

not believe he seeks to return to the floor on this issue. If he does, we will give him ample time to speak.

I ask unanimous consent we return to the Conrad amendment, and I ask that the amendment be agreed to.

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

The question is on agreeing to the amendment.

The amendment (No. 4420) was agreed to.

Mr. McCAIN. I move to reconsider the vote and I move to table the motion.

The motion to lay on the table was agreed to.

Mr. McCAIN. Mr. President, I expect us to be able to shortly finish up on this bill. There are still discussions among the leaders on a unanimous consent agreement which we hope we will have in a relatively short period of time. Senator NUNN will be returning, and we will be doing some cleared amendments to the bill. We hope that will happen shortly.

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. DOMENICI. 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 President, I ask unanimous consent that the order for the quorum call be rescinded.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. DOMENICI. Mr. President, I ask that I be permitted to speak 2 minutes as in morning business.

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

ACCOLADES TO SENATOR BYRD

Mr. DOMENICI. Mr. President, I note the presence on the floor of Senator BYRD. I wanted to say to him yesterday—I was not on the floor, but I happened to listen to the comments the Senator made with reference to alcoholism and the problem it presents in the United States, and more particularly his concern about the Seagram & Sons company violating or breaching the pact that had been agreed upon years ago that hard liquor would not be advertised either on radio or television.

I wanted to come down then and congratulate the Senator on his remarks and indicate that it made me very proud to hear a Senator come to the floor and speak as the Senator did about that issue. That does not mean I have to agree with every bit of the substance of the Senator's comments, but I do want to say that I thought it was very courageous on your part, Senator, to come to the floor and share those views with Americans, and obviously with the company that has proposed to change this many-year-old agreement, voluntary as is. They are not violating any law, and you made that clear. They are not in breach of any rules or regulations of the U.S. Government.

I thought it was very timely that you addressed that issue. I want to once

again congratulate you on it and indicate that I think those kind of remarks are absolutely necessary and they must be made by people in positions such as ours. Again, I congratulate you on the remarks.

Mr. BYRD. Mr. President, I thank the very distinguished Senator, my friend from the State of New Mexico.

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

Mr. McCAIN. 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. CRAIG). Without objection, it is so ordered.

TRIBUTE TO ELBERT PARR TUTTLE, SR.

Mr. NUNN. Mr. President, I rise today in tribute to Judge Elbert P. Tuttle, Sr., who died in Atlanta this week at the age of 98. He was an extraordinary man who served his Nation in many important capacities, but whose service was best characterized by two words: wisdom and courage.

Judge Tuttle was born on July 17, 1897, in Pasadena, CA. He lived in California and Washington, DC, before he and his family moved to Hawaii in 1906. He graduated from Punahou Academy in 1914, and he then attended college at Cornell University. Judge Tuttle received his bachelor of arts degree in 1918. Following service in World War I as a second lieutenant in the U.S. Army Air Corps, he returned to Cornell and received his law degree in 1923.

In 1923, Judge Tuttle moved to Atlanta and established, along with his brother-in-law, William Sutherland, a tax practice. With but one notable exception, he continued this law practice for the next 30 years.

The exception, however, is very notable. Judge Tuttle resumed his active duty military career during World War II. He served as commander of the 304th Field Artillery, 77th Infantry Division and saw action in Guam, Okinawa, Leyte, and Ryukyu. He was decorated for bravery under fire, and was awarded several medals for his actions, including the Purple Heart with Oak Leaf Cluster and the Bronze Star. After the end of World War II, Judge Tuttle rose to the rank of brigadier general in the U.S. Army Reserve before his retirement. In recognition for his long service to our Nation, President Carter awarded Judge Tuttle with a Medal of Freedom in 1981.

During his 30 years of private practice, I believe there are two events which demonstrate Judge Tuttle's character and his commitment to preserving the rights of all Americans.

