old, was being interviewed for about 30 minutes. In total, 204 parents and 366 children were interviewed.

The number of children per family in our surveys ranged from one to seven; this included birth as well as adopted children. Nineteen percent of the parents did not have any birth children. All of those families reported that they were unable to bear children.

The most important finding that emerged from our first encounter with the families in 1971–72 was the absence of a white racial preference or bias on the part of the white birth children and the nonwhite adopted children. All of the children (adopted and birth) had been given a series of projective tests including the Kenneth Clark doll tests, puzzles, pictures etc., that sought to assess racial awareness, attitudes and identity.

Unlike all other previous doll studies, our respondents did not favor the white doll. It was not considered smarter, prettier, nicer, etc., than the Black doll either by white or Black children. Neither did the other tests conducted during the same time period reveal preferences for white or negative reactions to Black. Yet the Black and white children in our study accurately identified themselves as white or Black on those same tests.

Thus, contrary to other findings reported up to that time, the children reared in these homes appeared indifferent to the advantages of being white, but aware of and comfortable with the racial identity imposed by their outward appearance. By and large, the parents of these children were confident that the atmosphere, the relationships, the values and the lifestyle to which the children were being exposed would enable successful personal adjustments as adults.

Over the years, we continued to ask about and measure racial attitudes, racial awareness and racial identity among the adopted and birth children. We also questioned the parents during the first three phases of the study about the activities, if any, in which they as a family, engaged to enhance their transracial adoptee's racial awareness and racial identity. We heard about dinner-time conversations involving racial issues, watching the TV series ''Roots,'' joining Black churches, seeking Black godparents, preparing Korean food, traveling to Native American festivals and related initiatives. As the years progressed, it was the children, rather than the parents, who were more likely to want to call a halt to these types of activities.

''Not every dinner conversation has to be a lesson in Black history,'' or ''we are more interested in basketball and football than ceremonial dances'' were comments we heard frequently from transracial adoptees as they were growing up.

In the 1991 phase of the study, transracial adoptees were asked how they felt about the practice of placing nonwhite—especially Black—children in white homes, what recommendations they might have about adoption practices and what advice they might have for white parents who are considering transracial adoption. We also asked the respondents to evaluate their own experience with transracial adoption.

We opened the topic by stating, ''You have probably heard of the position taken by the National Association of Black Social Workers (NABSW) and several councils of Native Americans strongly opposing transracial adoption. Do you agree or disagree with their position?'' All of the respondents were aware of NABSW's position. Eighty percent of the adoptees and 70 percent of the birth children disagreed with the NABSW position. Among the latter, 17 percent agreed and 13 percent were not sure. Only 5 percent of the transracial adoptees agreed with NABSW's position; the others were not sure how they felt about the issue. The reasons most often given for why they disagreed were that ''racial differences are not crucial,'' ''TRA is the best practical alternative,'' and ''having a loving, secure relationship in a family setting is all-important.''

One Black male adoptee said, ''My parents have never been racist. They took shit for adopting two Black kids. I'm proud of them for it. The Black Social Workers' Association promotes a separatist ideology.''

Another Black female commented, ''It's a crock—it's just ridiculous. They [the NABSW] should be happy to get families for these children—period. My parents made sure we grew up in a racially diverse neighborhood. Now I am fully comfortable with who I am.''

Another commented, ''I feel lucky to have been adopted when I was very young [24 days]. I was brought up to be selfconfident—to be the best I can. I was raised in an honest environment.

We then shifted to a more personal note: ''How do you think being Black (or, where appropriate, Korean or Native American) and raised by white parents has affected how you perceive yourself today?'' One-third of the transracial adoptees thought the adoption had a positive effect on their self-image. One-third thought it had no effect, and one-third did not know what effect the adoption had on their self-image.

One male adoptee said, ''Multicultural attitudes develop better children. I was brought up without prejudice. The experience is fulfilling and enriching for parents and children.''

The results of 20 years of study show that transracial adoptions serve the children's best interests. None of the families aborted any of their adoptions. As they moved from childhood to adolescence to adulthood, the transracial adoptees were clearly aware of and comfortable with their racial identity. Today, those who are Black laugh at being labeled ''oreos,'' Black on the outside, white on the inside, by some members of the National Association of Black Social Workers. The Black adoptees stress their comfort with their identity and their awareness that although they may speak, dress, and have different tastes in music than some other Blacks, the African American is wonderfully diverse.●

MRS. CLINTON'S SPEECH TO THE UNITED NATIONS FOURTH WORLD CONFERENCE ON WOMEN

● Ms. MIKULSKI. Mr. President, earlier today, First Lady Hillary Rodham Clinton spoke at the United Nations Fourth World Conference on Women. I urge my colleagues to read this important and thoughtful speech.

The First Lady spoke eloquently about the main themes of the Conference—women's education, health care, economic empowerment and human rights. These are issues that matter to every family in America and around the world. If we don't address these issues, all our talk about family values is meaningless.

In addition, Mrs. Clinton did not shy away from addressing China's serious human rights violations—or their meddling in the content and management of the Conference.

I commend the First Lady for participating in this important Conference and ask that her speech be printed in the RECORD.

The speech follows:

FIRST LADY HILLARY RODHAM CLINTON'S REMARKS FOR THE UNITED NATIONS FOURTH WORLD CONFERENCE ON WOMEN

BEIJING, CHINA, SEPTEMBER 5, 1995

Mrs. Mongella, distinguished delegates and guests:

I would like to thank the Secretary General of the United Nations for inviting me to be part of the United Nations Fourth World Conference on Women. This is truly a celebration—a celebration of the contributions women make in every aspect of life: in the home, on the job, in their communities, as mothers, wives, sisters, daughters, learners, workers, citizens and leaders.

It is also a coming together, much the way women come together every day in every country.

We come together in fields and in factories. In village markets and supermarkets. In living rooms and board rooms.

Whether it is while playing with our children in the park, or washing clothes in a river, or taking a break at the office water cooler, we come together and talk about our aspirations and concerns. And time and again, our talk turns to our children and our families.

However different we may be, there is far more that unites us than divides us. We

share a common future. And we are here to find common ground so that we may help bring new dignity and respect to women and girls all over the world—and in so doing, bring new strength and stability to families as well.

By gathering in Beijing, we are focusing world attention on issues that matter most in the lives of women and their families: access to education, health care, jobs, and credit, the chance to enjoy basic legal and human rights and participate fully in the political life of their countries.

There are some who question the reason for this conference. Let them listen to the voices of women in their homes, neighborhoods, and workplaces.

There are some who wonder whether the lives of women and girls matter to economic and political progress around the globe. . . . Let them look at the women gathered here and at Hairou . . . the homemakers, nurses, teachers, lawyers, policymakers, and women who run their own businesses.

It is conferences like this that compel governments and peoples everywhere to listen, look and face the world's most pressing problems.

Wasn't it after the women's conference in Nairobi ten years ago that the world focused for the first time on the crisis of domestic violence?

Earlier today, I participated in a World Health Organization forum, where government officials, NGOs, and individual citizens are working on ways to address the health problems of women and girls.

Tomorrow, I will attend a gathering of the United Nations Development Fund for Women. There, the discussion will focus on local—and highly successful—programs that give hard-working women access to credit so they can improve their own lives and the lives of their families.

What we are leaning around the world is that, if women are healthy and educated, their families will flourish. If women are free from violence, their families will flourish. If women have a chance to work and earn as full and equal partners in society, their families will flourish.

And when families flourish, communities and nations will flourish.

That is why every woman, every man, every child every family, and every nation on our planet has a stake in the discussion that takes place here.

Over the past 25 years, I have worked persistently on issues relating to women, children and families. Over the past two-and-a-half years, I have had the opportunity to learn more about the challenges facing women in my own country and around the world.

I have met new mothers in Jojakarta, Indonesia, who come together regularly in their village to discuss nutrition, family planning, and baby care.

I have met working parents in Denmark who talk about the comfort they feel in knowing that their children can be cared for in creative, safe, and nurturing after-school centers.

I have met women in South Africa who helped lead the struggle to end apartheid and are now helping build a new democracy.

I have met with the leading women of the Western Hemisphere who are working every day to promote literacy and better health care for the children of their countries.

I have met women in India and Bangladesh who are taking out small loans to buy milk cows, rickshaws, thread and other materials to create a livelihood for themselves and their families.

I have met doctors and nurses in Belarus and Ukraine who are trying to keep children alive in the aftermath of Chernobyl.

The great challenge of this conference is to give voice to women everywhere whose experiences go unnoticed, whose words go unheard.

Women comprise more than half the world's population. Women are 70% of the world's poor, and two-thirds of those who are not taught to read and write.

Women are the primary caretakers for most of the world's children and elderly. Yet much of the work we do is not valued—not by economists, not by historians, not by popular culture, not by government leaders.

At this very moment, as we sit here, women around the world are giving birth, raising children, cooking meals, washing clothes, cleaning houses, planting crops, working on assembly lines, running companies, and running countries.

Women also are dying from diseases that should have been prevented or treated; they are watching their children succumb to malnutrition caused by poverty and economic deprivation; they are being denied the right to go to school by their own fathers and brothers; they are being forced into prostitution, and they are being barred from the ballot box and the bank lending office.

Those of us who have the opportunity to be here have the responsibility to speak for those who could not.

As an American, I want to speak up for women in my own country—women who are raising children on the minimum wage, women who can't afford health care or child care, women whose lives are threatened by violence, including violence in their own homes.

I want to speak up for mothers who are fighting for good schools, safe neighborhoods, clean air and clean airwaves . . . for older women, some of them widows, who have raised their families and now find that their skills and life experiences are not valued in the workplace . . . for women who are working all night as nurses hotel clerks, and fast food chiefs so that they can be at home during the day with their kids . . . and for women everywhere who simply don't have time to do everything they are called upon to do each day.

Speaking to you today, I speak for them, just as each of us speaks for women around the world who are denied the chance to go to school, or see a doctor, or own property, or have a say about the direction of their lives, simply because they are women.

The truth is that most women around the world work both inside and outside the home, usually by necessity.

We need to understand that there is no formula for how women should lead their lives. That is why we must respect the choices that each woman makes for herself and her family. Every woman deserves the chance to realize her God-given potential.

We also must recognize that women will never gain full dignity until this human rights are respected and protected.

Our goals for this conference, to strengthen families and societies by empowering women to take greater control over their own destinies, cannot be fully achieved unless all governments—here and around the world—accept their responsibility to protect and promote internationally recognized human rights.

The international community has long acknowledged—and recently affirmed at Vienna—that both women and men are entitled to a range of protections and personal freedoms, from the right of personal security to the right to determine freely the number and spacing of the children they bear.

No one should be forced to remain silent for fear of religious or political persecution, arrest, abuse or torture.

Tragically, women are most often the ones whose human rights are violated. Even in the late 20th century, the rape of women continues to be used as an instrument of armed conflict. Women and children make up a large majority of the world's refugees. And when women are excluded from the political process, they become even more vulnerable to abuse.

I believe that, on the eve of a new millennium, it is time to break our silence. It is time for us to say here in Beijing, and the world to hear, that it is no longer acceptable to discuss women's rights as separate from human rights.

These abuses have continued because, for too long, the history of women has been a history of silence. Even today, there are those who are trying to silence our words.

The voices of this conference and of the women at Hairou must be heard loud and clear:

It is a violation of human rights when babies are denied food, or drowned, or suffocated, or their spines broken, simply because they are born girls.

It is a violation of human rights when women and girls are sold into the slavery of prostitution.

It is a violation of human rights when women are doused with gasoline, set on fire and burned to death because their marriage dowries are deemed too small.

It is a violation of human rights when individual women are raped in their own communities and when thousands of women are subjected to rape as a tactic or prize of war.

It is a violation of human rights when a leading cause of death worldwide among women ages 14 to 44 is the violence they are subjected to in their own homes.

It is a violation of human rights when young girls are brutalized by the painful and degrading practice of genital mutilation.

It is a violation of human rights when women are denied the right to plan their own families, and that includes being forced to have abortions or being sterilized against their will.

If there is one message that echoes forth from this conference, it is that human rights are women's rights. . . . And women's rights are human rights.

Let us not forget that among those rights are the right to speak freely. And the right to be heard.

Women must enjoy the right to participate fully in the social and political lives of their countries if we want freedom and democracy to thrive and endure.

It is indefensible that many women in nongovernmental organizations who wished to participate in this conference have not been able to attend—or have been prohibited from fully taking part.

Let me be clear. Freedom means the right of people to assemble, organize, and debate openly. It means respecting the views of those who may disagree with the views of their governments. It means not taking citizens away from their loved ones and jailing them, mistreating them, or denying them their freedom or dignity because of the peaceful expression of their ideas and opinions.

In my country, we recently celebrated the 75th anniversary of women's suffrage. It took 150 years after the signing of our Declaration of Independence for women to win the right to vote. It took 72 years of organized struggle on the part of many courageous women and men.

It was one of America's most divisive philosophical wars. But it was also a bloodless war. Suffrage was achieved without a shot fired.

We have also been reminded, in V–J Day observances last weekend, of the good that comes when men and women join together to combat the forces of tyranny and build a better world.

We have seen peace prevail in most places for a half century. We have avoided another world war.

But we have not solved older, deeply-rooted problems that continue to diminish the potential of half the world's population.

Now it is time to act on behalf of women everywhere.

If we take bold steps to better the lives of women, we will be taking bold steps to better the lives of children and families too. Families rely on mothers and wives for emotional support and care; families rely on women for labor in the home; and increasingly, families rely on women for income needed to raise healthy children and care for other relatives.

As long as discrimination and inequities remain so commonplace around the world—as long as girls and women are valued less, fed less, fed last, overworked, underpaid, not schooled and subjected to violence in and out of their homes—the potential of the human family to create a peaceful, prosperous world will not be realized.

Let this conference be our—and the world's—call to action.

And let us heed the call so that we can create a world in which every woman is treated with respect and dignity, every boy and girl is loved and cared for equally, and every family has the hope of a strong and stable future.

Thank you very much.

God's blessings on you, your work and all who will benefit from it.●

IT'S NOT FOR WHITE MEN TO DECIDE

● Mr. SIMON. Mr. President, we have heard a lot of talk about affirmative action, much of it designed to attract votes rather than to contribute any light or rational discussion.

Recently, I was on a radio discussion program with our former college, Pete Wilson, now the Governor of California. His position is one that I am sure is supported by a majority of Republicans and may be temporarily politically wise. But I do not believe it serves the Nation well.

In an appearance on the David Brinkley program, he quoted Arthur Schlesinger, Jr. It was of interest to me then to pick up the Los Angeles Times and read Arthur Schlesinger's response.

Like most things Arthur Schlesinger writes, it is loaded with good sense, and I ask that his response be printed in the RECORD.

The response follows:

[From the Los Angeles Times, Aug. 3, 1995]

IT'S NOT FOR WHITE MEN TO DECIDE

(By Arthur Schlesinger, Jr.)

On Sunday, July 23, while I was befogged in Dark Harbor, Me., Gov. Pete Wilson of California seemed even more befogged on ''This Week With David Brinkley.'' On this program, he cited me and my small book ''The Disuniting of America'' in support of his crusade against affirmative action. ''[Schlesinger] uses a phrase,'' Wilson said, ''that various policies are, in fact, tribalizing America, and, in fact, that is unhappily the case, and we need to end it.''

Wilson is quite correct in noting my concern about the campaign by ''multicultural'' ideologues to promote and perpetuate separate ethnic and racial communities. But he is quite wrong in suggesting that I am, for that reason, opposed to affirmative action. On the contrary, affirmative action has been, in my view, a valuable and potent means of moving the republic away from ethnic and racial separatism and toward a more integrated and unified society.

Before affirmative action, the labor market and the educational system were encrusted with barriers, antipathies and conditioned reflexes that systematically excluded women and non-white minorities. Affirmative action has played an indispensable role in breaking these terribly well-entrenched patterns in employment, college admission and other arenas of recruitment and upward mobility. The goal of affirmative action is precisely to destroy racial and gender barriers; and it is the free intermingling of peoples that provides that basis for a common culture and an embracing national identity.

Unquestionably, some reforms are in order. Rigid application of ''diversity'' standards often leads to bad results, especially in government employment. Programs carried out in the name of affirmative action, especially preferences for what purport to be minority business enterprises, have been sorely abused. Still, affirmative action in the main has served as an agency for the uniting, not the disuniting, of America.

I regard affirmative action as a transitional program. I do not expect it to become a permanent feature of the labor market. When should the transition end? It should end when our white male ruling class no longer automatically discriminates against women and against nonwhite minorities. And the decision as to when the point is reached surely belongs to those whose needs affirmative action is intended to meet.

Already some beneficiaries are growing increasingly uneasy. Affirmative action seems to cast doubt on their own credentials, competence and worth. They have become partners in the firm or professors in the university, others might think, not on their merits but because of racial or gender preference.

Affirmative action can thus become a means of undermining self-esteem and dignity. It can imply that, without affirmative action, women and minorities could not survive and compete in the world of affairs. It may carry with it a flavor of condescension and patronage. And it inevitably and understandably arouses the resentment of those who feel that affirmative action discriminates against them.

When enough beneficiaries regard affirmative action with embarrassment and discomfort, the time will have come to roll up the policy. And the more white male America practices policies of inclusion rather than exclusion, the sooner that time will come.

But until women and nonwhite minorities see affirmative action as more a handicap than a help, the case for its continuation in some form seems strong. And surely the decision about continuation is not one to be made for hapless minorities by politically ambitious white governors. Such overweening presumption by powerful white men is the true road to the disuniting of America.●

IN HONOR OF KITE SOCIETY OF WISCONSIN WEEK

● Mr. KOHL. Mr. President, it gives me great pleasure to announce that this year the 17th annual Frank Mots Memorial Kite Festival will be held on September 16 in Milwaukee, WI. Kite flying is one of the most beautiful and relaxing hobbies around. Many of us can still remember when we were children, building our first kite and watching with excitement as it became airborne. Today children of all ages can experience this thrill again during the Kite Society of Wisconsin Week, which will take place the week of September 11–17.

Frank Mots was a kite flying enthusiast, and it was in his memory that the Kite Society of Milwaukee was created in 1976. The festival that bears his name was founded in 1978 and has drawn people from around the country every year. I invite everyone to celebrate this event on September 16 and take some time out to enjoy the simple pleasures of kite flying. The Frank Mots Memorial Kite Festival has something for everyone, and I am proud of the kite society's accomplishments.●

BIG MAC TO GO; HOLD THE LIES

● Mr. SIMON. Mr. President, one of the most thoughtful observers in the Nation today is Felix Rohatyn, an investment banker, who has had considerable leadership experience at both the local, State, and Federal levels.

He was chairman of New York's Municipal Assistance Corp., from 1975 to 1993 and helped put the pieces together when New York City was in such desperate straits.

He had an article recently in the Washington Post that comments specifically about the District of Columbia and New York City, but it is really much more than that. He is really talking about what our priorities are as a Nation and what we must do to revitalize urban American and revitalize the Nation.

To the timid souls in the House and Senate and the administration who are afraid to face our problems and come up with realistic answers to those problems, because realistic answers are not going to be immediately popular, I would note his comment:

> Many of our actions were deemed to be political suicide when first considered, but it is worth noting that Governor Carey's approval rating was the highest ever in December 1975 when we had carried out the most painful parts of the restructuring.

The American public yearns for genuine leadership, not public relations talk. Instead to much too great a degree, we are providing the public relations talk but not genuine leadership.

I ask that the Felix Rohatyn article be printed in the RECORD, and I urge my colleagues to read it.

The article follows:

BIG MAC TO GO; HOLD THE LIES; NEW YORK'S RECIPE FOR RECOVERY—AND WHAT D.C. CAN TAKE FROM IT

(By Felix Rohatyn)

Watching the evolution of the District of Columbia's fiscal crisis inevitably brings to many of us here in New York City memories of our own brush with bankruptcy in the 1970s. There are too many differences between our situation 20 years ago and the District's today to draw direct parallels. Still, there are lessons in our successes—and in our failures—that may provide some useful insights to those trying to direct the District's future.

The first of those lessons is that recovery was not rapid and—for reasons both of our own making and beyond our control—it was not permanent. It took New York City almost six years from the time we lost access to the financial markets in 1975 until we regained it in 1981, having balanced three consecutive budgets in the meantime. Now, 14 years later, New York City is again in the throes of a serious budgetary crisis which shows no signs of early resolution.

To the extent that we succeeded, much is owed to a few factors: putting able and responsive people into top city management positions; enlisting the cooperative efforts of all parties—state and city officials, labor, business—who contributed to the problem in the first place; getting financial controls into place; building public support for the tough actions needed; securing help from higher levels of government. To the extent we failed, it was because we relied too much on stopgap measures and postponed structural reforms needed to secure the city's future. There are caveats for the District in all this.

Many of the forces that drove New York City towards bankruptcy in the '70s are not unlike those that now cast a shadow over the District's, and, indeed, the entire country's future: excessive borrowings, escalating budget deficits, excessive public spending and shrinking private employment, compounded by weak political leadership. Just as the District's problems had been building for many years, under the nose of the mayor, city council and their federal overseers on Capitol Hill, New York's crisis was obscured for many years by imaginative bookkeeping and by lenders who looked the other way.

