

they ignore the diversity that is the essence of the American experience.

Done right, affirmative action works. President Clinton's impressive and exhaustive review concluded that affirmative action is still an effective tool to expand economic and educational opportunities, and to combat bigotry, exclusion and ignorance. I strongly support President Clinton's "mend it, don't end it" prescription for affirmative action.

There has always been bipartisan support for affirmative action. From President Kennedy to President Nixon to President Clinton, there has been bipartisan support in the White House and Congress, because no one can say with a straight face that the playing field is level for women and minorities.

In addition, President Clinton's nomination of Bill Lee to head the Civil Rights Division is also significant step in ensuring equal justice for all Americans. Bill Lee has dedicated his entire career to finding real-life solutions to real life problems of discrimination. The son of Chinese immigrants, Bill Lee grew up dirt poor in New York City. His parents operated a laundry in a poor section of New York. Bill Lee and his family suffered discrimination first hand, and know how it feels to be taunted and excluded simply because of one's appearance.

But he overcame their barriers and graduated from Yale University and Columbia Law School with honors.

For the past 22 years, he has worked on behalf of all victims of discrimination—African Americans, Asian Americans, Latinos, women, and the poor. He has won remedies that have aided them financially, and given them hope that they too can be part of America.

His ability to forge consensus has earned him the respect of all Americans. Republicans and Democrats alike, including Mayor Richard Riordan, and Senators WARNER and THURMOND, have written letters of support on his behalf. I hope that he will be confirmed expeditiously so that he can help lead the effort to ensure that civil rights guarantees do not remain hollow promises.

The issue of discrimination is too important to become a political football in Congress. As we continue the discussion of race and gender, I urge my colleagues to support President Clinton's initiative, and continue the tradition of bipartisan support that has served this country well in recent decades. Our goal is still to guarantee equal opportunity for all Americans. Let us be sure that when we say "all," we mean "all."

SUPPORT FOR THE ARTS ENDOWMENT

Mr. KENNEDY. Mr. President, this week the House of Representatives will take up the Department of Interior appropriations bill, which includes funding for the National Endowment for the Arts.

It will be a watershed debate in Congress, because Republican extremists in the House are trying to eliminate Federal support for this important agency. The House Appropriations Committee has recommended only \$10 million for the Endowment, and these funds would be used only to phase out the agency. The misguided Republican goal is to eliminate direct Federal support for music, dance, symphonies, and other arts in communities across America.

The Republican position is so weak on the merits that the House leadership is attempting to use the parliamentary rules to block an up-or-down vote on the merits of this important issue.

Clearly, this unacceptable attack on the Arts Endowment deserves to be rejected. The Endowment has raised the quality of the arts in America. It has also strengthened support for the arts and interest in the arts by Americans in all walks of life in cities, towns, and villages in all parts of America.

For example, under the Endowment's tenure the number of orchestras in America has doubled and the number of dance companies has increased tenfold. Other arts have witnessed similar expansions and earned broad public approval.

An eloquent op-ed article in today's New York Times by the renowned actor, Alec Baldwin and Robert Lynch discusses the extraordinary record of achievement by the Arts Endowment. The article reminds each of us how much is at risk in the current debate, and the cynical Republicans strategy to prevent a vote on the merits. I ask unanimous consent that the article may be printed in the RECORD.

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

[From the New York Times, July 8, 1997]

TYRANNY OF THE MINORITY

(By Alec Baldwin and Robert Lynch)

Whether or not you believe the National Endowment for the Arts should be eliminated, there is one basic principle upon which we should all agree: Congress should at least vote on the matter, and the majority should prevail.

This notion may seem obvious, but it is the very principle that the House leadership is undermining. The House Appropriations Committee recommended giving the endowment \$10 million for the fiscal year beginning Oct. 1—only enough to shut it down.

We believe that a clear majority of House members want to reject this scheme. After all, poll after poll shows that the public supports the endowment. The Senate leadership has indicated that it is willing to continue the N.E.A.'s current level of financing, and the White House has threatened to veto any bill eliminating the agency altogether.

Despite these clear signals, House leaders are using parliamentary rules to block an open and fair vote. The leadership is requiring advocates for the N.E.A. to win a procedural vote—before the bill can even be debated on the House floor. If this sounds unfair, that's because it is.

Why does the House leadership want to drive this train into a head-on collision? If Congress can't eliminate a small agency like

the N.E.A., conservatives argue, it can never cut big-ticket items that will help balance the budget and reduce the deficit. As Representative John Doolittle of California put it, "It is gut-check time for the entire House."

This statement sounds compelling, but it's a red herring. If anything, the N.E.A. actually helps balance the budget. The endowment has helped a booming nonprofit arts industry, which each year generates \$36.8 billion in revenue and pays \$3.4 billion in Federal income taxes.

Every argument for elimination of the endowment crumbles under scrutiny. Conservatives say the agency is elitist, but the facts show that the N.E.A. actually helps average American families gain more access to the arts. When extremists argue that the Government should not be deciding what is good art, the facts show that it is not the Government, but panels of everyday citizens with working knowledge and expertise in the arts who are the ones making grant recommendations.

And although the agency is depicted as nothing but the purveyor of pornography, the reality is far different. The N.E.A. has made more than 112,000 grants supporting everything from the design competition for the Vietnam Memorial in Washington, to gospel music in Lyon, Miss. Fewer than 40 grants have caused controversy—that means 99.96 percent of the endowment's grants have been an unquestioned success. Moreover, two years ago Congress tightened the rules for N.E.A. grants to prevent further controversy.

Facts, however, no longer seem relevant when it comes to the N.E.A. Some members of Congress continue to invent one myth after another as a pretext for eliminating the N.E.A., just so they can claim victory in some form, any form.

Dick Armey, the House majority leader, claims that a handful of Republicans worked out a budget agreement two years ago that pledged partial financing for the N.E.A. in exchange for a phase-out of the agency over two years. As a result, he is now calling for this new Congress to uphold this alleged deal.

But Mr. Armey doesn't point out that this agreement was specifically excluded in the final appropriations bill two years ago. In fact, it was never included in any bill enacted into law.

Even if the agreement were valid, Mr. Armey himself provides a reason not to support it. Explaining why he was not bound by the recent balanced budget agreement, he recently said: "The basic rule around this town is that if you're not in the room and you don't make the agreement, you're not bound by it."

Mr. Armey makes an excellent point. He and other House leaders should stop bullying rank-and-file members to eliminate the N.E.A. After all, will Americans think that using arcane parliamentary rules to eliminate the endowment is an achievement worthy of the 105th Congress?

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

The Senate continued with the consideration of the bill.

CLOTURE MOTION

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

The legislative clerk read as follows:

CLOTURE MOTION

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

VOICE

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

The legislative clerk called the roll.

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

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

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

[Rollcall Vote No. 161 Leg.]

YEAS—46

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

NAYS—45

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

Robb	Sarbanes	Wellstone
Rockefeller	Torricelli	Wyden

NOT VOTING—9

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

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

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 658, AS MODIFIED

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

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

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

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

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

The funds for the Nunn-Lugar and related programs are the most cost-effective

dollars spent in the entire defense budget.

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

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

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

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

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

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

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

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

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

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

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

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