The first event occurred in 1931. One night Judge Tuttle, than a major in

the Georgia National Guard, received a call from the Georgia adjutant general about a "near riot" in Elbert County, GA. A mob had formed intent on lynching two black men in custody for allegedly raping a white woman. Through the use of tear gas, the threat of machine guns, and the deployment of Georgia National Guardsmen with bayonets drawn, Major Tuttle was able to escort safely the two prisoners away from the scene and defuse the situation—all without serious injury to anyone involved.

Judge Tuttle later represented one of the prisoners on appeal in a case before the Supreme Court. He successfully argued that the defendants were denied due process since they had been convicted by a jury unfairly influenced by a mob. Although the defendants later lost on retrial, Judge Tuttle's efforts established an important foundation for the rights of blacks in our courts.

The second action concerned a case involving a marine accused of counterfeiting. Judge Tuttle filed an appeal that resulted in the Supreme Court ruling that an indigent accused of a Federal felony is entitled to legal representation. More than a quarter century later, Supreme Court rulings affirmed these same rights to defendants in State courts.

Mr. President, by this time, Judge Tuttle's career was a storied one. He had helped found a law firm, which is now one of the most prestigious in the country. His actions in the courtroom reaffirmed precious constitutional notions of due process and equal protection. He was a devoted husband, father and community leader. Even to the dismay of some of my Democratic forefathers, he found time to breathe new life into the two party system in Georgia.

However, these accomplishments were just the beginning of his career. In 1953, Judge Tuttle was selected by President Eisenhower as the general counsel for the Department of the Treasury. In 1954, President Eisenhower appointed Elbert Tuttle to the Fifth Circuit U.S. Court of Appeals. The "historic Fifth" then had jurisdiction over the Federal courts in Florida, Georgia, Alabama, Mississippi, Louisiana, Texas, and the Panama Canal Zone. Judge Tuttle became chief justice of this court in 1961, a position he held until 1967 when at age 70 he was required to take senior status. Judge Tuttle continued his active work for the court almost another 30 years.

It was on this bench that Judge Tuttle left his mark throughout the modern South. During his tenure, the court was itself at the forefront of the civil rights movement. Under his leadership as chief justice, Judge Tuttle's decisions and opinions had a significant impact on ending racial discrimination in voting, jury selection, equal access to public facilities and education. He issued decisions that resulted in the desegregation of Southern universities and the improvement of

education at all levels in the South. The "Tuttle court" was in many ways a beacon to the various State and Federal courts involved in decisions effecting civil and individual rights.

In a commencement address at Emory University, Judge Tuttle noted:

* * * Like love, talent is only useful in its expenditure, and it is never exhausted. Certain it is that man must eat; so set what you must on your service. But never confuse the performance, which is great, with the compensation, be it money, power, or fame, which is trivial.

The job is there, you will see it, and your strength is such, as you graduate from Emory, that you need not consider what the task will cost you. It is not enough that you do your duty. The richness of life lies in the performance which is above and beyond the call of duty.

Mr. President, I, and the many others whose lives he touched, know that Judge Tuttle answered and exceeded the frequent calls of duty. He led a rich life, and his impact on our lives will continue through the wisdom of his judicial decisions and opinions, as well as through the lives of his children, Elbert and Jane, his nine grandchildren, and his nine great grandchildren.

His life, as the Atlanta Constitution once noted, was "a life devoted to justice."

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with consideration of the bill.

AMENDMENT NO. 4423

(Purpose: To increase by \$17,000,000 the amount authorized to be appropriated for Defense-wide activities for research, development, test, and evaluation in order to provide an additional \$17,000,000 for Holloman Rocket Sled Test Track Upgrade program under the Central Test and Evaluation Investment Program)

Mr. McCAIN. Mr. President, on behalf of Senator DOMENICI, I offer an amendment that authorizes an additional \$17 million in the Central Test and Evaluation Investment Program for the Holloman Sled Track Upgrade Program.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. DOMENICI, proposes an amendment numbered 4423.

The amendment is as follows:

In section 201(4), strike out "\$9,662,542,000" and insert in lieu thereof "\$9,679,542,000".