By May 1975, when the banks refused to provide additional loans to the city, short-term debt had climbed from practically nothing six years earlier to almost $6 billion. (In each of those years the city's budget was reported to miraculously, ''in balance.'') The city work force had ballooned to 300,000 people while private employment (and tax revenues) plummeted during the recession of the early 1970s. When newly elected Gov. Hugh Carey, formerly a liberal Democratic congressman from Brooklyn, appointed four private citizens (including me) to recommend a course of action, we were 18 days away from a default and a bankruptcy filing.

During the next six months, we put in place practically every new structure and agreement that served as the ultimate cornerstone to our recovery. Some survive to this day. These were the main components:

Getting control. In this and many other instances, strong bipartisan leadership at the state level was crucial, support that the District must look to the federal level to supply. Under great pressure from the governor, practically the entire top management of the city was replaced, including the first deputy mayor, budget director, and deputy mayors for finance and operations. All but one of the new appointees came from the private sector. They, together with the executive director of the Emergency Financial Control Board (EFCB), constituted as capable a management team as the city ever had.

The EFCB, analogous to D.C.'s new financial control board, consisted of the governor, mayor, city and state comptrollers and three private citizens appointed by the governor. It had the power to set the level of city revenues and to reject any budget submitted by the mayor not in compliance with the long-term plan. All major city contracts, including labor contracts, were subject to its approval. Once these control structures were in place after the usual political struggles, we had total cooperation from city officials—including Mayor Abraham Beame, despite the high cost to his political career.

The EFCB's veto power and the shared commitment of top city management meant that it was possible to translate the requirements of the approved budget plan into actual savings. It is always easy to demand or promise cuts on paper; it is much harder to pocket them. This is especially true if, as some in the District are urging, reliance is placed on the voluntary response of city workers to accept buyouts or on privatization to cut costs and payrolls.

Getting the facts. We knew the numbers we were working with were meaningless and that we needed a factual basis for any long-term plan. It took many months, but ultimately the city, with the help of outside experts, put in place a system of financial controls and accounting second to none.

Just as the true dimensions of the District's fiscal gap were revealed only over a period of months, New York City's 1975 deficit turned out to be almost triple the initial estimate—close to $1.5 billion on a total budget of about $13 billion (including about $600 million of expenses buried in the capital budget).

Negotiating a social contract between business and labor. Key to our success was enlisting the help of those who had created the problem. The city's labor and business leaderships (including the banks), as well as the state and city themselves, provided a relatively small number of people who could make commitments on behalf of their constituents and deliver them.

Having a common goal was important; carrying it out was agonizingly difficult. The ''social contract'' provided labor support for deferring all wage increases, at no interest cost, and a minimum 6 percent attrition rate. Ultimately 60,000 workers, 20 percent of the work force, went off the payroll through layoffs or attrition. Pension benefits were rolled back, while union pension funds purchased $2.5 billion of city bonds (which proved a good investment for retirees).

Just as the District is beginning to do, we looked hard at city functions to see which were essential and which we could live without. Tuition was imposed, for the first time, at City University. Transit fares were doubled. Services were sharply cut, with the worst impact borne by the school system. Rigid cost controls were imposed. Taxes were temporarily increased.

The banks, in turn, supported creation of the Municipal Assistance Corp., a state agency directed by a board of nine private citizens and authorized to issue up to $10 billion of long-term bonds, backed by a portion of the city sales tax. MAC financed the phase-out of the city deficit by 1980, as well as a dramatic increase in the city's infrastructure investment by 1985.

All of these actions resulted from difficult and often acrimonious negotiations. For example, after the initial wave of 20,000 layoff notices, striking sanitation workers disrupted the city and greeted arriving passengers at Kennedy Airport with signs saying: ''Welcome to Stink City.'' This scared the mayor into rehiring a number of workers—which, in turn, caused financing for MAC's first private market bond offering to collapse. Still, we were able to stop the bleeding.

Getting outside help. For all the pain, the city's redemption depended importantly on help from the state which assumed certain of the city's costs for courts, correction and higher education. At a critical time, the state also purchased $250 million of MAC bonds and provided MAC with its ''moral authority'' to maintain our credit.

Federal help, while psychologically critical, was far more limited (Remember the famous New York Daily News headline ''Ford to City: Drop Dead.'') Still, the Ford administration provided a limited amount ($1.5 billion) of seasonal loans which was replaced by the Carter administration by long-term loan guarantees which were totally paid off in the early 1980s.

Building public support. Being open with the public and consistently explaining actions and goals helped the city's emergency management build and sustain a positive public spirit (an effort made easier by the natural pride and civic spirit of New Yorkers). The fact that New York has a number of powerful newspapers also helped to create the public support our political leaders needed to carry out extremely painful actions every day—the details of which were almost impossible to explain on television. Many of our actions were deemed to be political suicide when first considered, but it is worth noting that Gov. Carey's approval rating was the highest ever in December 1975 when we had carried out the most painful parts of the restructuring.

Important as these stern measures were, the city could not have moved its budget into balance after four years without the help of the national economic recovery and the revitalization of the city's own private sector. And a sharply accelerating public investment program helped generate the strong local economy. Budget cuts alone will not create recovery.

But it is also true that temporary budget cuts won't solve much of anything. And here is where we made our greatest mistake: Postponing fundamental reform. We believed that we had basically changed the city because we had balanced the budget and regained our credit. We were wrong.

The economic recovery of the 1980s seduced the city back into some of its prior spending habits. Prosperity is the enemy of reform. The work force swelled to pre-crisis levels; cost increases were not offset by productivity increases; full pension benefits were restored. No serious though was given to the gradual elimination of certain services or to the possible privatization of functions like the municipal hospital system or to restructuring the school system. No real improvement was made either in the quality or efficiency of service delivery. Similarly, temporary measures were always taken to deal with long-term reductions in the city's revenue base. By the time Mayor Rudolph Giuliani came on the scene in 1993, a major structural deficit was again built into the city's budget.

The problems our mayor—like the District's—faces are greater than those of the 1970s, in both the private and public sectors. Much higher levels of crime, drugs and AIDS; rising caseloads for welfare and Medicaid funds; inadequate public schools; high taxes and poor quality-of-life and unsustainable labor costs—all these are driving taxpayers and businesses out.

Ultimately, however, success in New York, as in every city, will depend on the private sector. But for a city to retain its advantages as a cultural, communications and financial center, it must provide a level of public service far superior to what most provide today. It must have an educated work force and first-class public schools; safe and clean streets; attractive and affordable public transportation; a business-friendly tax environment; a thriving entertainment district; airports and railroad stations friendly to the traveler; partnership between universities and high-technology companies; and adequate housing for employees. These are all things that only cooperation between the private and public sector can provide.

In this regard, the District may have some advantages New York City did not enjoy.

The biggest one, so far, seems to be the willingness of the Republican leadership in Congress to encourage fundamental change to improve the District's long-term prospects. Tax benefits, school vouchers, extensive privatization, increased infrastructure investment and more should be tried not only in Washington, D.C., but in every metropolitan area. A bipartisan interest in developing a real urban agenda in America is way overdue. Without such an agenda, no city plan anywhere in this country is realistic in the long run.

Some of the problems we face in New York as well as those of the District were self-inflicted and due to irresponsible policies. Many others, however, are not of our doing. Only national policies can deal with national problems such as poverty, health care, crime, education and immigration. The idea that sending welfare and Medicaid back to the states will be viable is total fantasy—simply an excuse for massive cutbacks with unfathonable results.

America is the only advanced Western democracy that does not consider its cities as both its cultural and economic crown jewels. In Europe, cities existed long before countries came into being. The notion that Paris, Rome, London, Berlin or Amsterdam could face the kind of economic pressures and physical neglect that is faced by America's major cities is unthinkable. Without a change in the appreciation of what cities mean to the U.S. economy, we will ultimately be doomed to fail here in New York, and the District of Columbia will be a permanent ward of the federal government. If the cities fail, ultimately we will be doomed to fail as a society and as a nation.●

TRIBUTE TO MIKE CURRAN

● Mr. PRYOR. Mr. President, I rise today to salute a valued and trusted public servant, Mr. Mike Curran, who is retiring this month following 30 distinguished years as an employee of the U.S. Forest Service. Since 1986, Mike has been the forest supervisor for the Ouachita National Forest in Arkansas, and that is where I came to know him and to admire his abilities.

Mike has been an outstanding leader of people and manager of assets throughout his career in public forestry, and his exceptional ability to forge through new concepts to meet changing public demands certainly caught my eye. His creative style and national flair for addressing competing interest groups and issues has been key to his success.

In 1990 I became involved in one of the most divisive forest issues ever to face the national forests in Arkansas. Public demand to eliminate the practice of clear-cutting had reached a peak. Mike was instrumental in bringing the Chief of the U.S. Forest Service to Arkansas to meet with me to determine whether or not a new way of looking at forest management could be developed that would allow us to eliminate this disagreeable practice and continue to produce quality timber in quantity.

This event led to the implementation to the new perspectives concept of sustainable forestry and placed the Ouachita National Forest, under Mike's leadership, in the lead position in a national movement toward the ecosystem management philosophy. Mike weathered much criticism from many corners as this system began to be developed. At times I know he felt he was under siege personally. Today the Ouachita National Forest has never been healthier, and its future is bright.

Mike has made a significant contribution to our Nation, and all of our forests have followed his lead. Thank you, Mike. We wish you Godspeed in your future endeavors.●

AFFIRMATIVE ACTION, ON THE MERIT SYSTEM

● Mr. SIMON. Mr. President, the University of California has been the focus of above-average attention on the issue of affirmative action because of the presence of two national political figures, Governor Pete Wilson and the Reverend Jesse Jackson.

I wish we lived in a time in which affirmative action was not necessary but that is not the case. We have improved as a society—even though many people may not recognize that—since the days of my youth, but we still have a long way to go.

Of particular interest to me was a New York Times op-ed piece by Professor Orlando Patterson about the California situation.

I ask that the op-ed piece be printed in the RECORD, and I urge my colleagues to read his remarks, if they did not read them in the New York Times.

The material follows:

[From the New York Times, Aug. 7, 1995]

AFFIRMATIVE ACTION, ON THE MERIT SYSTEM

(By Orlando Patterson)

CAMBRIDGE, MA.—For years Americans have complained about government programs for the disadvantaged that do not work. Now, however, we are on the verge of dismantling affirmative action, the one policy that, for all its imperfections has made a major difference in the lives of women and minority groups and has helped us achieve the constitutional commitment to the ideal of equality and fairness.

In utilitarian terms, it is hard to find a program that has brought so much gain to so many at so little cost. It has been the single most important factor in the rise of a significant, it still economically fragile, black middle class.

So it is hard to understand why it has become the most contentious issue in the nation. One would have thought that a policy that so many politicians denounced would have adversely touched the lives of at least a substantial proportion of those opposing it.

The facts show just the opposite. A National Opinion Research Center survey in 1990, still applicable today, found that while more than 70 percent of white Americans asserted that whites were being hurt by affirmative action for blacks, only 7 percent claimed to have experienced any form of reverse discrimination. Only 16 percent knew of someone close who had. Fewer than one in four could even claim that it was something they had witnessed or heard about at their workplace.

STANDARDS ROSE AT THE UNIVERSITY OF CALIFORNIA IN THE LAST 12 YEARS

So what was the source feeding all the outrage? The vast majority of those interviewed claimed to have heard about the problem either through the press or from other secondhand sources, like their political leaders.

Of course, such data would not matter were affirmative action something inherently evil. But this could hardly be the case, because for more than 15 years leaders of both parties, including Senator Bob Dole and Gov. Pete Wilson of California, both Republican Presidential candidates, supported this initiative. Indeed, they lauded it, as both morally defensible and the only effective means of remedying the intolerable exclusion of disadvantaged minorities and women from opportunities to train and apply for the better-paying working- and middle-class jobs.

What happened? How did so manifestly worthy and effective a program lose the support, including that of some people who stood the most to gain from it?

Blaming the media or the cynicism of our leaders will not do, the transparent opportunism of Mr. Dole and Mr. Wilson notwithstanding. Several factors account for the collapse of support for affirmative action.

The first is that the largely erroneous arguments of neo-conservative and other right-wing critics somehow carried the day. Merit, we were repeatedly warned, was being undermined, resulting in both individual inequities and, worse, severe threats to our economy and the demands of a high-tech society.

Nonsense, both. Only a minuscule number of whites, we now know, are affected by affirmative action, and of this small fraction, a still smaller percentage are able to claim genuine grievances.

The claim that our economic efficiency is being threatened is simply laughable. Oddly enough, the problem right now is not a shortage of highly trained manpower but an oversupply, demonstrated by a saturated market for scientists and engineers. An alarming number of them are becoming lawyers (the overdependence on which being perhaps our biggest waste of manpower resources).

White men still control more than 99.9 percent of all the important top positions in private and public institutions, as well as the vast majority of middle-level and high-paying jobs. They will continue to do so unit well into the next millennium.

There is also the argument that affirmative action has done nothing for the underclass and poor but favors people already in the middle class. Although rhetorically it is extremely effective, it is deliberately misleading. This point figured prominently the recent broadsides against the University of California's affirmative action policies from Governor Wilson and an influential university regent, Ward Connerly.

But affirmative action was never intended to help the poorest and least able. It is, by nature, a top-down strategy, meant to level the field for those who are capable of taking advantage of opportunities denied them because of their sex or race.

For the underclass and the working poor, an entirely different set of bottom-up strategies are called for, although no one seems to know what these might be.

The University of California's experience with affirmative action demonstrates beyond doubt the shallowness of the politicians' criticisms. Over the past 12 years, it has achieved its goal of incorporating students from disadvantaged minorities.

But far from experiencing a decline in standards, the university has not only fulfilled its mandate of selecting students from the top one-eighth of the state's graduating class, but has increased its eligibility requirements five times during this period. It is now a far more selective institution than before the introduction of affirmative action, with improved graduation rates for both black and non-black students.

Nothing could be more hypocritical and contradictory than the spectacle of a Republic governor demanding that his state's university system rely solely on the crude instrument of test scores to select 70 percent of its incoming students.

Republicans never tire of saying that what made America great are the virtues of honesty, courage, initiative and imagination, integrity, loyalty and fair play, all best demonstrated by a person's track record and especially his or her perseverance in the face of adversity. Why then are conservatives vilifying universities for taking these values seriously in selecting the next generation of leaders?

Race, we are told, should have nothing to do with the assessment of these virtues. Race, however, refers to several aspects of a person. It refers to physical appearance, and this, every African-American would agree with Senator Dole and Governor Wilson, should be a matter of no importance.

But for African-Americans, race also means surviving an environment in which racism is still pervasive. It has to be taken into account in assessing the content of any black person's character, and to assert that this amounts to a divisive glorification of race is as disingenuous and as absurd as claiming that we are divisively glorifying poverty and broken families when we take account of these factors in assessing a white student's character.

There is a third important meaning of race, and it is here that we enter tricky ground.

Blackness also connotes something positive: the subcultural heritage of African-Americans that in spite of centuries of discrimination has vastly enriched American civilization out of all proportion to the numbers, and treatment, of the group creating it. The University of California, like other great institutions of learning, rightly has seen the exposure of all its students to this important minority culture as part of its educational mission.

A POLICY THAT WORKS ONLY IN AN ECUMENICAL AMERICA

This is a noble goal, but it is fraught with dangers. What brought me around to support affirmative action after some strong initial reservations was not only its effectiveness as a strategy for reducing inequality, but also its possibilities for cross—pollinating our multi-ethnic communities. In the process, it could promote that precious, overarching national culture—the envy of the world—which I call ecumenical America.

But the promotion of diversity has done nothing of the sort, as Governor Wilson and Mr. Connerly were able to argue with devastating impact. To the contrary, both on an off our campuses affirmative action seems to have been distorted by its beneficiaries into the goal of balkanizing America both intellectually and culturally. One has only to walk for a few minutes on any large campus to witness the pervasiveness of ethnic separatism, marked by periodic outbursts of other chauvinisms and hostilities.

No group of people now seem more committed to segregation than black students and young professionals.

Their motto seems to be: separate, yes, but make sure there is equality, by affirmative action or any other means. To a lesser extent, the tendency of the new black middle class to segregate itself residentially and to scoff at the norms and values of the ecumenical mainstream is the off-campus version of this lamentable betrayal and abandonment of the once cherished goal of integration.

Ethnic separatism has also had deleterious academic consequences. In an experiment conducted at the University of Michigan by two psychologists, Claude Steele and Richard Nisbett, a group of disadvantaged minority students who were encouraged to be part of the campus mainstream, and made to understand that the highest standards were expected of them, consistently performed above the average for white students and the student body as a whole. Members of a control group who took the familiar route of ethnic solidarity and consciousness-raising performed well below the average.

At its best, affirmative action compensates for one of the greatest disabilities of minority members: their lack of access to vital networks and other social capital which white men simply take for granted, whether it is the construction worker who mobilizes his neighborhood ties to get on a high-paying work crew, or the upper-middle class manager who draws on his grammar school and Ivy League contacts to land the vice presidency of some budding company.

Once in, however, too many minority workers and women felt entitled to automatic promotion and were too quick to use the accusation of racism or sexism when it was denied. Too many supervisors practice a patronizing racism or sexism. The cynical promotion of unqualified people, even if it happens only occasionally, damages the legitimacy of affirmative action since it takes only one such mistake to sour an entire organization.

Also damaging were clearly illegal practices like using blacks and women as entrepreneurial fronts to gain access to preferential contracts.

These are all correctable errors. Universities and businesses should return to the principle of integration, to the notion that diversity is not something to be celebrated and promoted in its own right, but an opportunity for mutual understanding and the furtherance of an ecumenical national culture.

The President should remain firm in his principled resolve to defend a corrected version of affirmative action. And if we give it a time limit of 10 years, it might still be possible to save this troubled but effective and badly needed policy.●

HONORING RICHARD A. GRASSO, COOLEY'S ANEMIA FOUNDATION'S HUMANITARIAN OF THE YEAR

● Mr. D'AMATO. Mr. President, I rise today to congratulate Mr. Richard A. Grasso, chairman and chief executive officer of the New York Stock Exchange on his selection as the recipient of the first annual Humanitarian of the Year Award presented by the Cooley's Anemia Foundation. The Cooley's Anemia Foundation is honoring Mr. Grasso for his support, friendship, and tireless efforts on behalf of the patients and families who are impacted by this devastating blood disease.

As the father of young children himself, Mr. Grasso, I believe, has a keen understanding of the importance of supporting the efforts led by the Cooley's Anemia Foundation to find a cure for what the World Health Organization has identified as the most common inherited genetic blood disease in the world.

Mr. Grasso has had a distinguished career over the last 26 years at the New York Stock Exchange. He is the first member of the New York Stock Exchange staff to be elected to the position of chairman and chief executive officer in the exchange's 200-year history. He has exhibited what is best about the American spirit—he has given back to his community by working on behalf of many good causes.

Just consider the following. He is currently Chairman of the board of trustees of Junior Achievement of New York and he serves on the board of directors of the National Italian-American Foundation. Mr. Grasso is a trustee of the New York City Police Foundation, as well as a member of the board of directors of the Washington, DC-based police foundation. He also serves on the St. Vincent's Hospital Board of Trustees in New York City. He is the honorary chairman of the Friends of the Statue of Liberty National Monument-Ellis Island Foundation. He even finds time to serve his own local community, Old Brookville, NY, as police commissioner and village trustee.

His receipt of the Cooley's Anemia Foundation's Humanitarian of the Year Award adds to the many awards and honors he has already received, including the Humanitarian of the Year Award from the Tomorrow's Children's Fund, the Special Achievement Award in Business from the National Italian-American Foundation, the Ellis Island Medal of Honor from the National Ethnic Coalition of Organizations, the Good Scout Award from the Greater New York Councils for Boy Scouts of America, and the Brotherhood Award from the National Conference of Christians and Jews. Most recently, he was honored in 1994 as the Man of the Year by the Catholic Big Brothers organization. He is indeed a special person, having risen to the top ranks of his profession and still finding time to give back to these worthwhile causes.

His efforts on behalf of the Cooley's Anemia Foundation are particularly important and special to me. I know many of the families and patients who must deal with treating this disease every day of their lives. Every 2 weeks, Cooley's anemia patients require transfusions of red blood cells. Every day they must wear a special pump that painfully infuses a drug for 12 hours. But, because of research over the last several decades, treatment has been developed which prolongs the life of Cooley's anemia patients. Twenty years ago, most patients rarely lived past the age of 10; today many are living into their twenties and trying to be productive citizens. Now, promising new research is being conducted into Cooley's anemia, giving us all great hope that some day it will be curable.

That is why the efforts of people like Richard Grasso are so important. At a time when new research opportunities are before us, we must ensure that the resources of private philanthropic organizations, such as the Cooley's Anemia Foundation, are strengthened. Additionally, we must assure that the Federal commitment continues.

Again, I congratulate Richard Grasso on his receipt of the Cooley's Anemia Foundation first annual Humanitarian of the Year Award. With his continued support and assistance, I am confident that we will indeed live to see a cure. He is an example for us all.●

VICTIMS OF VENGEANCE

● Mr. SIMON. Mr. President, recently, I read in a denominational magazine, the Lutheran, an article by Judge Richard L. Nygaard on capital punishment.

It was of interest to me that the South African Supreme Court unanimously ruled against capital punishment, making South Africa join the large majority of modern, civilized nations that outlaw capital punishment.

The article has practical wisdom for all of us, coming from a judge who has no political agenda.

I ask that the article be printed in the RECORD at this point..

The article follows:

VICTIMS OF VENGEANCE

(By Richard L. Nygaard)

Perry Carris is dead. I doubt that many mourned him. Even among those who did not want him to die, most would readily admit that the world is a better place without him. He was a brutal killer. He and a friend entered the home of the friend's elderly uncle and aunt, then killed and robbed them. The uncle was stabbed 79 times and the aunt, who weighed only 70 pounds, 66 times.

But, you see, Carris didn't just die—we killed him. One night last year officers of the prison where he spent his final hours injected him with lethal chemicals, and, quietly, he met eternity. Many more are scheduled to die in like fashion. Moreover, the new federal crime bill imposes death as a penalty for 50 more crimes.

Is it not time to think about what society is doing? What we are doing? Carris' act was deliberate. So was ours. Carris' motivation was a cruel disregard for life. What was ours? The first killing clearly was criminal and unjustified—and sinful. But how about the second?

The death penalty as the ultimate sanction brings punishment sharply into focus. It is the surrogate for society's frustration with the failures of government to maintain order and protect them.

As a form of punishment, the killing of criminals is an issue with which Christians also must reconcile their beliefs. Many who are quick to condemn abortion because it kills an innocent being are just as quick to accept the death penalty, ostensibly because it kills a guilty being. Each is the killing of a human: The first is one whom Jesus said knows no sin; the second is one whose sin Jesus said could be forgiven. Is there a difference? Is this a paradox? Or can we reconcile our ambivalent attitudes about death?

WHY WE PUNISH

It is important first to know the purpose of our punishment. American penology is really quite simple. We have just three means of criminal punishment: probation, incarceration and death. And we rely upon only four justifications: rehabilitation, deterrence, containment and retribution. How does the death penalty serve these ends?

When we look at each possible justification, it becomes clear that both society's motivation and the penal system's justification for the death penalty is simply retribution: We are ''getting even.''

First, one can easily reject rehabilitation as the goal. The death penalty surely does not rehabilitate the person upon whom it is imposed. It simply takes his life.

The second purpose, deterrence, is more problematic. Statistics uniformly show that condemned criminals on death row did not consider the possibility that they might die for their crimes. Others, of course, may have thought of the consequences—and did not kill. But this possibility has been little-researched. We simply do not know much about this aspect of deterrence. Death, of course, is permanent deterrence. But the question is whether it is necessary. Life imprisonment will protect society from further criminal acts by the malefactor—and at less expense than execution.

Containment, the third justification for punishment, also poses a philosophical problem because it punishes a person for something as yet not done. We use the crime already committed to project, sometimes without further information, that he or she will do it again. Then we contain the person to prevent that.

Although killing the offender does, in a grim and final sense, contain and so protect society we must ask again: Is it necessary? It is not. Penologists recognize that an offender can be effectively and economically contained in a prison. They also reject containment to justify the capital punishment.

THE ULTIMATE PAYBACK

This leaves only retribution. Revenge—the ultimate payback. As a tool of retribution, death works wonderfully.

The desire for revenge is the dark secret in us all. It is human nature to resent a hurt, and each of us has a desire to hurt back. Before the time of law, the fear of personal reprisal may have been all that kept some from physical attacks upon others or property crimes against them. But with law, cultures sought to limit personal revenge by punishment controlled and meted out in a detached fashion by the sovereign.

Revenge between citizens is antithetical to civilized society. It invites a greater retaliation . . . which in turn invites counter reprisal . . . which invites more revenge. A spiraling escalation of violence between society and the criminal subculture results. By exacting revenge upon criminals, society plays on their terms and by their rules. We cannot win.

'ACCEPTABLE' REVENGE

Leaders know, and have for centuries, that civilization requires restraint. They know that open personal revenge is socially destructive and cannot be permitted. That, indeed, it must be renounced. Official revenge is not better, and the results are no less odious. By catering to the passions of society, government tells its citizens that vengeance is acceptable—it is just that you cannot do it.

Leaders today respond politically to the base passions of society rather than act as statesmen upon the sociological necessities of civilization. Vengeance requires a victim. In putting a criminal to death, our government gives us one. ''Paying back,'' although destructive to culture and family alike, is politically popular. And so it is the law.

Christians also must confront what institutionalized killing is doing to our attitudes toward ourselves. As a judge, I have seen the defiant and unrepentant murderer. I know how easy it is to identify only with the innocent and injured. But should we not, as Christians, strive to exemplify the grace and mercy of Jesus? Should we not desire this quality also in our society?

On the eve of one execution last year, crowds gathered outside the prison to await a condemned man's death. And at the fateful hour, they cheered. The Sunday before another execution, the newspaper printed a photograph of the stretcher upon which the offender was to die.

By urging vengeful punishment, society exposes its own desire for violence. Yes, the death penalty is constitutional. It is legal. But is it proper for government to give vent to this base desire of its citizens? I doubt that we, as a society, can kill without doing psychological damage to our culture.

Perry Carris, I know, received a fair trial and his full measure of due process on appeal. I know because I sat on the court that declined to stay his execution. What, however, does his death and the deaths of others executed mean—to me or to you, Christians who must decide whether or not to support death as a penalty?

We are a government of the people. We citizens are obliged to scrutinize the reason our society, and thus our government, kills. We who are Christians also must be satisfied that the reason is reconcilable with the tenets of our faith. Is it, when the reason is revenge?●

UKRAINIAN INDEPENDENCE DAY

● Mr. LEVIN. Mr. President, Ukrainian Independence Day, August 24, is a time to remember Ukraine's past and to look to its bright future. Since Ukrainian independence in 1991, much has been accomplished in all areas of the country.

The recent legislative and Presidential elections give cause for hope. The open and fair manner in which they were carried out is evidence that democracy has taken root in Ukraine. Ukraine exhibits signs of a healthy democracy, including the existence of multiple interests represented within the government.

In the economic arena, Ukraine has exhibited much potential. Its significant natural resource endowment, focus on heavy industry, and its most important resource, the innovative and hard-working people of Ukraine, can combine to transform the country into a successful economic player in the world. Ukraine has taken significant steps to alleviate the natural strains that a country experiences when changing from a centralized to a free-market economy. These economic problems are similar to those now being experienced by many of the other countries of the Commonwealth of Independent States.

Under the guidance of the International Monetary Fund, Ukraine is working to halt hyperinflation and to achieve other beneficial goals, such as securing an efficient and cost-effective source of energy for the country. President Kuchma's plan of tight fiscal and monetary policies, price liberalization, foreign trade liberalization, and accelerated privatization appears to be the right economic track for Ukraine. The recent partnership signed with the European Union is another step in the right direction. It will give Ukraine most-favored-nation status and other trade advantages, and opens the possibility of a free trade agreement after 1998.

Ukraine's actions in the area of national and regional security are also encouraging. The government is to be congratulated for its efforts to rid Ukrainian soil of nuclear weapons. Ukraine has faithfully followed guidelines for the elimination of nuclear weapons from its borders under the START I treaty and other similar agreements. It is also heartening to know that Ukraine has ratified the Non-Proliferation Treaty. And, in joining the Partnership for Peace program for NATO membership, Ukraine has positioned itself to become a member of the strongest military alliance the world has ever known.

Ukraine's transition to a democratically governed free-market economy has not been without its problems. But these strains are natural in such a progression. In the face of such turmoil, Ukraine has shown strong leadership by pledging itself to adhere to the principles of the Helsinki Final Act. This will insure that whatever problems Ukraine may encounter in the future, they will continue to be an example of respect for civil and human rights in the region.

The people of Ukraine deserve our admiration and support for the fine work they have done in such a short period of time. I know that the Ukrainian-American community here in Michigan is in the front ranks of such support. We will all be watching Ukraine closely this next year as it works to finalize a new constitution.

This is truly an historic time for Ukraine, one in which it is possible to witness the citizens decide for themselves what kind of government and what kind of future they want for their country.●

''LOST YEAR, LOST PEACE''

● Mr. SIMON. Mr. President, one of the gravest injustices perpetrated by the American government in our more than two centuries of history was in February 1942, when we told 120,000 people who lived in the States of California, Oregon, and Washington that they had 1 to 3 days to sell all their property and put everything they own into one suitcase and they would be taken to camps.

Almost all of these 120,000 people were Japanese-Americans. A few were actually citizens of Japan.

Gary Matsumoto, a national correspondent for NBC, had an op-ed piece in the New York Times about his family's experiences.

Our colleague in the House, Congressman NORMAN MINETA, was moved from California to a detention camp.

Not one person, among all those 120,000, had been charged with any crime.

My reason for paying special attention to this is that I grew up in the State of Oregon. My father was a Lutheran minister there. When this occurred my father made a statement on a local radio station, KORE, that it was wrong to treat American citizens in this way. My mother also recalls that he wrote a letter or two to the editor of the local newspaper, though I have no recollection of that.

What I do know is that we received some phone calls and experienced some minor unpopularity. I was 13 years old at the time, and I would love to relate to my colleagues in the Senate that I stood up and defended what my father did, but I did not. I remember him explaining it to my brother and me, why it was wrong. But I was embarrassed by what my father did and wished he had not done it, perhaps a typical reaction for a 13-year-old. But now, as I look back on my father's life, it is one of the things I am proudest of him for. He was active in what we then called race relations and was always responsive to the needs of people. Up until the last few weeks before he died, he was a volunteer every Thursday morning at a facility for the mentally retarded. But perhaps nothing my father did makes me prouder of him than standing up for Japanese-Americans when it was not popular to do so.

I ask that the Gary Matsumoto op-ed piece be printed in the RECORD, and I urge my colleagues to read it.

The material follows:

LOST YEARS, LOST PEACE

(By Gary Matsumoto)

For millions of Americans, this week's anniversary of V–J Day conjured up memories, celebrations and passionate embraces. My parents were reminded of barbed wire and dust.

They shared the fate of 110,000 Japanese-Americans living in California, Oregon and Washington after the bombing of Pearl Harbor. Amid anti-Japanese hysteria and irrational fears of treason, all were expelled from their homes and exiled to concentration camps.They were told it was for their own safety. The Constitution was forgotten.

My father, Kimitsu Matsumoto, was 15 years old and lived in Santa Maria, Calif. In the fall of 1942, he, his older sister, Imiko, and my grandmother were put aboard a dimly lit railroad car and whisked out of Los Angeles. For nearly 400 miles, they sat despondently, wondering if they would ever see home again.

The Government sent them to the Gila River Relocation Center, a desolate tract on the Pima Indian reservation in Arizona.

My father, being young, could adjust to the situation. He and friends made the best of it. They marked out baseball diamonds in the desert. Cactuses became football goal posts.

They sang around campfires, danced on weekends and participated in talent shows.

My Aunt Imiko, who was 22 in 1942, has darker memories. She answered the door when F.B.I. agents arrived before dawn to arrest my grandfather. Later, she delivered a shaving kit to him, standing her ground when a young G.I. lowered his rifle and threatened to run her through with his bayonet if she come any closer to the prison gate.

My grandfather spent the spring and summer of 1942 in a detention camp in Bismark, N.D., before being reunited with his wife and children in the Arizona desert. They lived in crude barracks with cinder block floors. Guard towers were equipped with machine guns and searchlights.

In the summer, the temperature reached 125 degrees, and the place would stink of roof tar. When the wind blew, clouds of suffocating dust would blanket the camp. For these fastidious people, the dust was a ceaseless affliction that symbolized their ruin.

My grandparents missed the small cafe the family had run. My father missed the tortillas stuffed with beans he had bought from Mexican friends at school. My aunt missed her boyfriend, who had been drafted into the Army before the war broke out. (She eventually married him.)

My grandmother and grandfather had come to America in the late 19th century seeking opportunities that they could never know in Japan's stultifying, feudal society. They reared their children, born in California, to love Fords, meat loaf and the New York Yankees. After Pearl Harbor, they not only lost their homes, they lost the sense that they belonged.

My mother's family, who lived in Loomis, Calif., lost much more. They were sent to a camp, called Amache, in southeastern Colorado near the Kansas border. Before my grandmother left California, doctors warned that she could die in Colorado's altitudes: Amache was very high. Her blood pressure was high, and the air was thin. After several strokes, she was bedridden. For three years, my grandfather nursed her, first in the barracks, later in the camp hospital, where he would sleep on the floor beneath her bed. She died in the camp five days after the war ended, leaving seven children.

On V–J Day, Aug. 14, 1945, most interned Japanese-Americans thought their ordeal would soon be over. But for them the war did not end so tidily. The last relocation camp did not close until March 20, 1946.

Some people, especially the elderly, were afraid to leave. With their livelihoods destroyed and their children scattered, they reluctantly gave up the security of life behind barbed wire. When a family from the Amache camp returned to California, their shed was dynamited and shots were fired into their home.

What people forgot was that a Japanese-American regiment that fought in Europe was among the most decorated military units in the war. Japanese-Americans also served in the Pacific.

After the war, both sides of my family found shelter in Chicago from the virulent racism festering at that time on the West Coast. But they have never lost the fear that another cataclysm would provoke the Government to come for them again.

A generation removed from the war, I have never fully shared that concern. Then I look at my baby daughter—part Swiss, part German and Irish, but with a decidely Asian cast to her eyes—and I wonder.

This year, a memorial was erected at the Gila River camp. Except for the concrete slabs where the barracks once stood, all that remains is the dust. But for my family and successive generations of Japanese-Americans, Gila River is a place in the heart, a wound that never quite heals.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENTS 104–16, 104–17, AND 104–18

Mr. WARNER. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following three treaties transmitted to the Senate on September 5, 1995, by the President of the United States:

Extradition treaty with the Philippines, Treaty Document 104–16; Convention for the Protection of Plants, Treaty Document 104–17; and Treaty

with Philippines on Legal Assistance in Criminal Matters, Treaty Document 104–18.

I further ask unanimous consent that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

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

The President's messages are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of the Philippines, signed at Manila on November 13, 1994.

In addition, I transmit for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the Treaty will not require implementing legislation.

Together with the Treaty Between the Government of the United States of America and the Government of the Republic of the Philippines on Mutual Legal Assistance in Criminal Matters, also signed November 13, 1994, this Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of both countries. It will thereby make a significant contribution to international law enforcement efforts.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 5, 1995*.

To the Senate of the United States:

I transmit herewith for Senate advice and consent to ratification the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as Revised at Geneva on November 10, 1972, on October 23, 1978, and on March 19, 1991, and signed by the United States on October 25, 1991 (hereinafter ''the 1991 Act of the UPOV Convention''). I transmit for the information of the Senate, the report of the Department of State with respect to the Convention.

Ratification of the Convention is in the best interests of the United States. It demonstrates a domestic commitment to effective protection for intellectual property in the important field of plant breeding. It is also consistent with the United States foreign policy of encouraging other countries to provide adequate and effective intellectual property protection, including that for plant varieties.

I recommend, therefore, that the Senate give early and favorable consideration to the 1991 Act of the UPOV Convention and give its advice and consent to ratification subject to a reservation under Article 35(2), which allows parties to the existing Convention (the 1978 Act) to retain their present patent systems for certain varieties of plants.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 5, 1995*.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of the Philippines on Mutual Legal Assistance in Criminal Matters, signed at Manila on November 13, 1994. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties being negotiated by the United States in order to counter criminal activity more effectively. The Treaty will enhance our ability to investigate and prosecute a wide variety of crimes, including drug trafficking and terrorism offenses. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance availability under the Treaty includes: taking of testimony or statements of persons; providing documents, records, and items of evidence; serving documents; locating or identifying persons or items; transferring persons in custody for testimony or other purposes; executing requests for searches and seizures; assisting in proceedings related to forfeiture of assets, restitution, and collection of fines; and any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 5, 1995*.

RELATIVE TO EXPO '98 IN LISBON, PORTUGAL

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 179, Senate Concurrent Resolution 22.

Mr. WARNER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 22) expressing the sense of the Congress that the United States should participate in Expo '98 in Lisbon, Portugal.

Mr. WARNER. I ask unanimous consent that the resolution be considered and agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

So the concurrent resolution (S. Con. Res. 22) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 22

Whereas there was international concern expressed at the Rio Conference of 1992 about conservation of the seas;

Whereas 1998 has been declared the ''International Year of the Ocean'' by the United Nations in an effort to alert the world to the need for improving the physical and cultural assets offered by the world's oceans;

Whereas the theme of Expo '98 is ''The Oceans, a Heritage for the Future'';

Whereas Expo '98 has a fundamental aim of alerting political, economic, and public opinion to the growing importance of the world's oceans;

Whereas Portugal has established a vast network of relationships through ocean exploration;

Whereas Portugal's history is rich with examples of the courage and exploits of Portuguese explorers;

Whereas Portugal and the United States have a relationship based on mutual respect, and a sharing of interests and ideals, particularly the deeply held commitment to democratic values;

Whereas today over 2,000,000 Americans can trace their ancestry to Portugal; and

Whereas the United States and Portugal agreed in the 1995 Agreement on Cooperation and Defense that in 1998 the 2 countries would consider and develop appropriate means of commemorating the upcoming quincentennial anniversary of the historic voyage of discovery by Vasco da Gama: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the United States should fully participate in Expo '98 in Lisbon, Portugal, and encourage the private sector to support this worthwhile undertaking.

STAR PRINT—REPORT ACCOMPANYING S. 1147

Mr. WARNER. I ask unanimous consent that there be a star print of the report to accompany S. 1147 to reflect the changes that I send to the desk.

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

ORDERS FOR SEPTEMBER 6, 1995

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m. on Wednesday, September 6, 1995; that following the prayer, the Journal of the proceedings be deemed approved to date, that the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume consideration of the defense authorization bill, S. 1026.

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

PROGRAM

Mr. WARNER. Mr. President, for the information of all Senators, the Senate will resume consideration of the defense authorization bill tomorrow

morning. Under a previous order, there will be at least two consecutive rollcall votes beginning at 9:30 a.m. Wednesday morning. The first vote in the sequence will be 15 minutes in length. All other votes in sequence will be 10 minutes in length.

All Senators should be aware that following passage of the defense authorization bill, the Senate will resume consideration of the welfare reform legislation. Therefore, further rollcall votes can be expected throughout Wednesday's session of the Senate.

RECESS UNTIL 9:15 A.M. TOMORROW

Mr. WARNER. Mr. President, if there is no further business to come before the Senate, and I see no Senators seeking recognition, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:19 p.m., recessed until Wednesday, September 6, 1995, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate September 5, 1995:

IN THE COAST GUARD

THE FOLLOWING REGULAR OFFICERS OF THE U.S. COAST GUARD FOR PROMOTION TO THE GRADE OF CAPTAIN:

JOHN D. COOK
MICHAEL J. PIERCE
ROBERT E. YOUNG
RONALD R. WESTON
JAMES L. HOUSE
PETER K. MITCHELL
THOMAS W. SECHLER
LAWRENCE I. KIERN
RICHARD A. KOEHLER
MARK A. FISHER
DAVID M. LOERZEL
DANIEL F. RYAN II
MARCUS E. JORGENSEN
MICHAEL E. SAYLOR
GARY KRIZANOVIC
STEFAN G. VENCKUS
SCOTT W. ALLEN
JAMES M. GARRETT
JOSEPH A. CONROY
JOSEPH P. BRUSSEAU
JAMES C. VANSICE
ALBERT F. SUCHY IV
DANA A. GOWARD
JOHN T. O'CONNOR
RICHARD S. HARTMAN, JR.
ROBERT M. WICKLUND
GARY W. PALMER
WALTER E. HANSON, JR.
ARTHUR E. BROOKS
CHARLES L. MILLER
JOSEPH C. BRIDGER III
MYLES S. BOOTHE
THOMAS D. JOHNS
HARVEY E. JOHNSON, JR.
DALE G. GABEL
ROBERT A. HUGHES
MICHAEL J. CHAPLAIN
DOMENICO A. DIIULIO
KENNETH A. WARD
RICHARD A. HUWEL
DAVID W. REED
STEVEN G. HEIN
THOMAS C. KING, JR.
DAVID W. MACKENZIE
JERZY J. KICHNER
STEPHEN J. HARVEY
RICHARD J. FORMISANO
JAMES RUTKOVSKY
RAYMOND J. BROWN
THOMAS J. MACKELL
WALTER J. BRAWAND III
ALLEN L. THOMPSON, JR.
DAN DEPUTY
ROBERT J. PAPP, JR.
DEREK A. CAPIZZI
ROBERT G. STEVENS
DEAN W. KUTZ
GERALD BOWE
BRADFORD W. BLACK
JOHN E. WILLIAMS
ROGER B. PEOPLES
MICHAEL J. HALL
THOMAS G. GORDON
BILLY R. SLACK
ROGER A. WHORTON
BEN R. THOMASON III
LAWRENCE A. EPPLER
GARY T. BLORE
LAWRENCE A. HALL
DENNIS J. IHNAT
FRED M. ROSA, JR.
CRAIG L. SCHNAPPINGER
JOHN E. CROWLEY, JR.
THOMAS J. MC DANIEL
HARLAN HENDERSON
CHARLES T. LANCASTER

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 12203 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 12203 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE

To be lieutenant colonel

MICHAEL D. BOUWMAN, 000–00–0000
STEVEN N. JONES, 000–00–0000
SCOTT A. KEARBY, 000–00–0000
KATHLEEN M. MC CORMICK, 000–00–0000

JUDGE ADVOCATE GENERALS DEPARTMENT

To be lieutenant colonel

BARBARA A. BRANIGAN, 000–00–0000
DEBRA A. SCULLARY, 000–00–0000

CHAPLAIN CORPS

To be lieutenant colonel

PATRICK E. GENEREUX, 000–00–0000

MEDICAL CORPS

To be lieutenant colonel

CHRISTOPHER M. NIXON, 000–00–0000
PHILIP S. VUOCOLO, 000–00–0000

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 12203 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 12203 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE

To be lieutenant colonel

GARY L. EBBEN, 000–00–0000
TIMOTHY J. ENGLISH, 000–00–0000
JOHN J. GIBALA, 000–00–0000
THOMAS C. HUTCHINGS, 000–00–0000
ANDREW L. KING, 000–00–0000
JOHN M. MOTLEY, JR., 000–00–0000
DEBRA A. NOVIELLO, 000–00–0000
MICHAEL C. PALMER, 000–00–0000
THOMAS A. PERARO, 000–00–0000
GREGORY D. STARKEL, 000–00–0000
RICHARD M. STEDDING, JR., 000–00–0000
MICHAEL P. TETRICK, 000–00–0000
JOHN H. THEISEN, 000–00–0000
STEVEN T. TOLLETT, 000–00–0000
GEORGE G. WHITE, JR., 000–00–0000
JAMES C. WHITNELL, 000–00–0000
ROBERT E. WILHOITE, 000–00–0000

CHAPLAIN CORPS

To be lieutenant colonel

DOUGLAS W. ARENDSEE, 000–00–0000

NURSE CORPS

To be lieutenant colonel

TERRENCE J. BECKER, 000–00–0000

MEDICAL SERVICES CORPS

To be lieutenant colonel

STEVEN A. KLEIN, 000–00–0000

IN THE ARMY

THE FOLLOWING FOR APPOINTMENT AS DIRECTOR OF ADMISSIONS AT THE U.S. MILITARY ACADEMY UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 4333(C).