Mr. DOMENICI. Mr. President, I rise today to offer an amendment to authorize \$17.5 million for the construction of Holloman high speed test track upgrade. The Holloman high-speed test track at HAFB is the premier high-speed ground-test facility in the world. Rocket motors propel sleds down a 10-mile track at velocities of up to March 6. High-speed ground testing is used for a wide variety of development and qualifying testing. It is both highly cost effective in supporting flight testing and is capable of accomplishing

tests, such as lethality impact test, that cannot be performed by other means.

The HAFB test track has been designated as the ground test facility for theater missile defense [TMD] testing. Realistic testing for this mission requires velocities in the Mach 9 range.

Development of top priority TMD interceptors without validation of their lethality results in a major technical risk that the United States would field defensive systems which are ineffective against chemical, biological, and radiological weapons. To reach the required impact velocities, new methodologies have had to be conceived which would remove the barrier to higher velocities, and provide more flight-like environment.

Limited maximum speed, excessive vibrations, and unreliability at very high speeds are the current limitations of the HAFB high-speed test track. Currently, a slipper fits over the rail and effectively holds the sled onto the rail as it is pushed by the rocket motors. The slipper/rail interaction is a major source of the limitations.

A feasibility study which was concluded by the Air Force and completed in 1993, concluded that magnetically levitated hypersonic vehicles were feasible and relatively economical. Speeds of Mach 9 are achievable using current rocket motors, and because the levitated sled does not touch the guideway, the induced vibration and generated heat is eliminated, providing a near flight environment.

Although this project is primarily committed to lethality testing, the system, once installed, lends itself to a multitude of other technology developments. The upgraded system will have an unsurpassed capability to support a wide variety of other military and civilian programs, such as: Electro-magnetic launch of highly reusable space vehicles; testing of advanced propulsion systems; rocket motors; and development testing of transatmospheric propulsion motors.

Currently, SCRAMJETS cannot be suitably tested because of windtunnel limitations, which preclude the study of the combustion process. The upgrade track should allow engineers and scientists to establish an environment to study advanced propulsion systems which are being considered for high altitude and space vehicles.

The Federal Railroad Administration has signed a MOU regarding study of the use of the upgrade track hardware and facilities. Such use might include the following types of tests for commercial magnetically levitated items: Magnetic levitation and propulsion; magnetic design, including cryogenics and helium management; vehicle control and suspension systems; and passenger ride quality.

Mr. President, the upgrade of the Holloman high speed test track will prove to be vital asset within the DOD test community. I understand that my colleagues on both sides of the aisle

have agreed to accept the amendment. I appreciate their support, I ask for adoption of the amendment, and I yield the floor.

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

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. 4423) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. NUNN. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4424

(Purpose: To authorize a land conveyance at Pine Bluff Arsenal, Arkansas)

Mr. NUNN. Mr. President, on behalf of Senator BUMPERS and Senator PRYOR, I offer an amendment authorizing the Secretary of the Army to convey 1,500 acres at Pine Bluff Arsenal to the economic development alliance of Jefferson County, AR. I believe this has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for Mr. BUMPERS, for himself, and Mr. PRYOR proposes an amendment numbered 4424.

The amendment is as follows:

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

SEC. 2828. LAND CONVEYANCE, PINE BLUFF ARSENAL, ARKANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Economic Development Alliance of Jefferson County, Arkansas (in this section referred to as the "Alliance"), 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 1,500 acres and comprising a portion of the Pine Bluff Arsenal, Arkansas.

(b) REQUIREMENTS RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of property authorized under subsection (a) until—

(1) the completion by the Secretary of any environmental restoration and remediation that is required with the respect to the property under applicable law;

(2) the Secretary secures all permits required under applicable law regarding the conduct of the proposed chemical demilitarization mission at the arsenal; and

(3) the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a certification that the conveyance will not adversely affect the ability of the Department of Defense to conduct that chemical demilitarization mission.

(c) CONDITIONS OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) That the Alliance agree not to carry out any activities on the property to be conveyed that interfere with the construction, operation, and decommissioning of the chemical demilitarization facility to be constructed at Pine Bluff Arsenal. If the Alliance fails to comply with its agreement in