COL. MICHAEL L. JONES, 000–00–0000

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE PRESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE SECTIONS 12203 AND 3385:

ARMY PROMOTION LIST

To be colonel

GERARD H. BARLOCO, 000–00–0000
JAMES R. CARPENTER, 000–00–0000
DENNIS R. CHRISTIAN, 000–00–0000
DENNIS L. GEORGE, 000–00–0000
GARY L. JONES, 000–00–0000
JAMES D. POWELL, 000–00–0000
THOMAS L. RALPH, 000–00–0000
GLEN I. SAKAGAWA, 000–00–0000
JOHN W. SMITH, 000–00–0000
GEORGE W. STANG, 000–00–0000

ARMY NURSE CORPS

To be colonel

FLORA Y. BLACKLEDGE, 000–00–0000

MEDICAL SERVICE CORPS

To be colonel

DONOVAN G. LAJOIE, 000–00–0000
RONALD S. OWEN, 000–00–0000
JAMES D. SMITH, 000–00–0000

ARMY PROMOTION LIST

To be lieutenant colonel

ROBERT B. BALLOU, 000–00–0000
HAROLD G. BARGO, 000–00–0000
DAVID L. BOSARGE, 000–00–0000
TRAVIS R. BREWSTER, 000–00–0000
PAUL W. DVORAK, 000–00–0000
DEBORAH Y. FRANCIS, 000–00–0000
TIMOTHY M. FURCHES, 000–00–0000
JORGE B. GONZALEZ, 000–00–0000
JAMES M. HANSON, JR. 000–00–0000
JOE L. HARKEY, 000–00–0000
MICHAEL J. HERSEY, 000–00–0000
DAVID G. LEPLEY, 000–00–0000
THOMAS R. LOGEMAN, 000–00–0000
SCOTT N. MC WILLIAMS, 000–00–0000
WILLIAM H. PETTY, 000–00–0000
TERRY L. QUARLES, 000–00–0000
WILLIAM O. RATLIFF, 000–00–0000
JESSE T. RAWLS, JR., 000–00–0000
TIMOTHY R. RENSEMA, 000–00–0000
PAUL E. ROBERTS, 000–00–0000
JOEL R. ROUNTREE, 000–00–0000
MARY C. ROUSSE, 000–00–0000
FRANK A. SAMPSON, 000–00–0000
STEPHEN M. SARCIONE, 000–00–0000
MARSHAL SCHLICHTING, 000–00–0000
ROBERT E. SHANNON, JR.. 000–00–0000
JAMES C. SUTTLE, JR., 000–00–0000
ROBERT A. TUFTS, 000–00–0000
PEYTON R. WILLIAMS, JR., 000–00–0000
EARL M. YERRICK, JR., 000–00–0000

IN THE NAVY

THE FOLLOWING NAMED U.S. AIR FORCE ACADEMY GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JEREMY L. HILTON, 000–00–0000
JAMES R. LAMAR, 000–00–0000
KARIM K. LAZARUS, 000–00–0000
ERICH D. MOULDER, 000–00–0000

THE FOLLOWING NAMED U.S. MILITARY ACADEMY GRADUATE TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

CLAYTON S. CHRISTMAN, 000–00–0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE U.S. AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, PROVIDED THAT IN NO CASE SHALL THE OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

LINE OF THE AIR FORCE

To be major

TAREK C. ABBOUSHI, 000–00–0000
DEREK H. ABEL, 000–00–0000
PAUL R. ACKERMAN, 000–00–0000
STEVEN R. ACUP, 000–00–0000
PERRY J. ADAMS, 000–00–0000
R. KEVIN ADAMS, 000–00–0000
REGINALD C. ADAMS, 000–00–0000
SANDRA M. ADAMS, 000–00–0000
STEPHEN J. ADAMS, 000–00–0000
WILLIAM S. ADDISON, 000–00–0000
EDWARD A. ADKINS, 000–00–0000
ANTHONY W. ADKISSON, 000–00–0000
RALPH AH SAM, 000–00–0000
CATHERINE A. M. AHYE, 000–00–0000
JOHN F. AKERS, JR., 000–00–0000
JEROME J. AKERSON, 000–00–0000
LES ALBIOL, 000–00–0000
VINCENT J. ALCAZAR, 000–00–0000
STEVEN B. ALDERFER, 000–00–0000
FRANK S. ALEXA, 000–00–0000
MARK G. ALLCOTT, 000–00–0000
FERG M. ALLEMAN, III, 000–00–0000
THOMAS G. ALLEY, 000–00–0000
DANIEL F. ALLISON, 000–00–0000
DAVID W. ALLVIN, 000–00–0000
JOHN P. ALMIND, 000–00–0000
KRIS S. ALTICE, 000–00–0000
JAMES K. ALTMAN, 000–00–0000
KIRK W. ALVORD, 000–00–0000
DOUGLAS L. AMON, 000–00–0000
MICHAEL D. ANDERSEN, 000–00–0000
BRIAN D. ANDERSON, 000–00–0000
GLENN B. ANDERSON, 000–00–0000
MICHAEL A. ANDERSON, 000–00–0000
WALTER E. ANDERSON, JR., 000–00–0000
STANLEY ANDRAY, 000–00–0000
GREGG D. ANDREACHI, 000–00–0000
WALTER G. ANDRESS, JR., 000–00–0000
CRAIG L. ANFINSEN, 000–00–0000
JOHN P. ANTON, 000–00–0000
ANDREW W. APPLEGATE, 000–00–0000
JOSEPH F. ARATA, 000–00–0000
ROBERT L. ARENDS, 000–00–0000
DANIEL E. ARNOLD, 000–00–0000
SAMUEL A. ARROYO, 000–00–0000
KENNETH R. ARTEAGA, 000–00–0000
MATTHEW B. ASH, 000–00–0000
VIRGINIA B. ASHPOLE, 000–00–0000
JAMES L. ASHWORTH, 000–00–0000
RONALD A. ASK, 000–00–0000
THOMAS G. ATKINS, 000–00–0000
CAROL L. ATKINSON, 000–00–0000
REXFORD R. AUSTIN, 000–00–0000
TIMOTHY A. AVEY, 000–00–0000
JAMES S. AVRIT, 000–00–0000
KEVIN W. AYER, 000–00–0000
MICHAEL A. BABAUTA, 000–00–0000
AILENE S. BABCOCK, 000–00–0000
BRUCE D. BABCOCK, 000–00–0000
BRIAN J. BABIN, 000–00–0000
JAMES M. BACHELOR, 000–00–0000
GARY J. BACKES, 000–00–0000
ROBERT L. BADY, 000–00–0000
DALE E. BAILEY, 000–00–0000
DONALD R. BAILEY, 000–00–0000
JIMMY C. BAILEY, 000–00–0000
RICHARD S. BAILEY, 000–00–0000
SAMUEL R. BAKALIAN, JR., 000–00–0000

ANDREW G. BAKER, 000–00–0000
JOHN S. BAKER, 000–00–0000
PERRY J. BAKER, 000–00–0000
RICHARD D. BAKER, 000–00–0000
ROBERT E. BAKER, JR., 000–00–0000
MARK R. BALZER, 000–00–0000
JOHN M. BANCROFT, 000–00–0000
KENNETH E. BANDY, 000–00–0000
SHEILA B. BANKS, 000–00–0000
BRITTON W. BANKSON, 000–00–0000
ALEXANDER R. BAPTY, 000–00–0000
GREGORY A. BARBER, 000–00–0000
WILLIAM TERRY BARE, 000–00–0000
*MICHAEL D. BARKER, 000–00–0000
RUSSELL S. BARKER, 000–00–0000
THEODORE H. BARLOCK, 000–00–0000
JAMES A. BARLOW, 000–00–0000
SCOTT A. BARNER, 000–00–0000
ROBERT S. BARONE, 000–00–0000
PAUL R. BARRE, 000–00–0000
STEPHEN L. BARRETT, 000–00–0000
BRYAN K. BARTELS, 000–00–0000
GERALD R. BARTON, 000–00–0000
*SAMUEL L. BATES, 000–00–0000
STANLEY D. BATES, 000–00–0000
MARY A. BATTLES, 000–00–0000
GARY J. BAUHAN, 000–00–0000
MARK M. BAUKNIGHT, 000–00–0000
CARL R. BAUMANN, 000–00–0000
RICHARD A. BAUMANN, 000–00–0000
BARRY M. BEARD, 000–00–0000
KRISTIN D. BEASLEY, 000–00–0000
HEIDI L. BEASON, 000–00–0000
GARY BEATOVICH, 000–00–0000
MARGARET H. BEATY, 000–00–0000
CHARLES J. BECK, 000–00–0000
JEFFREY A. BECK, 000–00–0000
WILLIAM J. BECKER, 000–00–0000
WILLIAM C. BECKINGER, 000–00–0000
BENJAMIN C. BEEDE, 000–00–0000
DANIEL G. BEHNE, 000–00–0000
THOMAS E. BELL, 000–00–0000
TIMOTHY R. BELL, 000–00–0000
CHRIS C. BELSON, 000–00–0000
DAVID L. BELT, 000–00–0000
ROGER A. BELTRAN, 000–00–0000
WILSON M. BEN, 000–00–0000
DAVID L. BENNETT, 000–00–0000
*MARY A. BENNETT, 000–00–0000
EDWARD J. BENNINGFIELD, 000–00–0000
EDWARD L. BENSMAN, 000–00–0000
BRIAN A. BENSON, 000–00–0000
DENNIS R. BENSON, 000–00–0000
ROBERT W. BENWAY, 000–00–0000
DONALD H. BERCHOFF, 000–00–0000
MATTHEW H. BERENT, 000–00–0000
THOMAS W. BERGESON, 000–00–0000
JON H. BERRIE, 000–00–0000
THOMAS C. BERRY, 000–00–0000
WILLIAM J. BEVERIDGE, 000–00–0000
RONALD J. BEYERS, 000–00–0000
JAMES M. BIEDA, 000–00–0000
WILLIAM W. BIERBAUM, 000–00–0000
LARRY D. BIERLE, 000–00–0000
DOROTHA A. BIERNESSER, 000–00–0000
STEPHEN A. BIERNESSER, 000–00–0000
PAUL T. BIGELOW, 000–00–0000
DENNIS M. BIGGS, 000–00–0000
STEVEN H. BILLS, 000–00–0000
AUNDRA E. BILLUPS, 000–00–0000
GEORGE P. BIONDI, 000–00–0000
LAWRENCE R. BIRD, 000–00–0000
FRANCIS J. BISHOP, JR., 000–00–0000
VOLKER M. BITTER, 000–00–0000
TODD A. BLACK, 000–00–0000
CHARLES C. BLACKWELL, 000–00–0000
DANIEL C. BLAETTLER, 000–00–0000
RUSSELL J. BLAINE, 000–00–0000
CASEY D. BLAKE, 000–00–0000
GREGORY O. BLANCHARD, 000–00–0000
ROBERT D. BLANK, 000–00–0000
JAMES C. BLASINGAME, JR., 000–00–0000
CARL T. BLATZ, 000–00–0000
MICHAEL A. BLAYLOCK, 000–00–0000
GAGE A. BLEAKLEY, 000–00–0000
DAVID D. BLOMBERG, 000–00–0000
JOHN W. BLUMENTRITT, 000–00–0000
JACQUELINE BOLTON, 000–00–0000
RONALD A. BOOHER, 000–00–0000
CHARLES R. BOONE, 000–00–0000
KEVIN A. BOOTH, 000–00–0000
ELIZABETH B. BORELLI, 000–00–0000
JOHN W. BORGMAN, 000–00–0000
THOMAS J. BORLAND, 000–00–0000
KEVIN A. BORNHOFT, 000–00–0000
RALPH F. BORSETH, 000–00–0000
MARK T. BOSWELL, 000–00–0000
JOYCE M. BOUGHAN, 000–00–0000
KELVIN C. BOWEN, 000–00–0000
MELVIN K. BOWEN, 000–00–0000
JOHN C. BOWER, 000–00–0000
JOSEPH H. BOWERS, 000–00–0000
ANNETTE V. BOX, 000–00–0000
ANDREW D. BOYD, 000–00–0000
CHRISTOPHER D. BOYER, 000–00–0000
*DAVID J. BOYER, 000–00–0000
FLOYD J. BOYER, 000–00–0000
LOUIS BOYKIN, JR., 000–00–0000
JOHN V. BOYLE, 000–00–0000
CHARLES R. BRACKENHOFF, 000–00–0000
ANTHONY G. BRADLEY, 000–00–0000
MICHAEL T. BRAMAN, 000–00–0000
ROB D. BRANDT, 000–00–0000
STEPHEN M. BRANNEN, 000–00–0000
DAVID N. BRAWLEY, 000–00–0000
ROBERT E. BRAY, 000–00–0000
WILLIAM S. BREI, 000–00–0000
KEVIN H. BRENNAN, 000–00–0000
MICHAEL J. BRENNAN III, 000–00–0000
ALAN C. BRIDGES, 000–00–0000
MONTY L. BROCK, 000–00–0000
DAVID A. BROMWELL, 000–00–0000
MARK A. BRONAKOWSKI, 000–00–0000
MICHAEL J. BROOKS, 000–00–0000
ROBERT A. BROOKS, 000–00–0000
ROGER G. BROOKS, 000–00–0000
HEIDI S. BROTHERS, 000–00–0000
CHARLES Q. BROWN, JR., 000–00–0000
DAVID A. BROWN, 000–00–0000
DAVID E. BROWN, 000–00–0000
ERNIE L. BROWN, JR., 000–00–0000
FRANCIS M. BROWN, 000–00–0000
JONATHAN D. BROWN, 000–00–0000
MICHAEL R. BROWN, 000–00–0000
THOMAS P. BROWN, 000–00–0000
THOMAS W. BROWN, 000–00–0000
TIMOTHY D. BROWN, 000–00–0000
JAMES S. BROWNE, 000–00–0000
STEPHEN K. BROWNE, 000–00–0000
ROBIN R. BRUNNER, 000–00–0000
JAMES M. BRUNO, 000–00–0000
CHARLES R. BRUNT, 000–00–0000
JEFFREY A. BRYAN, 000–00–0000
ANTHONY R. BUCK, 000–00–0000
DAVID J. BUCK, 000–00–0000
JOSEPH E. BUDER, 000–00–0000
GREGORY S. BUELT, 000–00–0000
WILLIAM G. BUGGERT, 000–00–0000
LANCE B. BULLER, 000–00–0000
DANIEL E. BULLOCK, 000–00–0000
DAVID J. BUNKER, 000–00–0000
JAMES M. BURGER, 000–00–0000
ERIK D. BURGESON, 000–00–0000
ROBERT C. BURGESS, 000–00–0000
STEVEN A. BURGESS, 000–00–0000
STEVEN D. BURGESS, 000–00–0000
BLAISE W. BURGMAN, 000–00–0000
ROBYN M. BURK, 000–00–0000
ALAN W. BURKE, 000–00–0000
JOHN C. BURKE, 000–00–0000
STEVEN BURKE, 000–00–0000
THOMAS P. BURKE, 000–00–0000
JOSEPH E. BURLBAUGH, 000–00–0000
JAMES M. BURLINGAME, 000–00–0000
RODNEY A. BURNETT, 000–00–0000
ANTHONY P. BURNS, 000–00–0000
BRIAN P. BURNS, 000–00–0000
MARK E. BURNS, 000–00–0000
RICHARD E. BURNS, 000–00–0000
THOMAS J. BURNS, 000–00–0000
JEFFREY D. BURUM, 000–00–0000
DANIEL C. BUSCHOR, 000–00–0000
GREGORY W. BUTLER, 000–00–0000
LAWRENCE W. BUTLER, 000–00–0000
DUANE D. BYNUM, 000–00–0000
MICHAEL T. BYRNE, 000–00–0000
DARRELL G. CABANTING, 000–00–0000
GARY L. CAIN, 000–00–0000
KELLY P. CALABIO, 000–00–0000
LEONARDO P. CALABRETTA, 000–00–0000
ROCKY L. CALKINS, 000–00–0000
JAMES E. CALLEN, 000–00–0000
LISA C. CAMP, 000–00–0000
BRIAN D. CAMPBELL, 000–00–0000
LOUIS P. CAMPBELL, 000–00–0000
*CHRISTOPHER L. CANADA, 000–00–0000
JOHN E. CANNADAY, III, 000–00–0000
JOHN C. CANNAFAX, 000–00–0000
MICHAEL M. CANNON, 000–00–0000
ROSARIO J. CAPUTO, 000–00–0000
MICHAEL I. CARAWAY, 000–00–0000
MARK G. CARBO, 000–00–0000
DAVID B. CAREY, 000–00–0000
GLENN W. CARLSON, 000–00–0000
KENNETH D. CARLSON, 000–00–0000
MEADE W. CARLSON, 000–00–0000
CYNTHIA R. CARLSTEAD, 000–00–0000
DOUGLAS B. CARNEY, 000–00–0000
BRUCE S. CARPENTER, 000–00–0000
GEORGE C. CARPENTER, II, 000–00–0000
ROBERT M. CARPENTER, 000–00–0000
ROBERT CARRIEDO, 000–00–0000
RODNEY D. CARROLL, 000–00–0000
MARCUS E. CARTER, 000–00–0000
*MARK ELLIOTT CARTER, 000–00–0000
MARK L. CARTER, 000–00–0000
THERESA C. CARTER, 000–00–0000
THORLOUGH E. CARTER, JR., 000–00–0000
MARK A. CASBURN, 000–00–0000
CINDY L. CASEY, 000–00–0000
CLAY H. CASH, 000–00–0000
DOUGLAS J. CASHMAN, 000–00–0000
BRIAN K. CASSIDAY, 000–00–0000
KAREN M. CASTILLO, 000–00–0000
CHRISTOPHER W. CASTLEBERRY, 000–00–0000
EDGAR S. CASTOR, 000–00–0000
WAYNE CATANZARO, 000–00–0000
ROBERT C. CAVIN, 000–00–0000
SCOTT E. CERILLI, 000–00–0000
AMY E. CHALFANT, 000–00–0000
SCOTT A. CHAMBERLAIN, 000–00–0000
SHANDRA F. CHAMBERLAIN, 000–00–0000
WAYNE R. CHAMBERS, 000–00–0000
MARK A. CHANCE, 000–00–0000
PAUL P. CHAPMAN, JR., 000–00–0000
RICHARD L. CHAPMAN, JR., 000–00–0000
JOHN F. CHATTIN, JR., 000–00–0000
JOHN E. CHERRY, 000–00–0000
JULIE A. CHESLEY, 000–00–0000
PHILIP C. CHEVALLARD, 000–00–0000
DAVID A. CHEVESS, 000–00–0000
CHRISTOPHER C. CHOATE, 000–00–0000
YANGHEE A.M. CHOI, 000–00–0000
SUSAN CHOJNACKI, 000–00–0000
KEVIN T. CHRISTENSEN, 000–00–0000
CARY C. CHUN, 000–00–0000
KEVIN D. CHURCHILL, 000–00–0000
CHRISTOPHER T. CIECKA, 000–00–0000
PAUL CIESCO, 000–00–0000
RONALD G. CILEK, 000–00–0000
MICHELLE L. CINLEMIS, 000–00–0000
PETER J. CITRONE, 000–00–0000
*RONALD W. CLACK, 000–00–0000
MITCHELL B. CLAPP, 000–00–0000
J. STEVEN CLARK, 000–00–0000
MICHAEL J. CLARK, 000–00–0000
JONATHAN C. CLAUS, 000–00–0000
ROBERT D. CLAUSEN, 000–00–0000
JEFFERY D. CLAY, 000–00–0000
GEORGE K. CLAYTON, 000–00–0000
DEAN R. CLEMONS, 000–00–0000
STEPHEN R. CLIATT, 000–00–0000
BRYAN S. CLINE, 000–00–0000
LESLIE C. CLINGER, 000–00–0000
FRED M. CLINGMAN, 000–00–0000
DAVID A. CLOSEN, 000–00–0000
JEFFREY J. CLOSSON, 000–00–0000
MELVIN E. CLOUD, 000–00–0000
BRIAN F. COCHRANE, 000–00–0000
JOSEPH C. CODIROLI, 000–00–0000
BENJAMIN J. COFFEY, 000–00–0000
REBECCA S. COLAW, 000–00–0000
BRADLEY A. COLE, 000–00–0000
LAMAR D. COLE, 000–00–0000
CAROL A. COLEMAN, 000–00–0000
KEVIN C. COLEMAN, 000–00–0000
KEVIN F. COLLAMORE, 000–00–0000
IRA Q. COLLIER, III, 000–00–0000
DOUGLAS S. COLLINS, 000–00–0000
WESLEY T. COLLINS, 000–00–0000
ADA A. CONLAN, 000–00–0000
CHRISTOPHER M. CONNELLY, 000–00–0000
JERRY R. CONNER, 000–00–0000
BARBARA J. CONNETT, 000–00–0000
MARK G. CONNOLLY, 000–00–0000
JEFFREY P. CONNORS, 000–00–0000
THOMAS S. CONRAD, 000–00–0000
DOUGLAS P. CONSTANT, 000–00–0000
JOHN P. COOK, 000–00–0000
PETER D. COOK, 000–00–0000
JAMES P. COOLAHAN, 000–00–0000
PHILIP L. COONCE, 000–00–0000
PHILIP S. COOPER, 000–00–0000
TERRENCE P. COOPER, 000–00–0000
BYRON E. COPELAND, JR., 000–00–0000
JAMES D. COPPOLA, 000–00–0000
RAYMOND C. CORCORAN, 000–00–0000
RICHARD A. CORDELL, 000–00–0000
CHRISTOF P. CORDES, 000–00–0000
ERMAN R.E. CORDOVA, 000–00–0000
JOHN R. CORNEIL, 000–00–0000
AIMEE S. CORNING, 000–00–0000
ANTHONY N. CORRERO, 000–00–0000
DAVID A. COTTON, 000–00–0000
MARILYN T. COTTRELL, 000–00–0000
ALBERT H.R. COUILLARD, 000–00–0000
*PHILIP R. COURTIN, 000–00–0000
THOMAS L. COWAN, 000–00–0000
CYNTHIA S. COX, 000–00–0000
DAVID W. COX, 000–00–0000
KAREN L. COX, 000–00–0000
LEEVOLKER COX, 000–00–0000
ROBERT C. COX, 000–00–0000
TIMOTHY W. COY, 000–00–0000
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JOSE M. LABORTE, 000–00–0000
JOSEPH LACATUS, 000–00–0000
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GHYSLAINE N. LOCKHART, 000–00–0000
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ROBERT F. STAMMLER, 000–00–0000
JOSEPH J. STANKO, 000–00–0000
RICHARD S. STAPP, 000–00–0000
RICHARD B. STARK, 000–00–0000
ARNOLD W. STARR, JR., 000–00–0000
JOHN F. STAUFFENBERG, 000–00–0000
BARBARA J. STAUFFER, 000–00–0000
DAVID P. STAVEN, 000–00–0000
BARBARA D. STEARNS, 000–00–0000
RICHARD J. STECKBECK, 000–00–0000
ROBERT G. STEELE, JR., 000–00–0000
SHANE T. STEGMAN, 000–00–0000
JEFFREY A. STEINMILLER, 000–00–0000
JEFFREY C. STEPHAN, 000–00–0000
RANDALL K. STEPHENSON, 000–00–0000
JEFFREY L. STERNER, 000–00–0000
JOHN L. STEVENS, 000–00–0000
MITCHELL D. STEVENS, 000–00–0000
CHRISTOPHER D. STEWART, 000–00–0000
RANDON C. STEWART, 000–00–0000
DWAYNE A. STICH, 000–00–0000
JOHN W. STIERWALT, 000–00–0000
WILLIAM B. STILSON, 000–00–0000
NANCY A. PETRITS STINSON, 000–00–0000
TERESA A. SITH, 000–00–0000
GREGORY D. STJOHN, 000–00–0000
DANIEL W. STOCKTON, 000–00–0000
STUART W. STOPKEY, 000–00–0000
RAYMOND T. STRASBURGER, 000–00–0000
MARC F. STRATTON, 000–00–0000
CHARLES M. STRIBULA, 000–00–0000
JAMES R. STRIGHT, 000–00–0000
CHARLES L. STROMWALL, 000–00–0000
MICHAEL STUART, 000–00–0000
RICKY O. STUART, 000–00–0000
MARK E. STUBBLEFIELD, 000–00–0000
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BRIAN J. STUTZ, 000–00–0000
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ANTHONY P. SUBER, 000–00–0000
KEITH A. SULLIVAN, 000–00–0000
KEVIN L. SULLIVAN, 000–00–0000
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JOHN W. SUMMERS, JR., 000–00–0000
WILLIAM H. SURREY, 000–00–0000
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ERIC A. SWANK, 000–00–0000
STEPHEN J. SWANTON, 000–00–0000
DANIEL C. SWEENEY, 000–00–0000
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DARRYL L. SWEETWINE, 000–00–0000
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PHILLIP P. TABER, 000–00–0000
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GRANT L. TAKAHASHI, 000–00–0000
DALE A. TAKENAKA, 000–00–0000
TODD T. TAMURA, 000–00–0000
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MONIKA TANEDO, 000–00–0000
DAVID J. TANTHOREY, 000–00–0000
OLIVIA G. TAPIA, 000–00–0000
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ROBERT E. TAYLOR, 000–00–0000
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GARRETT J. THOMPSON, 000–00–0000
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LARRY W. THOMPSON, 000–00–0000
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STEVEN D. THOMPSON, 000–00–0000
TIMMIE L. THOMPSON, 000–00–0000
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PAUL W. THURSTON, 000–00–0000
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*CHRISTOPHER TIMBERLAKE, 000–00–0000
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JOHN J. TOMICK, 000–00–0000
JAMES A. TOMLINSON, 000–00–0000
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JOHN J. TORRES, 000–00–0000
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STEVEN E. TROXEL, 000–00–0000
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PAUL C. TRULOVE, 000–00–0000
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STEVEN M. TUCKER, 000–00–0000
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JAMAN L. UNDERWOOD, 000–00–0000
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TRACY URMAN, 000–00–0000
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MARK L. WALKER, 000–00–0000
SANFORD WALKER, 000–00–0000
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S. LISA WARD, 000–00–0000
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*ROBERT C. WEST, JR., 000–00–0000
STEVEN R. WESTERBACK, 000–00–0000

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KENN WHITE, 000–00–0000
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WILLIAM K. WHITE, 000–00–0000
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JEFFREY A. WHITTALL, 000–00–0000
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RANDALL R. WIEMER, 000–00–0000
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LEE T. WIGHT, 000–00–0000
LINDA B. WILDES, 000–00–0000
JOSEPH T. WILEY, 000–00–0000
ANDREW P. WILHELM, 000–00–0000
SCOTT A. WILHELM, 000–00–0000
MICHAEL A. WILKE, 000–00–0000
MARK A. WILKINS, 000–00–0000
BRIAN N. WILLETT, 000–00–0000
RICHARD R. WILLETT, 000–00–0000
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GREGORY L. WILLIAMS, 000–00–0000
LINDBERG WILLIAMS, 000–00–0000
NORMAN R. WILLIAMS, JR., 000–00–0000
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STEVEN E. WILLIAMS, 000–00–0000
DONALD J. WILLIS, 000–00–0000
JONATHAN B. WILLS, 000–00–0000
JAMES A. WILLSON, 000–00–0000
CHARLOTTE L. WILSON, 000–00–0000
JAMES D. WILSON, 000–00–0000
JEFFERY A. WILSON, 000–00–0000
JEFFREY C. WILSON, 000–00–0000
MARC G. WILSON, 000–00–0000
JOHN J. WILT, JR., 000–00–0000
STEVEN W. WINCHESTER, 000–00–0000
VINCENT MARK WINEGARDNER, 000–00–0000
RAYMOND M. WINFREE, 000–00–0000
CHARLES H. WINHAM, JR., 000–00–0000
STEVEN W. WINTERS, 000–00–0000

SUSAN E. WINTON, 000–00–0000
FLOYD L. WISEMAN, 000–00–0000
CLAYTON J. WISNIEWSKI, 000–00–0000
KEVIN L. WITTE, 000–00–0000
PAUL M. WITTSACK, 000–00–0000
JAMES R. WOLF, 000–00–0000
MICHAEL T. WOLF, 000–00–0000
JON G. WOLFE, 000–00–0000
ROBERT W. WOLFE, 000–00–0000
MICHAEL J. WOLTMAN, 000–00–0000

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GEORGE R. WOLTZ, JR., 000–00–0000
JACQUELINE E. WOMACK, 000–00–0000
DAVID W. WOOD, 000–00–0000
JOHN J. WOOD, 000–00–0000
ROBERT M. WOOD, JR, 000–00–0000
RUSSELL C. WOOD, 000–00–0000
DAVID E. WOODEN, 000–00–0000
DARRELL W. WOODS, 000–00–0000
RICHARD S. WORKMAN II, 000–00–0000
ALAN J. WORLEY, 000–00–0000
FOREST B. WORTMAN, 000–00–0000
JENNIFER G. WREATH, 000–00–0000
TIMOTHY B. WROBEL, 000–00–0000
WILLIAM E. WYCHE, 000–00–0000
ERIC C. WYSS, 000–00–0000
PAUL M. YAMAGUCHI, 000–00–0000
TONY K. YANG, 000–00–0000
KEVIN E. YEATER, 000–00–0000
JOHN T. YELLE, 000–00–0000
EUGENE YIM, 000–00–0000
KENT D. YOHE, 000–00–0000
BRIAN D. YOLITZ, 000–00–0000
JANET A. YOUNG, 000–00–0000
JUAN D. YOUNG, 000–00–0000
MICHAEL A. YOUNG, 000–00–0000
SCOTT A. YOUNG, 000–00–0000
JOHN R. YOUNGS, 000–00–0000
LORI A. YOUNGS, 000–00–0000
DENNIS W. YOUNT, 000–00–0000
JEFFREY W. ZAK, 000–00–0000
KEVIN C. ZEECK, 000–00–0000
PATRICK J. ZELECHOSKI, 000–00–0000
LAURA E. ZELLER, 000–00–0000
JOHN L. ZERBEL, 000–00–0000
ADAM Q. ZIMMERMAN, 000–00–0000
DALE L. ZIMMERMAN, 000–00–0000
RICHARD P. ZINS, 000–00–0000
KRISTINA M. ZLOTNICKI, 000–00–0000
SCOTT J. ZOBRIST, 000–00–0000
PETER H. ZUPPAS, 000–00–0000
BRIAN P. ZUROVETZ, 000–00–0000

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE U.S. AIR FORCE, UNDER THE APPROPRIATE PROVISIONS OF SECTION 624, TITLE 10, UNITED STATES CODE, AS AMENDED, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE, AND THOSE OFFICERS IDENTIFIED BY AN ASTERISK FOR APPOINTMENT IN THE REGULAR AIR FORCE UNDER THE PROVISIONS OF SECTION 531, TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF SECTION 8067, TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A GRADE HIGHER THAN INDICATED.

MEDICAL SERVICE CORPS

To be major

DAVID M. ALLEN, 000–00–0000
GERT M. BAILES, 000–00–0000
REGINA A. BLANKE, 000–00–0000
MARK E. CARLOS, 000–00–0000
WALTER CLARK, JR., 000–00–0000
STEPHEN B. CONSTANTINE, 000–00–0000
NOREEN G. DAUGHTRY, 000–00–0000
JAMES M. DAVIS, JR., 000–00–0000
LINDA D. DENT, 000–00–0000
LINDA L. EBLING, 000–00–0000
HARRY L. EDWARDS, 000–00–0000
DAVID A. FLEURQUIN, 000–00–0000
STEFANIE A. GAYTON, 000–00–0000
PAUL D. GOVEN, 000–00–0000
LAWRENCE W. GREMS, 000–00–0000
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JULIE A. HALL, 000–00–0000
TERRY W. HAMILTON, 000–00–0000
ROBERT E. HAYHURST, 000–00–0000
KENT R. HELWIG, 000–00–0000
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JEB S. KELLY, 000–00–0000
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*SUSAN C. LOVELAND, 000–00–0000
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SANDRA S. MADARIS, 000–00–0000
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ROBERT E. PURDY, 000–00–0000
PETER R. RAMSAROOP, 000–00–0000
DIANE M. REESE, 000–00–0000
MICHAEL G. SCHELL, 000–00–0000
JOHN C. SELL, 000–00–0000
STEVEN J. STEIN, 000–00–0000
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*DONNA A. WALLACE, 000–00–0000
JAMES M. WHITE, 000–00–0000

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ALAN BARTHOLOMEW, 000–00–0000
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TERRY A. BEGINES, 000–00–0000
KEVIN T. BELL, 000–00–0000
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LYNN L. BORLAND, 000–00–0000
*JOHN T. BRIDGEST, 000–00–0000
*CYNTHIA C. BROWN, 000–00–0000
*LINDA F. W. BUSCH, 000–00–0000
*BERNADETTE M. BYLINA, 000–00–0000
*TERENCE M. BYRNES, 000–00–0000
JUANITA M. CELIE, 000–00–0000
JACKIE H. CLARK, 000–00–0000
JAY S. CLOUTIER, 000–00–0000
JEFFREY S. CORNELL, 000–00–0000
DANNY L. DAVIS, 000–00–0000
DIANNE C. DAVIS, 000–00–0000
JANET M. DELTUVA, 000–00–0000
PAUL B. DEVANE, 000–00–0000
MARK E. DEYSHER, 000–00–0000
*MARIA G. DONCASTER, 000–00–0000
*MICHAEL L. EARL, 000–00–0000
MICHAEL G. ELLIOTT, 000–00–0000
LAMAR A. ETHINGTON, 000–00–0000
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BRIDGET I. FATH, 000–00–0000
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KEVIN G. GABOS, 000–00–0000
PATRICIA J. GAMBERA, 000–00–0000
SCOTT R. GORDON, 000–00–0000
LARRY W. GROVES, 000–00–0000
STEPHEN F. HAMILTON, 000–00–0000
LANA D. HARVEY, 000–00–0000
*WILLIAM L. HATHAWAY, 000–00–0000
JEFFREY A. HAYS, 000–00–0000
SHARON M. HEFFNER, 000–00–0000
CHRISTOPHER L. HERRON, 000–00–0000
DONALD C. HICKMAN, 000–00–0000
JOHN R. HICKMAN, 000–00–0000
JAMES M. HICKS, 000–00–0000
MARK S. HILL, 000–00–0000
ALAN R. HOLCK, 000–00–0000
GLENN R. HOVER, 000–00–0000
RANDALL W. INHELDER, 000–00–0000
GLORIA J. JOHNSON, 000–00–0000
*KEVIN K. JOHNSON, 000–00–0000
OSWALD L. JOHNSON, 000–00–0000
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GEORGE W. JONES, 000–00–0000
MARGARET R. KOHUT, 000–00–0000
DAVID E. KOTUN, 000–00–0000
KAREN R. KROON, 000–00–0000
*DAVID A. KULESH, 000–00–0000
JEFFERY H. LAMOTHE, 000–00–0000
NAOMI T. LAWLESS, 000–00–0000
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RONALD MARCHIONI, 000–00–0000
JOAN MARINE, 000–00–0000
GARY L. MARTINSEN, 000–00–0000
JEFFREY K. MASON, 000–00–0000
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JAMES E. MCCLAIN, 000–00–0000
RICHARD MELLO, 000–00–0000
LUCIA E. MORE, 000–00–0000
ROGER W. NELSON, 000–00–0000
STEVEN P. NIEHOFF, 000–00–0000
ERIC D. NIELSEN, 000–00–0000
RUSSELL L. NORFLEET, 000–00–0000
ROBERT B. OCONNOR, 000–00–0000
TERESA R. ORCUTT, 000–00–0000
BRIAN V. ORTMAN, 000–00–0000
DALE L. PAYNE, 000–00–0000
LAURA R. PESTANA, 000–00–0000
NANCY J. PETRILAK, 000–00–0000
CARL L. PHILLIPS, 000–00–0000
RICKY A. POWELL, 000–00–0000
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STEVEN E. RADEMACHER, 000–00–0000
JAMES M. RAMOS, JR, 000–00–0000
WILLIAM R. RUCK, II, 000–00–0000
*CLAUDIA L. SANDS, 000–00–0000
ORAZIO F. SANTULLO, JR, 000–00–0000
KATHLEEN F. SARGENT, 000–00–0000
KIMBERLY R. SCOTT, 000–00–0000
GARY D. SHERWOOD, 000–00–0000
*ROBERT B. SHUMATE, 000–00–0000
OLGA B. SIMONS, 000–00–0000
PAUL A. SJOBERG, 000–00–0000
JEFFREY A. SNYDER, 000–00–0000
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TAMMY A. VONBUSCH, 000–00–0000
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WADE H. WEISMAN, JR, 000–00–0000
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TIMOTHY S. WOODRUFF, 000–00–0000
MARK C. WROBEL, 000–00–0000
ROBERT ZAJAC, 000–00–0000
MICHAEL F. ZUPAN, 000–00–0000

DEPARTMENT OF THE INTERIOR

PATRICIA J. BENEKE, OF IOWA, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR, VICE ELIZABETH ANN RIEKE.

THE JUDICIARY

MERRICK B. GARLAND, OF MARYLAND, TO BE U.S. CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE ABNER J. MIKVA, RETIRED.

DEPARTMENT OF TRANSPORTATION

GAIL CLEMENTS MCDONALD, OF MARYLAND, TO BE ADMINISTRATOR OF THE SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION FOR THE REMAINDER OF THE TERM EXPIRING MARCH 20, 1998, VICE STANFORD E. PARRIS, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

ROBERT S. GELBARD, OF NEW YORK

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

EDWARD GORDON ABINGTON, JR., OF FLORIDA
RICHARD A. BOUCHER, OF MARYLAND
WILLIAM D. CLARKE, OF MARYLAND
RUST M. DEMING, OF THE DISTRICT OF COLUMBIA
DONALD WILLIS KEYSER, OF VIRGINIA
RUSSELL F. KING, OF CALIFORNIA
DANIEL CHARLES KURTZER, OF FLORIDA
JOHN MEDEIROS, OF NEW YORK
BERNARD C. MEYER, M.D., OF FLORIDA
BRUCE T. MULLER, M.D., OF MICHIGAN
RONALD E. NEUMANN, OF VIRGINIA
RUDOLF VILEM PERINA, OF CALIFORNIA
ROBIN LYNN RAPHEL, OF WASHINGTON
SIDNEY V. REEVES, OF TEXAS
CHARLES PARKER RIES, OF TEXAS
NANCY H. SAMBAIEW, OF TEXAS
RICHARD J. SHINNICK, OF NEW YORK
C. DAVID WELCH, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AND FOR APPOINTMENT AS CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE, AS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

MARSHA E. BARNES, OF KENTUCKY
MARK M. BOULWARE, OF TEXAS
JACQUELYN OWENS BRIGGS, OF MICHIGAN
WILLIAM RIVINGTON BROWNFIELD, OF TEXAS
STEVEN A. BROWNING, OF TEXAS
R. NICHOLAS BURNS, OF NEW HAMPSHIRE
JOHN PATRICK CAULFIELD, JR., OF NEW JERSEY
RICHARD A. CHRISTENSON, OF WISCONSIN
GENE BURL CHRISTY, OF TEXAS
JOHN ALBERT CLOUD, JR., OF VIRGINIA
ROGER J. DALEY, OF NEW YORK
ROBERT EMMETT DOWNEY, OF NEW JERSEY
JAMES J. EHRMAN, OF WISCONSIN
DANIEL TED FANTOZZI, OF VIRGINIA
MICHAEL F. GALLAGHER, OF PENNSYLVANIA
BRUCE N. GRAY, OF CALIFORNIA
JON GUNDERSEN, OF NEW YORK
DOUGLAS ALAN HARTWICK, OF WASHINGTON
CAROLEE HEILEMAN, OF NEBRASKA
CHRISTOPHER ROBERT HILL, OF RHODE ISLAND
SUSAN S. JACOBS, OF MICHIGAN
RICHELE KELLER, OF SOUTH CAROLINA
LAURA-ELIZABETH KENNEDY, OF VIRGINIA
JOHN W. LIMBERT, OF VERMONT
WAYNE K. LOGSDON, OF WASHINGTON
THOMAS A. LYNCH, JR., OF VIRGINIA
FREDERIC WILLIAM MAERKLE III, OF CALIFORNIA
MICHAEL E. MALINOWSKI, OF ILLINOIS
S. AHMED MEER, OF MARYLAND
MICHAEL D. METELITS, OF CALIFORNIA
DAVID FRANCIS ROGUS, OF NEW YORK
VLADIMIR PETER SAMBAIEW, OF TEXAS
BRENDA BROWN SCHOONOVER, OF CALIFORNIA
DEBORAH RUTH SCHWARTZ, OF MARYLAND
CHARLES S. SHAPIRO, OF GEORGIA
CATHERINE MUNNELL SMITH, OF CONNECTICUT
JOAN VERONICA SMITH, OF THE DISTRICT OF COLUMBIA
JAMES WEBB SWIGERT, OF VERMONT
GRETCHEN GERWE WELCH, OF CALIFORNIA
STEVEN J. WHITE, OF FLORIDA
NICHOLAS M. WILLIAMS, OF NEW YORK

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ARNOLD JACKSON CRODDY, JR., OF MARYLAND
SCOTT MARK KENNEDY, M.D., OF CALIFORNIA
FREDERICK M. KRUG, OF NEW JERSEY
THOMAS LAWMAN LUCAS, M.D., OF FLORIDA
ERIC RALPH RIES, OF FLORIDA
JAMIE SUAREZ, M.D., OF LOUISIANA
JAMES VANDERHOFF, OF TEXAS
JOHN G. WILLIAMS JR., M.D., OF MAINE
SANDRA L. WILLIAMS, OF MARYLAND

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

PAULA O. GODDARD, OF VIRGINIA

DEPARTMENT OF COMMERCE

PETER BOHEN, OF PUERTO RICO

DEPARTMENT OF STATE

ROBERT E. DAVIS, OF WASHINGTON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

MARGARET CORKERY, OF THE DISTRICT OF COLUMBIA
RICHARD REED, OF WASHINGTON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

OLA CRISS, OF VIRGINIA
PAUL PETER POMETTO II, OF THE DISTRICT OF COLUMBIA
ROSA MARIA WHITAKER, OF THE DISTRICT OF COLUMBIA
TERRENCE K.H. WONG, OF WASHINGTON

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

GEORGE WILLIAM ALDRIDGE, OF TEXAS
CAROLYN P. ALSUP, OF FLORIDA
DOUGLAS J. APOSTOL, OF VIRGINIA
CONSTANCE C. ARVIS, OF CALIFORNIA
ANTONIA JOY BARRY, OF PENNSYLVANIA
PAMELA MARIE BATES, OF OHIO
VIRGINIA LYNN BENNETT, OF GEORGIA
MARK W. BOCCHETTI, OF MISSOURI
STEVEN C. BONDY, OF FLORIDA
DAVID W. BOYLE, OF VIRGINIA
SANDRA HAMILTON BRITO, OF ARIZONA
NATALIE EUGENIA BROWN, OF VIRGINIA
ANGIE BRYAN, OF TEXAS
JENNIFER LEE CATHCART, OF OHIO
PATRICK LIANG CHOW, OF NEW YORK
MARK DANIEL CLARK, OF ARIZONA
DAVID C. CONNELL, OF THE DISTRICT OF COLUMBIA
GENE CRAIG COOMBS, OF NORTH CAROLINA
ANDREW DAVID CRAFT, OF IOWA
KATHLEEN L. CUNNINGHAM, OF IOWA
CHRISTIAN R. DE ANGELIS, OF NEW JERSEY
MATTHEW BEDFORD DEVER, OF THE DISTRICT OF COLUMBIA
PUSHPINDER S. DHILLON, OF OREGON
WILLIAM D. DOUGLASS, OF NEVADA
WILLIAM HUIE DUNCAN, OF TEXAS
MAEVE SIOBHAN DWYER, OF MARYLAND
CARI ENAV, OF NEW YORK
STEPHANIE KAY ESHELMAN, OF THE DISTRICT OF COLUMBIA
MICHELLE MARIE ESPERDY, OF PENNSYLVANIA
JANICE RUTH FAIR, OF TEXAS
MOLLY FAYEN, OF ARIZONA
PAUL STEVEN FOLDI, OF DELAWARE
ELEANORE M. FOX, OF CALIFORNIA
MARK EDWARD FRY, OF MICHIGAN
GREGORY D.S. FUKUTOMI, OF CALIFORNIA
MEGAN MARIE GAAL,OF CALIFORNIA
RICHARD B. GAFFIN III, OF ARIZONA
KATHRYN SCHMICH GELNER, OF MISSOURI
BONNIE GLICK, OF ILLINOIS
REBECCA ELIZA GONZALES, OF TEXAS
FORREST J. GOULD, OF NEW HAMPSHIRE
TRACY ALAN HALL, OF NORTH CAROLINA
DAVID E. HANZLIK, OF ILLINOIS
PETER X. HARDING, OF MASSACHUSETTS
JOHN PETER HIGGINS, OF MINNESOTA
MARK T. HILL, OF SOUTH DAKOTA
DAVID ANDREW HODGE, OF TEXAS
MICHAEL W. HOFF, OF CALIFORNIA
EVAN T. HOUGH, OF FLORIDA
JEREMIAH H. HOWARD, OF NEW JERSEY
STEPHEN A. HUBLER, OF PENNSYLVANIA
AUDREY BONITA HUON-DUMENTAT, OF ILLINOIS
ANDREW GRISWOLD HYDE, OF CALIFORNIA
COLLEEN ELIZABETH HYLAND, OF NEW HAMPSHIRE
ANN LANG IRVINE, OF MARYLAND
OLIVER BRAINARD JOHN, OF VIRGINIA
EDWARD B. JOHNS, JR., OF PENNSYLVANIA
JILL JOHNSON, OF CALIFORNIA
MARGARET FRANCES JUDY, OF OREGON
JOHYN LINUS JUNK, OF FLORIDA
CHRISTOPHER KAVANAGH, OF ILLINOIS
ERIC RANDALL KETTNER, OF CALIFORNIA
MARC DANIEL KOEHLER, OF CALIFORNIA
GREGORY F. LAWLESS, OF CALIFORNIA
JILL CATHERINE LUNDY, OF VIRGINIA
PAUL RAMSEY MALIK, OF CALIFORNIA
CAROLINE BRADLEY MANGELSDORF, OF CALIFORNIA
MARYANNE THERESE MASTERSON, OF VIRGINIA
CARYN R. MC CLELLAND, OF CALIFORNIA
RICHARD MARSHALL MC CRENSKY, OF VIRGINIA
JANE S. WILSON MESSENGER, OF VIRGINIA
DAVID SLAYTON MEALE, OF VIRGINIA
KIN WAH MOY, OF MINNESOTA
ANN G. O'BARR-BREEDLOVE, OF GEORGIA
JULIE ANNE O'REAGAN, OF TEXAS
LESLIE MARIE PADILLA, OF NEW MEXICO
JAMES M. PEREZ, OF FLORIDA
MIRA PIPLANI, OF VIRGINIA
SARA ELLEN POTTER, OF VERMONT
DAVID J. RANZ, OF NEW YORK
JOHN THOMAS RATH, OF TEXAS
CHRISTOPHER E. RICH, OF MARYLAND
SCOTT LAIRD ROLSTON, OF FLORIDA
J. BRINTON ROWDYBUSH, OF OHIO
SUSAN LAURA RUFFO, OF WASHINGTON
JULIE RUTERBORIES, OF TEXAS
MICHAEL D. SCANLAN, OF PENNSYLVANIA
JOHN PAUL SCHUTTE, OF NEBRASKA
DAVID L. SCOTT, OF TEXAS
STEPHEN M. SCHWARTZ, OF NEW YORK
JANET DAWN SHANNON, OF WASHINGTON
CECILE SHEA, OF NEVADA
GRACE WHITAKER SHELTON, OF GEORGIA
KENT C. SHIGETOMI, OF WASHINGTON
ROBERT SILBERSTEIN, OF VIRGINIA
CHARLES SKIPWITH SMITH, OF WASHINGTON
MARTIN HENRY STEINER, OF CALIFORNIA
MARGARET L. TAMS, OF COLORADO
JOHN STEPHEN TAVENNER, OF TEXAS
LISA L. TEPPER, OF COLORADO
BRIAN THOMAS WALCH, OF NEW JERSEY
JAMES MICHAEL WALLER, OF MISSOURI
ROBERT WARD, OF VIRGINIA
JAN LIAM WASLEY, OF NEW JERSEY
MYLES E. WEBER, OF MINNESOTA
DAVID J. WHIDDON, OF GEORGIA
ERIC PAUL WHITAKER, OF CALIFORNIA
LYNN M. WHITLOCK, OF PENNSYLVANIA
JOHN KING WHITTLESEY, OF FLORIDA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

JORGAN K. ANDREWS, OF COLORADO
ROBERT D. BANNERMAN, OF MARYLAND
ERIC BARBORIAK, OF WISCONSIN
AMBER M. BASKETTE, OF FLORIDA
KEREM SERDAR RILGE, OF CALIFORNIA
KAREN M. BLACK, OF NEW YORK
BERYL C. BLECHER, OF MARYLAND
IAN P. CAMPBELL, OF CALIFORNIA
THEODORE R. COLEY, OF PENNSYLVANIA
J.A. DIFFILY, OF CALIFORNIA
PETER T. ECKSTROM, OF MINNESOTA
MATTHEW A. FINSTON, OF ILLINOIS
CALLI FULLER, OF TEXAS
CLEMENT R. GAGNE III, OF MARYLAND
GORY A. GENNARO, OF VIRGINIA
HENRY GRADY GATLIN III, OF FLORIDA
BINH D. HARDESTY, OF VIRGINIA
J. MARINDA HARPOLE, OF THE DISTRICT OF COLUMBIA
KATHARINE MC CALLIE COCHRANE HART, OF VIRGINIA
MARGARET R. HORAN, OF THE DISTRICT OF COLUMBIA
M. ALLISON INSLEY, OF GEORGIA
PAM R. JENOFF, OF NEW JERSEY
JAN LEVIN, OF NEW YORK
ERVIN JOSE MASSINGA, OF WASHINGTON
IAN JOSEPH MC CARY, OF NEW YORK
MICHAEL L. MC GEE, OF ALABAMA
JANICE C. MC HENRY, OF VIRGINIA
SHARON F. MUSSOMELI, OF VIRGINIA
ROBERT LOUIS NELSON, OF VIRGINIA
DAVID TIMOTHY NOBLES, OF CALIFORNIA
MICHELLE L. O'NEILL, OF THE DISTRICT OF COLUMBIA
CARLA PANCHECO, OF CALIFORNIA
DAVID WILLIAM PITTS, OF VIRGINIA
BRETT GEORGE POMAINVILLE, OF COLORADO
BRIAN B. RHEE, OF VIRGINIA
STEVEN C. RICE, OF WYOMING
ROBERT J. RILEY, OF WASHINGTON
PETER THORIN, OF WASHINGTON
HARRY L. TYNER, OF VIRGINIA
ROBERT A. WEBER, OF FLORIDA
ALAN CURTIS WONG, OF CALIFORNIA
ROBERT EUGENE WONG, OF NEW YORK

THE FOLLOWING-NAMED INDIVIDUAL FOR PROMOTION IN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE NOVEMBER 28, 1993:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DEPARTMENT OF STATE

MICHAEL RANNEBERGER, OF VIRGINIA

IN THE AIR FORCE

THE FOLLOWING INDIVIDUALS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 12203 WITH A VIEW TO DESIGNATION UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8067 TO PERFORM THE DUTIES INDICATED.

MEDICAL CORPS

To be colonel

MARIA A. BERG, 000–00–0000

To be lieutenant colonel

GEORGE GIBEILY, 000–00–0000
DAVID M. HARRIS, 000–00–0000
BETTY J. HAYWOOD, 000–00–0000
JOHN W. FUCHS, 000–00–0000
ANTONIO R. SISON, 000–00–0000

DENTAL CORPS

To be lieutenant colonel

RAMON PEREZ, 000–00–0000

THE FOLLOWING INDIVIDUALS FOR RESERVE OF THE AIR FORCE APPOINTMENT, IN THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 12203.

LINE

To be lieutenant colonel

JAMES L. BRICKELL, 000–00–0000
JOHN W. COLLINS IV, 000–00–0000
STEVEN R. FRAIZER, 000–00–0000
DAVID L. MERRILL, 000–00–0000
WILLIAM D. METZLER, 000–00–0000
GREG S. MURPHY, 000–00–0000
DANA D. PURIFOY, 000–00–0000
JOSEPH J. RYBICKI, 000–00–0000
BRUCE THOMPSON, 000–00–0000
STEPHEN G. WALLER, 000–00–0000
ADELLE R. ZAVADA, 000–00–0000

RETIRED RESERVE

To be lieutenant colonel

JOHN T. MC CAFFREY, JR., 000–00–0000
JOHN M. ROSEN, 000–00–0000

THE FOLLOWING OFFICER FOR PROMOTION IN THE AIR FORCE RESERVE, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE (NON-EAD), SECTION 8371, LIEUTENANT COLONEL TO COLONEL.

RESERVE (NON-EAD) PROMOTION

To be colonel

WARREN R.H. KNAPP, 000–00–0000

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADES INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 618, 624 AND 628, TITLE 10, UNITED STATES CODE. THESE OFFICERS ARE ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY.

ARMY NURSE CORPS

To be lieutenant colonel

LILLIAN A. FOERSTER, 000–00–0000

JUDGE ADVOCATE GENERAL CORPS

To be major

JOHN P. SAUNDERS, 000–00–0000

ARMY NURSE CORPS

To be major

JOANN S. MOFFITT, 000–00–0000

IN THE NAVY

THE FOLLOWING U.S. NAVY OFFICER TO BE APPOINTED PERMANENT LIEUTENANT IN THE JUDGE ADVOCATE GENERAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

GARY E. SHARP, 000–00–0000

THE FOLLOWING-NAMED DISTINGUISHED NAVAL GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OR STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

TIMOTHY V. COOKE, 000–00–0000
KENT E. KOONTZ, 000–00–0000
ROBERT G. MOORE, 000–00–0000

THE FOLLOWING FORMER U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 12203:

GARY D. KETRON, 000–00–0000

THE FOLLOWING MEDICAL COLLEGE GRADUATE TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 12203:

DANIEL A. NACHTSHEIM, 000–00–0000

THE FOLLOWING-NAMED U.S. NAVY OFFICERS TO BE APPOINTED PERMANENT COMMANDER IN THE MEDICAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 12203:

JOHN T. GANEY, 000–00–0000
ANTHONY D. QUINN, 000–00–0000
LESLIE J. TENARO, 000–00–0000

THE FOLLOWING U.S. NAVY OFFICER TO BE APPOINTED PERMANENT COMMANDER IN THE DENTAL CORPS OF THE U.S. NAVAL RESERVE, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 12203:

LEAH M. LADLEY, 000–00–0000

IN THE AIR FORCE

THE FOLLOWING U.S. AIR FORCE RESERVE OFFICER TRAINING CORPS GRADUATES FOR APPOINTMENT IN THE REGULAR AIR FORCE IN THE GRADE OF SECOND

LIEUTENANT UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 531, WITH DATES OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE.

LINE OF THE AIR FORCE

MARK B. ALLEN, 000–00–0000
AARON D. ALTWIES, 000–00–0000
GREGORY J. ANDERSON, 000–00–0000
MAURICE C. AZAR, 000–00–0000
CRAIG R. BABBITT, 000–00–0000
DAVID J. BARNHART, 000–00–0000
BRIAN M. BAUMANN, 000–00–0000
DEREK M. BEAMAN, 000–00–0000
MICHAEL P. BEASLEY, 000–00–0000
JERIEL G. BECKER, 000–00–0000
MITCHELL B. BEDESEM, 000–00–0000
TRAVIS F. BLAKE, 000–00–0000
BRAD W. BORKE, 000–00–0000
SHAWN P. BRADY, 000–00–0000
BRADLEY E. BRIDGES, 000–00–0000
PAUL J. BROCKWAY, 000–00–0000
CHRISTOPHER J. BROMEN, 000–00–0000
CHRISTOPHER M. BURCH, 000–00–0000
DAVID A. BURKE, 000–00–0000
ROBERT E. BURNS, 000–00–0000
BETHANY G. CAIN, 000–00–0000
RANDALL W. CASON, JR, 000–00–0000
CATHERINE P. CHIN, 000–00–0000
SARAH J. CHRIST, 000–00–0000
SPENCER C. COCANOUR, 000–00–0000
JORDON T. COCHRAN, 000–00–0000
SHAWN T. COTTON, 000–00–0000
LANS P. COURTNEY, 000–00–0000
WILLIAM C. CRAWFORD, 000–00–0000
MICHAEL P. CRUFF, 000–00–0000
TIMOTHY W. CURA, 000–00–0000
TAMMY L. DAVIS, 000–00–0000
WILLIAM A. DAYTON, 000–00–0000
MICHAEL J. DEMERS, 000–00–0000
JENNIFER M. DIFFLEY, 000–00–0000
TOBY G. DORAN, 000–00–0000
DARRIN B. DRONOFF, 000–00–0000
ROBERT L. DWYER, JR, 000–00–0000
SCOTT P. ERNST, 000–00–0000
SHAWN D. FRANKLIN, 000–00–0000
AMIE E. FURLONG, 000–00–0000
VIRGIL C. GARRETT, 000–00–0000
JASON A. GIBSON, 000–00–0000
DAVID W. GIESECKE, 000–00–0000
KRISTOFER W. GIFFORD, 000–00–0000
JONNA K. GOODMAN, 000–00–0000
DOUGLAS C. GOSNEY, 000–00–0000
JOSEPH L. GRAHAM, III, 000–00–0000
JEFFREY H. GREENWOOD, 000–00–0000
BRIAN J. GRELK, 000–00–0000
BRIAN J. GROSS, 000–00–0000
BREJ E. GRUSKIN, 000–00–0000
MARK R. GUERBER, 000–00–0000
BENJAMIN T. HALL, 000–00–0000
CHRISTOPHER J. HALLORAN, 000–00–0000
MICHAEL C. HARRELL, 000–00–0000
JENNIFER A. HARRIS, 000–00–0000
ANNE W. HARRISON, 000–00–0000
CLIFFORD A. HARVEY, 000–00–0000
DEBORAH K. HAUSSLER, 000–00–0000
DAVID W. HIGER, 000–00–0000
MARC J. HIMELHOCH, 000–00–0000
JANETTE L. HO, 000–00–0000
MARK G. HOFFMAN, 000–00–0000
JONATHAN E. HOLDEN, 000–00–0000
GREGORY E. HUTSON, 000–00–0000
TODD J. IVERSON, 000–00–0000
AMY K. JARDON, 000–00–0000
ERIC A. JOHNSON, 000–00–0000
AMY B. JOYNER, 000–00–0000
CATHERINE M. JUMPER, 000–00–0000
CHRISTOPHER P. KARNS, 000–00–0000
LEONARD C. KEARL, 000–00–0000
ANN M. KILEY, 000–00–0000
TIMOTHY D. KIMBROUGH, 000–00–0000
LAWRENCE P. KOKOCHA, JR, 000–00–0000
DANIEL J. KRAMER, II, 000–00–0000
CHRISTOPHER A. LANE, 000–00–0000
NICOLE M. LANG, 000–00–0000
MARCUS L. LEWIS, 000–00–0000
FRANK J. LOBASH, 000–00–0000
MICHAEL H. MANION, 000–00–0000
DANIEL R. MANNING, 000–00–0000
MADALYN M. MARLATT, 000–00–0000
DEEJAI MARTIN, 000–00–0000
JEFFREY S. MARTIN, 000–00–0000
RENEE J. MCCLURE, 000–00–0000
SHAWN M. MCGRATH, 000–00–0000
LAUNA J. MCNEAL, 000–00–0000
JENNIFER S. MEADOWS, 000–00–0000
AMIE R. MIZE, 000–00–0000
KATHRINE L. MURPHY, 000–00–0000
TYLER D. NELSON, 000–00–0000
JACK L. NEMCEFF, II, 000–00–0000
KATHY A. NICHOLSON, 000–00–0000
PHILLIP L. NOLTEMEYER, JR, 000–00–0000
KENNETH R. NOOJIN, 000–00–0000
GREGORY K. PARKER, 000–00–0000
MATTHEW A. PASKIN, 000–00–0000
JAMES C. PEARSON, 000–00–0000
ROSS D. PEASE, 000–00–0000
SUZANNE M. PENARANDA, 000–00–0000
LOUIS S. PERRET, 000–00–0000
DONI L. PERRY, 000–00–0000
JOHN S. PISZKIN, 000–00–0000
CHRISTOPHER A. PLANTE, 000–00–0000
JAY B. REEVES, 000–00–0000
JODY R. REVEN, 000–00–0000
GEORGE R. ROELKE, IV, 000–00–0000
STACEY L. RUEL, 000–00–0000
JEFFREY L. RYAN, 000–00–0000
MICHAEL C. SANDERS, 000–00–0000
MONICA L. SCHLOEMER, 000–00–0000
CHAD H. SCHOLES, 000–00–0000
STEPHEN M. SCHOLZ, 000–00–0000
KIRSTEN L. SCHREIBER, 000–00–0000
TIMOTHY A. SEJBA, 000–00–0000
STEVEN A. SEWELL, 000–00–0000
ANDREW L. SHULL, 000–00–0000
JAMES A. SMITH, 000–00–0000
BRETT R. SNUTTJER, 000–00–0000
STEPHEN M. SPOTTSWOOD, 000–00–0000
BRETT C. STOFFEL, 000–00–0000
PATRICK J. SUTHERLAND, 000–00–0000
JAMES A. SWEENEY, 000–00–0000
JOSEPH B. TAYLOR, 000–00–0000
JASON W. TODD, 000–00–0000
JEFFERY A. TOWNS, 000–00–0000
TIMOTHY W. TRIMMELL, 000–00–0000
ERIC S. TROIL, 000–00–0000
MARK T. TUPA, 000–00–0000
RUSTY J. VAIRA, 000–00–0000
PILAR S. VICCELLIO, 000–00–0000
OMAR A. VIKIN, 000–00–0000
PAUL D. VILLAGRAN, 000–00–0000
MONICA R. VONADA, 000–00–0000
LANDON K. WALKER, 000–00–0000
ANDREW R. WERNER, 000–00–0000
BARBARA T. WISNIESKI, 000–00–0000
JOHN J. WOLF, 000–00–0000

IN THE LINE OF THE NAVY

THE FOLLOWING NAMED LIEUTENANTS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF LIEUTENANT COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be lieutenant commander

TIMOTHY A. ADAMS, 000–00–0000
JOHN W.V. AILES, 000–00–0000
CHRISTOPHER J. AINSWORTH, 000–00–0000
JAMES A. ALEXANDER, 000–00–0000
ERIK M. ANDERSON, 000–00–0000
IAN C. ANDERSON, 000–00–0000
MARTIN V. ANGWIN, 000–00–0000
JOSEPH I. ANTHONY, 000–00–0000
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JAMES D. ATKINSON IV, 000–00–0000
JAMES L. AUTREY, 000–00–0000
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JOSEPH M. HART III, 000–00–0000
ANDREW G. HARTIGAN, 000–00–0000
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CHRIS HOWARD HAUSER, 000–00–0000
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MARK B. HEGARTY, 000–00–0000
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MARK S. HERATH, 000–00–0000
LANCE C. HERNANDEZ, 000–00–0000
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SHAWN B. LUCKE, 000–00–0000
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RAFAEL E. MATOS, 000–00–0000
ISAAC H. MAY, 000–00–0000
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TREVOR A. MC INTYRE, 000–00–0000
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PETER E. MC VETY, 000–00–0000
DOUGLAS C. MERCHANT, 000–00–0000
ERIC G. MERRILL, 000–00–0000
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WILLIAM R. MERZ, 000–00–0000
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KERRY M. METZ, 000–00–0000
FERDINAND J. METZGER, JR., 000–00–0000
KENT A. MICHAELIS, 000–00–0000
ALAN J. MICKLEWRIGHT, 000–00–0000
JOSEPH J. MIHAL, JR., 000–00–0000
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GLENN A. MILLER, 000–00–0000
JACK P. MILLER, 000–00–0000
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ALBERT C. OESTERLE, 000–00–0000
DAVID A. OGBURN, 000–00–0000
JAMES R. OHMAN, 000–00–0000
THOMAS J. OKEEFE, 000–00–0000
JAMES W. OLD, 000–00–0000
EDWIN J. OLENICK, JR., 000–00–0000
MARK C. OLIPHANT, 000–00–0000
GORDON R. OLIVER II, 000–00–0000
FRANK J. OLMO, 000–00–0000
THERESA M. OMALLEY, 000–00–0000
DAVID D. ONSTOTT, 000–00–0000
JACK R. OROURKE, 000–00–0000
CHRISTOPHER D. ORWOLL, 000–00–0000
MICHAEL S. ORZELL, 000–00–0000
BRIAN A. OSBORN, 000–00–0000
THOMAS E. OSBORN, 000–00–0000
PATRICK J. OSHEA, 000–00–0000
GREGORY M. OTT, 000–00–0000
HESHAM D. OUBARI, 000–00–0000
MICHAEL A. OVERSON, 000–00–0000
JOHN E. PAGANELLI, JR., 000–00–0000
PETER PAGANO, 000–00–0000
ROBERT L. PAGE III, 000–00–0000
WILLIAM T. PALLEN, 000–00–0000
MARK A. PARCELL, 000–00–0000
MELTON D. PARHAM, 000–00–0000
KENT A. PARO, 000–00–0000
PHILIP D. PARSONS, 000–00–0000
LOUIS P. PARTIDA, 000–00–0000
JOHNNY Q. PATRICK, 000–00–0000

MARK S. PATRICK, 000–00–0000
WILLIAM R. PATTON, 000–00–0000
THOMAS M. PATTULLO, 000–00–0000
BENJAMIN H. PEABODY, 000–00–0000
BRIAN D. PEARSON, 000–00–0000
FRANK W. PEARSON, 000–00–0000
DANIEL G. PEDRO, 000–00–0000
LOREN E. PEITSO, 000–00–0000
BRYAN J. PELLEGRIN, 000–00–0000
DANIEL J. PERKINS, 000–00–0000
RICHARD P. PERRI, 000–00–0000
DAVID T. PERRY, 000–00–0000
BRIAN D. PETERSEN, 000–00–0000
ERIC G. PETERSEN, 000–00–0000
DAVID A. PETRI, 000–00–0000
ROBERT W. PETTITT, JR., 000–00–0000
GERALD K. PFEIFER, 000–00–0000
MICHAEL V. PHELAN, 000–00–0000
WILLIAM E. PHILIPS, 000–00–0000
CURTIS G. PHILLIPS, 000–00–0000
PETER L. PHILP II, 000–00–0000
RANDOLPH F. PIERSON, 000–00–0000
MICHAEL J. PIETKIEWICZ, 000–00–0000
JEROME E. PINCKNEY III, 000–00–0000
EVAN B. PIRITZ, 000–00–0000
MATTHEW J. PITTNER, 000–00–0000
JAMES E. PITTS, 000–00–0000
BRYAN D. PLUMMER, 000–00–0000
CHRISTOPHER W. PLUMMER, 000–00–0000
CURTIS D. PLUNK, 000–00–0000
MICHAEL P. POCKER, 000–00–0000
ALAN G. POINDEXTER, 000–00–0000
MILLARD E. PORTER, JR., 000–00–0000
PHILIP H. PORTER, 000–00–0000
SCOTT A. POTTER, 000–00–0000
RICHARD A. POWERS, 000–00–0000
JASON M. POYER, 000–00–0000
JEFFREY D. PRATER, 000–00–0000
CLARK T. PRICE, JR., 000–00–0000
PATRICK D. PRICE, 000–00–0000
LESLEY S. PRIEST, 000–00–0000
ROBERT J. PROANO, 000–00–0000
MARK V. PROCTOR, 000–00–0000
MARK D. PROVO, 000–00–0000
DENNIS D. QUICK, 000–00–0000
RIXON C. RAFTER, 000–00–0000
DAVID P. RAINEY, 000–00–0000
THOMAS C. RANCICH, 000–00–0000
PAUL A. RANDALL, 000–00–0000
ROBERT D. RANDALL, JR., 000–00–0000
ROBERT J. RATHERT, 000–00–0000
TOMUS S. REDFORD, 000–00–0000
DANIEL F. REDMOND, 000–00–0000
CHRISTOPHER M. REEGER, 000–00–0000
STEPHEN P. REHWALD, JR., 000–00–0000
DANIEL C. REILLY, 000–00–0000
MICHAEL S. REILLY, 000–00–0000
STEPHEN P. REIMERS, 000–00–0000
RONALD REIS, 000–00–0000
BRETT A. REISSENER, 000–00–0000
LOREN N. REITH, 000–00–0000
NILS A. RESARE, II, 000–00–0000
CRAIG A. RICHEY, 000–00–0000
DAVID K. RICHTER, 000–00–0000
DANIEL G. RIECK, 000–00–0000
BRIAN M. RILEY, 000–00–0000
STEPHEN R. RIORDAN, 000–00–0000
FREDERICK W. RISCHMILLER, 000–00–0000
SCOTT C. RIVARD, 000–00–0000
RAYMOND R. ROBERTS, 000–00–0000
JOHN A. ROBUSTO, 000–00–0000
PATRICK G. ROCHE, 000–00–0000
JOHN R. RODRIGUEZ, 000–00–0000
RICHARD A. ROGERS, 000–00–0000
RICHARD P. ROMAINE, 000–00–0000
CHARLES A. ROMANO, 000–00–0000
ROBERT S. ROOF, 000–00–0000
MATTHEW P. ROONEY, 000–00–0000
ROBERT M. ROTH, 000–00–0000
S. R. ROTH, 000–00–0000
DANIEL M. ROY, 000–00–0000
JOEL P. ROYAL, 000–00–0000
WILLIAM E. ROYSTER, 000–00–0000
DANIEL R. ROZELLE, 000–00–0000
WILLIAM N. RUDY, 000–00–0000
EDWIN J. RUFF, JR., 000–00–0000
JOHN K. RUSS, 000–00–0000
NOEL R. RUSSNOGLE, 000–00–0000
DAVID M. RUST, 000–00–0000
JEFFREY S. RUTH, 000–00–0000
ALICE J. RYBICKI, 000–00–0000
MARK T. SAKAGUCHI, 000–00–0000
DAVID L. SALIGA, 000–00–0000
CLARK D. SANDERS, 000–00–0000
JOSE F. SANTANA, 000–00–0000
LANCE S. SAPERA, 000–00–0000
GRADY SASS, 000–00–0000
MICHAEL R. SAUNDERS, 000–00–0000
MARC S. SCACCIA, 000–00–0000
MICHAEL B. SCHACHTERLE, 000–00–0000
BRETT R. SCHEXNIDER, 000–00–0000
SAMUEL D. SCHICK, 000–00–0000
ROBERT A. SCHLEGEL, 000–00–0000
JAMES E. SCHMIDT, 000–00–0000
JOHN J. SCHNEIDER, 000–00–0000
WALTER M. SCHNELL, 000–00–0000
CRAIG M. SCHNESE, 000–00–0000
CHARLES J. SCHUG, 000–00–0000
MARK H. SCOVILL, 000–00–0000
JERRY D. SEAGLE, JR., 000–00–0000
JAMES P. SEINES, 000–00–0000
MICHAEL W. SELBY, 000–00–0000
STEPHEN P. SEMPLE, 000–00–0000
BILLY K. SENTLINGER, 000–00–0000
ALAN B. SHAFFER, 000–00–0000
JAY D. SHAFFER, 000–00–0000
GEORGE B. SHARP, 000–00–0000
JOHN C. SHAUB, 000–00–0000
CHRISTOPHER L. SHAY, 000–00–0000
RODGER T. SHEPKO, 000–00–0000
DAVID J. SHERIDAN, 000–00–0000
GEORGE J. SHERWOOD, 000–00–0000
RICHARD H. SHIRER, JR., 000–00–0000
WILLIAM R. SHIVELL, 000–00–0000
PAUL J. SHOCK, 000–00–0000
ANDREW E. SHUMA III, 000–00–0000
WILLIAM R. SILKMAN, JR., 000–00–0000
HENRY R. SILVA, 000–00–0000
MARK A. SINGLETARY, 000–00–0000
KENNETH W. SKAGGS, 000–00–0000
PAUL A. SKARPNESS, 000–00–0000
JOHN B. SKILLMAN, 000–00–0000
BRADLEY D. SKINNER, 000–00–0000
ERIC S. SLEZAK, 000–00–0000
GEORGE H. SLOOK, 000–00–0000
MICHAEL J. SLOTSKY, 000–00–0000
MICHAEL D. SNODERLY, 000–00–0000
THEODORE M. SOLIS, 000–00–0000
BRIAN A. SOLO, 000–00–0000
PAUL A. SOUTTER, 000–00–0000
WESLEY E. SPIDELL, 000–00–0000
THOMAS R. SPIERTO, 000–00–0000
TIMOTHY B. SPRATTO, 000–00–0000
WILLARD L. STALLARD III, 000–00–0000
THOMAS P. STANLEY, 000–00–0000
SCOTT A. STANTON, 000–00–0000
FREDRIC C. STEIN, 000–00–0000
JOHN P. STEINER, 000–00–0000
ALAN R. STEWART, 000–00–0000
ROBERT M. STEWART, 000–00–0000
STEPHEN B. STEWART, 000–00–0000
WILLIAM B. STEWART, 000–00–0000
SUSAN L. STILL, 000–00–0000
WILLIAM C. STILWELL, JR, 000–00–0000
RICHARD E. STOCKING, 000–00–0000
MICHAEL T. STOREY, 000–00–0000
ROBERT A. STOUFER, 000–00–0000
SAMUEL J. STRANGE, 000–00–0000
SCOTT T. STROBLE, 000–00–0000
MILTON O. STUBBS, 000–00–0000
WESLEY K. STUCKI, 000–00–0000
CHARLES L. STUPPARD, 000–00–0000
KEVIN J. SUDBECK, 000–00–0000
JOSEPH K. SULLIVAN, 000–00–0000
KENT J. SUTTON, 000–00–0000
DAVID L. SWEDENSKY, 000–00–0000
RAYMOND F. SWEENEY, JR, 000–00–0000
KEVIN G. SWITICK, 000–00–0000
KENNETH J. SZCZUBLEWSKI, 000–00–0000
KENNETH A. SZMED, JR, 000–00–0000
BRIAN E. TANSEY, 000–00–0000
KENT A. TARTT, 000–00–0000
RICHARD M. TATE, 000–00–0000
TIMOTHY J. TAYLOR, 000–00–0000
KEVIN B. TERRY, 000–00–0000
RICHARD J. TESTYON, 000–00–0000
KARL O. THOMAS, 000–00–0000
JAMES D. THOMPSON, 000–00–0000
OKE R. THORNGREN, 000–00–0000
ROBERT T. THORNLOW, 000–00–0000
CARL T. TISKA, 000–00–0000
REID T. TOKORO, 000–00–0000
PETER A. TOMCZAK, 000–00–0000
NORBERT W. TORNES, JR, 000–00–0000
ROBERT T. TRAFTON, JR, 000–00–0000
JEFFREY L. TRENT, 000–00–0000
DANIEL T. TROTT, 000–00–0000
JEFFREY E. TRUSSLER, 000–00–0000
ALBERT L. TULLUS, 000–00–0000
JEFFREY R. TUNING, 000–00–0000
BRUCE W. TUNNO, 000–00–0000
TIMOTHY M. TURIS, 000–00–0000
MARK A. TURNER, 000–00–0000
JOHN M. UHL, 000–00–0000
PETER A. ULRICH, 000–00–0000
KENNETH L. C. UNGER, 000–00–0000
RODNEY M. URBANO, 000–00–0000
PHILIP W. VANCE, 000–00–0000
MICHAEL G. VANDURICK, 000–00–0000
JONATHAN E. VANSCOY, 000–00–0000
ACE E. VANWAGONER, 000–00–0000
JEFFREY D. VARADY, 000–00–0000
TODD G. VEAZIE, 000–00–0000
TIMOTHY L. VESCHIO, 000–00–0000
THOMAS C. VHAY, 000–00–0000
JAMES P. VITHA, 000–00–0000
BRADLEY D. VOIGT, 000–00–0000
WILLIAM T. WAGNER, 000–00–0000
ERIC C. WAHLSTEDT, 000–00–0000
BILLIE S. WALDEN, 000–00–0000
CLEON A. WALDEN, JR, 000–00–0000
WILLIAM S. WALES, 000–00–0000
CHARLES G. WALKER, 000–00–0000
MICHAEL D. WALLS, 000–00–0000
HANS T. WALSH, 000–00–0000
WILLIAM R. WARREN, 000–00–0000
OAKLEY K. WATKINS, III, 000–00–0000
ERIC J. WATKISS, 000–00–0000
NORMAN E. WEAKLAND, 000–00–0000
RICHARD W. WEATHERS, 000–00–0000
JEFFREY M. WEAVER, 000–00–0000
JAMES D. WEBB, 000–00–0000
SCOTT A. WEIDIE, 000–00–0000
MICHAEL S. WELLS, 000–00–0000
KYLE E. WESTBROOK, 000–00–0000
MICHAEL A. WETTLAUFER, 000–00–0000
KEITH R. WETTSCHRECK, 000–00–0000
MICHAEL J. WHELAN, 000–00–0000
MICHAEL B. WHETSTONE, 000–00–0000
GORDON O. WHITE, 000–00–0000
MICHAEL L. WHITE, 000–00–0000
ERIC S. WHITEMAN, 000–00–0000
MARK A. WILCOX, 000–00–0000
JOHN J. WILCZYNSKI, III, 000–00–0000
ANDREW C. WILDE, 000–00–0000
ROSS M. WILHELM, 000–00–0000
RINEHART M. WILKE, IV, 000–00–0000
WADE F. WILKENSON, 000–00–0000
KENNETH L. WILLIAMS, 000–00–0000
GARY M. WILSON, 000–00–0000
JESSE A. WILSON, JR, 000–00–0000
KEVIN M. WILSON, 000–00–0000
ROBERT C. WILSON, 000–00–0000
WILLIAM W. WILSON, 000–00–0000
SCOTT A. WINFREY, 000–00–0000
RONALD L. WISE, JR, 000–00–0000
BRETT W. WISEMAN, 000–00–0000
DENNIS M. WOJCIK, 000–00–0000
CHARLES T. WOLF, 000–00–0000
RONALD E. WOLFE, 000–00–0000
EDWARD S. WOLSKI, 000–00–0000
JEFFREY D. WONCH, 000–00–0000
DOUGLAS J. WOODRING, 000–00–0000
JAMES M. WOODS, 000–00–0000
WILLIAM T. WORTH, 000–00–0000
LEWIN C. WRIGHT, 000–00–0000
CHARLES W. WYDLER, 000–00–0000
TAKASHI R. YAMAMOTO, 000–00–0000
DOUGLAS F. YEO, 000–00–0000
TONY L. YODER, 000–00–0000
DAN H. YOUNG, 000–00–0000
JEFFREY A. YOUNG, 000–00–0000
MARK S. YOUNG, 000–00–0000
STEPHEN B. ZIKE, 000–00–0000
DANIEL E. ZIMBEROFF, 000–00–0000
RYAN K. ZINKE, 000–00–0000
JOEL E. ZUPFER, 000–00–0000

ENGINEERING DUTY OFFICERS

To be lieutenant commander

WALTER D. ABBOTT, III, 000–00–0000
CHARLES E. BAKER, JR, 000–00–0000
GEORGE M. BERTSCH, 000–00–0000
MARK D. BRACCO, 000–00–0000
JOSEPH A. BRUENING, 000–00–0000
SCOTT M. CARLSON, 000–00–0000
DANIEL P. CORBIN, 000–00–0000
CRAIG A. CROWE, 000–00–0000
JOHN S. DAY, 000–00–0000
JENNIFER C. DRISCOLL, 000–00–0000
LESLIE R. ELKIN, 000–00–0000
DANIEL C. ESPINOSA, 000–00–0000
LUTHER B. FULLER, III, 000–00–0000
DENNIS M. GANNON, 000–00–0000
JEFFREY A. HAILEY, 000–00–0000
MICHAEL R. KENDALL, 000–00–0000
KENT W. KETTELL, 000–00–0000
DAVID M. KING, 000–00–0000
CHARLES S. LASOTA, 000–00–0000
ROBERT S. LOVEJOY, 000–00–0000
WARREN P. LUNDBLAD, 000–00–0000
SILVESTER G. MATA, 000–00–0000
TIMOTHY S. MATTINGLY, 000–00–0000
TIMOTHY L. MCKENNEY, 000–00–0000
FRANCIS G. NOVAK, 000–00–0000
GREGORY K. PARKER, 000–00–0000
GEORGE D. PERRY, 000–00–0000
DAVID D. PHELPS, 000–00–0000
WILLIAM H. REID, 000–00–0000
JOHN F. RILEY, 000–00–0000
DANIEL M. SEIGENTHALER, 000–00–0000
FRANK A. SIMEI, JR, 000–00–0000
MICHAEL H. SMITH, 000–00–0000
HEIDEMAR STEFANYSHYN-PIPER, 000–00–0000
KEITH A. SWENSEN, 000–00–0000
JAMES D. SYRING, 000–00–0000
BRUCE C. URBON, 000–00–0000
BRUCE E. WATKINS, 000–00–0000
MICHAEL J. WIEGAND, 000–00–0000
THOMAS F. WINNENBERG, 000–00–0000
JOSEPH YUSICIAN, 000–00–0000

AEROSPACE ENGINEERING DUTY OFFICERS
(ENGINEERING)

To be lieutenant commander

NANCY D. FECHTIG, 000–00–0000
BRIAN M. FLACHSBART, 000–00–0000
SHANE G. GAHAGAN, 000–00–0000
PAUL J. OVERSTREET, 000–00–0000
PAUL A. SOHL, 000–00–0000

AEROSPACE ENGINEERING DUTY OFFICERS
(MAINTENANCE)

To be lieutenant commander

ROBYN D. BARNES, 000–00–0000
MICHAEL E. BEAULIEU, 000–00–0000
MICHAEL E. BELCHER, 000–00–0000
JOHN E. BOONE, JR, 000–00–0000
ROBERT B. CALDWELL, JR, 000–00–0000
JAMES B. CLARK, II, 000–00–0000
JAMES COBELL III, 000–00–0000
KATHERINE D. C. ERB, 000–00–0000
NATALIE A. FILION, 000–00–0000
MICHAEL A. GARLAND, 000–00–0000
RUSSELL W. GORDON, JR, 000–00–0000
FREDERIC W. HEPLER, 000–00–0000
CAROL L. HOWE, 000–00–0000
JENNIFER S. JOHNSON-CARROLL, 000–00–0000
MERRILL F. KING, 000–00–0000
MARK S. KOSEWICZ, 000–00–0000
LISA LAMARRE, 000–00–0000
RICHARD A. LAWSON, 000–00–0000
RICHARD B. LORENTZEN, 000–00–0000
JOHN A. MALSBURY, 000–00–0000
JAMES A. MANN, 000–00–0000
NORBERT FREDRICK MELNICK, 000–00–0000
MARK E. MLIKAN, 000–00–0000

ELLEN E. MOORE, 000–00–0000
ROBERT L. NIELSEN, 000–00–0000
TOMMIE J. QUINN, 000–00–0000
DAVID J. RANDLE, 000–00–0000
MARTIN R. SHERMAN, 000–00–0000
DONNIE L. SHIRKEY, JR, 000–00–0000
CAROLYNN M. SNYDER, 000–00–0000
TAD E. TEICHERT, 000–00–0000
JOHN O. VENCILL, 000–00–0000
RONALD J. ZARKO, 000–00–0000

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be lieutenant commander

STEVEN J. ASHWORTH, 000–00–0000
RICHARD P. BODZIAK, 000–00–0000
BARBARA J. CARTER, 000–00–0000
TIMOTHY J. COCHRAN, 000–00–0000
FRANK J. DELGADO, 000–00–0000
DEBRA S. DELVECCHIO, 000–00–0000
DAVID A. DOBIS, 000–00–0000
JON A. DOLLAN, 000–00–0000
GARY EDWARDS, 000–00–0000
RANDY S. FENZ, 000–00–0000
CONNIE L. FRIZZELL, 000–00–0000
JAMES W. GUEST, 000–00–0000
ANDREW JR GUYAN, 000–00–0000
THOMAS J. HARVAN, 000–00–0000
ALFRED L. HORTON, 000–00–0000
GEORGE N. HUGHES, 000–00–0000
LINDA M. HUNTER, 000–00–0000
STEPHANIE T. KECK, 000–00–0000
HONG C. KIM, 000–00–0000
PAUL H. KOB, 000–00–0000
PHILIP G. LAQUINTA, 000–00–0000
ULYSSES V. MACEDA, 000–00–0000
ROBERT L. MARLETT, 000–00–0000
HENRY M. MCGIBBON, 000–00–0000
KEVIN G. MCTAGGART, 000–00–0000
PETER C. NULAND, 000–00–0000
RUSSEL H. PHELPS III, 000–00–0000
EUGENE P. POTENTE, 000–00–0000
JOHN T. ROESLI, 000–00–0000
BRIAN E. SKIMMONS, 000–00–0000
EDWARD A. SWINDLE, 000–00–0000
CURTIS J. THOMAS, 000–00–0000
VINCENT D. TRAEYE, 000–00–0000
MITCHELL K.R. TURNER, 000–00–0000

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be lieutenant commander

MARK A. ADMIRAL, 000–00–0000
RUSSELL P. ASHFORD, 000–00–0000
TAMMY M. BAKER, 000–00–0000
JEFFREY H. BELL, 000–00–0000
BRUCE M. BOURBEAU, 000–00–0000
CHARLES CAPETS, 000–00–0000
JAMES T. CASON, 000–00–0000
JOSEPH M. CHENELER, 000–00–0000
BARBARA J. CODER, 000–00–0000
KENRICK M. CONRAD, 000–00–0000
DOUGLAS E. CORUM, 000–00–0000
GEORGE F. COX, JR, 000–00–0000
CARL G. DECKERT, 000–00–0000
DOLORES M. DORSETT, 000–00–0000
ROBERT C. ELROD, 000–00–0000
DAVID C. FOLEY, 000–00–0000
WILLIAM P. HAMBLET, JR, 000–00–0000
DARYL ROBERT HANCOCK, 000–00–0000
HOWARD D. HART, 000–00–0000
CRAIG O. HAYNES, 000–00–0000
BRETT C. HEIMBIGNER, 000–00–0000
JOHN N. HODGES, 000–00–0000
STEWART W. HOLBROOK, 000–00–0000
STEPHEN A. HUMBER, 000–00–0000
BECKY D. LEWIS, 000–00–0000
WILLIAM H. MONDAY, 000–00–0000
BRENT A. MORGAN, 000–00–0000
MICHAEL L. MURPHY, 000–00–0000
JOHN J. NEUMAYER IV, 000–00–0000
DENNIS M. PENDERGIST, 000–00–0000
SEAN M. PHILLIPS, 000–00–0000
ROBERT S. PIPER, 000–00–0000
ANDREA POLLARD, 000–00–0000
DAVID A. PREVOST, 000–00–0000
CONRAD M. PRIVATEER, 000–00–0000
STEPHEN E. ROBERTS, 000–00–0000
VERONICA S. ROGERS, 000–00–0000
DANIEL L. RUBIS, 000–00–0000
TONY D. RYKKEN, 000–00–0000
BRIAN P. SMITH, 000–00–0000
MARY E. SOBRAY, 000–00–0000
LAWRENCE J. STEIN, 000–00–0000
CHRISTOPHER M. STRUB, 000–00–0000
ERIC A. TAYLOR, 000–00–0000
JOHN G. TILSON, 000–00–0000
MICHAEL PETER VASKE, 000–00–0000
DANIEL F. VERHEUL, 000–00–0000
AMY M. WADE, 000–00–0000
PAUL A. WALKER, 000–00–0000
KEITH R. WARGEL, 000–00–0000
DAVID M. WARNER, 000–00–0000
STEVEN P. WHEAT, 000–00–0000
EDWARD B. ZELLEM, 000–00–0000

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be lieutenant commander

CONRAD C. CHUN, 000–00–0000
ANTHONY COOPER, 000–00–0000
PATRICK J. DENNISON, 000–00–0000
CHRISTOPHER A. DOUR, 000–00–0000
ERNEST L. DUPLESSIS, 000–00–0000
WILLIAM R. FENICK, 000–00–0000
RODERICK J. GIBBONS, 000–00–0000
WILLIAM S. GURECK, 000–00–0000
JOHN F. KIRBY, 000–00–0000
ROBERT D. LEE, 000–00–0000
MARK H. MCDONALD, 000–00–0000
DENNIS J. MOYNIHAN, 000–00–0000
CATHERINE T. MUELLER, 000–00–0000
WALTER A. REED, 000–00–0000
ISAAC N. SKELTON, 000–00–0000
TERRENCE P. SUTHERLAND, 000–00–0000
LARRY THOMAS, 000–00–0000
JACK L. TODD, 000–00–0000

SPECIAL DUTY OFFICERS (FLEET SUPPORT)

To be lieutenant commander

MARGARET V. ABRASHOFF, 000–00–0000
RHETTA R. BAILEY, 000–00–0000
TERESA N. BRIEDE, 000–00–0000
LISA M. BRODEHL, 000–00–0000
MARK S. BRYANT, 000–00–0000
CHRISTINE E. BUSWELL, 000–00–0000
SHERYL E. CAMPBELL, 000–00–0000
SUSAN K. CEROVSKY, 000–00–0000
MARY A. CHAMBERLIN, 000–00–0000
KATRINA O. CHANCELLOR, 000–00–0000
ANNETTE P. CORNETT, 000–00–0000
BETTY L. CRAIG, 000–00–0000
CATHERINE A. DAVIS, 000–00–0000
DONNA E. DISMUKES, 000–00–0000
MICHELE A. DUNCAN, 000–00–0000
ELIZABETH R. FARWELL, 000–00–0000
JILL E. FISHER, 000–00–0000
KIM S. FLETCHER, 000–00–0000
AMY S. GAMBRILL, 000–00–0000
KATHRYN J. GARBE, 000–00–0000
SUSAN C. GESHAN, 000–00–0000
AUTUMN L. GINNETTI, 000–00–0000
JUDITH A. GODWIN, 000–00–0000
CATHERINE T. HANFT, 000–00–0000
LIZABETH L. HENNIG, 000–00–0000
ALISON E. HERNANDEZ, 000–00–0000
SELENA A. HERNANDEZ-HAINES, 000–00–0000
MARY P. HILL, 000–00–0000
MELANIE J. HITCHCOCK, 000–00–0000
HEIDI H. HOLFERT, 000–00–0000
MARGARET M. HOSKINS, 000–00–0000
SUZANNE K. JAROSZ, 000–00–0000
PATRICIA L.B. JENSEN, 000–00–0000
SHARON E. JOHNSON, 000–00–0000
SYNTHIA S. JONES, 000–00–0000
KAREN M. KALCIC, 000–00–0000
JACQUELINE R. KOCHER, 000–00–0000
DEBRA M. LIVINGOOD, 000–00–0000
RENA M. LOESCH, 000–00–0000
KELLY R. LOONEY, 000–00–0000
JANE E. MANN, 000–00–0000
MELVA R. MCMILLAN, 000–00–0000
GRETCHEN O. MERRYMAN, 000–00–0000
PATRICIA MUNOZ, 000–00–0000
NANCY A. MURRAY, 000–00–0000
CAROLINE M. NIELSON, 000–00–0000
CECILE R. POWELL, 000–00–0000
SANDRA J. PRINCE, 000–00–0000
JOANNE REESE, 000–00–0000
SUSAN K. RIDDLEALGER, 000–00–0000
MELVIN D. SATTERWHITE, 000–00–0000
VICKY D. SEALEY, 000–00–0000
LAREE R. SELANDER, 000–00–0000
SONYA R. SMITH, 000–00–0000
VALERIE D. SMITH, 000–00–0000
DEBORAH A. STARK, 000–00–0000
BLAIR P. STEPHENSON, 000–00–0000
DEBORAH O. TESKE, 000–00–0000
PAUL J. TREUTEL, 000–00–0000
CRYSTAL L. VELLA, 000–00–0000
DEIRDRE R. WALKER, 000–00–0000
TONYA Y. WHITEHEAD, 000–00–0000
SANDRA A. WILLIAMS, 000–00–0000
KRIS WINTER, 000–00–0000
STEPHANIE L. WRIGHT, 000–00–0000
CARRALL A. ZNACHKO, 000–00–0000

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be lieutenant commander

WESTON J. ANDERSON, 000–00–0000
BRIAN B. BROWN, 000–00–0000
NICHOLAS J. CIPRIANO III, 000–00–0000
PATRICK S. CROSS, 000–00–0000
JOHN M. DIMENTO, 000–00–0000
VINCENT F. GIAMPAOLO, 000–00–0000
ERIC L. GOTTSHALL, 000–00–0000
JOHN V. GURLEY, 000–00–0000
JAMES R. JARVIS, 000–00–0000
JOSEPH C. JOHNSON, 000–00–0000
CHRISTOPHER S.T. KENT, 000–00–0000
ROY R. LEDESMA, 000–00–0000
JOHANNE C. LEWIS, 000–00–0000
DOUGLAS C. MARBLE, 000–00–0000
THOMAS M. MILLMAN, 000–00–0000
JAMES T. MONROE, 000–00–0000
JOHN L. MYKYTA, 000–00–0000
MICHAEL T. NEITH, 000–00–0000
PAUL S. OOSTERLING, 000–00–0000
MATTHEW C. PARKE, 000–00–0000
JOHN H. POWELL, 000–00–0000
DEAN A. SADANAGA, 000–00–0000
GARY A. SCANLON, 000–00–0000
CHARLES L. SCHILLING, 000–00–0000
KENNETH J. SCHWINGSHAKL, 000–00–0000
TODD W. SITLER, 000–00–0000
MONTY G. SPEARMAN, 000–00–0000
TROY L. TEADT, 000–00–0000
SCOTT A. TESSMER, 000–00–0000
JOSEPH M. VENEZIANO, 000–00–0000
PATRICK L. WARING, 000–00–0000
CHARLES A. WEDDLE, 000–00–0000
STEPHEN C. WOLL, 000–00–0000

LIMITED DUTY OFFICERS (LINE)

To be lieutenant commander

DANNY L. ACHTERFELD, 000–00–0000
CYNTHIA A. ALDERSON, 000–00–0000
JOSEPH A. ALDOUPOLIS, 000–00–0000
JOSE V. AMPER, 000–00–0000
AURELIO C. ANDICO, 000–00–0000
TITO M. ARANDELA, JR., 000–00–0000
WILLIAM B. ASHTON, 000–00–0000
DAVID H. ATCHISON, 000–00–0000
EDWARD J. BAKER, 000–00–0000
CHARLES R. BALDWIN, JR., 000–00–0000
JOHN R. BALDWIN, 000–00–0000
KEITH S. BARBER, 000–00–0000
ROBERT B. BELL, 000–00–0000
JAMES R. BOCKERT, 000–00–0000
WILLIAM BOOZER, 000–00–0000
ROBERT W. BOSERMAN II, 000–00–0000
LANCE F. BOVEY, 000–00–0000
DAVID P. BOWERS, 000–00–0000
TERENCE A. BRENNAN, 000–00–0000
JAMES R. BREON, 000–00–0000
GEORGE BRIGGS, JR., 000–00–0000
TIMOTHY J. BROOKS, 000–00–0000
MICHAEL E. CALL, 000–00–0000
REID D. CARR, 000–00–0000
JOSEPH C. CASTELL, 000–00–0000
DAVID C. CHRISTOPHERSON, 000–00–0000
DONALD T. CIESIELSKI, JR., 000–00–0000
MARY V. CLARK, 000–00–0000
STEVEN D. COLE, 000–00–0000
ANDREW A. COLETTI, 000–00–0000
JAMES E. COLLETT, III, 000–00–0000
BILLY J. COLTRAIN, 000–00–0000
DAVID R. CONNER, 000–00–0000
ELLIOTT S. CORBETT, III, 000–00–0000
RANDALL W. CORMAN, 000–00–0000
AARON A. CRAYCROFT, 000–00–0000
ROBERT D. CRIST, 000–00–0000
EDWIN CUNNINGHAM, 000–00–0000
MARK A. DAHLKE, 000–00–0000
RONALD B. DAVIS, 000–00–0000
KENNETH H. DEAL, 000–00–0000
RAFAELITO B. DEJESUS, 000–00–0000
JOHN M. DENNETT, 000–00–0000
MARGARET M. DHAENE, 000–00–0000
ROBERT A. DONNICK, 000–00–0000
KENNETH A. DRUMMOND, 000–00–0000
GARY F. DUNDON, 000–00–0000
MICHAEL R. DUNKLE, 000–00–0000
WILLIAM P. DUNN, 000–00–0000
JAMES R. EDDY, 000–00–0000
ANDY D. EERNISSE, 000–00–0000
PAUL E. ERICKSON, 000–00–0000
MARK R. EVANS, 000–00–0000
JUDILEE D. FITZHUGH, 000–00–0000
ROBERT P. FOOR, JR., 000–00–0000
ALLEN R. GOINS, 000–00–0000
JOHN M. GRAVES, 000–00–0000
CARL C. GREEN, 000–00–0000
CLIFFORD O. GRIFFIN, II, 000–00–0000
ANN M. GRIM, 000–00–0000
MARK A. HALLOWELL, 000–00–0000
WILLIE HAWK, JR., 000–00–0000
RICHARD H. HENDREN, 000–00–0000
MARVIN D. HENSLEY, 000–00–0000
MITCH A. HESKETT, 000–00–0000
SHARRIS L. HEUSSER, 000–00–0000
NORMAN D. HOWARD, 000–00–0000
GLENN E. HUNSBERGER, 000–00–0000
ALBERT L. IANNITTO, JR., 000–00–0000
LOUIS J. JORFI, JR., 000–00–0000
KIRK D. KANODE, 000–00–0000
JEAN T. KELLEY, JR., 000–00–0000
LEO D. KING, 000–00–0000
JON M. KLING, 000–00–0000
STEPHEN M. KURAK, 000–00–0000
DAVID C. KURTZ, 000–00–0000
PETER R. LINTNER, 000–00–0000
LEONARD G. LITTLE, JR., 000–00–0000
RANDAL T. MARTIN, 000–00–0000
WALTER M. MATUSZEWSKI, 000–00–0000
WILLIAM F. MCDONALD, 000–00–0000
CLAUDE E. MCGINLEY, 000–00–0000
JAMES J. MCGRATH, JR, 000–00–0000
WILLIAM D. MCPHERSON, 000–00–0000
MARIO M. MERCADO, 000–00–0000
HAROLD T. MERRILL, 000–00–0000
KENT L. MILLER, 000–00–0000
MICHAEL E. MITCHELL, 000–00–0000
RALPH L. MITCHELL, JR, 000–00–0000
THOMAS R. MOSS, 000–00–0000
GARY E. MURRAY, 000–00–0000
KEVIN K. NELSON, 000–00–0000
HAROLD A. NEVILL, 000–00–0000
ROBERT M. NEWTON, 000–00–0000
DANIEL M. OHR, 000–00–0000
KEVIN R. OLEARY, 000–00–0000
JOHN N. PARIS, 000–00–0000
AARON R. PEREZ, 000–00–0000
HUMBERTO M. PINEDA, JR, 000–00–0000
JESSE E. PROTHRO, 000–00–0000
FRED R. REINSHUTTLE, 000–00–0000
CRAIG REMIG, 000–00–0000
WALTER J. REYNOLDS, 000–00–0000
THOMAS A. RITTAL, II, 000–00–0000
ANGEL R. RIVERA, 000–00–0000
EDWARD A. SAWYER, 000–00–0000
JOHN L. SCHAFER, 000–00–0000
GERALD A. SCHRAGE, 000–00–0000
BRIAN F. SCHWARK, 000–00–0000
MICHAEL G. SCIOLI, 000–00–0000
MICHAEL J. SCOTT, 000–00–0000
JOHN S. S. SEALS, 000–00–0000
GORDON E. SHEEK, 000–00–0000

PATRICK B. SHEPLER, 000–00–0000
MICHAEL L. SLOANE, 000–00–0000
DEBRA L. SOCORSO, 000–00–0000
ARTHUR L. STANLEY, 000–00–0000
JOHNNY L. SUMNERS, 000–00–0000
MICHAEL H. SUMRALL, 000–00–0000
CYNTHIA J. TALBERT, 000–00–0000
JAMES C. TAPPEN, 000–00–0000
LELAND D. TAYLOR, 000–00–0000
JEFFREY W. THOMAS, 000–00–0000
BERNARD S. THOMPSON, 000–00–0000
LEONARD T. THOMPSON, 000–00–0000
THOMAS J. THOMPSON, 000–00–0000
DAVID J. TRISTONRATTAY, 000–00–0000
THOMAS J. TROTTO, 000–00–0000
MICHAEL D. TUSOW, 000–00–0000
WILLIAM F. TYSON, 000–00–0000
KENNETH W. VENABLE, 000–00–0000
RICHARD K. VINE, 000–00–0000
CLINTON A. VOLLONO, 000–00–0000
DANIEL J. WELKE, 000–00–0000
MICHAEL L. WHITE, 000–00–0000
REGGIS W. WHITEHURST, 000–00–0000
KENNETH L. WICKHAM, 000–00–0000
JEFFREY G. WILCOSKY, 000–00–0000
LELAND D. WILLIAMS, 000–00–0000
NANCY L. WILLIAMS, 000–00–0000
MARK A. WISNIEWSKI, 000–00–0000
CHARLES R. WOODWORTH, 000–00–0000
CHARLES W. YARD, 000–00–0000
MICHAEL B. YOAST, 000–00–0000
GAIL E. ZEISSER, 000–00–0000
JOHN M. ZELNIK, 000–00–0000
MICHAEL J. ZIELINSKI, 000–00–0000

WITHDRAWALS

Executive messages transmitted by the President to the Senate on September 5, 1995, withdrawing from further Senate consideration the following nominations:

THE JUDICIARY

JOHN D. SNODGRASS, OF ALABAMA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA, VICE E.B. HALTOM, JR., RETIRED, WHICH WAS SENT TO THE SENATE ON JANUARY 11, 1995.

LELAND M. SHURIN, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI, VICE SCOTT O. WRIGHT, RETIRED, WHICH WAS SENT TO THE SENATE ON APRIL 4, 1995.